

## REGULATION

Method for preparing and implementing the plans for monitoring and measuring intensity levels of electromagnetic fields produced by radiocommunication stations

Bodies qualified to install and use radiocommunication stations engaged in the provision of publicly available electronic communications services must submit to ANACOM for approval, by 30 November each year, a plan that monitors and measures the intensity levels of electromagnetic fields produced by radiocommunication stations, namely publicly accessible places, in compliance with paragraph 1 of article 12 of Decree-Law no. 11/2003, of 18 January.

Pursuant to paragraph 2 of that same article, it is incumbent upon ICP-ANACOM to introduce specific legislation covering the method for preparing and implementing the monitoring and measuring plans, which must be appropriate to each service.

Therefore, pursuant to point a) of article 9 of the Statutes of ICP-National Communications Authority (ICP-ANACOM), approved by Decree-Law no. 309/2001, of 7 December and to paragraph 2 of article 12 of Decree-Law no. 11/2003, of 18 January, the Board of Directors of ICP-ANACOM, having heard the Ministry for Health and the *Instituto do Ambiente* ( Environment Institute), hereby approves the following regulation:

### **Article 1** **Purpose and scope**

1. This regulation defines the method for preparing and implementing the plans for monitoring and measuring intensity levels of electromagnetic fields produced by radiocommunication stations, pursuant to paragraph 2 of article 12 of Decree-Law no. 11/2003, of 18 January, hereinafter referred to in abbreviated form as Decree-Law.

2. The method defined herein applies to monitoring and measuring plans, prepared by bodies qualified to install and use radiocommunication stations engaged in the provision of publicly available electronic communications services, pursuant to paragraph 1 of article 12 of the Decree-Law.

3. The relevant reference levels shall be defined in an Administrative Rule published pursuant to paragraph 1 of article 11 of the Decree-Law.
4. The monitoring activity shall be based on measuring methods defined in the Regulation published pursuant to paragraph 2 of article 11 of the Decree-Law, namely as regards test sites and presentation of results.
5. The characteristics, namely antenna location and rate of stations<sup>1</sup> of the different radiocommunication stations, to be comprised in the annual monitoring and measuring plans, are defined in the annex hereto.

## **Article 2**

### **Monitoring plans**

1. The monitoring and measuring plans refer to the year following their presentation and shall clearly state the stations monitored that year, taking into account the time schedule set out in the annex hereto.
2. Monitoring plans must include stations whose technical parameters have been changed, namely by increasing the effective radiated power, altering antenna radiation or relocating the station, such a change being explicitly referred.
3. Stations which have been evaluated, except for those referred to in the preceding paragraph, shall not be included in the monitoring plans.
4. Plans shall be subject to the approval of ICP-ANACOM, according to paragraph 3 of article 12 of the Decree-Law.

## **Article 3**

### **Priority scrutiny**

1. ICP-ANACOM may at all times identify situations which should undergo priority scrutiny, notifying operators to pursue urgently the respective monitoring activities.
2. The situations referred to in the preceding paragraph, in case they are not comprised within the annual plan, shall not exceed 5% of all stations planned for the relevant year.
3. The results of the monitoring activities referred to in this article shall be submitted to ICP-ANACOM, as well as to other entities listed in paragraph 4 of article 12 of the Decree-Law, within one month from the respective notification.

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<sup>1</sup> The concept of station is defined in Decree-Law no. 151-A/2000, of 20 July. In this context, account must be taken of general Note c) of the annex hereto, as regards the preparation of plans.

4. Operators may submit results of measurements carried out in stations, in the scope of plans of previous years, under conditions set out herein, provided that the relevant technical parameters mentioned in paragraph 2 of article 2 have not changed in the meantime.

#### **Article 4** **Bodies responsible for measurements**

The measurement is incumbent upon the body holding a license for the use of radiocommunication networks and stations, being the sole liaison with ICP-ANACOM.

