

DECISION

adjusting the subsidy programme for purchase of DTT receivers by citizens with special needs, disadvantaged groups of population and institutions of a proven social value

A. Framework

Resolution No 26/2009 of the Council of Ministers, published on 17 March, requires this Authority to promote «*the necessary conditions to ensure the digital switchover, and therefore the termination of analogue terrestrial television broadcasting (...), ensuring in particular [the] supervision of the digital switchover process*».¹

In this context, ICP - ANACOM has supervised and developed a significant set of actions and demarches intended to monitor conditions under which the migration to the digital terrestrial television (DTT) is taking place.

Since early 2011, and in order to provide Portuguese people with information on this reality, ICP - ANACOM has promoted several communication actions, namely: information campaigns on television, radio and abroad; the nationwide distribution of 6 million copies of the “DTT Guide”; and several mailings providing information on a subsidy programme for people in need.

Likewise, ICP - ANACOM has also endeavoured to involve in this process all entities closely related to the citizens (liaison actors), that are able to make a very significant contribution in support of the population. With this purpose, this Authority established contacts (via mailing) with all chairmen of municipalities and parishes of the country, as well as all parish priests, IPSS² and the Misericórdia church-based organisation.

Along the same lines, ICP - ANACOM established partnerships with:

- Associação Nacional de Freguesias (National Parish Association)
- DECO, in the scope of which 100 clarification sessions on DTT throughout the national territory are expected to take place (some of which have already been held);
- The Instituto da Segurança Social (Social Security Institute), which has provided information on DTT on its website and customer service points;
- CTT, in accordance with which ICP - ANACOM has provided training for postmen and staff of post office counters so that they may inform and raise awareness of migration among populations, especially bearing in mind the most aged and isolated ones.

Moreover, efforts are also being made to hold meetings with chairmen (or respective representatives) of municipalities covered by the switch-off scheduled to take place on 26 April 2012. So far, meetings have been held with the Association of Municipalities of Baixo Tâmega, with the Inter-municipal Community of Vale do Cávado as well as with Inter-municipal Communities of Minho-Lima, Pinhal Interior Norte, Alto Alentejo and Algarve, as well as with Associations of Municipalities of Terra Quente Transmontana, Baixo Alentejo and Alentejo Litoral and Algarve. Several meetings have also taken place with individual representatives of various municipalities and parishes, both in the mainland and in the autonomous regions. In

¹ Vide paragraph 4 a) of the referred Resolution.

² Instituições Particulares de Solidariedade Social (private charities).

total, over a hundred contacts have been made, and meetings with associations representing over 40 municipalities have also been arranged.

ICP - ANACOM thus intends to involve in the information process on the digital switchover the 148 municipalities where the analogue signal will be switched off on 26 April.

At a different level, ICP - ANACOM has also attended sessions at the *Assembleia da República* (the Assembly of the Republic) to provide information on all this process and to clarify doubts raised by the various parliamentary groups.

All these interactions allowed this Authority to collect relevant information on how migration to DTT is taking place, identifying the main problems of the process, which are supposed to be the reason for which not all citizens covered by the transition process have taken so far the appropriate measures for adapting to digital television.

In fact, notwithstanding all communication efforts which were made, by using various means and bringing together different target groups, as referred above, monitoring indicators, namely the last survey carried out by Marktest in early March 2012, and received at ICP - ANACOM on 23 March 2012, still indicated that around 30% of the population covered by the switchover process is not prepared to receive the digital television (that is, already after the 1st stage of the switch-off has taken place³). This justifies a reassessment of the current subsidy programme, to reinforce the conditions of support to the weakest populations in this last stage of the digital switchover.

B. Adjustment of the Subsidy Programme

By determination of 24 March 2011⁴, the Management Board of ICP - ANACOM accepted a subsidy programme for the purchase of DTT receivers by citizens with special needs, disadvantaged groups of population and institutions of a proven social value (hereinafter Subsidy Programme) proposed by PT Comunicações, S.A. (hereinafter PTC), in the scope of the implementation of a commitment undertaken on this specific subject, which integrates the Right of Use for Frequencies No 06/2008, issued on 9 December 2008⁵.

While monitoring the migration process and enforcing compliance with obligations undertaken by PTC in this context, ICP - ANACOM found that only a very low number of citizens has joined the Subsidy Programme.

In fact, on the basis of the most recent data sent by PTC on 20 March 2012, the cumulative number of beneficiaries per category, by the end of February 2012 was as follows:

[Start Confidential Information]

[End Confidential Information].

