

5. INTERNATIONAL ACTIVITY

5.1 Representation

ANACOM assures technical representation of the communications sector, as per paragraph r) of section 1 of article 6 of its statutes, approved by Decree-Law no. 309/2001 of 7 December.

With respect to international representation, it is specifically incumbent on ANACOM to undertake technical representation of the Portuguese State in sector-related international bodies, and to accompany the activity of like regulatory bodies as well as foreign experience in communications regulation, establish relations with other regulatory bodies and, on a technical level, with community and international bodies. Such participation and representation of the Portuguese State is closely co-ordinated with the members of Government linked to the communications area, with the Minister of Foreign Affairs and with the telecommunications and postal operators, when applicable.

In this context, ANACOM also initiates and accompanies the processes of transposing the fundamental instruments of some of those international organisations into the internal legal order, as an advisor to the Government (ministry in charge of the communications area and the Ministry of Foreign Affairs).

5.1.1 European Union (EU)

Context

ANACOM intervenes in various aspects at European Union (EU) level: Council, European Commission (EC) and groups set up on its initiative, Committees and respective subgroups.

At Council level the communications sector – telecommunications and postal service – is covered under the Council of Ministers of Transports, Telecommunications and Energy, and in the respective Telecommunications/Information Society Group and Postal Group.

In the European Commission, the communications sector is subject to treatment by the Information Society Directorate General, the Internal Market Directorate General (postal services) and the Enterprise Directorate General, besides the Competition Directorate General.

The main sector groups are namely the European Regulators Group (ERG) established by Commission Decision 2002/627/EC of 29 July 2002, the Radio Spectrum Policy Group established by Commission Decision 2002/622/EC of 26 July 2002 and the Informal Internet Group, the International Affairs Group and horizontal groups such as EUROMED.

Regarding committees, those involved with communications are the following: High Level Groups – Telecommunications and Postal Service; Communications Committee (COCOM); Radio Spectrum Group; Postal Directive Committee; TCAM (Telecommunications Conformity Assessment and Telecommunications Terminal and Radio Equipment Market Surveillance) Committee; Working Group on Electromagnetic Compatibility; Public Telecommunications Markets Advisory Committee; Financial Regulation Committee for Trans-European Telecommunications Networks; Steering Committee for Trans-European Telecommunications Networks; and the Committee to implement the Multiannual Programme to Stimulate the Establishment of the Information Society in Europe (Promise Programme).

Regarding the community programmes with implications for the sector, the following stand out: the eTEN programme (trans-European telecommunications networks), which aims to establish trans-national services and applications of interest to the public in order to facilitate transition to the information society; the Promise programme, which seeks to promote the information society in Europe by means of benchmarking and the identification, analysis and dissemination of best practices for the priority areas defined in the eEurope 2005 action plan; and the Digital Content (eContent) programme, which aims to stimulate the development and usage of European digital content in global networks, and to promote linguistic diversity in the information society.

Activity pursued in 2003

Council

In 2003 ANACOM participated in formulating the defence of national sector-related positions at national level (DGE/ME, DGAC/MNE) and at community level, collaborating with the national permanent representatives to the European Union (REPER).

ANACOM was also represented at meetings of the Group on Telecommunications, Information Society and Postal Services (in the scope of the TTE Council) in order to directly accompany issues related to its powers.

In 2003 ANACOM collaborated on preparation of the relevant agenda points and was part of the national delegation to the TTE Councils of Ministers held on 27 March, 5 June and 20 November, and the informal Council held on 3-4 September.

ANACOM likewise collaborated in other areas with implications for the sector, such as Public Markets, EU Enlargement, European Economic Area, General Interest Services, Data Protection, Research and Development, Structural Funds, GALILEO, Consumer Protection, Electromagnetic Fields and the community's external relations in the scope of co-ordination assured at national level by the Ministry of Foreign Affairs (WTO, EUROMED, MERCOSUL).

In 2003 the following documents directly or indirectly relevant to ANACOM activity were studied, adopted or published:

- Commission Communication (COM(2003)271 final) on the World Summit on the Information Society. The Telecommunications Council of Ministers of 5 June 2003 adopted conclusions on this subject:
- Commission Communication on the transition from analogue to digital broadcasting: from the transition to digital to the end of analogue – COM(2003) 541 final, of 17 September 2003. The Telecommunications Council of Ministers of 20 November 2003 adopted conclusions on this subject;
- Commission Communication on the Final Report of eEurope 2002, COM(2003)66 final, presented in the Telecommunications Council of Ministers on 27 March 2003;
- Commission Communication on the 2003 World Radiocommunications Conference. The Consumer Affairs Council of 2-3 June 2003 adopted conclusions on this subject;
- Commission on the European Growth Initiative – intermediate report to the European Council (COM(2003)579 final, of 1 October 2003), considered in the Telecommunications Council of Ministers of 20 November 2003;
- Communication on electronic communications and the way to the knowledge society – COM(2003)65 final, discussed in the Council of Ministers of 27 March 2003;

- Communication on barriers to general access to new information society services and applications by means of open platforms in digital television and in third generation mobile communications – COM(2003)410 final, of 9 July 2003. The Telecommunications Council of Ministers of 20 November 2003 adopted conclusions on this subject;
- Decision no. 1151/2003 EC of the European Parliament and of the Council of 16 June 2003, modifying Decision no. 276/1999/EC which adopts a multiannual community action plan to promote safer internet use by combating illegal and harmful content in global networks;
- Decision no. 2256/2003/EC of the European Parliament and of the Council of 17 November 2003, which approves a multiannual programme (2003-2005) to accompany the eEurope action plan, disseminate good practices and strengthen information networks (MODINIS);
- Decision no. 2003/840/EC of the Council of 17 November 2003, concerning the signing on the European Community's behalf of Convention no. 180 of the Council of Europe on legal co-operation and information in matters of information society services;
- Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003, concerning the reuse of public sector information;
- Green Paper on General Interest Services. The Commission launched a public consultation, recognising the need for extensive discussion of the EU's role in defining the goals, evaluation method, organisation and financing of general interest services. ANACOM submitted its contributions in October 2003;
- Proposed Decision of the EP and of the Council on the Interoperable Delivery of Pan-European Online Administration Services (eGovernment) to Public Administrations, Businesses and Citizens (IDABC). The Telecommunications Council of Ministers of 20 November 2003 adopted conclusions on this subject;
- Proposed Directive (by means of amendments to Directive 77/388/EEC) on application of the Value Added Tax (VAT) to postal services. This proposed Directive is in discussion phase at ECOFIN;

- Proposed Directive of the EP and of the Council on co-ordination of the processes of awarding contracts in the water, power, transport and postal services sectors (2000/0117 (COD)); agreement was reached under the Conciliation Committee, meeting in December;
- Proposed Directive on approximation of the Member States' legislation with respect to electromagnetic compatibility;
- Proposed Directive concerning harmonisation of the Member States' laws on electric equipment to use within certain voltage limits, COM(2003) 252 final, of 12 May 2003;
- Proposed Directive on minimum safety and health prescriptions with respect to the exposure of workers to risks from physical agents (electromagnetic fields); political agreement on Employment, Social Policy, Health and Consumers was obtained on 20 October 2003;
- Regulation of the European Parliament and of the Council of 11 February 2003, establishing the European Network and Information Security Agency (COM(2003) 63 final);
- Council Resolution of 18 February 2003 concerning a European approach to a culture in network and information security matters.

European Commission

ANACOM actively participated in committee activities, particularly in the following: Communications Committee (COCOM); Radio Spectrum Committee; Postal Committee; TCAM (Telecommunications Conformity Assessment and Telecommunications Terminal and Radio Equipment Market Surveillance) Committee; Financial Regulation Committee for Trans-European Telecommunications Networks; Steering Committee for Trans-European Telecommunications Networks; Information Society Committee; and the Internet Action Plan Committee.

