

# **REGULATION AND ACTIVITY REPORTS**

## **YEAR 2007**

### **Opinion**

*It is incumbent upon the Advisory Council to issue an opinion, specifically on the annual activity report, as well as the report referred to in article 51.*

*[point b) of article 37 of the Statutes of the ICP-ANACOM]*

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### **INTRODUCTION**

On November 18, 2008, in a session of the Advisory Council convened for this purpose, an appraisal was undertaken with respect to the "Activities Report" and "Regulation Report", both regarding 2007. These documents, which are attached to the present opinion, were submitted by the Board of Directors of ICP-ANACOM on 3 April and 25 August 2008 with the request for the opinion provided for in the above mentioned article 37 of the Statutes of Autoridade Nacional de Comunicações.

A Specialist Committee, previously established by determination of this Council, mandated for this purpose and composed of the following members of the Advisory Council:

It met three times: a first time to conduct an initial reading of the documents and to define the working methodology; the second time to discuss and bring together the contributions of each of its members; the third time to discuss the final draft of the Opinion to be submitted to the Advisory Council, the meeting of which was convened for today, which follows:

## **Regulation and Activity Reports**

1. The Regulation and Activity Reports from the point of view of the scope of the material which should be covered are both exhaustive and, in general terms, it is ascertained that they address with both rigour and detail the regulatory and administrative actions carried out by ICP-ANACOM during the 2007 calendar year.
  
2. However the Advisory Council considers that a positive contribution would be made, with respect to the proper and immediate perception of the regulatory and administrative activities, if a brief justification were given for any failure of the planned activities, as well as the assessment on the results of actions undertaken annually in respect of the Situation of Electronic Communications, specifically in the following areas:
  - i. Infrastructure development
  - ii. Innovation and quality of services
  - iii. Diversity of offerings
  - iv. Pricing levels
  - v. Market accountability.

The noted shortcoming, which can be perceived by the recipients of the documents themselves, would promote a desirable improvement in the process of communication between the regulator and the regulated or even with consumers.

In this regard, it is considered appropriate to set out a specific and relevant situation in the context of the comment of the above paragraph. In line with that referenced by the Activities Report in respect of information, complaints and requests for clarification received by the attendance service of ICP-ANACOM, it would be appropriate that the documents in question also reference the handling by the Regulator of the communications of the operators and the respective response periods.

3. The Advisory Council further considers that it would be of interest with regard to the comprehension of the Activities Report if the document systematically

set out the actions taken by objectives and/or programmes of activity, in line both with the 2008-2010 Plan and in the 2009-2011 Plan.

4. It is recommended that in future editions the activities report should include a chapter on the use of financial resources in order to provide for a better assessment of the costs of regulation.

It is further recommended that "global indicators" be established for a universe that covers all relevant situations, as well as the presentation of data on the level of compliance with the established SLAs.

Advisory Council, 18 November 2008