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## ANACOM PUBLISHES STUDY ON EVOLUTION OF NGA NETWORKS

The *Autoridade Nacional de Comunicações* (ANACOM) disclosed on 7 February a study on the evolution of next generation access (NGA) networks, which examines the deployment of those networks by considering various aspects: demand conditions, access network technologies, the changing national and community rules and regulatory framework, lessons learned from international case studies and the specifics of the situation in Portugal. The study shows that the major issues of

NGA deployment concern the state's role, the intervention of national regulatory authorities and the operators' strategies, as well as demand conditions. It notes that in Portugal, in overall terms, government initiatives and regulatory measures have impacted investment made by operators; the number of cabled households with high-speed access is now more than 4 million (70 percent of them in EuroDOCSIS 3.0 or equivalent and the remaining 30 percent in fibre optic). (+)

## PUBLIC INFORMATION DISCLOSURE - CONSULTATION

ANACOM approved last 13 January the draft decision meant to modify its decision dated 21 April 2006 concerning the aim and manner of public disclosure of the conditions governing the supply and use of electronic communications services. Interested parties are asked to comment by 16 February 2011,

preferably sending their comments to the email address [consulta.divulg.ofertas@anacom.pt](mailto:consulta.divulg.ofertas@anacom.pt). Once the final decision is approved, the companies providing electronic communication services should implement the changes eventually adopted within 60 working days counting from the respective notification. (+)

## MOBILE COMMUNICATIONS ON BOARD VESSELS - FINAL DECISION

By determination dated 6 January, ANACOM approved the final decision on the offer of mobile communication services on board vessels (MCV). The National Frequency Allocation Plan (NFAP) was consequently amended to make room for use of the 880-915/925-960 MHz and 1710-1785/1805-1880 MHz frequency bands for MCV services when in territorial waters from two to twelve nautical miles counting from the baseline.

Other aspects were also determined, such as the authorisation type (general authorisation system) and supply conditions, licence exemption for associated radio networks (this does not affect the licensing act by the competent maritime authority) and dispensation from payment of spectrum usage fees for the identified frequencies. (+)

## UNIVERSAL TELECOMMUNICATIONS SERVICE - CONSULTATION

ANACOM approved last 27 January the draft decisions on definition of the concept of excessive burden and on the methodology to apply when calculating the net costs of universal telecommunications service, which will be in consultation until 1 March. Interested parties are asked to send comments,

preferably by email to [consulta.CLSU@anacom.pt](mailto:consulta.CLSU@anacom.pt), clearly indicating the information deemed confidential. The study on "Methodology for Calculating the Net Cost of PTC's Universal Service Obligation (USO) and the Definition of an 'Excessive Burden'" by WIK-Consult GmbH for ANACOM was also released. (+)

# COMMUNICATIONS IN PORTUGAL

## NEWS

### **NORTNET/PTC DISPUTE - PROPOSED DECISION**

The *Autoridade Nacional de Comunicações* (ANACOM) approved last 13 January the draft decision on the intervention request submitted by Nortnet-Sistemas de Comunicação, S.A., with the aim of obtaining from PT Comunicações (PTC) correction of what it considers undue invoicing of requests for loop migration in the scope of the PT ADSL Network offer during the periods from 31 December 2007 to 30 June 2008 and from 25 November 2008 to 24 May 2009. The draft decision is to the effect that PTC should correct the invoicing in question.

### **ADMINISTRATIVE OFFENCE CASES**

Vodafone Portugal has been fined the amount of 750,000 euros per the provisions set out in article 113, section 1 paragraph m) and section 2 of the Electronic Communications Law, for failing to comply with the obligations pursuant to point 5 section 1, and point 7 section 1 paragraph a), of Licence no. ICP - 01/UMTS from 5 May 2007 to 5 May 2008. The company did not contest the decision and paid the fine within the set deadline.

