

ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES



ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

**QUESTIONNAIRE TO PREPARE THE
OECD COMMUNICATIONS OUTLOOK 2001
Broadcasting Section**

Country: PORTUGAL

Date completed: 26 June 2000

BROADCASTING

Broadcasting services available

1. Please provide details of the broadcasting and cable television services available in your country.

Infrastructure provision for following service	Number of licensed operators (2000)	Number of privately owned companies ¹	Number of public service organisations ²
Terrestrial TV (National coverage ³)	3	2	1
Terrestrial TV (Local coverage ⁴ only)	None	None	None
Terrestrial radio (National coverage)	3	2	1
Terrestrial radio (Local coverage only)	316		None
Cable television service ⁵	18	18	None
Analogue direct broadcast satellite (DBS) service			
Digital DBS service			

¹ Defined as private sector companies holding one or more licences for service provision.

² Including state-owned corporations or institutions holding one or more licences for service provision.

³ A service with national coverage is defined as a service by a group of television or radio stations distributing a majority of the same programming, that are licensed on a national or regional basis but collectively provide nation-wide coverage. Affiliating companies of the nation-wide broadcast network are included in this category. If new operators have been licensed to provide national coverage in the last three years but are at the stage of rolling out networks please include these operators in the total.

⁴ A service with local coverage is defined as a service by a group of television or radio stations that are licensed on a national or regional basis but distribute the programming in the local area only. If new operators have been licensed to provide local coverage in the last three years but are at the stage of rolling out networks please include these operators in the total.

⁵ Please indicate if more than one organisation is permitted to own and operate cable television infrastructure in the same area.

2. Please provide details on the major terrestrial TV broadcasting companies which have national coverage in your country⁶.

Name of national terrestrial broadcaster	Ownership status (private or public)	Analogue or digital service or both	If digital		Relationship with transmission network owner ⁷
			Free to Air (FTA) ⁸ or subscription	Number of channels	
RTP	Public	Analogue			commercial
SIC	Private	Analogue			commercial
TVI	Private	Analogue			owns network

⁶ A service with national coverage is defined as a service by a group of television or radio stations distributing a majority of the same programming, that are licensed on a national or regional basis but collectively provide nationwide coverage. Affiliating companies of the nation-wide broadcast network are included in this category. If new operators have been licensed to provide national coverage in the last three years but are at the stage of rolling out networks please include these operators in the total.

⁷ Options include:

- (a) broadcaster owns network
- (b) broadcaster has a commercial relationship with a privately owned network
- (c) broadcaster has a commercial relationship with state owned network
- (d) broadcaster has non-commercial relationship with state owned network
- (e) other; please describe.

⁸ A free to air (FTA) service is one which is available to viewers without paying a direct fee.

3. Please provide details on the major cable and satellite broadcasters and transmission networks in your country.

	Name of broadcaster	Number of channels in premium service		Does the broadcaster own the transmission network? If not, who does?	Is the transmission network used to deliver more than one broadcasting service?
		Analogue service	Digital service		
CABLE	TV CABO PORTUGAL	5		Yes	Yes
SATELLITE					

4. What was the price of a subscription service in the largest city of your country on 1st January 2000? Basic service corresponds to the least expensive option to a customer and premium service the most expensive option. (Local currency, current prices)

	Name of operator	Connection fee	Basic service		Premium service	
			Monthly subscription fees	Number of cable channels included in the basic option (excluding free services)	Monthly subscription fees	Number of cable channels included in the premium option (excluding free services)
Cable Television services	TV CABO PORTUGAL	5 000 PTE or 9 500 PTE	3 250 PTE	44	7 800 PTE	5
Satellite television service	TV CABO PORTUGAL	15 000 PTE	2 050 PTE	14	5 600 PTE	3
Digital terrestrial television service						

Communication services available on broadcasting networks

5. Please provide details on the communication services available from broadcasting transmission networks in your country.

