

On the grounds of the Prime Minister's Decision no.113/2002 on the appointment of the president of the National Regulatory Authority for Communications,

On the grounds of the provisions of Article 38(1), (3) and (5), of Article 34(3) and of Article 46(1) indent 11 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, as well as of Articles 5, 8(1), 9, 10, 11, 12 and 13 of the Government Ordinance no.34/2002 on the access to the public electronic communications networks and associated infrastructure, as well as their interconnection, approved with amendments and completions by Law no.527/2002,

Having regard to the provisions of the Decision of the President of the National Regulatory Authority for Communications no.142/2002 that designates the National Telecommunications Company "Romtelecom2 – S.A. as having significant power on the market of access to the public fixed telephone networks for call origination, termination and transit,

THE PRESIDENT OF THE NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS

issues the present:

DECISION

on amending and completing the ANRC President's Decision no.147/2002 on the principles and prerequisites of the Reference Offer for Interconnection with the public fixed telephone network

Art.I. – The Decision of the President of the National Regulatory Authority for Communications no.147/2002 on the principles and prerequisites of the reference offer for interconnection with the public fixed telephone network shall be amended and completed as follows:

1. Letter k) within Article 2 shall read as follows:

"k) *individual carrier selection code (CSC)* – a 10xyz code, included under the National Numbering Plan, adopted by the Decision of the National Regulatory Authority for Communications no.140/2002, allotted by ANRC to a provider of publicly available electronic communications services, used by the end-user to access the provider's services;"

2. Within Article 2, after letter y), letter z) shall be introduced, reading as follows:

"z) *intelligent network services* – an electronic communications service provided by the user's dialling of national non-geographic numbers within the 0ZAB=0800 (Green numbers) or 0ZAB=0808 (Prepaid cards) domains, included under the National Numbering Plan, adopted by the Decision of the National Regulatory Authority for Communications no.140/2002, allotted to the service provider; this service shall be provided by using the functions of an intelligent platform, which are centralised and separated by the switching function within an electronic communications network."

3. Letter b) within Article 3 shall read as follows:

"b) the interconnection service for fixed call origination, as follows:

1. origination through the carrier selection (CS) procedure;

2. origination to the *Beneficiary's* numbering or to a third party's numbering used for the provision of the intelligent network services;"

4. Article 5 shall read as follows:

"Art.5. – (1) Through the interconnection service for fixed call origination the *Operator* ensures the transfer in the *Beneficiary's* network of calls originated at any national number allotted to the *Operator*, served by the switch where interconnection is achieved or by a switch subordinated to the respective switch, according to the network's architecture, as well as, in case of national interconnection at a transit switch, from any national number other than the ones served by the local switches subordinated to the respective transit switch, if call initiation from the respective number is technically possible (Annex 2, Exhibits 3 and 3¹).

(2) The *Operator* is obliged to offer its end-users the possibility to use the *Beneficiary's* services by dialling a CSC for each call or by dialling the *Beneficiary's* numbering used to provide the intelligent network services.

(3) The interconnection for call origination through CS shall be available for all calls, irrespective of the number dialled after the CSC, except for calls towards the unique emergency call number (112), which are to be terminated by the *Operator*.

(4) Call origination through CS shall be achieved by dialling once, or if technically possible, by two-step dialling, under the conditions of Article 8(3), of a numbering sequence which includes the CSC followed by the wished number, which can be a national number or the international prefix (00) followed by an international number.

(5) The *Operator* is not obliged to offer the CS from the public pay telephones. The *Operator* shall allow call origination to the *Beneficiary's* numbering used for the provision of the intelligent network services and from the public pay telephones, when the *Beneficiary* offers the end-users access to its own intelligent network services from the public pay telephones.

(6) The *Operator* is obliged to transfer the calling line identification data the *Beneficiary's* network.

(7) The *Beneficiary* takes over, routes and, where applicable, terminates the call, from the moment the call was transferred into its network. The *Operator* shall bill the *Beneficiary* for the interconnection service in view of call origination.

(8) If calls are originated through CS, the calling end-user shall not be billed by the *Operator*, but by the *Beneficiary*. To the extent this is technically possible, the *Operator* shall make available to the *Beneficiary* billing services consisting of emission and cashing in of the bills on *Beneficiary's* account.

