

DECISION

On the deadline extension for the public consultation on the *draft regulation on subassignment of E.164 numbers of the National Numbering Plan*

1. By decision of 24/06/2021, the National Communications Authority (ANACOM) approved the *draft regulation on subassignment of E.164 numbers of the National Numbering Plan*.
2. This draft regulation was submitted to a public consultation procedure, pursuant to article 10 of the Statutes of ANACOM passed by Decree Law no. 39/2015 of 16 March, and articles 98 and following of the Code of Administrative Procedure, and for the purposes provided for in article 8 of Law no. 5/2004 of 10 February, in its current wording (Electronic Communications Law), setting a deadline of 30 working days from its publication in *Diário da República* (Official Gazette) for interested parties to comment.
3. This draft regulation was published at ANACOM's website on 28/06/2021.
4. The respective notice was published on 14/07/2021, in Series 2 of *Diário da República* no. 135/2021 (Notice no. 13245/2021), with the consultation ending on 25/08/2021.
5. By communication dated 09/08/2021, Vodafone Portugal – Comunicações Pessoais, S.A. (“Vodafone”) has requested an extension of 10 working days to the above-mentioned consultation deadline for the draft regulation, arguing that the comments on this regulation entail a careful and complex analysis, involving various internal areas at Vodafone, whose employees are on summer vacation for much of the month of August.
6. By communication dated 13/08/2021, NOS Comunicações, S.A. (“NOS”) has requested an extension, also for a period of 10 working days, to the above-mentioned consultation deadline for the draft regulation in question, justifying its request as follows:

i) a significant number of NOS' employees are on vacation, making it difficult for NOS to collect all of the input needed to properly comment on the proposed regulation;

ii) [Start of confidential information]

[Redacted confidential information]

[End of confidential information];

iii) in NOS' opinion, the requested extension does not compromise the schedule for approving the regulation, and provides the regulatory authority with better input for the consultation process in progress.

7. Having analysed the arguments submitted by Vodafone and NOS, and bearing in mind that:

i) by decision of 24/06/2021, ANACOM approved the public consultation procedure on the draft regulation in question, having set the minimum deadline provided for by applicable law of 30 working days from its publication in *Diário da República*, which it deemed suitable for interested parties to comment, in view of the complexity of the issue at hand;

ii) the deadline for public consultation entered into effect as of 15/07/2021, while the draft regulation was published at the regulatory authority's website on 28/06/2021, i.e. providing interested parties with 12 additional working days vis-à-vis the publication date in *Diário da República* to become familiar with the content of the draft regulation;

iii) within the scope of its internal organisation (namely during holiday periods), each entity must have means of ensuring that employees are available and are able to participate in consultation procedures;

iv) the draft regulation is a paradigm shift in the assignment and use of number usage rights, since it introduces the possibility of the subassignment of

numbers, and establishes the conditions under which this subassignment may occur, making participation (as well-founded as possible) important in its assessment and approval;

It is believed that extending the deadline for the public consultation on the *draft regulation on subassignment of E.164 numbers of the National Numbering Plan* for 5 working days, ending on 01/09/2021, will allow Vodafone, NOS and other entities potentially interested in this procedure to give a more complete and detailed response, and to analyse the issue of the subassignment of numbers in greater depth, with no foreseeable harm to completing the procedure within an acceptable timeline.

8. In view of the above, **ANACOM's Board of Directors**, pursuant to article 26 (1q) of its Statutes passed by Decree Law no. 39/2015 of 16 March, **has decided to partially grant** the above-mentioned requests from Vodafone and NOS, **by extending the public consultation deadline by 5 working days with regard to the *draft regulation on subassignment of E.164 numbers of the National Numbering Plan*** passed by determination of 24/06/2021.

This decision shall be notified to Vodafone and NOS, and published in *Diário da República* and at ANACOM's website, so that other interested parties may be duly informed of the deadline extension for the public consultation in question, which, naturally, will benefit all those wishing to comment on the respective draft regulation.

Lisbon, 19 August 2021.