

**Communication to the European Commission of measures under Article 7(5) of Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (Framework Directive)  
(Market 11)**

- On November 24<sup>th</sup>, 2004, the Autoridade Nacional de Comunicações (“**ICP-ANACOM**”) notified [PT/2004/0117], in accordance with Article 7(3) of Directive 2002/21/EC on a common regulatory framework for electronic communication networks and services (the “**Framework Directive**”), the European Commission (“**Commission**”) and other National Regulatory Authorities (“**NRAs**”) the draft measure regarding the market definition, the designation of undertakings with significant market power and the regulatory obligations in respect of the wholesale unbundled access market.
- ICP-ANACOM also conducted a national consultation procedure under Article 6 of the Framework Directive, which started on November 25<sup>th</sup>, 2004 and ended on January 10<sup>th</sup>, 2005, and has taken account of the responses to that consultation in making its decision to adopt the measures related to the finding of SMP operators and the imposition of obligations.
- The replies to the national consultation procedure are available at ICP-ANACOM’s website. According to the national consultation procedures, ICP-ANACOM has produced a Report on the Public Consultation presenting the opinions of interested parties and stating ICP-ANACOM’s position concerning the comments made.
- ICP-ANACOM has also requested the opinion of the National Competition Authority – Autoridade da Concorrência –, concerning the definition of the relevant markets, the SMP assessment and the imposition of obligations on these markets. Autoridade da Concorrência agreed with ICP-ANACOM’s analysis and conclusions.
- ICP-ANACOM received no unfavourable comments from the Commission or any comments from other NRAs.
- According to all the comments received, ICP-ANACOM adopted on March 30<sup>th</sup>, 2005 the draft measure previously notified without any modifications made to them.
- Accordingly, ICP-ANACOM hereby now communicates to the Commission its adopted measure in accordance with Article 7(5) of the Framework Directive. ICP-ANACOM findings and adopted measure are as set out in the attached Decision:
  - Mercado grossista de acesso desagregado – Definição dos mercados do produto e mercados geográficos, avaliações de PMS e imposição, manutenção, alteração ou supressão de obrigações regulamentares: [Confidential version: *Decisão Final Mercado 11 – versão confidencial*; Non confidential version: *Decisão Final Mercado 11 – versão pública*].