The following stand out among the activities of these committees:

The Communications Committee (COCOM) met in 2003 on 12 February, 10 April, 7 May, 11 June, 17 September and 17 December; ANACOM was represented at all the meetings. The most relevant subjects of debate were recommendations on R-LANs, Leased Lines, Relevant Markets, notifications under article 7 of the Framework Directive and caller localisation;

The Spectrum Committee met on 8 April 2003 (RSC3), 28 May 2003 (RSC4), 1 October 2003 (RSC5) and 10 December 2003 (RSC6). Among other issues, the Spectrum Committee's activity included frequency usage and harmonisation of procedures for the use of short range radars, the fifth CEPT mandate on UMTS, possible applications for the 169.4-169.8 MHz frequency band currently reserved for the ERMES system, power line communications, harmonisation of RLAN usage and the CEPT mandate on R-LANS, broadband technologies functioning in the 450 MHz band, UWB systems, co-operation with the research and development area, and co-ordination of RSCOM's work with that of TCAM;

The Postal Committee met on 25 November 2003 and studied transposition of the Postal Directive in the Member States and in the candidate countries, the work achieved by the European Committee for Standardisation (CEN), and adopted the Committee's rules of procedure.

Noteworthy in the committee work are the following documents adopted by the Commission;

Commission Recommendation 2003/311/EC of 11 February 2003 – concerning relevant markets for products and services in the electronic communications sector subject to ex ante regulation, as per the provisions of Directive 2002/21/EC of the European Parliament and of the Council concerning a common regulatory framework for electronic communications networks and services;

Commission Recommendation 2003/561/EC of 23 July 2003 – regarding the notifications, deadlines and consultations envisaged in article 7 of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002, concerning a common regulatory framework for electronic communications networks and services;

Commission Recommendation 2003/558/EC of 25 July 2003 – concerning the processing of information on localising persons making calls in electronic communications networks, taking into account emergency calling services with localisation capacity;

Commission Decision 2003/548/EC of 24 July 2003 – concerning the minimum set of leased lines with harmonised characteristics and respective standards referred to in article 18 of the Universal Service Directive;

Commission Decision 2003/375/EC of 21 May 2003, on designation of Registry of the “.eu” top-level domain;

Commission Recommendation of 20 March 2003, concerning harmonisation of the provision of public access via RL-R to public electronic communications networks and services in the Community.

ANACOM also accompanied and/or participated in sector groups established by the Commission, namely the European Regulators Group (ERG), the Informal Internet Group, the Task Force from article 7 of the International Affairs Group and the Informal Group on SPAM.

European Regulators Group - ERG

As the national regulatory authority, ANACOM participated in the five meetings of the European Regulators Group (ERG) held in 2003 (23 January, 28 March, 20 May, 25 September and 21 November), at which the following issues were worthy of note: the concept of Significant Market Power (SMP) in the new regulatory framework; the proposed Common Position of the ERG/EC on obligations in the new regulatory framework, the interim common position on high speed access, the public consultation on the FL-LRIC (forward looking long run incremental costs) costing model and the report on the universal service provider designation.

Other Groups

With the same status, ANACOM participated in the two meetings of the Radio Spectrum Policy Group held during the reference period, on 17 January (RSPG#1) and 19 September (RSPG#2), where among other topics the following were discussed: the possible spectrum dividend deriving from the switchover from analogue TV to digital TV, preparation of WRC07 and eventual harmonisation of European policies regarding the introduction of secondary spectrum trading.

ANACOM additionally worked with the European Commission, as per usual practice, on accompanying implementation of various regulatory measures and on preparing measures associated to convergence and electronic commerce. It also accompanied competition issues concerning telecommunications services and postal services, particularly decisions of the

Competition Directorate General and the Court of Justice, and also contributed to sector-related negotiations under the World Trade Organisation (WTO), in the context of European co-ordination (Committee 133). Lastly, ANACOM accompanied various community policy topics relevant to telecommunications, namely the European Union enlargement process and co-operation with third countries (MERCOSUL and the Andes Community, among others).

Community programmes

ANACOM's involvement in relevant community programmes is reflected by its participation in the respective committees. Accompaniment of the eTEN programme in 2003 thus involved ANACOM's attendance of six joint meetings of the Steering Committee and the Financial Committee and of informal meetings of the national contact groups for the said programme. Besides participation in the said Committees, there was place for decisions by written procedure and for the drafting of comments and documents produced under the programme. As national contact point for the programme, with promotion responsibility, ANACOM contacted a number of companies to provide clarifications on same, maintained liaison with the European Commission to obtain an overview of the situation regarding negotiation of a contract with a Portuguese entity and regularly updated the programme's working area on the internet website (programme objectives, funding, public tenders, information days).

ANACOM additionally accompanies and publicises actions undertaken in the "Digital Content: eContent" Programme approved by Decision of the Council of the European Union of 22 December 2000 (2000/48/EC of 18 January 2001), which aims to stimulate the development and use of European digital content in global networks, and to encourage linguistic diversity in the Information Society.

5.1.2 Independent Regulators Group (IRG)

Context

Established in 1997, the Independent Regulators Group (IRG) groups the national regulatory authorities (NRAs) for telecommunications at European level, i.e., the 15 European Union (EU) Member States, the countries of the European Economic Area (Iceland, Norway and Liechtenstein) and Switzerland. Since 1 January 2003 it has also included the NRAs from the 10 countries that more recently joined the EU (Poland, Czech Republic, Hungary, Latvia, Lithuania,

Slovakia, Malta, Slovenia, Estonia and Cyprus), as well as the two candidate countries (Bulgaria and Romania).

The IRG's structure is light and functional, and aims to avoid duplication of ongoing debate in other bodies (EU, European Conference of Postal and Telecommunications Administrations – CEPT) and has established various working groups that accompany developments regarding specialised topics.

Activity pursued in 2003

With 25 July 2003 set to be the date the new European regulatory framework took force, the IRG's work was almost entirely devoted to studying aspects related to implementation of the said regulatory framework, specifically the obligations to impose on operators with significant market power. To that end a co-ordination group was even set up, made up of the chairpersons of some of the IRG working groups, with the participation of European Commission representatives. In the IRG context, ANACOM particularly favours attendance in the following working groups: Significant Market Power, Fixed Networks, Mobile Market, End Users, Regulatory Accounting, Market Analysis and Implementation.

The Significant Market Power working group, together with the Commission and under ERG auspices, produced a working document defining the criteria for evaluating effective competition and its implications on assessment of the existence of significant market power (SMP). This document is meant to help achieve a harmonised application of the criteria and at the same time provide a few more relevant indicators in the market analysis context.

The Fixed Networks working group focused its work on analysis of issues related to leased lines, local fixed telephony and the development of competition in broadband, besides supporting the co-ordination group.

The Mobile Market working group collaborated with the co-ordination group, prepared a common position on mobile termination charges which aims to harmonise any regulatory intervention seeking to lower mobile termination charges to competitive levels, established the working basis on international roaming that should develop in 2004 and continued to accompany 3G developments.

In the End Users working group PIBs (principles of implementation and best practices) were developed on call barring, detailed invoicing and the cessation of services to users. It also dealt

with issues related to the provision of universal service in the different Member States (in terms of the provider designation, about which a report was published), services covered, service quality, cost assessment and financing methods.

In the Regulatory Accounting working group, the PIBs on cost amortisation were finalised so as to orient the NRAs towards harmonised application of the various systems for recovering costs. Also, revision of the PIBs on the FL-LRIC (forward looking long run incremental costs) costing model was begun, along with the PIBs on accounting separation and, together with the Commission, the Commission Recommendation that originated their elaboration, as the entrance into force of the new regulatory framework rendered those two documents obsolete.

The Market Analysis working group submitted its annual report and studied possible ways of making uniform the NRAs' information gathering procedures.

The Implementation working group focused its efforts on studying and improving the text proposed by the Commission for the Recommendation on the procedures of article 7 of the Framework Directive which was adopted on 23 July; it continues to be a significant forum for debate and the sharing of experience with regard to transposition and practical implementation of the new regulatory framework.

In sum, following on the different working groups' activities and with the aim of ensuring fulfilment of the working programme set out for 2003, a number of important documents were made available to the public in general (there were others which, due to their more reserved content, cannot be published), namely on the IRG website:

- PIBs on cessation of services to user;
- PIBs on call barring;
- Concept of SMP under the new regulatory framework;
- PIBs on detailed invoicing;
- PIBs on cost amortisation;
- Report on the universal service designation.