### **PORTABILITY - SUCCESS RATE MORE THAN 80 PERCENT**

Timeout situations (no answer by the old service provider to a portability request submitted electronically by the new provider) dropped to 0.5 percent in December 2010. The significant decline began in October, after ANACOM filed administrative offence cases in September against 16 companies for non-compliance with the provisions of article 12 section 7 of the Portability Regulation. The overall success rate of portability requests was just over 80 percent in December 2010. (+)

### **IMPACT OF SERVICE TERMINATION IN PORTABILITY**

By determination dated 13 January, ANACOM approved the report assessing the impact of ending service in portability for non-call-related (SMS/MMS) communications. It was specifically concluded that there is no current technical solution to fully resolve the discontinuity in non-call-related (SMS/MMS) services for mobile telephone service subscribers with mobile numbers of providers who discontinue their activity. The recourse

solution envisaged in the portability specification is thus used, whereby the support operators take responsibility for routing such communications when the light MVNO supporting them is terminated. This recourse solution is currently envisaged for period of up to six months. (+)

### **PORTED NUMBERS**

At the end of January the total number of ported numbers was 1,709,974, of which 1,323,695 pertained to fixed telephone service (FTS), 384,787 to mobile telephone service (MTS) and 1,492 to other non-geographic services (NGS). In accumulated terms, since portability was introduced and up to 31 January some 2,534,979 numbers have been ported, broken down as follows: 1,955,115 FTS, 578,030 MGS and 1,834 NGS. (+)

### **STANDARD CONTRACTS APPROVED**

By order dated 25 November 2010, ANACOM approved the standard vision of Cabovisão - Televisão por Cabo for the supply of fixed telephone service, data transmission service, internet access service and subscription television distribution service.

### **VEHICLES - ANACOM PUBLIC TENDER**

The notice announcing the public tender for the lease of eight vehicles on a vehicle operational renting basis was published in series 2 of the official gazette (*Diário da República*) on 24 January. ANACOM approved the tender by determination dated 20 January. It closed on 2 February. (+)

### **PAY-TV - APRITEL STUDY**

The Association of Telecommunications Operators (APRITEL) has released the final report from the "Study of Access to Content on the Pay-TV Market" conducted by Maksen Consulting. APRITEL also published a common position on the subject. This work aims to assess the impact of television content access on the competitive position of electronic communications operators active in the national market, including eventual constraints on access to such content. (+)

## EVOLUTION OF THE NUMBER OF UNBUNDLED ACCESSES

2007				2008				2009				2010			
Mar	Jun	Sep	Dec	Mar	Jun	Sep	Dec	Mar	Jun	Sep	Dec	Mar	Jun	Sep	Dec
219653	244068	266536	291175	319908	314034	318374	305244	300822	307153	296609	280518	277507	270489	255718	242103



## User-ENUM - ANACOM AND FCCN SIGN PROTOCOL

The *Autoridade Nacional de Comunicações* (ANACOM) and the National Foundation for Scientific Computation (FCCN) signed last 24 January a protocol on mutual co-operation regarding a pilot experiment to be carried out regarding User-ENUM in Portugal, in the "1.5.3 and 164.arpa" domain. This agreement follows the FCCN's designation as ENUM Tier 1 Registry by ANACOM determination dated 13 January. The protocol envisages the creation of a Pilot Steering Group counting repre-

sentatives from ANACOM, the FCCN and participating companies, which should define, supervise and report its conditions and results. The companies that accept taking part in the experiment with ENUM Tier 2 Nameserver Provider or Registrar duties, especially telephone service providers, including nomad VoIP services, and internet access service providers as well as '.pt' Registrars can sign the new protocol by duly expressing their interest to ANACOM. (+)

## DTT - NEW SIGNAL DECODER TESTS

Portugal's DECO consumer defence association recently released results of the latest comparative tests of signal decoders (set-top boxes) for digital terrestrial television (DTT), encompassing 29 devices versus the 16 previously tested. Conducted per a protocol signed by ANACOM and DECO, the tests show that the decoders' performance and prices vary a great deal, though image in all of them is good quality, even when linked to conventional TVs (CRT). The Denver DMB-105HD decoder was indicated as the right choice, while the Televes TDT 7151 was considered best in the test. DECO does not recommend

five devices, mainly due to their high power consumption when on standby: running from 10.2W (CGV Premio HD-W) to 17.4W (Univers by FTE U6000), when the limit set by the European Commission is 2 watts. Further tests of performance and DTT decoder prices will be conducted before current analogue television transmissions are switched off on 26 April 2012. (+) Also regarding DTT, DECO recently released information about procedures to follow when connecting the television, antenna and eventually signal decoder to receive the new digital terrestrial television. (+)

## NEWLY ENACTED LEGISLATION

**Order no. 207/2011** (Series 2 (Part C) - *Diário da República* of 5 January) - Creates the platform for implementing eCall in Portugal (PleCall.pt).

