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Determination of 4.10.2005

Draft Regulation defining the rules for the assessment on the part of ANACOM of reports made by the concessionaire of the universal postal service regarding the closure or the reduction in the working time of postal establishments

Pursuant to point a) of article 9 of the Statutes of ICP- National Communications Authority (ICP-ANACOM), approved by Decree-Law no. 309/2001, of 7 December, and aiming at developing the regime established under paragraphs 3 and 4 of Base XX of the Bases for the Universal Postal Service Concession, approved by Decree-Law no. 448/99, of 4 November, as amended by Decree-Law no. 116/2003, of 12 June, the Board of Directors of ICP-ANACOM, having heard -----, approved the following regulation:

Article 1

Purpose and definitions

1. The present regulation defines the rules for the assessment on the part of ICP-ANACOM, hereinafter referred to as ANACOM, of reports made by the concessionaire of the universal postal service, hereinafter referred to as concessionaire, regarding the closure or the reduction in working time of postal establishments.
2. For the purposes of the present regulation, the following definitions shall apply:
 - a) Postal establishments – postal stations and post offices;
 - b) Postal stations – establishments owned by the concessionaire whereat concessionary postal services are provided and likewise whereat other

concessionary and third party services and products may be marketed, according to the objectives pursued by the concessionaire;

- c) Post offices – establishments owned by individuals or by other entities, whereat concessionary postal services are provided together with other activities, and whereat other postal services may also be provided, following the conclusion with the concessionaire of a contract or other legal document.

Article 2

Closure of postal stations

1. In order to assess reports submitted by the concessionaire on decisions concerning the closure of postal stations, ANACOM shall consider the following set of parameters, without prejudice to the particular aspects of each report received:
 - a) As regards the postal station to be closed:
 - 1) Address and location;
 - 2) Working time, indicating the different working hours according to the different periods of the year, where appropriate;
 - 3) Whether front office operations are commissioned and agent identification, where appropriate;
 - 4) Services provided, establishing the difference between reserved and non-reserved universal service, postal services operating in competition, money orders (issue and payment), sale of stamps and other postal products, and other services;
 - 5) Estimate of covered geographical area, namely parishes and covered area in km²;
 - 6) Estimate of the number of users with permanent address or registered place of business within the geographical area referred to in the preceding sub-point, covered by the postal station;
 - 7) Estimate of the average daily number of users per month, daily distribution of attended customers and number of service provisions per hour of the day;
 - 8) Postal stations' usage characteristics per user type or segment, namely business, residential, elderly users and disabled users segments;

- 9) Total number of affected employees, considering the number of part-time and full-time employees, the number of employees temporarily engaged for high peak periods, as well as their front-desk distribution during the day, disaggregating the employees engaged in the provision of concessionary services;
 - 10) Average actual daily working time of front-desk employees, with respect to potential front-desk working time, measured from the equation:

$$\frac{\text{no. of front-desk actual working hours}}{\text{no. of front-desk potential working hours}}$$
 - 11) Average percentage of front-desk operations, the corresponding user waiting time being 10 minutes at the most. The waiting time is measured from the beginning of the waiting time in line and the actual attendance, throughout the period in which stations are open, and refers to the provision of concessionary services;
 - 12) Quantification of complaints received on the station, broken down by relevant type, namely complaints on the location, working hours and front-desk operations, including waiting time in line;
 - 13) Sales and service provision per type of service;
 - 14) Costs associated to the operation of the postal station;
 - 15) Whether there is an automatic stamp-selling machine outside the postal station, close to it, and the average daily number of operations thereof;
 - 16) Journey and front-desk working time in each location, in case of mobile stations;
- b) On the two closest postal establishments, providing at the least the same postal services:
- 1) Type of postal establishment;
 - 2) Information referred to in point a);

- 3) Expected evolution of variables referred to in point a), following the actual closure of the postal station;
 - 4) Distance between each establishment and the postal station the concessionaire intends to close;
 - 5) Alterations to be introduced in these establishments and the functioning thereof following the actual closure of the postal station and respective time-tabling;
- c) Quantified estimates on the expected impact of the postal station closure in terms of quality of service;
 - d) Expected impact of the postal station closure in terms of mail distribution, namely as regards the definition of the mail distribution rounds;
 - e) Measures taken in order to maintain the access to postal services on the part of elderly and disabled users, users with walking difficulties or users who do not own a means of transport;
 - f) Information of the network of postal establishments, population and area (km²) in the district, municipalities and parishes affected by the alteration reported by the concessionaire, as well as the indication of parishes, in each of the referred municipalities, with no fixed postal establishments.
2. In assessing the reports submitted by the concessionaire referred to in the preceding paragraph, ANACOM shall have due regard to the compliance with the objectives of development of the public postal network, minimum provision of services, technical features and advanced resources set in the convention entered into by ANACOM and CTT – Correios de Portugal, S.A., on...
 3. To justify the reported decision, the concessionaire shall submit to ANACOM all the particulars and information which enable the assessment of parameters comprised in paragraph 1, attaching thereto the method used for calculations made, describing the reasons for the intended closure of the postal station in consideration.
 4. Where the submitted information is insufficient or incomplete, ANACOM shall request of the concessionaire the sending of additional information, which shall be

submitted within a 5-working-day time limit, where a different time-limit is not established.