5.1.3 Organisation for Economic Co-operation and Development (OECD)

Context

The activities of the Organisation for Economic Co-operation and Development (OECD) most relevant from the sector's point of view are those carried out under the Committee for Information, Computer and Communications Policy (ICCP).

This committee studies policy aspects resulting from the development and application of technologies and services in the area of information, computers and communications, as well as electronic commerce and issues concerning information infrastructure, including the respective impact on the economy and society in general and on strengthened co-operation among member States, and between member and non-member States.

The ICCP has four associated working groups relevant to the communications sector and as such accompanied by ICP-ANACOM: the Working Group on Information and Telecommunications Services Policies, the Working Group on the Information Economy, the Working Group on Information Society Indicators and the Working Group on Information Security and Privacy.

Activity pursued in 2003

In 2003 ICP-ANACOM collaborated on elaboration of various OECD publications prepared in the scope of the ICCP, among them the "Communications Outlook 2003", which covers the latest developments in communications policies (mobile market, interconnection, portability, operator pre-selection, local loop unbundling), as well as issues concerning market size (telecommunications revenues), network size and development (number of accesses, ISDN, digitalisation, mobile penetration, investment) and internet infrastructure (subscribers, hosts, sites, number of top-level domains).

As a result of efforts by the Working Group on Information Security and Privacy, the year 2003 saw publication of a practical guide on "Privacy Online: Policy and Practical Guidance" and an implementation plan titled "Plan for the OECD Guidelines for the Security of Information Systems and Networks: Towards a Culture of Security". These guidelines (which are the basis for Resolution A/RES/57/239 of the United Nations General Assembly for the "Creation of a Global

Culture of Cybersecurity”) encourage a security culture among all participants that develop, possess, supply, manage, maintain and use information systems and networks, regardless of whether they pertain to governments, business or civil society. The new principles upon which they are based – awareness, responsibility, reaction, ethics, democracy, risk assessment, security conception and implementation, security management and reassessment – are applied to all participants, though differently, depending on their roles with respect to information systems and networks.

ICP-ANACOM accompanied meetings of the Working Group on the Information Economy held in 2003, commenting on the produced documents whenever the occasion arose and taking part in the analysis of information economy policies, and the revision and evaluation of the economic and social implications resulting from the development, dissemination and use of information and communication technologies (ICTs) and electronic commerce. ICP-ANACOM also contributed towards the development of appropriate tools and methods for the international comparison and measurement of indicators.

In the scope of activity of the Working Group on Information Society Indicators, ICP-ANACOM accompanied the working meetings and took part in defining the method for gathering internationally comparable data with respect to the supply, demand and impact of ICTs. In 2003 ICP-ANACOM also collaborated on assessing the development and interpretation of relevant indicators for the formulation of policies and to monitor processes, contributing towards the identification of impacts and barriers to the dissemination and use of ICTs.

In 2003, ICP-ANACOM also accompanied meetings of the Working Group on Information and Telecommunications Services Policies and produced comments on the elaborated documents. ICP-ANACOM contributed to pursuit of the main goals of this working group, which in a continually expanding Information Society included international co-operation and the exploration of common objectives and strategies in the information and telecommunications sectors. Notable among the principal tasks are analysis of the social and economic impact of modifying the structure of the telecommunications market (including the internet), analysis of the relationship between electronic commerce and telecommunications, analysis of the economic and political impact of convergence of the communications and information sectors, and analysis of issues related to the trade in services in these areas.

5.1.4 International Telecommunication Union (ITU)

Context

The International Telecommunication Union (ITU) was founded in 1865 as the International Telegraph Union, and since 1947 has been a specialised agency of the United Nations.

The ITU's main body is the Plenipotentiary Conference (PP) which every four years gathers the highest representatives from the Member States to debate issues concerning general policy, strategic planning and the organisation's management in the long term. During the period between PPs, the ITU's management is the responsibility of the Council, to which the PP delegates certain powers. The Council is composed of 46 Member States elected by the PP. Portugal has been a member of the Council since 1994.

ANACOM's involvement in the ITU as a Member State is felt at the level of the main bodies – Plenipotentiary Conference, Council and high level events – and in the scope of the three Sectors, including their various respective bodies (conferences and/or assemblies, work groups, advisory groups).

Activity pursued in 2003

The year 2003 was particularly active for ANACOM in the ITU. After the 2002 Plenipotentiary Conference (PP-02), Portugal not only continued to be a member of the Council for the third consecutive mandate (this time for the four-year period 2002-2006, until PP-06), but also chaired this body through José Saraiva Mendes, a member of its Board of Directors, whose mandate covered the period from October 2002 until June 2004 – the first time Portugal has carried out such important duties in the ITU.

Portugal actively participated in various actions to revise the structure and modify the Union's working methods. In the group of specialists for revision of the ITU's management (GoS), established in 2002 due to a decision made at PP-02, Portugal represents region B (western Europe) by means of an official appointed by ANACOM. This group, comprising one representative of each of the five ITU administrative regions, is vital for efforts to resolve some of the ITU's financial and structural problems. As it held the Council Presidency, ANACOM headed the Council oversight group (COG), which accompanied all activity related to the Union's reform process.

In 2003 the Council met twice, exceptionally, for the budget had not been approved at the May meeting. It was thus necessary to hold an additional meeting in October. It was obvious from the start that the fundamental issue in question concerned the ITU's acute financial situation, directly

caused by the drop in contributions from the various Member States at PP-02 – mainly western countries – and structurally justified by difficulties in the ITU's management.

In the May session debate covered the States' expression of dissatisfaction over the lack of transparency in the Union's management and finances, which led to approval of most of the short term measures proposed by the GoS. It was decided that the remaining recommendations (middle and long term) and their implementation would be further developed by this group, with a view to being considered and eventually approved by the Council at its ordinary session in 2004. A relevant circumstance that occurred for the first time in the Council's history was that the budget submitted by the ITU secretary general (who oversees the Union's executive management) for the following biennium (2004-2005) was not approved, as the administrations did not hold it to be sufficiently transparent and explanatory for them to consider it. The secretary general thus revised the draft budget, taking into account the expressed concerns and questions, with a view to considering and adopting it at an additional Council session, which was held in late October for that specific purpose.

At its additional October session, the revised budget submitted by the Secretary General (SG) of the ITU differed little in content from the May one, though it was more transparently presented and more information was provided to the counsellors. For this reason it was approved even though some Member States, among them Portugal, were not entirely satisfied with same. The counsellors had realised that another rejection, meaning that financial year 2004 would begin without an approved budget, would lead to an undesirable situation for the ITU. Likewise approved were a number of actions to be accomplished by the SG, in light of which the budget's execution will be revised at the 2004 Council session. A decision was also made to hire an outside consultant and the respective work mandate was approved, with a final report to be submitted to the 2004 Council.

In the Telecommunications Standardisation Sector (ITU-T) two meetings of the Telecommunications Standardisation Advisory Group (TSAG), in February and November 2003, are worthy of note. They basically focused on preparation for the World Telecommunications Standardisation Assembly (WTSA) to be held on 5-14 October 2004 in Florianópolis, Brazil.

The top of the agenda is and was reform of the Standardisation sector, to adjust it to meet the budgetary limits resulting from PP-02, with the aim to increase revenues by scaling back the services provided, specifically publications, and also to cut costs, mainly by concentrating activity. To that end arose the prospect of modifying the Study Groups which in ITU-T deal with

various technical issues related to technology compatibility and convergence, so as to reduce their number and concentrate topics.

In the Telecommunications Development Sector (ITU-D), participation in the respective Advisory Group in March 2003 is highlighted. The central theme topics were the prospects of applying the Istanbul Action Plan (resulting from the 2002 World Telecommunications Development Conference in Istanbul) and, based on that reference document, the ITU-D's contribution to the then ongoing process of putting together the Declaration and Action Plan of the World Summit on the Information Society (WSIS).

The activity of the Radiocommunications Sector (ITU-R) is particularly important for Portugal and other countries, especially the European ones, given the strategic nature of its activity and the decisions approved at global and regional conferences held under its aegis.

Such decisions are materialised in international treaties which must compulsorily be applied by the ITU Member States, with direct impact on areas of vital interest for each of them, including national security.