## OPERATORS/PROVIDERS OF COMMUNICATION NETWORKS AND SERVICES

### OPERATORS/PROVIDERS OF ELECTRONIC COMMUNICATION NETWORKS AND SERVICES

	No. of authorised entities (a)	No. of operational entities (b)
<b>Operators of Electronic Communication Networks (ECN)</b>		
Cable Distribution Networks (CDN)	12	10
Other Electronic Communication Networks (c)	42	21
<b>Providers of Electronic Communication Services (ECS)</b>		
Television Signal Distribution Service (d)	16	13
Mobile Telephone Service (GSM and UMTS)		
- Mobile Network Operators (MNO)	3	3
- Virtual Mobile Network Operators (MVNO)	5	2
Fixed Telephone Service (FTS)	25	17
Trunking Mobile Service (TMS)	2	2
Internet Access Service (Fixed)	50	32
Nomad Voice over Internet Services (Nomad VoIP) (e)	23	10
Public Payphone Service	25	16
Virtual Calling Card Service	37	15

### POSTAL SERVICE PROVIDERS

	No. of authorised entities (a)	No. of operational entities (b)
<b>Express Mail Services</b>	63	49 (f)
<b>Services Not Covered in the Express Mail Category</b>	13	10

### AUDIOTEXT SERVICE PROVIDERS

	No. of authorised entities (a)	No. of operational entities (b)
<b>Audiotext Services</b>	9	4 (g)

(a) Situation at 31 December 2010.

(b) Situation at 30 September 2010.

(c) Other Electronic Communication Networks (except CDN).

(d) Includes service provided in CDNs (9 providers, 2 of which have networks not accessible to the public) and via other platforms (5 providers).

(e) Services provided with recourse to the '30' numbering range.

(f) Includes 23 companies providing the service with the MRW brand on a franchising basis (the IBERCOURIER company owns the MRW brand), 11 companies providing the service with the NACEX brand on a franchising basis (the LOGISTA company owns the NACEX brand) and 2 companies providing the service with the ENVIALIA brand on a franchising basis.

(g) Source: PT Comunicações, S.A. (no. of entities presenting traffic in the third quarter of 2010).

## URSI - 30<sup>TH</sup> GENERAL ASSEMBLY AND 2011 SCIENTIFIC ASSEMBLY

The 30<sup>th</sup> General Assembly (GA) and the Scientific Assembly of the International Radio Science Union (URSI) will be held in Istanbul this coming 13-20 August. The committees' scientific meetings are open to all scientists and students registered as participants in the GA. Meanwhile, this 11 February is the dead-

line for a call for papers; interested parties should submit their contributions electronically via the link indicated on the URSI GA website (<http://www.ursigass2011.org>). Authors will be notified by 11 March. February 11 is also the deadline for submitting applications for the Young Scientists Prize. (+)

# COMMUNICATIONS AROUND THE WORLD

## EUROPEAN UNION

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### EC PROBES TELEFÓNICA/PT CO-OPERATION

The European Commission has begun formal investigation of the agreement between Portugal Telecom and Telefónica to not compete in the respective national markets, signed in 2010 in the context of Telefónica's acquisition of sole control over Brazilian mobile operator Vivo, until then held jointly by both telecom operators. The EC's probe was launched under article 101 of the European Union Treaty, which forbids all agreements and concerted practices which may affect trade and whose aim or effect is to prevent or restrict competition. (+)

### PUBLIC CONTRACTS MARKET - EC CONSULTATION

The European Commission Green Paper on modernisation of the European market for public contracts, which represents about 17 percent of the region's GDP, is in public consultation until 18 April. Interested parties are asked to send comments to: [MARKT-CONSULT-PP-REFORM@ec.europa.eu](mailto:MARKT-CONSULT-PP-REFORM@ec.europa.eu). In the current context of economic crisis and budget cutbacks in many European Union countries, the EC hopes this consultation can serve to help revise public contracting policy to ensure better use of public funds to promote growth and job creation. Besides the Green Paper, the Commission is conducting an exhaustive *a posteriori* evaluation of public contracting rules currently applied in the EU, to measure their efficiency and effectiveness. Results of that assessment and the consultation will be examined at a high-level conference on public contracting reform scheduled for 30 June in Brussels. Conclusions of the work will be used to produce eventual legislative proposals.

