

## **ICP - Autoridade Nacional de Comunicações**

### **Regulation no. XXXX/2011**

#### **Methodology to be used in formulating and executing plans for monitoring and measuring the intensity levels of electromagnetic fields produced by radiocommunication stations**

In accordance with paragraph 1 of article 12 of Decree-Law no. 11/2003 of 18 January, undertakings eligible to install and use radiocommunication stations associated with the provision of publicly available electronic communication services are required to present a plan to monitor and measure the intensity levels of electromagnetic fields produced by radiocommunication stations, particularly in sites having public access. These plans are to be presented to ICP-ANACOM, by 30 November of each year.

Pursuant to paragraph 2 of the same article, it is incumbent upon ICP-ANACOM to lay down specific regulation to establish the methodology to be used in formulating and executing plans for monitoring and measuring as appropriate to each service.

In this context, on 27 March 2007, ICP-ANACOM approved Regulation no. 96-A/2007, published in 2nd Series of Diário da República (Official Gazette) of 29 May 2007.

The methodology adopted in this Regulation was valid for a period of four years, from 2008 to 2011, whereas under article 6 thereof it was established that in 2011, based on an evaluation of this process to be completed by the end of the first half of this year, a new methodology is to be defined for the following years.

This methodology responds to the purpose for which it was conceived and essentially consisted of the systematic assessment of electromagnetic fields produced by radiocommunication stations in sites with public access. Over the course of the period during which Regulation no. 96-A/2007 was valid, this process has been conducted without major difficulty, on the part of both operators and ICP-ANACOM.

Following this assessment, a new methodology is to be established at a regulatory level, whereby Regulation no. 96-A/2007 is to be repealed.

Indeed, following analysis of the suitability of the various steps of the methodology, ICP-ANACOM concluded that the process should continue along similar lines. However, in order to update and simplify the whole process and given that practically all stations are monitored, ICP-ANACOM considered it fitting to focus on new, additional stations. In this context, the main changes implemented under the new regulation are, in summary: (i) in a given year, to substitute the annual percentages of stations subject to monitoring with the monitoring of stations which enter into operation between 1 November two years prior and 31 October of the previous year; (ii) to eliminate the provision defining situations of priority analysis; and (iii) to include, in the monitoring plans of a given year, stations whose technical parameters have been modified since monitoring was conducted in previous years, where said modification is likely to increase the values of electromagnetic fields in sites to which the general population has access.

In compliance with the provisions of article 11 of the Statutes of ICP-ANACOM, in annex to Decree-Law no. 309/2001 of 7 December, the regulation, while in draft form, was submitted to the respective regulatory consultation procedure, whereby interested parties were given 30 working days to comment.

The final report, which examines the responses received under this procedure and reasons the options taken by ICP-ANACOM, is published on the website of this Authority.

Accordingly, pursuant to point a) of article 9 of the Statutes of ICP- Autoridade Nacional das Comunicações (ICP-ANACOM), as approved by Decree-Law no. 309/2001 of 7 December, and pursuant also to paragraph 2 of article 12 of Decree-Law no. 11/2003 of 18 January, the Management Board of ICP-ANACOM, having consulted the Ministry of Health and Agência Portuguesa do Ambiente (Portuguese Environment Agency), hereby approves the following regulation:

## **Article 1**

### **Purpose and Scope**

1. The present regulation defines the methodology to be used in formulating and executing plans for monitoring and measuring intensity levels of electromagnetic fields produced by radiocommunication stations, pursuant to paragraph 2 of article 12 of

Decree-Law no. 11/2003 of 18 January, hereinafter referred to in abbreviated form as the Decree-Law.

2. The methodology defined herein applies to monitoring and measuring plans, formulated by undertakings eligible to install and use radiocommunication stations engaged in the provision of publicly available electronic communication services, pursuant to paragraph 1 of article 12 of the Decree-Law.

3. The relevant reference levels are those which are defined by Administrative Rule published pursuant to paragraph 1 of article 11 of the Decree-Law.

