

Having regard to the provisions of Article 21 of the ANRC President's Decision no.144/2006 on the implementation of number portability, with the subsequent amendments and completions,

On grounds of Article 5(5) letter d), Article 6(2) indent 23 and Article 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 amendments and completions, of Article 20(4) and (5) of Law no. 304/2003 for Universal Service and the Users' Rights regarding the electronic communications networks and services, republished, of Article 51(1), (2) letter k) and (5) 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 6(3) of Law no. 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector, with the subsequent amendments and completions,

THE PRESIDENT OF THE NATIONAL AUTHORITY FOR COMMUNICATIONS

issues the following:

DECISION

on the obligations of the providers of publicly available electronic communications services to inform the end-users

CHAPTER I

General Provisions

Art. 1 – (1) This Decision establishes the conditions and the means for fulfilling the obligations of informing the end-users, incumbent on the providers of publicly available

electronic communications services, in accordance with the special legislation in the field of electronic communications.

(2) In accordance with this Decision, the obligations of informing the end-users consist of:

a) for the providers of publicly available telephone services – informing the end-users by the provider's own means, as per Chapter II – Section 1 of this Decision;

b) for all the providers of publicly available electronic communications services:

- making publicly available the details of the technical and commercial terms for the provision of these services, by means of a website developed and managed by the National Authority for Communications, hereinafter referred to as *ANC*, under the terms of Chapter II – Section 2 of this Decision;

- making available to the subscribers, by means of itemised bills, information regarding the services provided according to the contracts concluded and the respective tariffs, under the terms of Chapter III of this Decision.

Art. 2 – (1) For the purposes of this decision, the following terms shall be defined as follows:

a) premises – headquarters or secondary location where a provider of publicly available telephone services operates and the public can buy products and services;

b) broadband Internet access service – an Internet access service consisting of signal transport at a speed of at least 144 Kbps;

c) commercial offer – the whole range of offers for publicly available telephone services or broadband Internet access services, excepting the individual offers proposed during direct negotiations.

(2) For the purpose of this Decision, the relevant definitions provided in Article 2 of the Government Emergency Ordinance no. 79/2002 on the general regulatory frame for communications, approved, with amendments and completions, by Law no. 591/2002, with the subsequent amendments and completions, in Article 2 of the Government Ordinance no. 34/2002 on access to the public electronic communications networks and to the associated facilities, as well as their interconnection, approved, with amendments and completions, by Law no. 527/2002, with the subsequent amendments and completions, in Article 2 of Law no. 304/2003 for Universal Service and the users' rights regarding the electronic communications networks and services, republished, and in Article 2 (1) of Law no.

506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector, with the subsequent amendments and completions will also apply.

CHAPTER II

The obligation of informing on the conditions for the provision of publicly available electronic communications services

Section 1

Informing by the own means of the providers of publicly available telephone services

Art. 3 – (1) The providers of publicly available telephone services have the obligation to make publicly available information on the applicable prices and tariffs, as well as the conditions for connecting to and using publicly available telephone services, in order to ensure the end-users' possibility to make well-informed choices.

(2) The information provided in paragraph (1) must include at least the elements provided at point I of Annex no. 1 to this Decision and will be made publicly available under the terms of this section.

(3) The provisions of this section apply to publicly available telephone services irrespective of the payment method (pre- or post-paid services).

(4) As for the Internet access services, the providers are recommended to make publicly available, according to the provisions of this section, information regarding the applicable tariffs and prices, as well as the conditions for connecting to and using the services, which should include at least the elements provided at point II of Annex no. 1 of this Decision.

Art. 4 – (1) The information that the providers of publicly available telephone services are required to make available to end-users must be detailed, clear and updated.

(2) The information provided in Article 3(1) will be drawn up and presented, irrespective of the means by which they are made publicly available, according to the provisions of Article 5, in a simple, clear, readable and accessible manner, which should enable the users to easily read and understand it. The conditions or terms that affect the

commercial offer will be presented in the same format, with similar fonts of the same dimension as those used for drawing up the offer.