In ITU-R, ANACOM particularly emphasised attendance in the following events and working groups in 2003:

- The World Radiocommunications Conference, held from 9 June to 4 July in Geneva (WRC-03). This Conference was attended by 2,278 delegates representing 138 Member States, 38 Sector Members (recognised operators), 15 scientific and industrial bodies, 4 representatives of United Nations organisations, 17 regional organisations and other international organisations, 6 regional telecommunications organisations and 6 intergovernmental organisations involved in the operation of satellite systems. The main highlights among the 45 agenda items, which covered the most diverse topics in this area, are the allocation of frequencies around 5 GHz for RLAN (radio local area network) applications, the resolution on the technical and regulatory framework for satellite radionavigation systems (GPS and GALILEO), the need to continue studying technical and operational issues related to the development of IMT-2000 and systems beyond, with the aim of “building” a comprehensive view of what that “that future” will effectively be, revision of planning for the mobile maritime service bands in short wave taking into account the use of new digital technology, spectrum allocation for internet applications via satellite and the realignment of frequency band allocations to amateur and amateur by satellite services and broadcasting service around 7 MHz.

Also worthy of note is that Portugal was asked to chair the editing group on stratospheric platforms for IMT-2000 (item 1.33 on the agenda) during the Conference and that mandate was successfully completed.

- Conference Preparatory Meeting (CPM) on 7-8 July, which was point zero for WRC-07 preparatory work; the structure and report to work on the upcoming study period was approved.
- Radiocommunications Assembly (RA-03), held on 2-6 June, which saw approval of more than 30 Recommendations, most of them related to agenda topics of the WRC held in the following weeks. The approved Recommendations concern areas as diverse as IMT-2000, Wireless Local Area Networks (WLANs), the use of fixed service by satellite Earth Stations on Board Vessels (ESVs), the protection of passive services such as Satellite Earth Exploration Service and Radio-Astronomy Service.
- Radiocommunications Advisory Group (RAG), which met in Geneva from 27 to 31 January to consider issues related to the use of languages, the need to update various ITU-R Resolutions on conference preparatory work, specifically the need to activate the Special Committee and the strategies and priorities adopted by the Radiocommunications Sector. In its report the RAG-2003 recommended that electronic means should be provided to exchange information, and that their use should be encouraged in order to reduce the volume of paper and cut spending on the publication of documents.
- WP8F Working Group (IMT-2000 and Systems Beyond IMT-2000), which develops a long term vision of IMT-2000 and particularly defines radio spectrum needs as a support for WRC decisions. To that end it developed and updated a number of recommendations, such as on planning and the appropriate bands for IMT-2000 implementation and IMT-2000 compatibility with other radiocommunications systems.
- Group TG 6/8, established in 2002 under Study Group 6 (Broadcasting) to prepare the next Regional Radiocommunications Conference (RRC-04), whose objective is to revise the 1961 Stockholm Agreement on television broadcasting; the aim was basically to carry out appropriate planning for digital television.
- Various specific working groups in the scope of spectrum engineering, WP 1A (spectrum management techniques), WP 1C (spectrum oversight), WP 3K (radio propagation

related to point-multipoint applications) WP 6E (land broadcasting propagation), JRG 8A-9B (wireless radio access) and WP 9B (fixed service planning).

In 2003 the ITU played a decisive role in the World Summit on the Information Society (WSIS) process ongoing under United Nations auspices. Indeed, besides assuming responsibility for organising same, the ITU established a working group within the Council (WG WSIS) to prepare its contributions in terms of content. During the year in question this group held its third meeting on 14-15 April in Geneva, where it reviewed the ITU's sector contributions vis-à-vis proposals of the Declaration of Principles and Action Plan for the WSIS first phase, held in Geneva on 10-12 December. The ITU's vital role and the need for greater involvement by the Information and Communication Technologies (ICTs) business world in the WSIS dominated the 4th WG WSIS meeting, which was held on 10-11 September in Funchal, Madeira, hosted by ANACOM.

ANACOM's involvement in the work of the World Summit on the Information Society consisted at internal level of taking part in the process of inter-ministry co-ordination promoted by the Ministry of Foreign Affairs. At international level it was limited this year to taking part in the aforementioned ITU Council Working Group on the WSIS (WG WSIS).

The following ITU binding instruments were approved for reception in the legal order in 2003:

- Final Acts of the Regional Administrative Conference for planning audio broadcasting services in metric waves (Region 1 and part of Region 3), held in Geneva in 1984 – as per Decree no. 39/2003 of 2 September;
- Final Acts of the Regional Administrative Conference for planning maritime radionavigation service (radio beacons) in the European Maritime Area, held in Geneva in 1985 – as per Decree no. 47/2003 of 17 October;
- Final Acts of the Regional Administrative Conference of ITU Members belonging to the European Broadcasting Area, which contains the Protocol amending the Stockholm Agreement (1961), held in Geneva in 1985 – as per Decree no. 21/2003 of 3 May.

These processes were not however finalised in 2003, as the Notice of deposit of the corresponding ratification instruments with the ITU Secretary General had not been published.

The following ratification processes remained pending in 2003, all submitted by ANACOM in 2001 to the then Ministry of Social Infrastructure and the Ministry of Foreign Affairs:

- Final Acts of the European Broadcasting Conference for planning broadcasting service in metric and decimetric waves, held in Stockholm in 1961;
- Final Acts of the Regional Administrative Conference for planning mobile maritime and aeronautic radionavigation services in hectometric waves (Region 1), held in Geneva in 1985;
- Final Acts of the 1995 World Radiocommunications Conference (WRC-95);
- Final Acts of the 1997 World Radiocommunications Conference (WRC-97);
- Final Acts of the Plenipotentiary Conference held in Minneapolis in 1998 (PP-98);

5.1.5 European Conference of Postal and Telecommunications Administrations (CEPT)

Context

The European Conference of Postal and Telecommunications Administrations (CEPT) was founded on 26 June 1959 and at the end of 2003 counted 46 European countries as members.

Activity pursued in 2003

ANACOM takes part in all CEPT activities as the Portuguese Administration. The Portuguese presidency of the organisation began on 1 October 2002 and ran through 30 September 2003.

As the Portuguese CEPT Presidency, ANACOM undertook various measures and actions, especially with regard to topics identified as being presidency priorities, to wit:

- Promotion and publicity of CEPT, internally and externally;
- Action on and enhancement of relations with regional organisations with which CEPT maintains co-operation agreements;
- Clarification of CEPT's involvement in preparing the World Summit on the Information Society (WSIS);

- Development in CEPT of a policy to co-ordinate candidacies for positions in international organisations in the communications sector;
- Negotiation of the co-operation agreement between CEPT and the European Commission and CEPT's involvement in issues inherent to application of the new community regulatory framework.

Next are indicated the main results of those actions during the Portuguese Presidency, some of them the result of a lengthy negotiating process led by ANACOM:

- Completion of negotiations on the co-operation agreement between CEPT and the European Commission; once the full legal process inherent to the Commission was concluded it was also possible to approve same at the last Assembly under the Portuguese Presidency;
- Start of co-operation between the RCC (regional organisation grouping Russia and 11 other former Soviet Republics in eastern Europe and central Asia) in the wake of the signing of the Memorandum of Understanding (MoU) with that organisation at the start of the Portuguese Presidency;
- Action on and enhancement of co-operation ties with counterpart organisations at global level, specifically by promoting bilateral and multilateral meetings which served to launch a solid basis for continuation of the work and co-operation under existing agreements;
- Promotion and publicity of CEPT internally and externally: production of a CEPT promotion brochure (in the organisation's three languages), launch of a new internet site and use of fast systems to divulge relevant information to the proper members and organisations;
- Adoption of a method to co-ordinate candidacies to positions in international organisations involved in the communications sector and in the postal sector;
- Agreement on adjustments to make to the organisation's organic structure at Assembly level;

- Organisation, presidency and secretariat of the two CEPT Assemblies held in 2003, respectively in March and September. Beyond the discussion during those sessions, the presidency also launched various consultations and decision processes concerning issues which, for scheduling reasons, had to be decided between sessions.

