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Determination of 3.8.2000

	A	B	C	D
<b>Question 1</b>	Agrees that total revenues for the market in question are the best indicator for assessment of market share. Market growth (in terms of call minutes, no. of users) should also be considered.	Agrees that total revenues from the market in question are an important indicator for assessment of market share.	Disagrees that total revenues from the market in question are the best indicator for assessment of market share. Traffic volume is the best indicator.	Agrees that total revenues from the market in question are an important indicator for assessment of market share, but it should not be the only indicator. More important is the variation of market share over time. For assessment of market share it should be used, at least, the traffic volume and revenues.
<b>Question 2</b>	In addition to the 5 criteria indicated in national legislation, it is especially relevant for the assessment of SMP the existence of international partnerships in an increasingly globalized market.	All additional parameters indicated in DL 415/98 should be considered, as should the revenue per user parameter; the evaluation and weighting of parameters is important.	The ability to influence market conditions, the ratio between sales volume and market size and the control of the means of access to the end user. The particularities of relevant markets mean that parameters cannot be applied uniformly.	The ability to influence market conditions – ability to influence suppliers, churn, recent (or planned) market entry, vertical integration, influence of group companies operating on the same or similar markets.
<b>Question 3</b>	Geographical submarkets for products and services should be analyzed, since centralized analysis ignores the high level of competition in certain submarkets.	The definition of submarkets should not be ruled out, especially where concerning the analysis of client portfolios of certain operators or in certain geographical regions.	At present the definition of product/service submarkets for each of the markets mentioned is unnecessary.	The definition of product/service submarkets for each of the markets mentioned is unnecessary.
<b>Question 4</b>	Only revenues from terminating international traffic should be considered.	<i>(Note 1)</i>	Revenues from all international traffic should be considered.	Only revenues from terminating international traffic should be considered.
<b>Question 5</b>	At present the retention of the mobile operator is a suitable proxy for the assessment of fixed-to-mobile traffic. In future, revenues from termination of calls on the mobile network will faithfully represent the termination prices proposed by the mobile operator.	<i>(Note 1)</i>	Fixed-to-mobile traffic should be measured in accordance with the same parameters applied to other traffic, i.e. call minutes.	Traffic volume should be used as well as revenues for measurement of fixed-to-mobile traffic.
<b>Question 6</b>	Disagrees with the inclusion of transit revenues in the calculation of market share.	<i>(Note 1)</i>	Agrees with the inclusion of transit revenues in the calculation of market share.	Agrees with the inclusion of transit revenues in the calculation of market share. Revenues from leased lines for interconnection should also be considered.

		A	B	C	D
Question 7	1.	No decision reached, yet.	(Note 1)	Agrees that all interconnection traffic should be included. Exclusion of the local loop would make sense if the same parameter could be applied to mobiles.	If revenues from internal traffic on mobile networks are not included, then for the fixed network only long distance internal revenue should be included. Otherwise, all interconnection traffic on the fixed network should be included.
	2.	Considers being appropriate the proxies presented by ICP.	(Note 1)	Considers the proxies presented by ICP to be inappropriate, since the parameter used in definition of the market and the market shares of operators should be traffic volume.	Some reservations on the application of termination value on a mobile network as proxy for internal traffic. Suggests as an alternative proxy the value of revenues from internal traffic of each operator divided by the number of call minutes.
Question 8		Agrees that organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.	(Note 1)	Agrees that the organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.	Agrees that the organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.
Question 9		Agrees with the use of revenues as measurement parameter for the national market for mobile services and networks. However, these revenues should not be restricted to revenues from the provision of mobile telephone services (as the operators provide other fairly relevant services).	(Note 1)	Disagrees with the use of revenues as a parameter for measuring the national market for mobile services and networks. Other indicators should be used, such as number of clients or traffic volume.	Agrees with the use of revenues as measurement parameter for the national market for mobile services and networks, though this should not be the only indicator (traffic volume should also be used). The revenues indicator should be restricted to revenues from the provision of mobile telephony services.
Question 10		For borderline cases (where the market share fluctuates above and below the 25% threshold) the additional parameters should be applied.	(Note 1)	For borderline cases (where the market share fluctuates above and below the 25% threshold) the appropriate additional parameters should be applied.	For borderline cases (where the market share fluctuates above and below the 25% threshold) a margin should be established within which no change is made relative to the previous year’s notification.

Note 1: In a letter sent to the ICP operator B announced that it intended to state its position in general terms instead of answering each of the questions posed by the ICP individually. Therefore it does not provide an answer to all the questions.