(3) The information provided in Article 3(1) must be updated as often as modified, specifying when the last update was made.

Art. 5 – The information provided in Article 3(1) by the providers of publicly available telephone services will be disseminated, cumulatively, by the following means:

a) providing free of charge, upon request, materials containing the information requested, in printed format, and/or, if so requested, in electronic format;

b) posting the information on the provider's own websites;

c) the Customer Service, available at least 56 hours per week, at a telephone number indicated by the provider.

Art. 6 – (1) The providers of publicly available telephone services have the obligation to make available to the public information on the conditions of connecting to and using the services, at least through a permanent poster with the content provided in Annex no. 2 of this Decision, displayed in all the provider's premises or in the premises of the distribution networks of the provider's partners which offer subscription-based telephone services available to the public, in places that are easily accessible and visible for the public.

(2) The poster must be at least 42 x 59.40 cm (width x length). The font used for printing the poster must have at least 25 points. ANC's contact data may be printed using smaller fonts, depending on the available space. In case of a colourful background (photo, graphic elements, even colour), the text must be printed with a contrasting colour, which should allow easy reading. The text must be structured (titles, paragraphs) as per Annex no. 2 to this Decision.

(3) The poster will be reprinted on an annual basis and will be updated upon ANC's request, following the emergence of objective circumstances.

Art. 7 – (1) The providers of publicly available telephone services have the obligation to give any person, upon request, free of charge, in printed format or, if so requested, in electronic format, a copy of the framework-contract and of the general conditions for the provision of subscription-based telephone services, respectively of the general conditions regarding the provision of the telephone service, for pre-paid services.

(2) The materials provided in paragraph (1) will be handed out or transmitted to the persons interested in concluding a contract, in printed format or, if so requested, in electronic format, before the conclusion of the contract, the providers having the obligation to ensure that the sales personnel from their own premises or from the distribution networks of the partners that offer subscription-based publicly available telephone services urge the interested persons to carefully read the respective materials before concluding the contract.

(3) The providers of publicly available telephone services have the obligation to ensure that the sales personnel from their own premises or from the distribution networks of the partners that offer subscription-based publicly available telephone services communicate the end-users, before the conclusion of the contract, at least the following:

a) the chosen tariff plan, including its value for the whole initial contract period, specifying the services included – monthly subscription (number of minutes/credit included, as the case may be), extra-options, connection/installation, terminal equipment purchased etc., if applicable, taxes included;

b) the applicable tariffs for access and for national calls, the tariffs for the calls made during peak/off-peak hours (indicating the respective intervals) and the usage conditions for the included minutes/credit, if applicable;

c) the minimum contract duration, as the case may be, as well as the terms for early contract termination and the applicable penalties, if applicable;

d) the ways of finding the information specified in Article 3(1) of this Decision.

(4) The communications provided in paragraph (3) will be accompanied or followed, upon request, free of charge, by printed or, if so requested, electronic materials, including at least the information provided in paragraph (3), before the conclusion of the contract for the provision of publicly available telephone services.

(5) The provisions of paragraphs (3) and (4) shall also apply for distance sales.

Art. 8 – The providers of publicly available telephone services have the obligation to post on their own website, in easily visible places, a direct link to the framework-contract and to the general terms on the provision of the telephone service.

Art. 9 – (1) Within 30 days from the entry into force of this Decision, the providers of publicly available telephone services have the obligation to draw up a "Procedure for

handling the end-users' complaints", hereinafter referred to as *the Procedure*, and to make it publicly available by all of the following means:

a) providing free of charge, upon request, a printed copy of *the Procedure* at all the provider's own premises or at the premises of the partners that offer subscription-based publicly available telephone services;

b) posting *the Procedure* on their own websites.

2) When concluding the contract for the provision of publicly available telephone services, the end-users will be handed out a printed version of *the Procedure*.