5. In the cases provided for in the preceding paragraph, the two-month time limit set in paragraph 3 of Base XX of the Bases for the Universal Postal Service Concession, approved by Decree-Law no. 448/99, of 4 November, as amended by Decree-Law no. 116/2003, of 12 June, shall be suspended until ANACOM receives the requested additional information.

Article 3

Closure of stations and replacement by post offices

1. In order to assess reports submitted by the concessionaire on decisions concerning the closure of postal establishments and subsequent creation of post offices, ANACOM shall consider the following set of parameters, without prejudice to the particular aspects of each report received:
 - a) Particulars referred to in paragraph 1 of the preceding article;
 - b) The following additional particulars, regarding the post office to be created;
 - 1) Address and location;
 - 2) Distance between the post office and the postal station the concessionaire intends to close;
 - 3) Postal services to be provided, according to the classification provided for in sub-point 4) of point a) of paragraph 1 of the preceding article;
 - 4) Working time, indicating the different working hours according to the different periods of the year, where appropriate;
 - 5) Identification of the entity responsible for the post office;
 - 6) Other services provided, namely those resulting from the activities performed by the entity responsible for the post office;

- 7) Characteristics and period of validity of the contract or of other legal document to be entered into by the concessionaire and the entity responsible for the post office;
 - 8) Number of people to be engaged in the provision of postal services, indicating potential variations throughout the year;
 - 9) Concrete action to be taken by the concessionaire to ensure compliance with obligations resulting from the universal postal service concession, namely in respect of the quality of service and essential requirements.
2. The provision in paragraphs 2 to 5 of the preceding article, duly adapted, shall apply to the cases provided for in this article.
 3. Where ANACOM does not oppose to the implementation of a decision which involves the closure of a station and subsequent creation of a post office according to the preceding paragraphs, it may make the corresponding act subject to one or several of the following methods:
 - a) Maintenance of the functioning conditions and post office offer conditions, reported to ANACOM under point b) of paragraph 1;
 - b) Report to ANACOM on any alteration regarding the particulars originally notified concerning the post office, provided for in sub-points 3) and 5) to 9) of point b) of paragraph 1;
 - c) Report to ANACOM on any decision concerning the alteration of the post office working hours;
 - d) Report to ANACOM of decisions involving the post office closure or working time reduction, at the least two months ahead of the date in which each decision is to take effect, subject to the possibility of an opposition on the part of ANACOM to the implementation of the decision, by means of a notification to the concessionaire;
 - e) Any other method which is in each case objectively justified and in proportion to the objective pursued.

4. The present regulation, duly adapted, shall apply to the cases referred to in point d) of the preceding paragraph, namely the provisions in articles 2 and 4.
5. The provision in point d) of paragraph 3 shall apply to all post offices created by the concessionaire, whether the latter are created to replace postal stations or not.

Article 4

Reduction in the working time of postal stations

1. In order to assess reports submitted by the concessionaire on decisions concerning the reduction in the working time of postal establishments, ANACOM shall consider the following set of parameters, without prejudice to the particular aspects of each report received:
 - a) The particulars referred to in points a) and c) to f) of paragraph 1 of article 2, duly adapted, as well as the proposed new working time;
 - b) Expected evolution of variables referred to in point a) of paragraph 1 of article 2, following the actual reduction in the working time of the postal station.
2. The provision in paragraphs 2 to 5 of the article 2, duly adapted, shall apply to the cases provided for in this article.

Article 5

Consultation of other entities

1. In addition to the assessment of particulars and information provided by the concessionaire pursuant to articles 2 to 4, in the appropriate cases, ANACOM may consult other entities, namely municipal councils, parish councils and consumer

organizations, where the opinion thereof is deemed relevant for the decision-making process.

2. The opinions referred to in the preceding paragraph are not legally binding, entities consulted being required to adopt a position within a 10-working-day time limit, where a different time-limit is not established in each case.
3. ANACOM is exempted from consulting other entities where the concessionaire attaches to its report an opinion on the closure or reduction in the working time of the postal establishment under consideration, previously issued by the entities ANACOM would likely consult.
4. The exemption provided for in the preceding paragraph is without prejudice to the power on the part of ANACOM to request clarification from entities previously consulted by the concessionaire, as well as to consult other entities the opinion of which is deemed relevant in each case.