

On grounds of the decree of the President of Romania no.509/2009 on the assignment of the President of the National Authority for Management and Regulation in Communications,

On grounds of Article 10 (2) point 25, of Article 11 (1) and of Article 12 (1) and (3) of the Government Emergency Ordinance no.22/2009 on the establishment of the National Authority for Management and Regulation in Communications, as well as of Article 4 (3), Article 6, Article 9 (2), Article 11 and Article 13 (1) of Law no.304/2003 for Universal Service and the users' rights regarding the electronic communications networks and services, republished,

Having regard to the provisions of the Order of the minister of communications and information technology no.184/2004 on the approval of the Policy and Strategy Paper for the implementation of Universal Service in the electronic communications sector, with the subsequent amendments,

Having regard to the provisions of the ANRC President's Decision no.1074/2004 on the implementation of Universal Service in the electronic communications sector, with the subsequent amendments and completions,

Having regard to the statement-of-facts DCOR/455/30.04.2009 on the outcome of the tender organised with a view to designating the Universal Service providers that will have the obligation to make available to the end-users a directory enquiry service,

THE PRESIDENT OF THE NATIONAL AUTHORITY FOR MANAGEMENT AND REGULATION IN COMMUNICATIONS

issues this:

DECISION

Art.1. – The company "Infoclick" – S.A., with headquarters in Bucharest, 22 Visinilor Street, Sector 2, registered with the Trade Registry affiliated to the Bucharest Court, unique registration code 24232865, and the company "Newsphone Hellas" S.A., with headquarters in Kallithea, 280 Thiseos Street, Greece, represented in Romania by Newsphone Hellas S.A. Atena Grecia – Bucharest Branch, registered with the Trade Registry affiliated to the Bucharest Court, unique registration code 24232865, are designated - following open tender, for a period spanning between the date of communicating this decision of the President of the National Authority for Regulation and Management in Communications (ANCOM) and the term of completing two years from the moment of making available to the end-users, for the first time, of a subscriber directory service - Universal Service providers in the electronic communications field, as defined in Article 2 (1) letter g) of Law no.304/2003 for Universal Service and the users' rights regarding the electronic communications networks and services, republished, with a view to making available to the end-users of a directory enquiry service.

Art.2. – (1) The company “Infoclick” – S.A. and the company “Newsphone Hellas” S.A., represented in Romania by Newsphone Hellas S.A. Atena Grecia – Bucharest Branch, hereinafter referred to as *Universal Service Providers*, have the specific obligations provided in the Terms of Reference of the tender and in the joint offer submitted to ANCOM, during the whole designation period provided in Article 1, as regards the making available to the end-users of a subscriber directory service and of the additional services in the technical proposal.

(2) *The Universal Service Providers* have the obligation to make available to the end-users of a directory enquiry service, by 31 October 2009, and, respectively, to provide this service throughout a two year period, under the provisions in the Terms of Reference, in the technical proposal and in the financial proposal of the tender.

(3) *The Universal Service Providers* are jointly liable for the obligations provided in this designation decision.

Art.3. – (1) *The Universal Service Providers* have the obligation to send a request regarding the provision of all the relevant information to all the providers of publicly available telephone services that assign telephone numbers to their subscribers, as provided in the list made available by ANCOM within 14 days from the date of communicating this designation decision. Within 10 days from the date of the request, the *Universal Service Providers* must send ANCOM the proof of communicating the respective request.

(2) If one or several providers of publicly available telephone services that assign telephone numbers to their providers do not make available the relevant information regarding their own subscribers, according to ANRC President’s Decision no.1074/2004, *the Universal Service Providers* have the obligation to make available to the end-users a directory enquiry service comprising the relevant information provided by the other providers of publicly available telephone services that assign telephone numbers to their subscribers and to communicate ANCOM the refusal of some providers of publicly available telephone services to send relevant information, within 10 days from the expiry of the deadline for sending such information.

Art.4. – *The Universal Service Providers* have the right to request the compensation of the net cost for the provision of services within the scope of Universal Service (as defined under 3.4.2.2. of Section I in the Documentation for drawing up and submitting the offer for the designation of the Universal Service provider with a view to making available to the end-users a directory enquiry service), as the case may be. The request for the net cost compensation shall be submitted at the end of each fiscal year from the designation period, under the provisions of the Terms of Reference of the tender and in the financial proposal, for the respective year.

Art.5. – Breach of the obligations imposed on the *Universal Service Providers* under this decision shall be punished according to the legal provisions in the electronic communications field.

Art.6. – The *Universal Service Provider’s* capacity as a Universal Service provider shall cease in the situations under Article 38 of the ANRC President’s Decision no.1074/2004 on the implementation of Universal Service in the electronic communications field, with the subsequent amendments and completions.

Art.7. – The Terms of Reference of the tender, as well as the documents in the technical proposal and the financial proposal of the *Universal Service Providers* are part of this decision.

Art.8. – This decision shall be communicated to the *Universal Service Providers*.

**PRESIDENT,
MARIUS CATALIN MARINESCU**

Bucharest, 12 June 2009
No. 406