(3) *The Procedure* will specify at least the following:

a) the ways in which the end-user can submit a complaint (telephone, fax, e-mail, mail);

b) a telephone number and an e-mail address for receiving complaints;

c) name, address and opening hours of the department in charge of receiving and registering the complaints, as the case may be;

d) deadline for submitting the complaint, as the case may be;

e) deadline for solving the complaints, as the case may be, by categories of complaints;

f) manner and deadline for informing an end-user on the result of the proceedings conducted in view of settling his/her complaint, as well as, in case of exceeding the given deadline, the term of informing the user on the solving deadline;

g) where a dispute with the service provider fails to be amiably settled, the end-user's possibility to approach ANC or other extra-judiciary dispute settlement procedures; also, the end-user will be notified on the possibility of addressing the competent court.

Art. 10 – (1) Where the contract for the provision of publicly available telephone services is automatically extended and the subsequent withdrawal from the contract, by the subscriber, requires payment of penalties, at least 15 days before the deadline established in the contract, for the subscriber's sending the notification in view of terminating the contract, but no sooner than 45 days prior to this date, the providers of publicly available telephone services have the obligation to send an information message either in the subscriber's invoice or alongside the invoice regarding the contract expiry date, the deadline for sending the notification, as well as on the otherwise automatic extension of the contract.

(2) The mobile telephony providers have the obligation to communicate the message provided in paragraph (1) also by means of an SMS sent to each subscriber, within the deadline established in paragraph (1).

Section 2

Information by means of ANC

Art. 11 – (1) ANC will establish, manage and make publicly available a website that allows a comparison between the tariffs and conditions offered by various providers of publicly available electronic communications services, by means of an interactive application that performs, based on the user's options, comparative analyses of the tariff plans on the market for three categories of electronic communications services: mobile telephony, fixed telephony and broadband Internet access, prompting the most advantageous tariff plans ranked by price, as per the user's options.

(2) The interactive application provided in paragraph (1) will provide the following information to the end-user:

1. For telephone services:

a) the provider's name and logo, the name of the tariff plan and the provider's website where detailed information thereon is available;

b) contract arrangement (pre- or post-pay);

c) the minimum contract duration, as well as the penalties applicable for the early termination of the contract;

d) the tariff of the monthly subscription or the value of the pre-paid card, as the case may be, as well as the minutes or the initial credit included in the price, as the case may be;

e) the tariff for establishing the network connection or the tariff for installing the service, as the case may be;

f) the tariffs charged for each category of calls: for national calls, the tariffs will be specified by destination/called network (on the same network or towards other networks/types of networks, specifying the networks/networks types that may be called), as well as by the time interval of the day/week when the call is made (during peak hours/off-peak hours, indicating the corresponding time intervals) or by the types of called numbers (for example, numbers in a particular group), as the case may be; for international calls, the tariffs will be specified by destination area/country; also, there will be indicated that – for

certain categories of numbers higher tariffs may apply (for example, Premium Rate Numbers);

g) as regards mobile telephony, the tariffs for roaming services (incoming calls, outgoing calls, SMS, MMS) must be specified by selected network, time interval (as the case may be), as well as by destination (within the visited country, towards the caller's country or towards a third country);

h) service coverage (localities where the services are available, in case of fixed telephony, respectively the percentage of the population and the percentage of the territory, for mobile telephony);

i) invoice payment methods;

j) current promotional offers, including discounts or free equipment.

II. For broadband Internet access:

a) the provider's name and logo, the name of the tariff plan and the provider's website where detailed information thereon is available, as the case may be;

b) contract arrangement (pre- or post-pay);

c) the tariff of the monthly subscription and the traffic/initial credit included in the price, as the case may be;

d) the tariff for establishing the network connection or the tariff for installing the service, as the case may be;

e) the tariffs charged for equipment lease/provision, as the case may be;

f) the tariff charged for additional traffic, as the case may be;

g) service coverage (localities where the services are available);

h) upload/download capacity during peak hours (calculated based on the maximum number of users that may access the service simultaneously), as well as the maximum upload/download capacity;

i) invoice payment methods;

j) current promotional offers, including discounts or free equipment.

