

DETERMINATION

Draft regulation on the methodology for monitoring and measuring intensity levels of electromagnetic fields resulting from radiocommunications station emissions

Under paragraph 1 of article 12 of Decree-Law no. 11/2003 of 18 January, undertakings authorized to install and use radiocommunications stations engaged in the provision of publicly available electronic communications services are required to submit annual plans for monitoring and measuring the levels of electromagnetic fields resulting from emissions from such stations (plans to be submitted by 30 November of each year).

According to paragraph 2 of the same article and after hearing Instituto do Ambiente (Institute for the Environment) and the competent authority of the Health Ministry, ICP-ANACOM is charged with establishing the appropriate methodology for the preparation of plans for each service under separate regulation.

In this context, on 14 February 2007, the Management Board of ICP-ANACOM approved the Regulation on the "Methodology for monitoring and measuring intensity levels of electromagnetic fields resulting from radiocommunications station emissions", published in the second series of Diário da República (Official Gazette) of 29 May 2007 - Regulation no. 96-A/2007.

This regulation is valid for a period of four years, from 2008 to 2011, whereas Article 6 establishes that, in 2011, based on an assessment of this process to be completed by the end of the first half of this year, a new methodology should be defined for the following years.

The adopted methodology responds to the purpose for which it was conceived and it basically consisted of the systematic assessment of electromagnetic fields from stations closer to the general population, whereas during the period of validity of Regulation no. 96-A/2007, the process was conducted without major constraints on the part of operators and ICP-ANACOM.

From the analysis of the information received, we can conclude that all results of the monitoring from various stations have values which are below the reference levels stipulated in Administrative Rule no. 1421/2004 of 23 November.

After analysis of the suitability of the various steps of the previously defined methodology, we can conclude, given the good results obtained, that the process should be maintained along similar lines, in particular as regards the following points:

- a) the object and scope;

- b) the eligibility criteria of the stations to be monitored;
- c) responsibility of the process's various stakeholders;
- d) the possibility of submitting a single monitoring result in places where there are several stations used by one or more undertakings.

However, in order to update and streamline the whole process and given that nearly all stations are subject to monitoring, it is deemed fitting to propose the following amendments to Regulation no. 96-A/2007 in respect of additional stations:

- a) To replace, in a determined year, the annual percentages of stations subject to monitoring with the monitoring of stations entering into operation between 1 November of two years ago and 31 October of the previous year;
- b) To abolish the provision setting out priority analysis situations;
- c) To include in the monitoring plans of a given year, the stations whose technical parameters have been altered compared to monitoring conducted in previous years, only in the event that such alteration might increase the values of electromagnetic fields in locations which are accessible to the general population.

As such, under point a) of article 9 of ICP-ANACOM's Statutes, in annex to Decree-Law no. 309/2001 of 7 December, and under paragraph 2 of article 12 of Decree-Law no. 11/2003 of 18 January, the Management Board of ICP-ANACOM determined, on 16 September 2011:

1. To approve the Draft Regulation on the "Methodology for monitoring and measuring intensity levels of electromagnetic fields resulting from radiocommunications station emissions" which is attached hereto;
2. To seek opinions from Instituto do Ambiente (Institute for the Environment) and Direcção Geral de Saúde (Directorate General for Health) under the terms of paragraph 2 of article 12 of Decree-Law no. 11/2003 of 18 January;
3. To submit the Draft Regulation to the regulatory consultation procedure laid down in article 11 of ICP-ANACOM's Statute, as published in annex to Decree-Law no. 309/2011 of 7 December.