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**Statement of reasons of the Draft Regulation defining the rules for the assessment on the part of ANACOM of reports made by the concessionaire of the universal postal service regarding the closure or the reduction in the working time of postal establishments**

1. It is incumbent upon the concessionaire of the universal postal service - CTT - Correios de Portugal, S.A.- to create and to close postal establishments, as well as to alter the working hours of postal establishments, in this case bearing in mind service needs and levels of demand. Decisions on these matters should be reported to ANACOM together with the reasoning thereto (cfr. paragraphs 2 to 4 of Base XX of the Bases for the Universal Postal Service Concession, approved by Decree-Law no. 448/99, of 4 November, as amended by Decree-Law no. 116/2003, of 12 June).
2. As regards decisions which involve the closure or the reduction in the working time of postal stations, the regulator is entitled to oppose to the implementation thereof, and for this purpose the concessionaire shall report such decisions to ANACOM at the least two months ahead of the date in which each decision is to take effect, attaching thereto the corresponding reasoning, namely as regards service needs, levels of demand, fulfilment of the communication needs of the population and of economic activities (cfr. paragraphs 3 and 4 of the same provision).

3. In compliance with these rules, ANACOM has received from the CTT several reports on decisions to close stations (including the replacement thereof by post offices) or to reduce their working time, which have been assessed based on information submitted by the concessionaire itself and on opinions from municipal councils and parish councils of the area of the station under consideration, following a request in each case by ANACOM.
4. This procedure has led to turned out to be quite slow, a situation to which also contributes the fact that some reports from the concessionaire do not comprise enough information, being thus necessary to request and to wait for additional information. Moreover, the assessment on the part of ANACOM has presented an ad hoc nature, which is increasingly less compatible with the frequency of reports submitted by the concessionaire.
5. On the other hand, the cases where the closure of a station leads to the opening of a post office, the functioning of which is incumbent upon a third party (namely a parish council) are frequent.
6. Having regard to the increasing number of situations such as these and to their impact on users in last times, as well as to the need of ANACOM to ensure compliance with the obligations of CTT resulting from the concession, it has been deemed necessary to include in this draft a set of rules that enable ANACOM to intervene on post offices, in order to safeguard the public interest aims at stake.
7. In the light of the above and to define the rules applicable to the situations referred to above, ANACOM has prepared, under the assignments provided for in points b), d) and h) of paragraph 1 of article 6 and pursuant to point a)

of article 9 and to article 11 of the Statutes thereof, approved by Decree-Law no. 309/2001, of 7 December, the Draft Regulation hereby presented, which develops the regime established in the mentioned paragraphs 3 and 4 of Base XX of the Bases for the Universal Postal Service Concession.

8. The draft regulation thus establishes:

- 1) Rules for the assessment on the part of ANACOM of reports submitted by the concessionaire of the universal postal service on the closure or reduction of the working time of postal establishments (postal stations and post offices), including a set of parameters based on which the regulator intends to assess such reports from the concessionaire;
- 2) A set of rules prescribing the procedure to be followed, both by the CTT and by third parties which may be summoned to participate in the regulator's decision-making process.