	Terrestrial	Cable	Satellite
<p>Services provided over the network, e.g. FTA broadcasting, Subscription broadcasting, Telephony, New digital services, Internet access</p>			
<p>How many cable and satellite operators are providing telephony and internet access services?</p>			
<p>Regulatory restrictions Does the owner/manager of the transmission network face regulatory requirements in the following areas. If so, please give details. -Access to infrastructure or transmission services -Providing access to conditional access systems -Ownership restrictions -Restrictions on services which can be provided</p>	<p>Law No. 91/97, of August 1st (Telecommunications Act), establishes the principle that it is free the establishment, management, exploitation and use of public telecommunications networks. That principle may only be conditioned by radio spectrum limitations, the availability of sufficient numbers and for security reasons and public order.</p> <p>Decree-Law No. 381-A/97, of 30th December, establishes the access rules to the public telecommunications networks operator's activity and of public use telecommunications services provider.</p> <p>Television operators have identical</p>	<p>Decree Law No. 241/97 of 18 September:</p> <p>Cable distribution network operators access rights:</p> <p>(i) access to the basic telecommunications network in conditions of total equality;</p> <p>(ii) lease their network's distribution capacity to third parties;</p> <p>(iii) install their own means of satellite communication or contract suitably licensed operators for the purpose of transporting the respective signal between a point outside of its respective network to its own distribution centres;</p> <p>(iv) access to conduits for the installation of cable distribution networks on conditions of total equality.</p> <p>Cable distribution</p>	<p>Regulation principles as described on "terrestrial" section are applicable <i>mutatis mutandis</i> to satellite,</p>

	<p>access conditions to public telecommunication networks conducted by licenced operators under the terms of Decree Law No.381-A/97 of December 30th</p>	<p>network operators access obligations: (i) guarantee equal access for consumers and television operators to the services provided, in return for payment of appropriately determined prices.</p> <p>Services involving addressing: - The cable distribution network operator is permitted to transmit services with addressing, whether these are accessible by individual application, or by subscription, when these are associated with the operation and appropriate for the object of television and radio transmissions, as long as they are exclusively supported by the respective network</p> <p>The operator may lease transmission capacity of its respective cable distribution network to third parties for the provision of telecommunications services. For this purpose, this entity has the right to connect its respective network to the basic telecommunications network. In the situation described above, and when the</p>	
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		<p>public service telecommunications operator is a direct or indirect shareholder in the cable distribution network operator's capital, the latter should establish an analytic accounting system which enables the appropriate separation of income and expenditure relating to the cable distribution activity and the supply of transmission capacity of its network for the provision of other telecommunications services.</p> <p>Restrictions on services - The cable distribution network operator is forbidden to use or lease the capacity of its respective network for supply of a fixed telephone service.</p>	
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Digital television

6. (a) Please indicate on which transmission networks digital television is (or will be) available and whether it is provided as a subscription service or FTA. Also indicate the year in which the service first became available (or will become available).

	Terrestrial	Cable	Satellite
FTA	2002 (?)		2001/2 (?)
Subscription	2002 (?)	2001/2 (?)	2001/2 (?)

(b) Please provide data indicating the take-up rate of digital television by consumers, such as percentage of households with a digital television receiver.	None
(c) Do regulations restrict the type of services which digital broadcasters can provide? If so, please provide details.	There is no specific regulation on digital broadcasting services (note the contents of answer to point No. 9)
(d) Are digital terrestrial broadcasters required to provide a simulcast service in analogue and digital? If so, please describe the requirement.	There is no specific regulation on digital terrestrial broadcasters. However, licences held by the analogue terrestrial broadcasters which were granted prior to the date Act nr.31-A/98 of July 14th (Television Act) are considered to be sufficient qualification to conduct this activity by terrestrial digital spectrum. The use of the terrestrial digital spectrum by the operators referred to above is limited to the unabridged and simultaneous broadcast of programmes available in the analogue network.

Broadcasting regulatory framework

7. Which organisation(s) administer the following services (carriage and content) in your country and what are their main responsibilities? Please mention agencies dealing with spectrum allocation and management, and providing licences.

