

1. INTRODUCTION

ICP-ANACOM (ANACOM) is the National Regulatory Authority responsible for electronic communications pursuant to the Law of Electronic Communications (LEC), Law No 5/2004 of 10 February.

One of ANACOM's responsibilities under the LEC is to undertake the planning, management and oversight of the radio spectrum, according to a framework of effective and efficient use. As such, and as an activity which supports this undertaking, ANACOM maintains – prepares and periodically updates – the NFAP - National Frequency Allocation Plan (Quadro Nacional de Atribuição de Frequências)¹, a document which is an essential instrument in spectrum management, bringing together key components for the proper accomplishment of the activities of frequency management and planning.

As such, and in accordance with the provisions set out in article 15 of the LEC, with respect to the management of the spectrum, ANACOM is charged with the planning of frequencies according to the following criteria

- a) availability of radio spectrum;
- b) guarantee of effective competition in the relevant markets;
- c) effective and efficient use of frequencies.

ANACOM is likewise responsible for allocating and assigning frequencies according to objective, transparent, non-discriminatory and proportionate criteria. ICP-ANACOM shall further promote the harmonized use of frequencies in the European Union framework, in order to ensure their effective and efficient use, pursuant to Decision No 676/2002/EC² (article 15, paragraph 3 and 4 of the LEC).

Undertakings intending to provide publicly available electronic communications networks³ and services which entail use of the spectrum are bound to previously submit a short

¹ Publicly available on ANACOM's website at <http://www.anacom.pt/render.jsp?categoryId=290215&languageId=1>

² Decision No 676/2002/EC of the Parliament and of the Council of 7 March 2002, concerning a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision).

³ “*Electronic communications networks*: transmission systems and, where applicable, switching or routing equipment and other resources which enable the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed.”

“*Electronic Communications Services*: Service normally provided for remuneration which consists wholly or mainly in the conveyance of signals on electronic communications networks, including telecommunications

description of the network or service they intend to commence to ANACOM and to give an estimate of the intended date of commencement, without prejudice to other details which may be required by the regulator. The procedures for commencing the provision of electronic communication networks or services can be consulted on ANACOM's website⁴.

The provision of non-publically available electronic communication networks or services, operating in bands of radio frequencies subject to licensing, is only dependent on the corresponding network or station licensing application, pursuant to Decree-Law no 151-A/2000 of 20 July, as amended by Decree-Law No 264/2009 of 28 September.

The legal regime applicable to the use of stations of the amateur and amateur satellite services is set forth in Decree-Law no 53/2009 of 2 March.

2. NFAP FRAMEWORK

Under the terms of article 16, ANACOM is bound to publish the NFAP on an annual basis, which shall include:

- a) The frequency bands and the number of channels already allocated to companies offering publicly available electronic communication networks and services, including the date of the allocation's review;
- b) The frequency bands reserved and to be made available in the following year with respect to publicly and non-publicly available electronic communication networks and services, with specification of the cases where rights of use are required and the respective allocation process.
- c) Frequencies whose rights of use are transferable under the terms of article 37 of the LEC.

Frequencies allocated to the Armed Forces and to security forces and services are not included in this publication.

The radio spectrum is divided into frequency bands, which range from 8KHz to 2000 GHz, attributable to different radiocommunications services (e.g. fixed mobile, broadcasting, radiolocation, radionavigation, amateur, radio astronomy, etc.). As far as planning of the spectrum is concerned, and given its scarcity, the goal is always, as far as possible, for

services and transmission services in networks used for broadcasting, without prejudice to the exclusion referred to in point b) of paragraph 1 of article 2 of the LEC."

⁴ Available at <http://www.anacom.pt/render.jsp?categoryId=115580>.