(9) If calls are originated to the *Beneficiary's* numbering used for the provision of intelligent network services, the calling end-user shall not be billed by the *Operator*."

5. After Article 5, Articles 5¹ and 5² shall be introduced reading as follows:

"Art.5¹. – (1) Upon the *Beneficiary's* request, the *Operator* shall transfer into another *Beneficiary's* network, hereinafter referred to as the *Carrier Beneficiary*, with the latter's approval, the calls originated by the dialling of a CSC allotted to the *Beneficiary* or to the *Beneficiary's* numbering used for the provision of the intelligent network services, from the national numbers allotted to the *Operator*, served by a certain switch to which the *Carrier Beneficiary* is interconnected or by a switch subordinated to the respective switch, according to the network's architecture, as well as, in case of national interconnection of the *Carrier Beneficiary* to a transit switch, from any national number other than those served by the local switches subordinated to the respective transit switch, if call initiation from the respective numbers is technically possible.

(2) The *Carrier Beneficiary* takes over, routes and transfers the call to the *Beneficiary*, from the moment the call was transferred into its network.

(3) The calling end-user shall not be billed by the *Operator*. The *Operator* shall bill the *Carrier Beneficiary* for the interconnection service in view of call origination.

Art.5². – (1) Upon the *Beneficiary's* request, the *Operator* shall transfer into its network the calls originated by dialling a CSC allotted to a third party or to a third party's numbering used for the provision of intelligent network services, if there is an agreement between the *Beneficiary* and the third party on the *Beneficiary's* collection of such calls.

(2) The *Beneficiary* takes over, routes and transfers the call to a third party, from the moment the call was transferred into its network.

(3) The calling end-user shall not be billed by the *Operator*. The *Operator* shall bill the *Beneficiary* for the interconnection service in view of call origination."

6. Article 30 shall read as follows:

"Art.30. – (1) The maximum negotiation term for concluding a *RIO*-based interconnection agreement is 2 months from the date the *Operator* receives a request in this regard.

(2) The *Operator* has the obligation to send *ANRC* a copy of each of the interconnection requests and, respectively, of each of the subsequent requests for amending, completing or withdrawing the initial request, within 2 days from the date of their receipt.

(3) The *Operator* has the obligation to analyse the interconnection options provided in the *Beneficiary's* request and to elaborate the technical solutions for the implementation of the interconnection, which are to be communicated to the *Beneficiary* within 20 days from the date of receiving the interconnection requests.

(4) Within 15 days from the date the present decision is communicated, the *Operator* is obliged to publish on its website and make available for any requesting party a standard interconnection agreement achieved in accordance with the provisions of the *RIO*, which would enable the *Beneficiaries* to easily select the points of access and interconnection, the capacity of the interconnection links, the options of interconnection and co-location, as well as any other services offered based on the *RIO*. The standard interconnection agreement shall explicitly provide the tariffs for the interconnection services and for all the other services offered in view of fixed call termination.

(5) By way of derogation from the provisions of paragraph (1), if, through the interconnection offer, the *Beneficiary* accepts the conditions of the standard interconnection agreement and indicates the points of access and interconnection, the capacity of the interconnection links, the options of interconnection and co-location, as well as the other services to be purchased, the negotiation term is maximum 30 days from the date of receiving the request, without exceeding 10 days from the communication date of the technical solution for the implementation of interconnection, under the conditions of paragraph (3).

(6) The *Operator* shall ensure the implementation of the provisions under the interconnection agreement so that the provision of the interconnection services can start within 3 months from the date of concluding the agreement.

(7) If the terms under paragraphs (1), (3), (5) or (6) are not complied with, the interested party may address *ANRC* according to the provisions of Article 36 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."

7. After Article 32, Article 32¹ shall be introduced, reading as follows:

"Art.32¹. – In view of ensuring end-to-end connectivity, the *Operator* has the obligation to purchase the interconnection services in view of fixed call termination offered by the *Beneficiaries*, at tariffs at least equal to the reciprocity-based tariffs. If the tariffs the *Beneficiary* requires for the service of fixed call termination on its own network are higher than the reciprocity-based tariffs, then the required tariffs shall be established by negotiation between the parties."