#### **Article 5** **Presentation of monitoring results**

1. Pursuant to paragraph 4 of article 12 of the Decree-Law, the results of the monitoring activity pursued under this regulation, by bodies referred to in the preceding article, shall be presented by the end of the month following the quarter in question to ICP – ANACOM, to the competent entities of the Ministry for Health and to the municipal councils of sites where stations comprised by the monitoring activity have been installed.

2. At least 15% of annual monitoring results shall be presented every quarter.

3. For sites where a single body uses more than one station, a single monitoring result may be submitted to ICP-ANACOM, where this increases efficiency and effectiveness of monitoring activities.

4. For sites where different bodies use more than one station, results may be submitted by only one of them, and this circumstance must be explicitly mentioned in the presentation of monitoring and measuring plans.

5. In the situations provided for in the preceding paragraph, other bodies must state stations whose results shall be presented by another entity.

6. ICP-ANACOM is entitled to duly publish the measurements results.

#### **Article 6** **Expiry**

1. The method adopted herein shall expire on 2011, without prejudice to any amendments deemed necessary by ICP-ANACOM.

2. An assessment of this method shall be prepared by the end of the first half of 2011, based on which a new method may be defined for the following years.

**Article 7**  
**Supervision and penalty system**

1. It is incumbent upon ICP-ANACOM to supervise compliance with provisions herein.
2. Without prejudice to other penalties legally applicable, infringements of the provisions of this regulation shall be deemed as breaches for the purposes of article 14 of the Decree-Law, and the penalty system set out therein shall apply.

**Article 8**  
**Transitory provision**

Without prejudice to the compliance of monitoring activities with plans approved by ANACOM pursuant to paragraph 3 of article 12 of the Decree-Law, for the year 2008 results presented may also refer to monitoring activities carried out in 2004, 2005, 2006 and 2007, with an explicit reference to this circumstance, insofar as the relevant technical parameters mentioned in paragraph 2 of article 2 have not changed in the meantime.

**ANNEX**

1. Land mobile service

Antenna location	2008	2009	2010	2011
<b>Inside buildings</b>	<b>30%</b>	<b>30%</b>	<b>20%</b>	<b>(Note 1)</b>
<b>Building tops or surfaces</b>	<b>30%</b>	<b>30%</b>	<b>20%</b>	<b>(Note 1)</b>

2. Radio broadcasting (stations operating below 30 MHz)

Antenna location	2008	2009	2010	2011
<b>Any site</b>	<b>100%</b>	<b>(Note 2)</b>	<b>(Note 2)</b>	<b>(Note 2)</b>

3. Radio and television broadcasting (stations operating above 30 MHz)

Antenna location	2008	2009	2010	2011
<b>Building tops or surfaces</b>	<b>100%</b>	<b>(Note 2)</b>	<b>(Note 2)</b>	<b>(Note 2)</b>
<b>Towers</b>	<b>0%</b>	<b>40%</b>	<b>30%</b>	<b>(Note 1)</b>

#### 4. Fixed service

Antenna location and station characteristics	2008	2009	2010	2011
<b>Building tops or surfaces, with possibility of public access to a semi-circle, centred on the antenna and having a radius of 3 meters spread out to the direction of the maximum radiation and an effective radiated power not below 33 dBW.</b>	<b>100%</b>	<b>(Note 2)</b>	<b>(Note 2)</b>	<b>(Note 2)</b>

#### Notes

##### General notes:

- a) Rates set out in the tables above are minimum figures, and are based on the number of total stations operating on 1 November of the previous year.
- b) Where the result of the number of stations obtained under the conditions of the preceding point is not a whole number, values shall be rounded up to the nearest whole number.
- c) Rates set out in the tables above apply to each network or to a set of stations associated to a service of a given body.

##### Specific notes:

**Note 1:** Stations which have not yet been monitored and stations referred to in paragraph 2 of article 2.

**Note 2:** Monitoring plans shall take due regard of stations that started operating the previous year.