4. Monitoring is to be based on measuring methods defined in the Regulation published pursuant to paragraph 2 of article 11 of the Decree-Law, including as regards test sites and the presentation of results.

5. The stations of the various radiocommunication services to be included in the annual monitoring and measurement plans are defined in paragraphs 2 and 3 of article 2 of the present Regulation.

## **Article 2**

### **Monitoring plans**

1. The plans for monitoring and measurement in respect of each year are to focus on the stations which entered into operation during the period being reported, between 01 November, two years previously and 31 October of the previous year.

2. Depending on the radiocommunication service, the following stations are to be included in monitoring and measuring plans:

- a) Land mobile service: All stations whose antenna is located inside, on the top of or on the facade of buildings;
- b) Radio and television broadcasting: all stations regardless of the position of the antenna;
- c) Fixed service: All stations positioned on the top of or on the facade of buildings, where the general public has access to a hemisphere having its centre the position

of the antenna and having a radius of 3 meters in the direction of maximum radiation and an equivalent isotropic radiated power equal to or exceeding 33 dBW.

3. All stations whose operating conditions have been modified during the period defined in paragraph 1, where such modifications are likely to increase the values of electromagnetic fields in locations to which the general population has access, are to be included and identified in the monitoring plans.

4. Stations for which, in previous measurements, values were obtained below -17 dB relative to the applicable reference level are exempt from the requirement set out in the preceding paragraph, provided that the estimated increase in the values of electromagnetic fields does not exceed 3 dB.

5. Without prejudice to the provisions of paragraphs 2 and 3 of this article, ICP-ANACOM may, exceptionally and following technological developments of the radiocommunications network, authorise the postponement of the measurement of stations until the following year, taking into account the average of monitored stations per service in previous years.

6. For the purposes of the preceding paragraph, the undertakings responsible for the measurements shall, simultaneously with the annual monitoring plans, submit a reasoned request.

7. The concept of stations which applies for the purposes of the present regulation is that which is defined in Decree-Law no. 151-A/2000 of 20 July.

8. The plans are to be approved by ICP-ANACOM under paragraph 3 of article 12 of the Decree-law.

### **Article 3**

#### **Undertakings responsible for measurements**

Measurement is incumbent upon the undertaking which is licensed under the terms of Decree-Law no. 151-A/2000 of 20 July to use radiocommunication networks and stations, which undertakings are to be the sole liaison with ICP-ANACOM.

## **Article 4**

### **Presentation of monitoring results**

1. Pursuant to paragraph 4 of article 12 of the Decree-Law, the results of the monitoring undertaken under the terms of this regulation are to be presented on a quarterly basis by the undertakings referred to in the preceding article, which presentation is to be made no later than the end of the month following the quarter to which it refers and is to be made to ICP-ANACOM, to the competent entities of the Ministry for Health and to the Municipal Councils having within their boundaries sites where stations covered by the monitoring activity have been installed..
2. No less than 15% of the annual monitoring results are to be presented every quarter.
3. In the case of sites where a single undertaking uses more than one station and where such increases the efficiency and effectiveness of monitoring activities, a single monitoring result may be submitted to ICP-ANACOM.
4. In the case of sites where there is more than one station used by different undertakings, results may be submitted by only one such undertaking, whereas this situation is to be explicitly mentioned in the presentation of monitoring and measuring plans.
5. In the situations described in the preceding paragraph, the other undertakings shall state which stations are the subject of reporting by a third party.
6. ICP-ANACOM may suitably disclose the results of the measurements performed.

## **Article 5**

### **Supervision and penalty system**

1. It is incumbent upon ICP-ANACOM to oversee compliance with the provisions herein.
2. Without prejudice to other legally applicable penalties, breaches of the provisions of this regulation shall be deemed as constituting breaches under article 14 of the Decree-Law and will be subject to the penalty system set out therein.

**Article 6**

**Repeals**

Regulation no. 96-A/2007, as published on 29 May 2007 is hereby repealed.

**Article 7**

**Entry into force**

The present regulation enters into force on the day following that of its publication.