Even after the end of the respect CEPT Presidency mandate (on 30 September 2003), the Portuguese administration continued to play an active and productive role in the organisation's top management through its participation in work of the troika, of which it is a vice-presidential member until 30 September 2004. The troika, especially by drafting documents and preparing for Assembly meetings, has played a significant role in leading and facilitating CEPT's work.

ANACOM likewise continued to actively participate in work of the standing committees – ECC and CERP – and the respective working groups and project teams, as well as in the ERO and ETO Councils of Administration.

At ECC level, ANACOM particularly focused on attending the following project teams and working groups: Frequency Management, Spectrum Engineering, Radio Regulation (Regulation Affairs, since October 2003), IMT and Other Systems, Conference Preparatory, Economic Aspects, Numbering and Addressing Aspects, and Technical Aspects regarding Interconnection.

The Frequency Management working group (ECC WG FM) played a decisive role in 2003 in CEPT activity concerning radio spectrum harmonisation at European level for radiocommunications systems and services, developing strategies to implement plans for future spectrum use, preparing replies to European Commission mandates, preparing ECC Decisions on various topics and co-ordinating monitoring activities as well as CEPT contributions to ITU-R and its groups. This group was particularly responsible for drafting European common proposals (ECPs) to defend at the first session of the Regional Radio Conference (RRC-04/05) on planning digital land broadcasting service in Regions 1 and 3, in the 174-230 MHz and 470-862 MHz frequency bands.

The Spectrum Engineering working group (ECC WG SE) carried out studies that resulted in Recommendations and Reports that for the most part established compatibility criteria for various radiocommunications systems. It also undertook studies to gauge the spectrum efficiency of various mobile communication systems. This group's studies took into account diverse specifications from the European Telecommunications Standards Institute (ETSI) and ITU-R.

The working group on Radio Regulation/Regulation Affairs (ECC WG RA) played a vital role in CEPT activity involving the harmonisation of standards and technical/regulatory procedures at European level, applicable to equipment meant for radiocommunications systems and services, as per current community legislation, particularly the preparation of Decisions on free movement, usage and exemption from individual terminal licences.

Project team 1 of the ECC (ECC PT1) is in charge of all matters related to the evolution of IMT-2000 and systems beyond and co-ordinates European contributions and its positions on issues involving spectrum, regulation and sharing/compatibility in the scope of WP8F of ITU-R. This team's responsibility particularly stands out in the preparation of European positions for relevant WRC items. Among the studies carried out by this team are those meant to respond to the European Commission mandate on the co-ordinated implementation of third generation systems (IMT-2000/UMTS) in the European Community.

ANACOM's involvement must particularly be stressed in activity of the Conference Preparatory Group (CPG), which in 2003 prepared the European positions submitted to WRC-03 as ECPs (European common proposals) and also promoted and organised the actions needed for co-ordination with regional telecommunications organisations; in particular, European co-ordination of three WRC-03 agenda topics was ensured:

- Undue application of the power flow density limits of non-geostationary fixed satellite service systems, contained in article 21 of the Radio Regulation;
- Sharing between geostationary and non-geostationary systems;
- Stratospheric platforms in the IMT-2000 context.

Lastly, it is worth noting that in 2003 the ECC approved a new internal structure which almost entirely took effect in October 2003.

At ERO Council level activity continued normally in 2003, with both offices, ERO and ETO working together in practice; the process continued of accepting, approving and ratifying amendments to the ERO Convention which will formalise the two offices' merger and the consequent establishment of the ECO.

Regarding the European Committee for Postal Regulation (CERP), 2003 saw particular emphasis placed on issues concerning implementation of Postal Directive 2003/39/EC, which modified Directive 97/67/EC. The realisation and presentation of sector-related European Commission studies and developments vis-à-vis classification proposals and initial offers for

compromises in the negotiation of postal services under the General Agreement on Trade in Services of the World Trade Organisation (WTO) was accompanied, along with negotiation of the public contracts directive and the proposal to introduce value added tax in postal services provided by the universal service operator, and developments involving the green paper on general interest services.

This Committee was also involved in work to prepare the next Congress of the Universal Postal Union, to be held in Bucharest from 15 September to 5 October 2004, and in studying proposals to reform the Union resulting from the recommendations of its previous Congress and from the high level group established by same – work that has continued within the UPU.

CERP also further developed its website, providing it with diverse information of public interest on the Committee's activity, and worked on compiling and updating information of a basically regulatory nature on its members, which is available in an electronic compendium.

Its four working groups, namely UPU Issues, Regulatory Issues, Economic Issues and Standardisation, as well as the European Commission and POSTEUROP Contact Committees, reported on their activities:

- The UPU Issues group focuses on activities of the Universal Postal Union, and considered about 200 proposals from European countries to be submitted to the UPU Congress in 2004, concerning the reformulation of Union measures. Also discussed within this group was the code of conduct and the proposal submission process, as well as analysis of documents submitted to the UPU Council of Administration and debate on the Bucharest World Postal Strategy document;
- The Regulatory Affairs working group focused on issues concerning the status of the Postal Directives' transposition and on developments regarding the introduction of postal services in GATS negotiations and on the green paper on general interest services. It sent a letter to the Commission containing a position on this matter. Also, the project team that studies the consequences of liberalising cross-border mail in the community space reported on its activities, indicating the theme topics that should be studied and debated in the future, specifically the identification of barriers to competition, obligations that should exist between postal operators, consumer rights and access to the postal network;
- The Economic Issues group discussed matters concerning the universal service operators' accounting system, the price control system, the cost and financing of universal service, terminal dues and access to the postal network. Also discussed

was a proposal to modify the current VAT regime applicable to postal services in the Community;

- Lastly the Standardisation WG centred its activities around standards developed by the European Committee for Standardisation (CEN), as per the European Commission mandates. Those standards may be of compulsory application by the universal service provider if the European Commission's Postal Directive Committee, to which CEN reports, so decides. Noteworthy in this context are the standards on measuring the time involved in routing and processing claims.

5.1.6 North Atlantic Treaty Organisation (NATO)

Context

In the North Atlantic Treaty Organisation (NATO) the groups responsible for spectrum issues are specifically the spectrum management subcommittee (NATO FMSC) and the policy working group (NATO PWG).

NATO FMSC is the only committee with recognised competence to decide on issues involving the management of civil/military spectrum. Among other powers, it assures harmonisation of the spectrum needed for military uses by the NATO countries and drafts, in liaison with the national authorities responsible for spectrum management, positions to defend by NATO and by military authorities at the ITU's world radiocommunications conferences, in order to better safeguard military interests.

NATO PWG is a technical group subordinate to NATO FMSC which in this context carries out activities to support and advise that Committee. NATO PWG studies topics being debated on the agenda of world radiocommunications conferences and advises NATO FMSC on positions that best assure the defence of military interests, with support from the national authorities responsible for spectrum management. It also carries out activities meant to establish conditions for spectrum harmonisation within NATO, namely by updating the NATO Joint Civil/Military Frequency Agreement (NJFA).

Representatives of the NATO member countries and, sometimes, the Partner Nations (countries participating in the Partnership for Peace programme), take part in work of the two committees described above.

Activity pursued in 2003

In the course of its co-operation with military entities, ANACOM took part in work of the two aforementioned civil/military committees.

Noteworthy in the PWG's activities is finalisation of the positions defending military interests for the NATO administrations to take at WRC-03. These positions were later approved by the FMSC.

The PWG completed revision of the supplement to the NATO Joint Frequency Agreement (NJFA) on situations of crisis and war, which was meanwhile approved in 2004.

5.1.7 International Telecommunication Satellite Organisation (ITSO)

Context

The International Telecommunication Satellite Organisation (ITSO) is a global intergovernmental organisation resulting from the reorganisation of INTELSAT.

The current structure of ITSO, comprising 148 States (Parties), is composed of the Assembly of Parties, which meets every two years, an Executive Body headed by the Director General, who assumes executive duties, and the Advisory Committee, which supports the Director General between Assembly sessions.

Activity pursued in 2003

ANACOM's responsibility is to assure national representation at the ITSO Assembly of Parties, which met in July 2002 and will hold its next biennial meeting in June/July 2004.

