

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to the GSM spectrum at 900 MHz (880-915 MHz and 925-960 MHz) and at 1800 MHz (1710-1785 MHz and 1805-1880 MHz) are withdrawn from the present version.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.

providing electronic communication services, provided that it can be ensured that such systems guarantee co-existence with GSM and UMTS. It shall further be ensured that these systems provide suitable protection to those operating in adjacent bands. The technical conditions governing the implementation of other systems which are not included in the annex to the above Decision will be defined following compatibility studies conducted by CEPT.

This measure implies the reformulation of titles allocated with respect to this band, as well as a detailed analysis in conjunction with other related issues, involving in particular: a) the means of realising coverage obligations and b) the need and means of any allocation of e-GSM spectrum. These issues will be addressed in a separate process.

- c) Update of spectrum available for the various radiocommunication services in accordance with the indications given in **Annex 3**;
- d) Amendment to the annex regarding the equipment exempt from licensing, in particular the inclusion of a new set of military command bands, previously agreed with the EMGFA, for equipment operating on a “non-interference and non-protection” basis (**Annex 4**);
- e) Update of the annex on UWB equipment (**Annex 5**);
- f) Amendment to the annex regarding the amateur and amateur satellite service, particularly in order to allow access to the 10-10.37 GHz sub-band by the amateur service, avoiding the need for authorisation on a case-by-case basis in this band (**Annex 6**);
- g) Various updates (e.g., references to EC and CEPT Decisions / Recommendations, detected errors, etc.).

6. ADDITIONAL CLARIFICATION

If the information contained in this publication raises any queries, requests for clarification should be sent to the following email address: esclarecimentos.qnaf@anacom.pt.