(3) *ANC* will establish the criteria and options used by the interactive application provided in paragraph (1) in view of ranking the most advantageous tariff plans insofar as price is concerned, the format in which the providers of publicly available electronic communications services have the obligation to make available their commercial offers in order to ensure the content required for the proper operation of the application, as well as

all the other elements and conditions for the development and operation of this application, upon consulting the providers of publicly available electronic communications services.

(4) The website provided in paragraph (1) will be available also for posting other details of interest for the users of publicly available electronic communications services.

Art. 12 – (1) Within 30 days from the date of receiving a notice from *ANC* regarding the finalisation of the interactive application provided for in Article 11, the providers of publicly available electronic communications services must fulfil all of the following obligations:

a) send *ANC* thorough and accurate commercial offers that include at least the elements provided in Annex no. 1, in one of the manners provided in Article 13, in the format corresponding to each category of services (fixed telephony, mobile telephony and broadband Internet access), established by *ANC*;

b) fill in the corresponding information in electronic format, for each category of services (fixed telephony, mobile telephony and broadband Internet access), in the database of the application provided for in Article 11 by means of a web interface made available for this purpose by *ANC*; the respective information is to be checked and validated by *ANC*.

(2) Where the providers of publicly available electronic communications services launch a new commercial offer, amend the existing one or launch a promotional offer with a short validity period, they have the obligation to send *ANC* the corresponding information and to introduce it in electronic format, in the terms of Article (1), within 4 working days from the date of launching or amending it. The providers have the obligation to mention the validity period and any conditions that may affect their commercial offers, while observing the format established by *ANC*.

Art. 13 – The information provided in Article 12 will be sent either to the *ANC* headquarters or to *ANC*'s territorial branch where the provider's headquarters belong, in one of the following manners:

a) on paper, signed and sealed by the legal representative or by a person mandated therefore, by handing in, upon signature, or by a postal service with confirmation receipt;

b) as an electronic document, with an embedded, attached or logically associated extended electronic signature, based on a qualified certificate and generated by means of a secured device for creating electronic signatures.

CHAPTER III

Information included in the itemised bills issued by the providers of publicly available electronic communications services

Art. 14 – Itemised bills will be issued upon the subscribers' request, irrespective whether the subscriber is a legal or natural person.

Art. 15 – (1) The itemised bills issued by the providers of publicly available electronic communications services must include at least the following categories of information:

1. For telephone services:

- a) billing period;
- b) monthly subscription rate;
- c) connection/installation/reconnection/disconnection tariffs, as the case may be;
- d) tariffs charged for equipment lease/provision, as the case may be;
- e) other monthly tariffs for additional services;
- f) free offerings/tariff discounts from which the subscriber has benefited and the manner in which they were applied;
- g) occasional services provided and the tariffs charged for these;
- h) a full list of the outgoing calls and messages, as well as of the incoming messages and calls for which a tariff is charged (paid calls/messages); this list must include the following data:
 - h.1. called number, for each call, and the number to which each message has been sent or from which paid messages and calls were received, insofar as the provider can identify such data;
 - h.2. date and hour when each telephone call was initiated, each message was sent or each paid call or message was received;
 - h.3. duration of each telephone call;
 - h.4. total tariff for each call performed and for each paid message sent or received;
- i) total amount for the calls, respectively for the paid messages, specified by categories of calls/messages/other services: on-net calls, off-net calls by types of networks – to (other) fixed networks, to (other) mobile networks, to certain networks, as the case may

be –, to numbers within a certain group, international calls, incoming/outgoing roaming calls, calls to Premium Rate numbers, dial-up Internet access calls, video messages, SMS, MMS, as well as for any other category of services used, which the provider charged, during the charging period;

j) total amount charged, including VAT;

k) method of metering the call duration charged; also, the providers must specify the charging method used, mentioning at least the time unit considered in charging (ex. second, minute etc.) and the manner of considering each time unit;

l) a telephone number by which the end-user can request additional information regarding the itemised bill;

m) exchange rate used, as the case may be.

