

On grounds of Article 6(2) indents 18 – 20, as well as of Articles 8 (1), (3) and (5) of the Government Emergency Ordinance no.106/2008 on the establishment of the National Authority for Communications, with the subsequent completions, of Article 34(2) of the Government Emergency Ordinance no.79/2002 on the general regulatory framework for communications, approved, with amendments and completions, by Law no.591/2002, with the subsequent amendments and completions, as well as of Article 8(1) and of Article 13 of the Government Ordinance no.34/2002 on the access to the public electronic communications networks and to the associated infrastructure, as well as their interconnection, approved, with amendments and completions, by Law no.527/2002, with the subsequent amendments and completions,

Having regard to the Decision of the President of the National Authority for Communications no.154/2008 on the identification of the relevant markets of analogue transmission services via the terrestrial radioelectrical systems of the public television and radio-broadcasting services which identified as relevant markets in the electronic communications sector the market of the analogue transmission services via the terrestrial radioelectrical systems of the public television programme services, the market of analogue transmission services via the terrestrial radioelectrical systems of the public radio-broadcasting programme services in the FM frequency band and, respectively, the market of analogue transmission services via the terrestrial radioelectrical systems of the public radio-broadcasting programme services in the AM frequency band,

THE PRESIDENT OF THE NATIONAL AUTHORITY FOR COMMUNICATIONS

issues the present:

DECISION

Art.1. – The Radiocommunications National Company, located in 103 Oltenitei Road, sector 4, Bucharest, registered with the Trade Register Office of the Bucharest Law Court, unique registration code 10881986, hereinafter referred to as the *Operator*, is hereby designated as being a provider with significant power on the market of analogue transmission services via the terrestrial radioelectrical systems of the public television programme services, on the market of analogue transmission services via the terrestrial radioelectrical systems of the public radio-broadcasting programme services in the FM frequency band and, respectively, on the market of analogue transmission services via the terrestrial radioelectrical systems of the public radio-broadcasting programme services in the AM frequency band.

Art.2. – According to this decision, the Operator has to comply with the tariff control obligation, as regards the provision of the transmission services on the markets provided in Article 1.

Art.3. – (1) The Operator will charge cost-oriented tariffs, established based on a cost calculation model, grounded on the fully distributed costs method, using the historical costs as the standard cost, achieved pursuant to the provisions of the regulation adopted by the National Authority for Communications, hereinafter referred to as *ANC*, for the provision of transmission services on the markets provided in Article 1, under the requirements of the present article.

(2) The Operator will elaborate and implement the cost calculation model provided under paragraph (1) within one year from the date ANC adopts the regulation on the elaboration of the cost calculation model by the Operator.

Art.4. – (1) By the date of implementing the cost calculation model provided in Article 3, the Operator has the right to increase the tariffs for the transmission services provided on the markets under Article 1, only once, no sooner than one year from the communication date of this decision, in accordance with the provisions of the present article.

(2) The tariff increase for the transmission services provided on the markets under Article 1, pursuant to paragraph (1), cannot exceed the annual consumer price index communicated by the Statistics National Institute established for the 12 months prior to the month in which the Operator requires the tariff change.

(3) The tariffs for the transmission services provided on the markets under Article 1 will be increased only upon ANC prior approval.

(4) The Operator will send ANC, for approval, the tariff propositions at least 60 days before the date the tariff changes become effective.

Art.5. – (1) In case the term under Article 3(2) is not observed or the cost calculation model developed by the Operator does not consider the regulation adopted by ANC, ANC will determine the tariffs for the transmission services the Operator provides on the markets under Article 1 based on certain tariffs charged for similar services on comparable markets.

(2) The provisions of paragraph (1) do not bring prejudice to other measures ANC may take, according to the legal provisions, where the Operator fails to observe the obligations specified under Article 3.

Art.6. – This decision will be communicated to the Radiocommunications National Company.

**PRESIDENT,
DORIN-LIVIU NISTORAN**

Bucharest, 10 March 2009
No. 169