### DISPUTE RESOLUTION - EC CONSULTATION

March 15 is the deadline for responding to the European Commission (EC) consultation on the use of alternative dispute resolution (ADR) systems associated to business practices and transactions in the European Union. After the consultation a public hearing will be held in late spring 2011 at the European Parliament, with the Commission expected to submit a legislative proposal in November. The consultation covers four major topics: consumer and business awareness of ADR resources, trader/supplier involvement, ADR system coverage (geographic and sectorial) and financing. Interested parties are

asked to send their comments preferably to the email address [sanco-consumer-adr@ec.europa.eu](mailto:sanco-consumer-adr@ec.europa.eu) or alternatively to the European Commission, "Consultation on ADR", Directorate-General Health and Consumers, Avenue de Bourget 1-3, B-1140 Brussels (Evere), Belgium. (+)

### SPEECHES BY NEELIE KROES IN JANUARY

Speeches by the European Commission's vice-president and commissioner for the Digital Agenda, Neelie Kroes, have been posted online, namely: "Towards a European Cloud Computing Strategy", at the World Economic Forum in Davos on 27 January; "eHealth: an answer to EU healthcare and demographic challenges", at ETNO Innovation Day 2011 in Brussels on 25 January; "eHealth - empowering citizens and improving care", at the 2011 Continua Personal Connected Health European Symposium in Brussels on 17 January; and "Hungary's New Media Law", at a public hearing on press freedom in Hungary at the European Parliament in Brussels on 11 January. (+)

### PROGRESS ON THE CONSUMER RIGHTS DIRECTIVE

New steps have been taken regarding the EC proposal meant to increase protection for consumers making online purchases, as the member States have formally adopted the Consumer Rights Directive. Before it takes force, the directive must be approved by the European Parliament (EP). The legal affairs committee (JURI) approved amendments to the legislation in January; the consumer protection committee (IMCO) should vote on it in February. The next step will be a vote in an EP plenary session, maybe this March. (+)

### DATA BREACH NOTIFICATION - ENISA STUDY

The European Network and Information Security Agency (ENISA) has published a study on the notification of security failures affecting data protection in the European Union, per the context of article 4 of the revised ePrivacy Directive, whereby electronic communication service providers must notify the respective national authorities and subscribers/people about breaches of personal data. (+)

## ANACOM INTERNATIONAL ACTIVITY

The *Autoridade Nacional de Comunicações* (ANACOM) represents the Portuguese communications sector before international sector-related organisations and took part in a number of recent meetings in the scope of the European Conference of Postal and Telecommunications Administrations (CEPT), the Body of European Regulators for Electronic Communications (BEREC), the European Union (EU), the Euro-Mediterranean Regulators Group (EMERG), and the International Telecommunication Union (IRG).

### CEPT

The following meetings were held in the scope of the Electronic Communications Committee (ECC):

- 22<sup>nd</sup> meeting of the Regulatory Affairs working group (WG RA) on 25-28 January in Cardiff; (+)
- 58<sup>th</sup> meeting of the Spectrum Engineering working group (WG SE), on 24-28 January, also in Cardiff; (+)
- 37<sup>th</sup> meeting of project team (PT) 1, on 11-13 January in Vienna. (+)

### BEREC

Meetings held in Brussels:

- International Roaming PT, on 12 January; (+)
- Convergence and Economic Analysis PT, on 13 January; (+)
- Network Neutrality PT, on 26 January. (+)

### EU

Brussels hosted last 25 January a seminar to launch two postal sector studies promoted by the European Commission. (+)

### EMERG

The plenary session of the Mediterranean Regulators Group (EMERG) was held last 28 January in Rome. (+)

### ITU

The third meeting of the management subcommittee of the ITU Centre for Excellence in Africa was held last 18-19 January in Lisbon. (+)

## ANACOM FORMALISES CO-OPERATION WITH LEBANON

On the occasion of the plenary meeting of the Euro-Mediterranean Regulators Group held in Rome last 28 January, ANACOM chairman José Amado da Silva and the head of the Lebanese telecommunications regulator (TRA), Imad Y. Hoballah, signed a memorandum of co-operation between the two regulators.

