

The information is also available in Anacom's Internet website in:

<http://www.anacom.pt/template31.jsp?categoryId=207044>

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Determination of 29.9.2006

## **Public Consultation**

### **Invitation to state position**

Autoridade Nacional de Comunicações (ANACOM) has received a request from Autoridade da Concorrência (The Portuguese Competition Authority) - to present an opinion on its draft decision on the outright acquisition of Portugal Telecom, SGPS, SA and PT Multimédia, SGPS, SA by Sonaecom, SGPS, SA. The request, made on 28.9.2006, follows an extensive investigation into the concentration operation.

Under the terms of article 39 of Portugal's competition law (Law no. 18/2003, of 11 June), before taking a final decision on a concentration operation that affects a regulated market, the Competition Authority must seek the respective regulator's opinion on its proposed decision.

ANACOM considers that given the impact that this concentration operation will have on the electronic communications market, it's essential that opinions are sought from all interested parties, before a final decision is made.

Following notification of the concentration by SonaeCom, ANACOM has worked closely with the Competition Authority throughout the investigation, issuing joint

positions and opinions, and responding to requests for information and clarification. However it has not presented any final position on the operation.

Accordingly, ANACOM's Board of Directors, under the provisions of section m) of item 1 of article 6 of the regulator's Statutes as approved by Decree-Law no. 309/2001 of 7 December, invites all interested parties to communicate their position on the operation, with consideration to the attributes of this Authority as sector regulator within the framework of Law no. 5/2004 of 10 February and of its Statutes.

This Authority gives notice that it is bound by the obligation of confidentiality as regards the current process and accordingly may not make available for the purposes of this consultation, the content of any of the documents produced by ANACOM or the Competition Authority, notwithstanding the rights of interested parties as set out by the Competition Law.

Interested parties have until 09 October 2006, to present their positions to ANACOM.