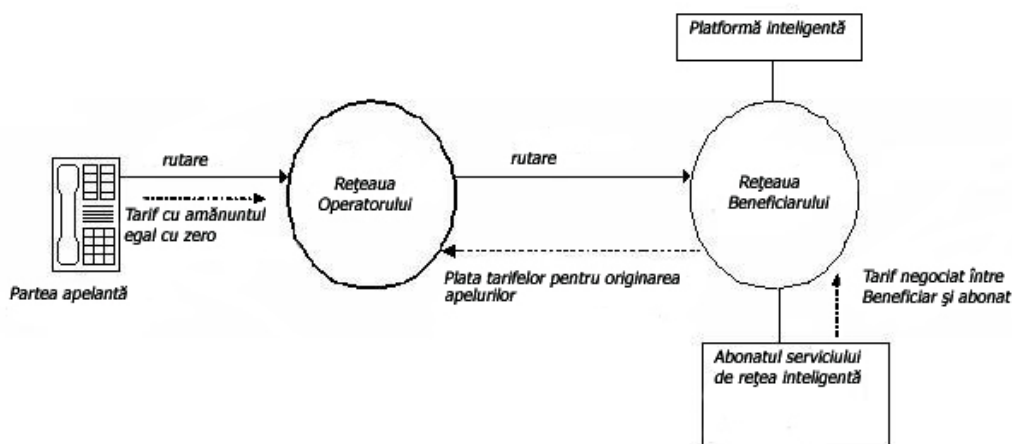
8. After the title of Chapter IX, Article 33¹ shall be introduced, reading as follows:

"Art.33¹. – As regards the interconnection agreements concluded by the *Operator* until December 18, 2003, the *Operator* has the obligation to require the re-negotiation of the agreements in view of purchasing interconnection services under the conditions of Article 32¹, within 5 days from the communication date of the present decision. If the *Beneficiary* accepts to re-negotiate the agreement and requires reciprocity-based tariffs, the *Operator* is obliged to apply these tariffs within 5 days from the date of receiving the consent of the *Beneficiary*. If the *Beneficiary* accepts to re-negotiate the agreement, but requires tariffs higher than the reciprocity-based tariffs, the *Operator* is obliged to apply reciprocity-based tariffs within 5 days from receiving the *Beneficiary's* consent, by the date of finalising the negotiations between the parties."

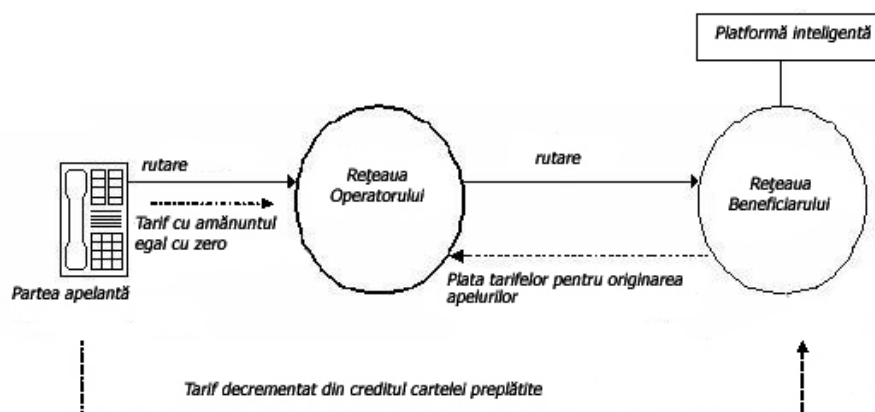
9. After Exhibit 3 under Annex 2, Exhibit 3¹ shall be introduced, reading as follows:

"Exhibit 3¹ – The interconnection service for call origination to the *Beneficiary's* numbering used for the provision of intelligent network services

a) intelligent network services provided by the user's cost-free dialling of certain national non-geographic numbers within the 0ZAB=0800 domain (Green numbers), allotted to the *Beneficiary*



b) intelligent network services provided by the user's dialling of certain national non-geographic numbers in the 0ZAB=0808 domain (Prepaid cards), allotted to the *Beneficiary*"



Art.II. – By March 1, 2004, the Commercial Company Romtelecom – S.A. shall amend and complete the Reference Offer for the Interconnection with the public fixed telephone network it operates, in accordance with the provisions of the present decision.

Art.III. – The present decision shall be communicated to the Commercial Company Romtelecom – S.A.

**PRESIDENT,
ION SMEEIANU**

Bucharest, December 18, 2003
No.1384 / EI