Regarding the organisation's fundamental instruments, the process of ratifying the Amendments to the INTELSAT Agreement and the respective Operation Agreement remained pending in 2003, following their submission in 2001 to the then Ministry of Social Infrastructure and to the Ministry of Foreign Affairs.

5.1.8 International Mobile Satellite Organisation (IMSO)

Context

The International Mobile Satellite Organisation (IMSO) is a global organisation resulting from the reorganisation of INMARSAT.

IMSO's current structure, constituted by 88 States (Parties), is composed of the Assembly, which meets every two years with all the Parties, the Secretariat, an executive body headed by a Director General, and the Advisory Committee supporting the Director General, of which Portugal has been part of since its establishment.

ANACOM assures national representation in both the IMSO Assembly of Parties and in the respective Advisory Committee.

Activity pursued in 2003

IMSO's work was carried out in the wake of the 16th Assembly of Parties in September 2002, which decided to establish the Intersession Working Group, chaired by Brazil. This group, which is responsible for studying a proposal first drafted by Denmark to modify the Convention, IMSO's base instrument, and studying the organisation's future structure, met twice in 2003. Noteworthy in its work are major differences over the need to revise the base instrument, with the IMSO bureaucracy pushing for same in the face of strong opposition to eventual modifications raised by countries such as the United Kingdom, Russia and the United States of America. The Advisory Committee met in parallel, basically analysing the 2003 budget and financial prospects for 2004.

5.1.9 European Telecommunications Satellite Organisation (EUTELSAT)

Context

The European Telecommunications Satellite Organisation (EUTELSAT) is a European intergovernmental organisation that originated with the so-designated INTERIM EUTELSAT (Interim European Telecommunications Satellite Organisation) established by the provisional agreement signed in Paris on 13 May 1977, with the definitive designation to come into use when the Convention (definitive instrument replacing the provisional agreement) took effect. Portugal was one of EUTELSAT's founding members. The organisation's main goal was to

supply the space segment necessary to provide Europe's international telecommunications services, including broadcasting services.

EUTELSAT was reorganised in July 2001 to adjust it to the new regulatory conditions and the new competitive environment. In this context, and basically for commercial reasons, it was privatised with a consequent split into two distinct entities.

EUTELSAT's operational component was thus transferred to a private limited company, EUTELSAT, S.A., which took on management of the space segment, the fulfilment of public service obligations and pan-European coverage of the satellite system. The intergovernmental organisation was also maintained, now designated as EUTELSAT-IGO (Intergovernmental Organisation), whose duties centred on overseeing the new company's compliance with the universal service obligations and the principles of non-discrimination and fair competition.

EUTELSAT's current structure, composed of 48 States (Parties), is confined to the Assembly of Parties, which meets with all the Parties every two years, and to the Secretariat, an executive body headed by the Executive Secretary, and the Advisory Committee, which supports the latter.

Activity pursued in 2003

ANACOM assures national representation in the EUTELSAT Assembly of Parties. The 30th Assembly of Parties was held in May 2002; the 31st biennial Assembly is scheduled for May 2004.

Regarding ratification of its base instruments, the Agreement to Modify the Protocol on EUTELSAT Privileges and Immunities (1999) was approved for ratification as per Resolution of Parliament no. 65/2003 and ratified by Presidential Decree no. 44/2003, both instruments dated 2 August. However, the notice that the corresponding ratification instrument had been deposited with the EUTELSAT Director General was not published in 2003.

5.1.10 European Space Agency (ESA)

Context

The mission of the European Space Agency (ESA) is to promote knowledge of science, technology and applications linked to space, as well as the concomitant support for the development of industries and services associated to same.

Portugal joined the ESA as a member with full rights in 2000. The main aspects of the ESA's activity include scientific development programmes and telecommunications, navigation and earth observation launches.

Portugal's representation at Council level is the responsibility of the Office of International Relations for Science and Higher Education (GRICES), which reports to the Ministry of Science and Higher Education.

Representation in the management committees of the various ESA programmes is passed on to the bodies which by their nature and functions are best related to the respective subject. ANACOM was thus in March 2000 appointed to oversee national representation on the Communications Programme Management Board (JCB).

ANACOM also supports national participation for financing the Agency's telecommunications programme. The counter-entry for this financing is an at least 90 percent return on the subscribed amount, in development contracts with Portuguese R&D institutes and companies.

Activity pursued in 2003

In 2003 the ESA's activity in telecommunications was quite intense, specifically involving preparation of working plans to strengthen European industry's competitiveness in the middle term as well as its resurgence, taking into account a certain crisis in the sector resulting from the slowdown in the European and global economy, which particularly affected the ICT sector.

Debate also began on the space sector's role via the ESA in the EU initiative to reduce the "digital divide" in the Union (the Digital Divide Initiative); this subject should be taken up again and broadened in 2004 and following years.

The GALILEO programme, while overseen by its own programmes committee in the ESA (PB-NAV), was also subject to indirect JCB attention, via approval of various projects to develop applications where major synergies exist between telecommunications and satellite localisation/navigation.

In 2003, the JCB held four regular meetings and two extraordinary ones.

5.1.11 European Telecommunications Standards Institute (ETSI)

Context

The European Telecommunications Standards Institute (ETSI) is a European standardisation organisation whose mission is to produce standards in the areas of telecommunications, and also to undertake activities involving pre-standardisation and standardisation in the areas of information technologies and television and audio broadcasting.

ETSI's bodies are the General Assembly (decision-making body responsible for defining standardisation strategy, endowments, members' affairs, the designation of Council members, designation of the Director General and the Assistant Director General, the approval of external co-operation agreements in standardisation, and approval of the Institute's statutes and rules of procedure), the Council (responsible for ETSI activity between Assembly meetings, exercising the powers and duties delegated to it by same), a secretariat, the organisation's permanent support structure, and the technical committees and task forces, which are bodies of an eminently technical nature.

Activity pursued in 2003

As a member in the Administration category, ANACOM participated in the two ETSI General Assemblies in 2003.

Besides the ANACOM proposal undersigned by the National Delegation and presented at the March 2003 General Assembly, and which led to introduction of the ETSI reorganisation process, since begun, the Portuguese State's technical representation in ETSI in 2003 was in the areas of security, electromagnetic compatibility and next generation networks.

5.1.12 Universal Postal Union (UPU)

Context

The then designated General Postal Union was founded on 9 October 1974 with the Berne Treaty. Portugal was among the 22 countries that signed that Treaty. This intergovernmental

organisation took on its current designation, Universal Postal Union (UPU) in 1878, and in 1948 was constituted as a specialised institution of the United Nations.

Activity pursued in 2003

In 2003 ANACOM actively participated in work of the Universal Postal Union (UPU) as a Member Country and Postal Administration, particularly in the groups, committees and plenaries of the Councils of Administration and Postal Operations (CA and COP).

The Union continued the reform work in accordance with recommendations from the high level group established by the 1999 Beijing Congress and the developments in work of the project team on Management of the Work of the Union, set up later in 2001.

The Union reform work seeks to better adjust the UPU to global structural changes in the sector, with better awareness of the need to guarantee a quality universal postal service provided to all citizens at affordable prices and to increase competition in the sector.

With the approach of the Congress scheduled for 15 September-5 October 2004 in Bucharest, the Union's work intensified with the aim to present proposals that modify both the Union's structure and the Acts, to better cover the interests of the entire postal industry, from equipment suppliers to end users.

This work to integrate all sector players in the Union's work has enabled analysis of pertinent and current issues meant to promote development and co-operation in the postal market and the discussion of subjects involving the provision of universal service and the respective quality, market trends and its players, new markets and postal products, the postal reform process in the Member Countries, reservations to Union Acts, the Postal Administration designation, extraterritorial offices of exchange and licensing systems in effect in the Member Countries.

The Postal Operations Council, headed by Portugal, gathered the various Action Groups, Commissions, Committees and Co-operatives, besides the POC itself, in plenary session. Noteworthy is Group 1's work on modifications to the future terminal dues system; various proposals were debated, concerning the system applicable to exchanges between industrialised countries in 2004 and 2005. As for reformulation of the Acts, the draft Agreement on Postal Payment Services and their regulations was approved; the International Bureau should proceed to distribute this Agreement to all the member countries, along with drafts of the Universal Postal

Convention, the Correspondences Regulation and the Regulation on Postal Packages, which will serve as reference texts for the submission of proposals at the next Congress.