	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
<b>Question 1</b>	Agrees that total revenues for the market in question are the best indicator for measurement of market share.	Agrees that total revenues for the market in question are the best indicator for measurement of market share (it is less harsh on operators with lower tariffs).	Agrees that total revenues for the market in question are the best indicator for measurement of market share.	Agrees that total revenues for the market in question are the best indicator for measurement of market share.
<b>Question 2</b>	For the interconnection market, control of the means of access to the end client is extremely important (it provides considerable leverage in negotiations with other operators).	Additional parameters should only be used in exceptional cases and should be based on transparent and objective rules.	In the interconnection market, the ability to influence market conditions and the control of the means of access to the end client are extremely important.	In the interconnection market, the ability to influence market conditions (client base, input necessary for development of market, vertical integration) and the control of the means of access to the end client are extremely important.
<b>Question 3</b>	Considers the definition of submarkets to be unnecessary.	Considers the definition of submarkets to be unnecessary at present.	Considers the definition of submarkets to be premature.	Agrees that submarkets are not relevant, yet.
<b>Question 4</b>	Only revenues from terminating international traffic should be included.	Net revenues should be considered, as the aim is to determine SMP on the national market.	Net revenues from incoming international traffic (terminating on the national network) should be included.	No (not relevant for determination of the national interconnection market).
<b>Question 5</b>	Agrees that revenues from call termination on mobile networks are an appropriate indicator for fixed-to-mobile traffic.	Agrees that revenues from call termination on mobile networks are an appropriate indicator for fixed-to-mobile traffic (at least for the present time).	Agrees that revenues from call termination on mobile networks are an appropriate indicator for fixed-to-mobile traffic.	Agrees that revenues from call termination on mobile networks are an appropriate indicator for fixed-to-mobile traffic.
<b>Question 6</b>	Non-terminated traffic should not be included in the calculation of the market share of operators in the interconnection market.	Agrees with the inclusion of transit revenues for the calculation of market share.	Traffic carried but not terminated by long distance operators should not be included. National transit should be included for measurement of the interconnection market.	Agrees with the inclusion of transit revenues for the calculation of market share.

		<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
<b>Question 7</b>	1)	No decision reached, yet.	Agrees that all interconnection traffic should be included. Revenues from interconnection lines should also be considered.	No distinction is made on the mobile networks between local and long distance calls. For purposes of uniformity, all interconnection traffic should be included.	Agrees with the inclusion of transit revenues for the calculation of market share.
	2)	Considers being appropriate the proxies presented by ICP .	Internal interconnection should be measured in accordance with the weighted mean of the origination/termination tariff for other networks.	Considers being appropriate the proxies presented by ICP . For termination on the mobile network the average fixed-to-mobile termination tariff should be applied in addition to the average mobile-to-mobile tariff.	Considers being appropriate the proxies presented by ICP .
<b>Question 8</b>		Agrees that organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.	Agrees that organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.	Agrees that organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.	Agrees that organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.
<b>Question 9</b>		Agrees with the use of revenues as a parameter for measurement of the national mobile services/networks market.	Agrees with the use of revenues as a parameter for measurement of the national mobile services/networks market.	Agrees with the use of revenues as a parameter for measurement of the national mobile services/networks market; all revenues from the provision of mobile telephony services should be included.	Agrees with the use of revenues as a parameter for measurement of the national mobile services/networks market. These revenues are defined as that proceeding from the provision of mobile telephony services.
<b>Question 10</b>		For borderline cases (where the market share fluctuates above and below the 25% threshold) the additional parameters should be applied.	For borderline cases (where the market share fluctuates above and below the 25% threshold) a reasonable transition period should, where justifiable, be established.	For borderline cases (where the market share fluctuates above and below the 25% threshold) the additional parameters should be applied.	For borderline cases (where the market share fluctuates above and below the 25% threshold) the application of additional parameters is essential.

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<b>Question 1</b>	The primary parameter for the definition of market share should be total revenues for the market in question.	Agrees that total revenues from the market in question are the best indicator for assessment of market share. For more accurate analysis other indicators are useful (FTS – no. of domestic users, no. of international call minutes; mobiles – revenue per user).	Disagrees with the use of total revenues from the market in question for assessment of market share. Calculation of revenues should be based on the number of inhabitants of a country, with little significance attached to multimedia communication.
<b>Question 2</b>	Considers as especially important for the assessment of SMP the control of access to clients, particularly where this concerns access from mobile network operators.	The ability to influence market conditions and access to financial resources are important (as they signify competitive advantages over SMP operators without these resources). Such parameters cannot be directly applied to all markets but should be weighted in accordance with the market.	Each operator should be assessed in terms of its innovative capacity and the quality of the products it offers.
<b>Question 3</b>	Agrees that the definition of submarkets for products/services is unnecessary.	Agrees that the present characteristics of the “principal” Portuguese markets make it practically unnecessary to define submarkets for products/services. However, consideration of the ability to terminate calls is relevant for the decision if an operator may be SMP or not and operates in a frontier zone.	Agrees that the definition of submarkets for products/services is unnecessary (in a wider perspective of communications companies).
<b>Question 4</b>	All revenues from international traffic should be included for an integrated and global vision of the market.	Only revenues from termination of international calls should be included, because these revenues are directly proportional to fixed network terminations and number of mobile phones.	Disagrees with the inclusion of revenues from international interconnection traffic. Propose the use of an average price covering local, regional, long distance and international traffic.
<b>Question 5</b>	Agrees that revenues from call termination on mobile networks are a good indicator for fixed-to-mobile traffic.	Agrees that revenues from call termination on mobile networks are an appropriate indicator for fixed-to-mobile traffic.	Their opinion is based not on “economic philosophy, but on low-cost mass access to communication measured by the global mean”.
<b>Question 6</b>	Agrees with the inclusion of transit revenues for the calculation of market share.	Agrees with the inclusion of transit revenues for the calculation of market share.	Their opinion is based not on “economic philosophy, but on low-cost mass access to communication measured by the global mean”.