³ According to Determination of the Management Board of ICP - ANACOM of 5 January 2012 on the adjustment of the switch-off timetable for the 1st stage of the switch-off plan, available at:

<http://www.anacom.pt/render.jsp?contentId=1112704>

⁴ Available at <http://www.anacom.pt/render.jsp?contentId=1079309>

⁵ In particular for the purpose of article 12, paragraph 1 f), available at <http://www.anacom.pt/render.jsp?categoryId=303315>, as well as of article 32, paragraph 1 g) of Law number 5/2004, of 10 February, of 10 February.

Given the low number of beneficiaries who have joined so far the Subsidy Programme, which means that PTC's contribution towards a quick and massive DTT implementation is substantially lower than that taken into account in the tender proposal, ANACOM weighted the need to put in place additional migration-encouraging measures which, on the one hand, fall within PTC's commitment, and on the other, have the lowest possible impact on procedures already set out in the Subsidy Programme. In this context, the following additional measures have thus been defined:

B.1. Installation subsidy for reception of digital signal

Having found that the cost of adapting the installation for digital signal reception prevented migration by the most disadvantaged social groups, and having local authorities who addressed this Authority pointed out that the most aged and poor populations should be supported on this particular issue, and considering that the current Programme may be adjusted so that the commitment undertaken by PTC is carried out, ICP - ANACOM takes the view that it is necessary to establish an additional subsidy for beneficiaries of the Subsidy Programme, in particular families in social isolation, for either structural or short-term reasons, the applicant of which is 65 years old or over.

A specific subsidy of €61 is thus created, in the scope of the Subsidy Programme, allowing these beneficiaries to contract the adaptation of the installation for DTT or DTH reception, reducing as much as possible this barrier to migration by citizens referenced by the Social Security (either directly or through institutions working with it at an institutional level), who do not have Pay TV services, and who require technical intervention for the installation of digital signal reception means.

Fulfilment by the interested party of conditions of eligibility now defined may be verified through a document where the Social Security (either directly or through institutions working with it at an institutional level) certifies such eligibility, which shall be attached to the applicant's file, as provided for in sub-points i) to v) of point 1.2. («conditions of eligibility») of the Subsidy Programme.

PTC must accept all applications that attach the document referred to in the preceding paragraph, even where the beneficiary has already enjoyed the 50% discount on the DTT decoder, provided for in point 1.4 of the Subsidy Programme. In this case the applicant shall not be required to submit supporting documents that have already been processed by PTC.

The additional subsidy now provided for shall be paid within the time-limit and in accordance with point 1.6 («procedure») sub-points iii) and iv) of the Subsidy Programme.

B.2. Extension of the duration of the Subsidy Programme

Having observed how far behind the digital switchover process is and expecting many citizens to only get ready close to the switch-off date (scheduled to take place on 26 April) or even after this date, ICP - ANACOM considers that there are grounds to extend the period of time during which beneficiaries may apply for the installation and decoder purchase subsidies.

The time limit provided for in point 1.3 of the Subsidy Programme, accepted by determination of the Management Board of ICP - ANACOM of 24 March 2011, is thus extended by 60 days (until 31 August 2012).

C. Decision

The closeness of the switch-off, scheduled for 26 April, and the consequent need, in the short period leading up to it, to quickly boost migration to DTT by all those that, for the above-mentioned reasons, are putting off the change, a fact which ICP - ANACOM only recently was able to confirm, more specifically on 23.3.2012, when Marktest's survey results were received with data now available on the 1st stage of the switchover, and on 20.3.2012, when data were received on the total cumulative number of subsidy beneficiaries by the end of February, justify the urgent approval of the present adjustment, otherwise these new measures may be deprived of all practical effectiveness [article 103, paragraph 1 a) and b) of the Administrative Procedure Code- APC].

Therefore, in the light of above-mentioned arguments, the Management Board of ICP - ANACOM, pursuant to article 32, paragraph 1 g) of the Electronic Communications Law, of article 12, paragraph 1 f) of the right of use for frequencies ICP - ANACOM No 6/2008 and under point l) of article 26 of its Statutes, published in annex to Decree-Law number 308/2001, of 7 December, and having regard to article 103 paragraph 1 a) and b) of APC, hereby decides as follows:

1. To include in the Subsidy Programme accepted by determination of the Management Board of ICP - ANACOM of 24 March, the additional installation subsidy, which is granted according to point B.1 hereof;
2. To determine the extension until 31 August 2012 of the time-limit provided for in point 1.3 of the Subsidy Programme, accepted by determination of ICP - ANACOM of 24 March 2011;
3. To determine that the additional installation subsidy may be applied for until 31 August 2012;
4. To determine that the present adjustment to the Subsidy Programme is an integral part of the right of use for frequencies ICP - ANACOM No 6/2008, issued on 9 December 2008, thus binding PTC to compliance therewith.
5. To determine that PTC, within 5 working days, must bring its procedures in line with provisions herein, including the information made available on the Subsidy Programme.

Lisbon, 23 March 2012