It is based on their common interest in carrying out co-operation actions in the area of telecommunications regulation by sharing experience and information. Broadband and conduit access are some of the subjects to consider.(+)

## POSTAL SERVICES - ANACOM COMPARES EU PRICES

ANACOM recently published its study on "Comparison of Prices of Universal Postal Service Providers in the European Union in 2010", which compares those prices in Portugal and in the other European Union (EU) countries, namely national priority and non-priority mail up to 20g in standard format, trans-frontier

intra-community mail in the European Union up to 20g in standard format, and national parcels up to 2kg. The study shows that average prices for the services in question rose in all the member States in 2010. (+)

## EUROPEAN DATA PROTECTION DAY

European Data Protection Day was marked on 28 January. In Portugal, the event was commemorated by initiatives from the National Data Protection Commission (CNPD), specifically the online provision of an interactive self-evaluation test that allows anyone to check their degree of identity vulnerability.

A handbook was also produced with information on the most correct ways to prevent identity theft. Under the DADUS project, the second "A Slogan for Privacy" contest was launched. It is open to children and youths 8 to 17 years old; the participation deadline is 30 April. (+)

## HIRING IN INTERNATIONAL INSTITUTIONS

The Universal Postal Union (UPU) based in Berne, Switzerland, is accepting until 14 February applications for the post P2 - specialist in statistics in the 'Economic Affairs' programme

in the Economic and Regulatory Affairs Department of the organisation's International Bureau.

# NEWS FROM OTHER COUNTRIES

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## **GERMANY - Bundesnetzagentur (BNetzA)**

- The regulator presented the regulatory conditions applying to new fibre local loops of Deutschland Telekom, which will only be subject to ex post regulation. The proposed decision has been submitted for approval by the European Commission and national regulatory authorities of the other European Union member States. The final decision should be made in late February or early March. (+)

## **AUSTRALIA – Australian Communications and Media Authority (ACMA)**

- A document on the future usefulness of telephone numbers is under consultation until 18 March. The regulator wants to learn stakeholders' opinions at a time when fixed telephone service use is declining, mobile telephony is dominant and the number of alternative communication services not using any kind of telephone numbering is growing. (+)

## **BRAZIL - Agência Nacional de Telecomunicações (ANATEL)**

- The regulation allocating the frequency bands from 26.55 GHz to 26.85 GHz to environmental satellites has been published, thus enabling operation of the National Polar-Orbiting Operational Environmental Satellite System (NPOESS) in Brazil. It will be overseen by Raytheon Espectro Serviços de Telecomunicações in collaboration with the National Space Research Institute (INPE).
- Subscription television reached 9.8 million households at the end of December 2010, for growth of 30.7 percent that year. Given the average number of 3.3 people per home, subscription TV reached 32.2 million Brazilians.
- The regulator has placed in public consultation until 23 March (25 March for responses by electronic form) its proposal for rate freedom in international fixed telephone service calls.

## **DENMARK - IT-og Telestyrelsen**

- A third of all active Danish companies have used the NemHandel platform to send electronic invoices to the public sector. As NemHandel is based on open standards and open source components, any IT vendor or IT service supplier can freely incorporate the technology in its commercial products and connect to the open infrastructure. (+)

## **SPAIN - Comisión del Mercado de las Telecomunicaciones (CMT)**

- Portability reached historic values in December 2010, with a total of 203,000 requests in the fixed services (voice and internet) and 507,000 in mobile telephone service.

- The regulator revealed that in July 2010 some 46 percent of broadband connections (4.7 million) were located in competitive areas (the CMT considers a competitive area to be one with at least three alternative operators other than the incumbent Telefónica using the wholesale local loop access or two of those alternative operators and one cable operator).

## **FRANCE - Autorité de Régulation des Communications Électroniques et des Postes (ARCEP)**

- The regulator has placed in public consultation until 7 March the rules it aims to use to calculate the final value of the cost of electronic communications service in 2009, as well as the operators' contributions.
- Figures for mobile telephone service (MTS) numbers at 31 December 2010 have been released, indicating the existence of 64.4 million MTS subscriptions, for a service penetration rate of 99.7 percent. (+)
- Likewise published were the market share values of TDF and the alternative operators in the digital terrestrial television market.
- In the wake of the Law dated 9 February 2010, which put the finishing touches on postal market liberalisation, postal service users may from last 1 January on submit to ARCEP any complaints not satisfactorily addressed by the service providers' procedures. (+)

## **IRELAND - Commission for Communications Regulation (ComReg)**

- ComReg's response to the consultation on application of Decision 2008/411/EC and the introduction of mobile services in the 3400-3800 MHz spectrum band. (+)
- The regulator has put up a new website devoted to consumers, [www.phonesmart.ie](http://www.phonesmart.ie), which provides information on premium rate services and their use. (+)