II. For Internet access services :

a) billing period;

b) monthly flat rate and the tariff charged for additional traffic;

c) connection/installation/reconnection/disconnection tariffs, as the case may be;

d) tariffs charged for equipment lease/provision, as the case may be;

e) other tariffs for additional services, charged on a monthly basis;

f) free offerings/tariff discounts from which the subscriber has benefited and granting manner;

g) occasional services provided and the tariffs charged for these;

h) number of hours/traffic volume included in the subscription (traffic limit), as well as the additional traffic generated by exceeding the number of hours/traffic volume included in the subscription, differentiated by period of the day/week when the Internet is accessed, as the case may be;

i) total amount charged, including VAT;

j) a telephone number for additional information on the itemised bill;

k) exchange rate used, as the case may be.

CHAPTER IV

Final Provisions

Art. 16 – This Decision shall be published in the Romanian Official Journal, Part I and shall enter into force within 90 days from the publishing date.

**PRESIDENT,
DORIN-LIVIU NISTORAN**

Bucharest, 5 February 2009

No. 77

Minimum set of information to be made available in the commercial offer of the providers of publicly available electronic communications services

I. Commercial offers regarding the **telephone services** will include:

A. The provider's identification data: name/company name, domicile/headquarters, telephone, fax, e-mail address, website;

B. Description of the categories of services offered:

- access services;
- national/international calls;
- pre- or post-paid services offered to natural/legal persons;
- possibility of calling emergency services, as well as whether and how caller location is available;

- calling/called line identification;

- client service;

- subscriber directory services;

- call barring;

- call forwarding;

- roaming;

- number portability;

- maintenance/repair service etc.;

C. Information regarding the service provision terms, as follows:

C.1. For *subscription-based fixed telephone services*, the following must be mentioned:

1) area of service provision (localities where the services are available);

2) documents required for concluding a contract, for each category of end-users (for example, for natural persons, respectively for legal persons);

3) for each category of end-users and for each document type¹:

a) framework contract, as well as the general terms regarding the provision of the telephone service;

b) minimum contract duration, as the case may be, amending, assigning or early termination terms, as well as the applicable penalties, as the case may be;

c) network connection/service installation tariff, as the case may be;

d) telephone terminal installation/putting into operation term;

e) monthly subscription tariff;

f) other additional monthly tariffs (equipment lease tariffs etc.), as the case may be;

g) number of minutes included in the initial credit, as the case may be; where the subscription includes credit, there will be mentioned the exact time intervals, destinations

¹ Where certain elements apply to several types of subscriptions or categories of users, these must be mentioned just once, specifying the scope of application.

(national/international), networks/types of destination networks or types of called numbers (for example, numbers in a well-defined group) for which the included minutes are valid, those for which the included minutes are not valid (for example, Premium Rate numbers); furthermore, there will be specified whether the included credit/minutes not used are carried onto the next charging period(s), as well as the validity period of the included credit/minutes, as the case may be;

h) number of minutes or any other facilities offered on a regular basis or on certain occasions, as a bonus/premium etc., conditions of granting and the corresponding usage manner;

i) the exact tariffs charged for national calls, specified by destination/network called (on-net calls, off-net calls to other networks/types of networks, mentioning the networks/types of networks that may be called), based on the period of the day/week when the call was performed (peak hours/off-peak hours, indicating the corresponding time intervals), as well as based on the numbers called (for example, the numbers in a certain group), as the case may be; furthermore, there will be specified that calls to certain number categories (e.g. Premium Rate numbers) involve higher tariffs;

j) the tariffs for the number portability service and for calls to ported numbers, if these are different from the tariffs charged for the calls to the network on which the respective number has been ported, for the respective end-user category or subscription type;

k) tariffs for the international calls, by destination areas/countries;

l) tariffs for the SMS service, by destination (national/international), as the case may be; moreover, there will be mentioned that calls to certain categories of numbers may involve higher tariffs;

m) charging method (per second, per minute etc.) for each category of calls and the call set-up fee, first indivisible minute etc.), as the case may be;

n) for bundled services, the provider must specify the terms of providing the services within the bundle, mentioning the data corresponding to the service category each service belongs to;

o) invoice payment means and methods (if the tariffs are denominated in other currency than that of the payment, the exchange rate must be specified; average monthly exchange rates - where used - must be specified, as well as the tariff for issuing an itemised bill, as the case may be;

p) terms for suspending, respectively for resuming the network access service;