		I	J	K
Question 7	1.	Agrees that internal interconnection revenues should include all internal interconnection traffic on the fixed network.	Agrees that internal interconnection revenues should include all internal interconnection traffic.	Their opinion is based not on “economic philosophy, but on low-cost mass access to communication measured by the global mean”.
	2.	Considers being appropriate the proxies presented by ICP .	Considers being appropriate the proxies presented by ICP .	
Question 8		Agrees that organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.	Under current circumstances, agrees that organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.	Agrees that organizations notified under the terms of DL 474/99 and DL 290-A/99 correspond respectively to organizations with SMP in the “fixed telephone services/networks” market and “leased lines” market for the provisions of DL 415/98.
Question 9		Agrees with the use of revenues as a parameter for measurement of the national mobile services/networks market. In addition, these revenues should include services deriving directly from the provision of mobile telephony services.	Agrees with the use of revenues as a parameter for measurement of the national mobile services/networks market. This parameter should not be restricted to revenues from the provision of mobile telephony services.	Disagrees with the use of revenues as a parameter for measurement of the national market for mobile products/services.
Question 10		The fact that an organization has already had SMP in a given year should be a determining factor in maintaining this qualification, even where its market share slips marginally below 25%.	For borderline cases (where the market share fluctuates above and below the 25% threshold) the company should retain SMP notification, except where its forecast operating figures indicate a continued decline of its market share.	Disagrees with the 25% threshold analysis.

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<b>Question 1</b>	Agrees that total revenues from the market in question are the best indicator for measurement of market share. Other indicators, such as “revenue per user”, “number of users” and “call minutes” could be used, but only as a supplement to the main parameter (and never instead of total market revenues).
<b>Question 2</b>	Considers all additional parameters to be equally relevant. However, for the SMP notification of companies, considers the ability to influence market conditions and the control of the means of access to the end user to be more important. Parameters should be weighted with a view to their combined result, as all interact on the market.
<b>Question 3</b>	Rapid evolution of the telecommunications market in the present day would hardly justify the definition of submarkets within the markets already identified.
<b>Question 4</b>	Interconnection revenues from international traffic should be included. Considers being more correct the inclusion of termination revenues, as these revenues tend to reflect better the real significance (in terms of international interconnection) of the company in the national interconnection market.
<b>Question 5</b>	Revenues from the termination of calls on the mobile network are the best indicator for fixed-to-mobile traffic. In view of the present regime of fixed-to-mobile traffic, and if this indicator is to be applied, estimated figures for interconnection charges payable by fixed network operators to mobile network operators, for the termination of calls on the mobile network, would have to be established.
<b>Question 6</b>	Agrees with the inclusion of transit revenues in the calculation of market share of the operators in the national interconnection market.
<b>Question 7</b>	1) Considers that internal interconnection revenues should include all internal interconnection traffic on the fixed network.
	2) Considers being appropriate the proxies presented by ICP .
<b>Question 8</b>	Agrees that the organizations notified as having SMP on the Fixed Telephone Network and/or Fixed Telephone Service and Leased Lines markets, in the terms of DL 474/99 and DL 290-A/99, are those named in point 1 of article 6 of DL 415/98.
<b>Question 9</b>	Agrees with the use of revenues as a parameter for measurement of the national mobile networks/services market, though revenues from the provision of mobile services other than telephony should also be included.
<b>Question 10</b>	Since it is necessary to ensure stability of the conditions in which a company exercises its activity, borderline cases in which the operator’s market share fluctuates around the 25% threshold should only be relevant where such fluctuation is significant enough to merit a change from notified to non-notified or vice versa. The reason for this opinion lies in aspects related with the determination of market share, such as the way revenues included are assessed.