

6. OPINION OF THE ADVISORY COUNCIL

I

Each year ICP-ANACOM produces 6 documents connected with its present and projected activity:

1. Activities Report
2. Regulation Report
3. Annual Report and Accounts
4. Plan of Activities
5. Annual Budget
6. State of Communications

The Activities and Regulation Reports, as well as the General Guidelines of the Plan of Activities and of the Budget, are all subject to the non-binding opinion of the Advisory Council. Irrespective of the degree to which the opinion of the Advisory Council is binding, there is a logical and temporal relationship between the various documents, which, when respected, enhances their comprehension and appraisal. The order in time in which the documents are made available is not irrelevant, as is apparent: a different appraisal is made of the Plan of Activities, depending on whether or not another document, the State of Communications, is available. The same can be said regarding appraisal of the General Guidelines of the Budget with respect to whether or not there is prior knowledge of the Accounts of ICP-ANACOM.

It is therefore recommended that ICP-ANACOM, in line with the procedure with respect to the 2008 budget and the release of the Accounts for the last financial period, release the Plan of Activities and the States of Communications so as to allow prior knowledge of the state of communications. According to this position, the presentation of said documents should preferably take the following order: 1. State of Communications and Regulation and Activities Reports; 2. Annual Report and Accounts, and the General Guidelines of the Plan and the Budget.

II

The Regulation and Activities Reports describe, with an appropriate level of detail and breadth, the regulatory and operational activity of ICP -ANACOM in the year 2006. However, comprehension of the documents would be improved and it is envisaged that their interest would be broadened if, in respect of the actions described, further to their compatibility with the objectives which they are meant to accomplish, reference was also made in respect of their effective contribution to the accomplishment of those objectives and if an analysis was made of the achieved progress in terms of infrastructure development, innovation, offer diversity, quality of services, pricing and market accountability.

The Advisory Council further recommends that the Regulation Report in the part regarding the "handling of requests", and given the impact of the number of complaints, over 17,000, such should be the object of a presentation organised by subject of complaint, type of consumer and appropriate follow-up.

III

The Regulation Report of 2006, where it deals with the planning of the Spectrum and highlights the review of the National Frequency Allocation Plan, refers to execution of two studies: one on secondary spectrum trading and the other on the fee scheme applicable to electronic communications. In consideration of the relevance of these matters, the Advisory Council recommends that, in order to better acquaint itself with these studies, their content should be debated at a meeting of the Advisory Council convened specifically for such purpose.

The same is recommended as far as the “2006 Review” is concerned, due to the fact that its appraisal by the Advisory Council would provide for a more complete and current analysis of the documents in respect of which it is regularly called upon to give an opinion.

IV

The Regulation report underlines that 2006 was a year dominated by significant changes to the regulatory agenda: the mid-year changes to and expansion of the Board of Directors; Sonaecom’s takeover bid of PT. In terms of the concerns of ICP-ANACOM, the “2006 Review” is also recorded. The analysis of markets and associated regulatory measures, constitute, along with those mentioned, one of the areas of fundamental intervention.

Having made an appraisal of the Regulation and Activities Reports, the Advisory Council considers that in the short-term future of the electronic communications and postal sector there are decisive challenges, referred to in the Regulation Report, which perhaps should be classified as true guidelines and action priorities:

- a. Development of the “2006 Review” and in-depth review of the Relevant Markets
- b. Liberalisation of postal communications
- c. Evolution of the US in electronic communications and postal communications
- d. Convergence and Digital Television
- e. Dispersion of Broadband
- f. Review of the national table of frequency allocation, in line with the principle of efficient spectrum use, and of the Spectrum tariff scheme.

Lisbon, 3 October 2007