C.2. For pre-paid fixed telephone services, the following must be mentioned:

1) area of service provision (localities where the services are available);

2) fixed telephony categories available for the end-users;

3) for each category of services:

a) tariff plans and the initial credit included in the price;

b) credit validity period, as the case may be;

c) in case of providing services by means of the carrier selection procedure or by non-geographic numbers, the individual carrier selection code or the non-geographic numbers by which the users may access the provided services and the access networks where a call may be initiated must be specified;

d) charging unit (per second, per minute etc.) for each category of calls, as well as the call set-up tariff, first indivisible minute etc., as the case may be;

e) exact tariffs charged for national calls, specified by destination/called network (on-net or towards other networks/types of networks, specifying the networks/network types that may be called), by the time interval of the day/week when the call is made (during peak hours/off-peak hours, indicating the corresponding time intervals), as well as by the types of called numbers (for example, numbers in a particular group), as the case may be; also, there will be indicated that, for certain categories of numbers, higher tariffs may apply (for example, Premium Rate Numbers);

f) tariffs for international calls, by destination areas/countries;

g) number of minutes or any other facilities offered occasionally or on a regular basis, as a bonus/premium etc., usage terms and manner;

C.3. For *subscription* mobile telephone services, the following must be mentioned:

1) network coverage (population percentage and territory percentage);

2) documents required for concluding a contract, by category of end-users (e.g. for natural persons, respectively for legal persons);

3) for each category of end-users and for each type of subscription¹:

a) framework-contract, as well as the general conditions regarding the provision of the telephone service;

b) minimum contract duration, as the case may be, terms for amendment, assignment or early termination, as well as the applicable penalties, as the case may be;

c) deadline of putting the service into operation, as the case may be;

d) network connection tariff, as the case may be;

e) monthly subscription tariff;

f) number of minutes/SMS/MMS included or the initial credit included, as the case may be; where the subscription includes minutes/SMS/MMS, there must be specified the time intervals, the national/international destinations, the destination networks/network types or the types of numbers (e.g. numbers in a certain group) for which the minutes/SMS/MMS included are valid, or, on the other hand, those for which the minutes included are not valid (for example, calls to Premium Rate numbers); furthermore, there will be specified whether the included credit/minutes not used are carried onto the next charging period(s), as well as the validity period of the included credit/minutes/SMS/MMS, as the case may be;

g) exact tariffs charged for national calls, specified by destination/called network (on-network or towards other networks/types of networks, specifying the networks/network types that may be called), by the time interval of the day/week when the call is made (during peak hours/off-peak hours, indicating the corresponding time intervals), as well as by the types of called numbers (for example, numbers in a particular group), as the case may be; also, there will be indicated that, for certain categories of numbers, higher tariffs may apply (for example, Premium Rate Numbers);

h) tariffs charged for international calls, by destination area/country;

i) tariffs for the number portability service and for the calls to ported numbers, if these are different from the tariffs charged for calls to the network on which the number has been ported, for the respective category of end-users and subscription type;

¹ Where certain elements apply to several types of subscriptions or categories of users, these must be mentioned just once, specifying the scope of application.

j) the tariffs for SMS and MMS, specified by destination (national/international), as the case may be; furthermore, there will be mentioned that calls to certain categories of numbers may involve higher tariffs;

k) destinations available and tariffs for the roaming services used (received calls, initiated calls, SMS, MMS) specified by the network selected, time interval (as the case may be), as well as by destination (within the visited country, to the country of origin, to another country than the visited or the country of origin);

l) number of minutes or any other facilities offered occasionally or on a regular basis, as a bonus/premium etc., usage terms and manner;

m) charging unit (per second, per minute etc.) for each category of calls, as well as the call set-up fee, the first indivisible minute etc.), as the case may be;

n) for bundled services, the provider must specify the terms of providing the services within the bundle, mentioning the data corresponding to the service category each service belongs to;

o) invoice payment means and methods (if the tariffs are denominated in other currencies than that of the payment, the exchange rate must be specified; average monthly exchange rates - where used - must be specified, as well as the tariff for issuing an itemised bill, as the case may be;

p) terms for suspending, respectively for resuming the network access service, as well as the applicable tariffs, as the case may be;

