

PORTUGUESE NEW RULES FOR SMALL AREAS WIRELESS ACCESS POINTS (SAWAP)

The Portuguese Government has approved rules for the deployment and maintenance of small-areas wireless access points (SAWAPs), established to ensure compliance with European Union Regulation 2020/1070. By eliminating formalities and administrative costs, these rules aim to expand the coverage of small-areas networks.

On November 29th, 2024, the Portuguese Government approved the rules for the deployment and maintenance of small-areas wireless access points through [Decree-Law No. 97/2024](#). This decree establishes the legal framework for ensuring compliance with European Union ("EU") [Regulation 2020/1070](#).

In a 5G environment, Small Area Wireless Access Points (SAWAPs) enable mobile devices to stay connected by either boosting the coverage of cellular networks or by offloading their data traffic to Wi-Fi networks, a process known as "Wi-Fi offloading. This allows to expand wireless networks and coverage without the need for additional infrastructure. The deployment of SAWAPs is crucial to achieve the objectives of the [Radio Spectrum Policy Programme](#) to ensure that all EU citizens have broadband access, both indoors and outdoors, at a speed of no less than 30 Mbps, as outlined in the [Digital Agenda for Europe](#).

Electronic communications companies will now have the right to access public or private infrastructure suitable installing wireless access points or connecting these points to a core network, such as lampposts, underground stations and traffic signs.

The installation and maintenance of SAWAPs areas will only be subject to subsequent notification, in line with the regime established by the Portuguese Electronic Communications Law for general authorizations, except in exceptional cases.

The main rules for the installation and maintenance of SAWAPs are:

- Interested parties are now required to notify the *Autoridade Nacional de Comunicações* (ANACOM) through a designated platform within 10 days of the installation of network points. The notification must include the following details: (i) the geographical location of the network points, (ii) the installation and removal dates, (iii) the main technical characteristics, and (iv) the infrastructure used.
- A register will be established to maintain up-to-date, geo-referenced data on public and private infrastructures suitable for installing small-areas wireless access points. ANACOM will be authorized to exempt certain types of infrastructure from inclusion in the register, subject to prior public consultation.
- Since it is exempt from prior approval and fees, the consent of the infrastructure owner will serve for the operator to not only install the access points but also to arrange the necessary services, such as energy supply.
- However, the installation of small-areas wireless access points is subject to municipal authorization in the following cases:

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- a) Monuments, groups of buildings, or sites classified as being of national, public, or municipal interest, along with their respective protection areas, as well as those undergoing classification, and cultural assets subject to protection under municipal master plans.
 - b) Buildings or sites whose use is restricted for reasons of public safety, aimed at protecting people and property.
- Municipal authorization can only be granted after a consultation with the relevant entities, which must provide their opinions on the approval of the small-areas wireless access points. This consultation process must be completed within a maximum of 20 working days.
 - The request for municipal authorization must be decided within a maximum of 40 working days.

Finally, no additional fees or charges can be applied for the deployment of small-areas wireless access points. Only in cases requiring municipal authorization will a one-time fee be applicable, payable at the time of application. This fee will depend on the administrative costs associated with processing the application, including the costs of obtaining opinions and overseeing the installation of the small-areas wireless access points.

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