

Determination Amendment of Regulation no. 46/2005

The Board of Directors of ICP-ANACOM, pursuant to its assignments as set out in point h) of paragraph 1 of article 6 of the Statutes in annex to Decree-Law no 309/2001 of 7 December, and to the provisions of point a) and c) of paragraph 1, point a) of paragraph 2 and point d) of paragraph 4 of article 5 of Law no 5/2007 of 10 February, determines the following:

(i) To approve the consultation report carried out with respect to the draft amendment to the Regulation on the Quality of Service (RQS) with a view to setting the parameters of quality of service to be measured and published by the providers of the service of access to the Internet.

(ii) To not proceed, at this time, with the amendment of the RQS, considering that, taking into account the evidence presented in the report contained in Annex I (consultation report), in order to achieve the unequivocally important objectives of ensuring that users derive maximum benefits in terms of choice, price and quality, as well as to promote clarification for consumers on quality of service provided in respect of access to the Internet, there are currently means that, for the organisations involved, are more rapid, less onerous and more easily adapted to changes in the market.

(iii) In this context, ICP-ANACOM will continue with actions developed in order to improve the quality of service with respect to the service of Internet access and to the information provided on such, and will implement a set of additional measures in this area in the near future.

(iv) Accordingly, ICP-ANACOM will continue, in particular, to closely monitor:

- developments in the number and content of complaints received on quality of service with respect to the service of Internet access and other electronic communication services;
- the way in which the companies supplying the service of Internet access provide information to the public on the levels of quality of service offered and the content of information of this nature included in contracts made with customers (in particular with reference to the determinations approved by this Authority on “Object and form of public disclosure of the conditions of provision and use of electronic communication services” and “Guidelines for minimum content to be included in electronic communications contracts”).

(v) In view of the evolution seen, other measures may be approved which, pursuant to the current legal framework, may be considered necessary to guarantee that consumers are provided with a suitable level of information in terms of quality of service in respect of access to the Internet or other additional electronic communication services.