

Communication to the European Commission of measures under Article 7(5) of Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (Framework Directive)
(Market 16)

- On 23 December 2004, the Autoridade Nacional de Comunicações (“**ICP-ANACOM**”) notified [PT/2004/0129], in accordance with Article 7(3) of Directive 2002/21/EC on a common regulatory framework for electronic communication networks and services (the “**Framework Directive**”), the European Commission (“**Commission**”) and other National Regulatory Authorities (“**NRAs**”) the draft measure regarding the market definition, the designation of undertakings with significant market power and the regulatory obligations in respect of the markets for wholesale mobile voice call termination on individual mobile networks.
- ICP-ANACOM also conducted a national consultation procedure under Article 6 of the Framework Directive, which started on December 24th, 2004 and ended on February 7th, 2005, and has taken account of the responses to that consultation in making its decision to adopt the measures related to the finding of SMP operators and the imposition of obligations.
- The replies to the national consultation procedure are available at ICP-ANACOM’s website. According to the national consultation procedures, ICP-ANACOM has produced a Report on the Public Consultation presenting the opinions of interested parties and stating ICP-ANACOM’s position concerning the comments made.
- ICP-ANACOM has also requested the opinion of the National Competition Authority – Autoridade da Concorrência -, concerning the definition of the relevant markets, the SMP assessment and the imposition of obligations on these markets. Autoridade da Concorrência concurred with ICP-ANACOM’s analysis and conclusions.
- ICP-ANACOM received no unfavorable comments from the Commission or any comments from other NRAs.
- According to all the comments received, ICP-ANACOM adopted on 25 February 2005 the draft measure previously notified without any modifications made to them.
- Accordingly, ICP-ANACOM hereby now communicates to the Commission its adopted measure in accordance with Article 7(5) of the Framework Directive. ICP-ANACOM findings and adopted measure are as set out in the attached Decision:
 - Mercados grossistas de terminação de chamadas vocais em redes móveis individuais - Definição dos mercados do produto e mercados geográficos, avaliações de PMS e imposição, manutenção, alteração ou supressão de obrigações regulamentares: [Confidential version: *Decisão Final Mercado 16 – versão confidencial*; Non confidential version: *Decisão Final Mercado 16 – versão pública*]
- ICP-ANACOM also communicates to the Commission the implementation details of the price control obligation, namely the prices to be considered until a cost accounting system is properly implemented. The details of this intermediary measure are set out in the attached document, which was submitted to a national public consultation:
 - Obrigação de controlo de preços: [Confidential version: *Decisão Final Mercado 16 Controlo de Preços – versão confidencial*; Non confidential version: *Decisão Final Mercado 16 Controlo de Preços – versão pública*].