The Council of Administration, headed by China, also gathered the various working groups, project teams, action groups and commissions, as well as the CA itself, in plenary session. Work by the Acts of the Union project team was notable: it had focused on issues concerning reservations about the Acts, definitions meant to clarify same and replacement of the term Postal Administration by Member Country and/or Operator. The respective document presented by the International Bureau was based on work done by ANACOM; this PT has decided to carry out a consultation of the member countries on this issue.

The PT on Management of the Work of the Union studied various issues, such as the separation of duties and responsibilities between regulators and operators, the postal regulation guide, the study on licensing, conclusions of the Acts of the Union PT with respect to the term Postal Administration, the study on licensing systems, the Advisory Group's participation in the next UPU Congress and Extraterritorial Offices of Exchange.

The Universal Service (US) PT noted results from the questionnaire sent to the member countries on the evaluation of US according to the five main areas of universal service: access to service, customer satisfaction, speed and reliability, security, and responsibility for and processing of claims. It approved a resolution for the Congress on continuing work in this UPU priority area.

The Advisory Group counted various speakers who gave presentations on topics such as WTO negotiations, major developments to improve service quality, future prospects of the terminal dues system and UPU strategic planning activities until the Bucharest Congress. The Group approved two resolution proposals that formalised the invitation to be addressed by the CA to the Advisory Group and its members, for them to attend the Congress as observers without the right to vote – subsequently approved by the Council of Administration. The Group also analysed the International Bureau document concerning the Bucharest World Postal Strategy and presented a document with its contribution to the World Strategy, emphasising that the UPU should allow debate on topics of major importance for the private sector, and in such cases inform all UPU member countries of the consensus attained by the Group and permit decisions of the future Consultative Committee, up for approval at the Congress, to be incorporated into the UPU.

The PT on WTO Relations reported that to conclude the Cancun Ministerial Conference held in September 2003 a Joint Declaration was presented, which urged negotiators to continue work on

the negotiations. A workshop was also held, focusing on the topic of “Reaching Consensus in GATS Negotiations on Postal Sector Issues”.

Committee 1 approved the proposals to modify the General Regulation to eliminate the positions of Subdirector General and to introduce the biannual budget cycle in the system of UPU reports, such as the Financial Management Report and the Programme and Budget.

Committee 2 reviewed the financial situation of the Fund to Improve Service Quality, declaring that there were 92 projects approved by the Council on 30 June 2003. Guinea-Bissau’s request to have its debt amortisation plan changed from 10 to 15 years was approved, enabling that country to vote in the next Congress.

The Council approved the five proposed objectives of the Bucharest World Postal Strategy: universal postal service, service quality and efficiency in the postal network, markets and response to customer needs, postal reform and sustainable development, and co-operation and interaction between the parties involved.

Note that on 9 April 2003 Portugal put forth Carlos Silva, Inspector General of the CTT (Portuguese postal service) and current Chairman of the Union’s Postal Operations Council, as candidate for the post of Director General of the UPU International Bureau.

Lastly, the process of ratifying the Final Acts of the 22nd Congress of the Universal Postal Union, held in Beijing in 1999, is still under way; the process was forwarded by ANACOM to the Ministry of the Economy and Ministry of Foreign Affairs in 2002.

5.1.13 Postal Union of the Americas, Spain and Portugal (UPAEP)

Context

The Postal Union of the Americas, Spain and Portugal (UPAEP) is an intergovernmental organisation currently comprising 27 States, based in Montevideo, Uruguay.

Activity pursued in 2003

As Member Country and Postal Administration, ANACOM was in 2003 present on the Advisory and Executive Council and the respective working groups.

In 2003 UPAEP continued its reform process and to that end paid particular attention to recommendations of the working group on Future UPAEP Development, chaired by Portugal.

This subgroup's work focused on reformulating the Acts of the Union, specifically on introducing a biennial cycle from 2006 on and the consequent modification of the Union's strategy plan and financial management system, as well as modification of the congress schedule and the respective adjustments needed regarding the term length of elected positions in the International Secretariat. The subgroup also studied the issue of observer participation in meetings of the Advisory and Executive Council, and drew up a number of proposals to modify the Regulations as well as various questionnaires to learn opinions on UPAEP reform; it decided to maintain the status quo with regard to the election of Management Committee members.

The Advisory and Executive Council decided, given the work submitted, to enlarge the subgroup's mandate so that same could also study the possibility of having the Union's accounts audited by other entities, and to study investment alternatives for the UPAEP's financial resources.

The Advisory and Executive Council approved the work and proposals submitted by the Groups on UPU Reorganisation and Future UPAEP Development, the UPAEP Terminal Dues Advisory Group, Technical Co-operation, Electronic Commerce, Postal/Customs Relationship, Quality System, ISO 9000 Certification, Debt Status of Member Countries and Postal Security Action Group.

The Council approved modifications to the strategy plan, the Union's 2004 budget and the accounts from financial year 2002, and took note of the report from the High Inspection Authority which approved the accounts from financial year 2002.

Lastly, the Council decided that a Forum of Postal Authorities would be held in May 2004 to evaluate the member countries' actions with respect to postal reform and modernisation, as a consequence of recommendations from the Madrid declaration signed in 2002 by the oversight ministers. It also aims to study topics that will be debated at the UPU Congress which are of particular interest to the UPAEP.

It must be emphasised that this Union's Congress will be held in 2005, with the goal of adapting its structure and Acts to changes stemming from decisions made at the UPU Congress in 2004.

Regarding this organisation's fundamental instruments, the Final Acts of the 18th UPAEP Congress, held in Panama in 2000, were approved in Decree no. 46/2003 of 15 October, although the Notice of the respective ratification instrument's deposit with the UPAEP General Secretariat was not published in 2003.

Regarding Final Acts of the 14th UPAEP Congress, held in Buenos Aires in 1990, and Final Acts of the 15th UPAEP Congress, held in Montevideo in 1993, publication of the Notice that the respective ratification instruments had been deposited with the UPAEP General Secretariat remained pending in 2003.

5.1.14 World Summit on the Information Society

The emergence of the information and knowledge society has in recent years been subject to reflection in various contexts – from the G-8 to the task force set up by the United Nations in 2001, as well as by the Organisation for Economic Co-operation and Development (OECD), Unesco and the Council of Europe, among others. In this regard the need arose to join the various pieces together and to approximate the various goals and perspectives, in order to establish a set of structuring principles and pretexts earning global consensus, which forms the basis for holding the World Summit on the Information Society (WSIS).

As an additional backdrop there is also the intention to consider information and communication technologies (ICTs) as being an opportunity to be used and not an instrument engendering new imbalances and a widening gap separating rich and poor countries.

The holding of the World Summit on the Information Society (WSIS) thus arose from a recommendation from the International Telecommunication Union (ITU), which became the lead agency in its preparation and organisation.

It was decided that WSIS would take place in two phases, a first session in 2003 in Geneva and a second one in 2005 in Tunis, so as to strengthen relations between the developed and developing countries.

Among the groups of more developed countries, the European Union (EU) was the most enthusiastic proponent of this Summit, on the pretext of its concern over the "inclusion" of and connection to developing countries. The latter in turn immediately accepted the idea, although with different objectives depending on the respective positions.

For the developing countries in general, though with slight differences, it was vital to define principles for the information society (IS) based on solid foundations of respect for human rights and the freedom of expression and information, on the essential contribution of not only governments but also the business community and civil society, on creation of an environment favourable to IS development (including appropriate ordering for each country's level), on a balance between the public domain and intellectual property rights and on a balanced evolution of international governance of the internet.

The developing countries together opposed having the Summit's first phase concentrate only on principles, leaving the second phase for means of action and the implementation plan (a position initially defended by some developing countries), as they held they could not commit themselves to principles without the means to implement same. This position prevailed and the Summit's first part thus adopted not only a Political Declaration, with the principles, but also an Action Plan.

The structuring of the Summit theme topics and the Declaration of Principles together had a very clear EU stamp, which ended up decisively influencing the results obtained.

Regarding Portugal, there was active adhesion to the two Summit vectors: the definition and structuring of the IS principles, and reduction of the digital divide separating the developed from the developing countries.