## **UNITED KINGDOM - Office of Communications (Ofcom)**

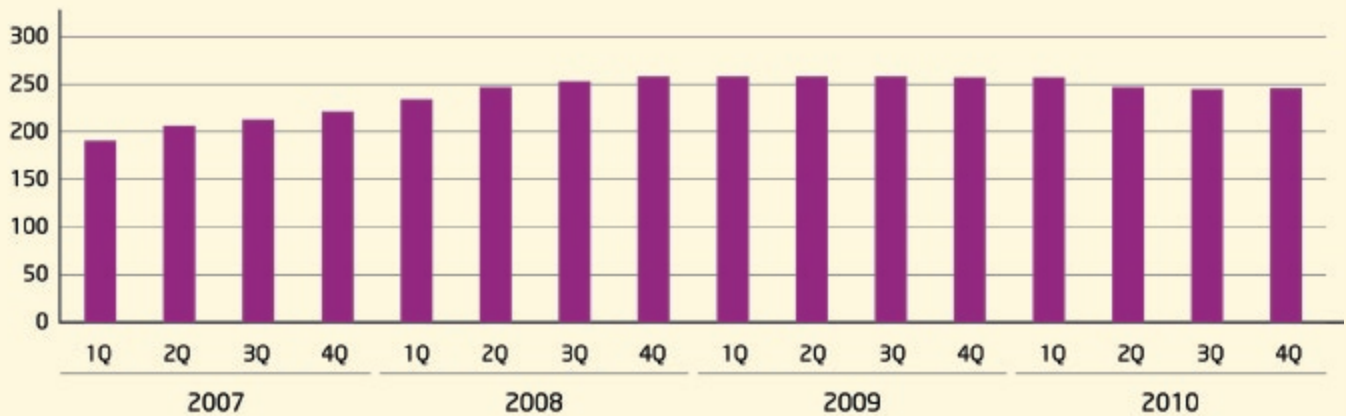
- With the goal of freeing up spectrum for mobile services, Ofcom placed in public consultation until 17 March a set of proposals meant to allow operators to trade spectrum they may have available in the scope of their licences for the 900 MHz, 1800 MHz and 2100 MHz bands. (+)
- The regulator's proposal for its 2011/2012 annual programme has been placed in public consultation until 1 March. (+)

## **SWITZERLAND - Federal Office of Communications (OFCOM)**

- The has submitted to public debate until 11 March the study it commissioned on the "Future of the Media in Switzerland". (+)

## EVOLUTION OF THE NUMBER OF EXCHANGES WITH CO-MINGLED OPERATORS

2007				2008				2009				2010			
1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q
191	206	213	221	234	247	253	258	258	258	258	257	257	247	245	246



## CUMULATIVE PORTABILITY COMPENSATIONS - ANACOM UNDERSTANDING

The *Autoridade Nacional de Comunicações* (ANACOM) released last 21 January its understanding regarding the application for compensation envisaged in the Portability Regulation (Regulation no. 87/2009, modifying Regulation no. 58/2005 of 18 August). It concluded that the application of such compensation cannot be cumulative. This information is provided to settle doubts raised by service providers following this Authority's

previous explanation of the compensation system, posted online on 16 April 2010. It concerns the following compensations: the one the recipient provider (PR) must pay the donor provider (PD) for each number it wrongly ported due to a cause for which it is solely liable; and the one the PR must pay the PD when it has not sent documentation within the stipulated deadline. (+)

## TERRESTRIAL MOBILE SERVICE (GSM/UMTS) - STATISTICAL INDICATORS

By determination dated 20 January, ANACOM approved the draft decision on the questionnaires associated to the information on coverage, service quality and mode of implementing site sharing that Optimus, TMN and Vodafone Portugal must

submit to this Authority per the frequency usage rights they were granted. The decision in question also concerns the obligation of TMN and Vodafone Portugal to present coverage declarations in the same context. (+)

## IMPROVED INTERACTION ON THE ANACOM WEBSITE

ANACOM recently implemented a set of tools for its website to enable faster and more efficient interaction with the most demanding users, thus improving navigation and use of the published information. Some of these functions, on all pages between the title and the content below, were subject to res-

tyling, though they retain the previous technical characteristics. The tools can be used from all browsers; only versions prior to Internet Explorer 7 cannot fully make use of some graphic aspects of these functions. (+)