

4. PRINCIPAL ACTIONS UNDERTAKEN IN 2009 WITH RESPECT TO RADIO SPECTRUM MANAGEMENT AND PLANNING

With respect to the actions related to the management and planning of the radio spectrum, note is made of the following activities developed during 2009:

- The public consultation was concluded on the allocation of rights of use of frequencies in the 2500-2690 MHz band, held in order to gauge the level of interest in the Portuguese market in having this band available, particularly in terms of the timetable and methodology⁶. It should be emphasised that ANACOM will consider giving the opportunity to various market participants, in the same selection process, to be able to define the aggregation of radio spectrum so that it is more suited to the business models they intend to develop. This will therefore be set out with respect to the spectrum available for publicly available electronic communication services, aggregating this band with spectrum available, for example, in the 1800 MHz and 2.1 GHz frequency bands.
- Likewise, a public consultation was held on the spectrum resulting from the switch-off (digital dividend)⁷, in light of the fact that Resolution of the Council of Ministers No 26/2009 established that television broadcasting analogue transmissions shall cease by 26 April 2012. This public consultation focuses, in particular, on the 174-230 MHz and UHF, 470-862 MHz bands.
- Within the scope of this consultation, taking into consideration the European developments, as well as the adoption of decisions by various European Union countries, including especially Spain, the preliminary position of ICP-ANACOM was that the 790-862 MHz sub-band should be made available for broadband electronic communication services, in accordance with the WAPECS principles. However, the definitive position on this matter shall be formulated in a separate process, with observance to the prior announcement and notification warranted for this type of decision;
- Following the report of the public consultation on the introduction of Broadband Wireless Access (BWA) in Portugal and the respective action plan, Regulation No 427/2009 was prepared and approved, for the Allocation of Rights of Use of Frequencies for Broadband Wireless Access, following submission to the regulatory consultation procedure and the general consultation procedure, under the terms of

⁶ Available at <http://www.anacom.pt/render.jsp?contentId=959127>.

⁷ Available at <http://www.anacom.pt/render.jsp?contentId=886459>.

article 11 of the Statutes of ANACOM, as approved by Decree-Law No 309/2001 of 7 December, and of article 8 of the LEC respectively. As a result, the procedure of selection by auction was initiated, with ANACOM receiving 3 applications by 17 December 2009, which application were admitted to the process pursuant to Determination of the Management Board of 30 December 2009. The single bidding round of the distribution phase took place in February 2010, whereby two of the three participating entities were declared as winners. In the assignment phase, lots were selected in geographic zones 1, 2, 3, 4, 5, 6, 7 and 8, while the next phase, consisting of the Allocation of the Rights of Use, is due to take place in April 2010.

It should also be reported that a multidisciplinary discussion was begun on secondary spectrum trading, with a view to making progress in the identification of mechanisms which drive more flexible and efficient use of the radio spectrum. The final document resulting from this internal reflection will be submitted to more widespread debate through the general consultation procedure in 2010.

5. AMENDMENTS MADE IN THE PRESENT VERSION

The NFAP has been updated to reflect current usage (as of 28 February 2010) and the provision of spectrum in 2010, as follows:

- a) Update of the allocation table (**Annex 1**), to incorporate new ECC and EC Decisions;
- b) Update of frequency band uses, with reference to 28 February 2010 (**Annex 2**);

With respect to the *refarming* of the 900/1800 GSM spectrum and with the publication of Directive 2009/114/EC⁸ and Decision 2009/766/EC⁹, the technological restrictions related to the GSM spectrum at 900 MHz (880-915 MHz and 925-960 MHz) and at 1800 MHz (1710-1785 MHz and 1805-1880 MHz) are withdrawn from the present version. Besides GSM and UMTS (as identified in Decision 2009/766/EC), other terrestrial systems may be implemented which are capable of

⁸ Directive 2009/114/EC of the European Parliament and of the Council of 16 September 2009, which amends Directive 87/372/EEC of the Council on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community.

⁹ Decision 2009/766/EC of the Commission of 16 October 2009 on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community.