Terrestrial broadcasting service	<p><i>Spectrum allocation and management:</i> ICP-Instituto das Comunicações de Portugal</p> <p><i>Providing licences:</i> Alta Autoridade para a Comunicação Social</p>
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Cable Television service	<p><i>Spectrum allocation and management:</i> ICP-Instituto das Comunicações de Portugal</p> <p><i>Providing licences:</i> Alta Autoridade para a Comunicação Social</p>
Direct broadcast satellite (DBS) service	<p><i>Spectrum allocation and management:</i> ICP-Instituto das Comunicações de Portugal</p> <p><i>Providing licences:</i> Alta Autoridade para a Comunicação Social</p>

Main responsibilities

ICP-Instituto das Comunicações de Portugal:

- Granting of licences and authorizations to communication operators and general supervision of their activities
- Approval and standardisation of material, telecommunications terminals and radiocommunication equipment
- Management, control and supervision of the radioelectric spectrum

Alta Autoridade para a Comunicação Social:

- Granting licences to broadcasting (radio and tv) operators (since the entry to force of the 1998 Broadcasting Act)
- Ensure the right of access to information and the freedom of the press
- Ensure the independence and pluralism of the media (press and broadcasting)
- Guarantee the rights to broadcasting time, to reply and counter-reply

8. How would a carriage network which delivered television, telephony and internet services be regulated in your country?

Please provide details:

Regulation in force:

- According to the terms of Decree-Law No. 241/97, of 18 September (defines the system for the access to and operation of cable television network operator activities for public use) the activity of cable distribution network operator involves the installation and operation of the corresponding infra-structure for the transmission and retransmission of information, particularly the distribution of radio and television programmes of their own and of third parties, whether codified or not, the supply of services involving addressing, data transmission services and the supply of transmission capacity to third parties. However, the cable distribution network operator is forbidden to use or lease the capacity of its respective network for supply of a fixed telephone service.

Future legal framework:

There is no official position in terms of the future legal framework that eventually will cover the "Convergence" services.

- 9. Please provide a description of significant recent policy changes affecting the provision of broadcasting services, as well as any draft laws, or regulatory proposals to be implemented in 2000-2001.**

Please provide details:

As Portugal is envisaging the introduction of digital terrestrial television in a near future, thi might affect the provision of broadcasting services. However, and bearing in mind the level of technological evolution on this subject, it is premature to specify the measures which will be implemented in 2000-2001.

- 10. Please indicate whether public service obligations in broadcasting regulations have changed since 1998 and provide details of any changes.**

Please provide details:

No changes occurred.

- 11. Please indicate whether regulations concerning content have changed since 1998. Please provide details of any changes in relation to:**

Local content requirements	No changes occurred.
Must-carry requirements	No changes occurred.
Community standards	...

12. Please indicate whether regulations concerning ownership and market entry (for terrestrial, cable and satellite) have changed since 1998. Please provide details of any changes in the following areas:

Limitations on number of stations	No changes occurred.
Foreign ownership	No changes occurred.
Cross media and cross sector provisions	No changes occurred.
Other restrictions on ownership	No changes occurred.

Convergence

13. Under the communication regulation existing in your country how would services provided over the Internet, which some have likened to broadcasting services (e.g. audio and video services transmitted over the Internet) be defined and treated?

Please provide details:

The existing regulation concerning broadcasting services is not applicable to communication services operating on individual demand.

This exclusion applies to services transmitted point-to-point such as video on demand. On the other hand, all services point-to-multipoint intended for reception by the general public and independently of the technical means of transmission employed (terrestrial transmitter, cable system, satellite, etc.) are covered by the provisions of the Portuguese legal framework.

Therefore, in principle, and depending on an evaluation in a case-by-case basis, communication regulations might be applicable to certain broadcasting services transmitted over the Internet (since in such cases the Internet would merely be another technical means of transmission), provided that they can be regarded as being designed for reception by the general public.

14. Would a video-on-demand service be treated differently in terms of regulations, according to the transmission methods (for example, PSTN, cable or satellite)?

Please provide details:

Article 9 of Decree Law 241/97 of 18 September 1997, on the regulation of cable operators activity, foresees the admissibility of video on demand services distributed through cable. There is no specific regulation in areas concerning other means of transmission of communication services.

15. Under the communication regulation existing in your country how would conditional access services, such as in digital DBS services, be treated?