Portugal likewise supports defending issues of cultural and linguistic diversity in the IS context, to enhance use of the Portuguese language and expand its presence on the internet.

The Portuguese delegation in this first WSIS session was headed by José Luís Arnaut, Assistant Minister to the Prime Minister. Portugal also promoted a parallel event on the national project to electronically connect universities known as the Virtual Campus, whose implementation is considered to be pioneer.

After structuring the set of principles and theme topics to consider, according to which the Action Plan will be developed, the final Summit issues focused on the following aspects:

- (a) The human rights framework, freedom of expression and the media, considered as a basis for the IS in terms of the *acquis* of respective international instruments;
- (b) Intellectual property and the access to information – both were considered important, though autonomously, as intellectual property is not conditioned by the information access principle;

- (c) International governance of the internet – the issue was not resolved, nor was such expected. A number of general order principles were defined and a decision was made to set up a group on this topic under the aegis of the UN Secretary General; its reference terms were defined and it is to present results in 2005;
- (d) Financing and, in particular, the creation of a digital solidarity fund – this is an extremely controversial issue, about which it was established that a survey/study will be carried out on the resources and mechanisms existing at international level to support the IS, which will include eventual creation of a digital solidarity fund; the respective results and recommendations would be submitted for consideration at the second Summit phase in Tunis.

The Political Declaration in turn encompasses:

- A common view of the information society – which includes references to the UN charter, the Universal Human Rights Declaration, the role of education, knowledge, information, communication and science in the IS, recognition that ICTs are instruments that should be placed at the service of dialogue, of quality of life and the well being of individuals and economic growth, and to the role of youth and women in the IS, and the particular attention that must be paid to developing countries, the poor and those who live in rural or remote areas. The need for new forms of solidarity to overcome the digital divide and establish links to the Millennium Declaration, Objectives and Targets is recognised;
- The key principles of an IS for all – specifically including the role governments and all stakeholders play in promoting ICTs as a motor for development; the information and communication infrastructure as a vital support for the IS; the question of access to information and knowledge; confidence building and the secure use of ICTs; the creation of an environment favouring dissemination of the IS; the benefits associated with ICT usage in all sectors of life; diversity and cultural identity and linguistic diversity; the media; ethical dimensions of the IS; and international and regional co-operation, among others.
- The need to share knowledge as a way to disseminate the IS.

Although consensus was not reached on a number of issues contained in the Political Declaration, such as internet governance, they will be taken up again during the second Summit phase, which culminates in 2005 in Tunis.

The Action Plan encompasses on the one hand programmatic development elements from the political declaration's principles, and on the other measures to adopt at regional, national and international level, including in either case the various stakeholders involved in this process.

Two aspects to be covered in the future were left open in the Summit's final negotiation phase, to wit: activity of the group to set up under the UN Secretary General's aegis on international governance of the internet, and the survey/study on existing financial mechanisms to support IS activities, including analysis of whether to eventually create a digital solidarity fund.

The Geneva Summit was a unique occasion to learn what the various countries are undertaking in the IS context; it enabled new topics of dialogue to be explored between governments, the business community and civil society, and served to exhibit what companies and diverse organisations are doing in this area (by intermediary of various stands and also parallel events organised at all levels).

The said Summit and all the events parallel to the preparatory process for same were revealed to be essential and are a reference for future development of the work of building relations between the developed and developing countries which began when the Summit was convoked.

The Geneva Summit launched the bases for a process that will have another important consolidation point at the Tunis Summit in 2005.

5.1.15 Digital Terrestrial Television Action Group (DigiTAG)

ANACOM has participated in and accompanied plenary meetings of the Digital Terrestrial Television Action Group (DigiTAG), whose main goals are to create an operational framework for the harmonious and market-oriented introduction of digital terrestrial television services, using the maximum potential of the DVB-T system, and to identify ideal solutions for scenarios involving the switchover from the analogue system to digital services and the subsequent migration to an entirely digital future.

5.2 Co-operation

Context

ANACOM has been assuming institutional and technical co-operation with other countries and administrations as an important aspect of its activity. Whether bilateral or multilateral, this co-operation has to a certain degree followed up the policies and priorities set at government level, complementing them in ANACOM's areas of intervention.

In this regard, the existence of bilateral co-operation protocols in these areas must be stressed, signed with the following entities: Transition Government of East Timor, Federal Government of Brazil, Government of Guinea-Bissau, National Postal and Telecommunications Directorate of Angola, Directorate General of Communications of Cape Verde and the National Communications Institute of Mozambique.

5.2.1 Institutional co-operation

Noteworthy in 2003 in the multilateral co-operation context was participation in the 2nd Technical Telecommunications Meeting of the Community of Portuguese-speaking Countries (CPLP), held in Brasilia on 29 September-1 October.

ANACOM also participated in the Ordinary General Assembly and in the 11th Forum of the Association of Postal and Telecommunications Operators from Countries and Territories where Portuguese is the Official Language (AICEP), held on 6-9 May in Luanda. It accompanied workshops organised by AICEP, in liaison with the Portuguese Communications Foundation, on Postal Management for Upper Management, Postal Sector Reform and Universal Service and Telecommunications Company Management for Upper Management, all held in Lisbon in September.

Regarding bilateral institutional co-operation, and continuing to narrow relations between the Portuguese and Brazilian regulatory bodies for the telecommunications sector, the holding of the 7th ANACOM-ANATEL Co-ordination Committee meeting is worthy of note. A meeting was also held between representatives of ANACOM and ANATEL's head of Assessment of Relations with Users and the Control Manager for Obligations (Universal Service), which enabled experience on consumer support modes to be shared.

Also in this regard, but at PALOP (Portuguese-speaking African countries) level, besides the sharing of information and consultancy provided by ANACOM, the President of the ANACOM Board of Directors and the Cape Verdean Minister of Infrastructures and Transports met in

March; a meeting was also held with a representative of the Ministerial Commission for Angolan Postal Reform in April.

Regarding bilateral institutional relations with the PECO countries, 2003 was a year to narrow relations with Moldova, Bulgaria and Hungary. In February a meeting was held between ANACOM and a delegation from Moldova, comprising representatives of the regulatory authority (National Regulatory Agency in Telecommunications and Informatics – ANRTI), the incumbent telecommunications operator (MOLDTELECOM) and one of the mobile operators (MOLDCELL). April saw a meeting held with the Bulgarian Communications Regulation Commission (CRC), which resulted in the identification of new ways for the two entities to work together. With respect to Hungary, two bilateral meetings were held with the Communications Authority of Hungary (NCAH), one in October and the other in November. The latter resulted in agreement to revise the current protocol governing relations between the two entities, to adjust it to the current institutional realities and policies of the Republic of Hungary, namely its entrance into the European Union.

5.2.2 Technical co-operation

Technical co-operation was realised both in terms of support in consultancy terms provided at long distance, and in the holding of courses in Portugal and in loco missions. The aim was to develop the bilateral co-operation protocols in force with the respective authorities in the Portuguese-speaking African Countries (PALOPs) and East Timor.

The actions undertaken in 2003 were based on the corresponding ANACOM co-operation plan, drawn up annually based on requests from the regulatory bodies and/or administrations from those countries.

ANACOM organised four courses, which involved a significant number of qualified ANACOM resources and 60 trainees from the Portuguese-speaking African Countries (PALOPs) – for the first time including São Tomé and Príncipe in such training actions – and East Timor. The said courses focused on the areas of:

- Standardisation, equipment certification and the regime governing telecommunication infrastructures in buildings – 6-17 October;

- Accounting and financial management, human resources management and documentation and public attendance services – 20-31 October;
- Regulation and rules in the postal and telecommunications sectors – 3-14 November;
- Telecommunications engineering and spectrum management, numbering and spectrum oversight – 4-21 November.

5.2.3 Other actions

ANACOM took part in July in a meeting organised by the PECO Information and Assistance Office of the Directorate General of Community Affairs of the Ministry of Foreign Affairs. The aim, duly framed in the Technical Assistance Information Exchange Office (TAIEX), was to identify the training needs of the European Union candidate countries and ways for ANACOM to participate in events organised by that office.