C.4. For *pre-paid* mobile telephone services, the following must be mentioned:

1) network coverage (population percentage and territory percentage);

2) tariff plans;

3) for each tariff plan, there will be mentioned:

a) initial credit included in the price;

b) credit validity period, as the case may be;

c) SIM validity period and the terms for extending the validity;

d) prepaid recharging cards available, alongside the corresponding value and credit validity period;

e) charging method (per second, per minute etc.) for each category of calls, as well as the call set-up tariff, first indivisible minute etc., as the case may be;

f) exact tariffs charged for national calls, specified by destination/called network (on-network or towards other networks/types of networks, specifying the networks/network types that may be called), by the time interval of the day/week when the call is made (during peak hours/off-peak hours, indicating the corresponding time intervals), as well as by the types of called numbers (for example, numbers in a particular group), as the case may be; as well, there will be indicated that, for certain categories of numbers, higher tariffs may apply (for example, Premium Rate Numbers);

g) tariffs charged for international calls, by destination area/country;

h) tariffs for SMS and MMS, specified by destination (national/international);

i) destinations available and tariffs for the roaming services (received calls, initiated calls, SMS, MMS) specified by the network selected, time interval (as the case may be), as well as by destination (within the visited country, to the country of origin, to another country than the visited country or the country of origin);

j) number of minutes (credit value) or any other facilities offered occasionally or on a regular basis, as a bonus/premium etc., usage terms and manner;

4) description of the SIM recharging possibilities;

D. Voice mail services, activation and deactivation method and the corresponding tariffs, for calls to voice mail and for accessing the voice mail service;

E. Current promotional offers, specifying the terms and validity period, as the case may be;

F. The additional products and services offered (for example, there will be mentioned the necessity of purchasing a telephone set compatible with the service offered or the installation of additional equipments and the applicable tariffs), the value-added services offered, the terms for making them available, the method of activation, deactivation and charging;

G. Applying restrictions regarding the use of the terminal equipment (for example, locking the telephone set to the network), as well as the validity term of these restrictions, as the case may be;

H. Customer loyalty programmes (bonuses, discounts, free offerings etc.) along with the terms for making them available;

I. Numbers for access to the customer service and/or to the technical assistance service and their work programme;

J. Quality levels offered;

K. Types of terms for flaw remedy, maintenance and repair (information on the department in charge of flaw remedy, contact data, work programme and tariffs charged for these services will be provided);

II. Commercial offers regarding the *Internet access services* will include:

A. Provider's identification data: name, domicile/headquarters, telephone, fax, e-mail address, website;

B. Description of the categories of Internet access services offered;

C. Area of service provision (localities where the service is available);

D. Information regarding the service provision terms, as follows:

D.1. For the Internet access services with *advance* payment, the following will be mentioned¹:

1) tariff plans offered;

2) each tariff plan must specify:

a) network connection tariff, as the case may be;

b) number of hours (credit) included in the price;

¹ Where certain elements are correspond to several types of subscriptions or user categories, these must be mentioned only once, specifying their scope.

- c) credit validity period;
- d) network access numbers;
- e) tariffs by period of the day/week when the Internet access is established, as the case may be;
- f) upload/download capacity during peak hours (calculated based on the maximum number of users that can access the service simultaneously), as well as the maximum upload/download capacity;

D.2. For the *subscription-based Internet access services*, the following will be mentioned¹:

- 1) documents required for concluding a contract, for each category of end-users (for example, for natural, respectively for legal persons);
- 2) for each category of end-users and for each type of subscription:
 - a) network connection tariff and/or the service installation tariff, specifying the components;
 - b) additional equipments required for Internet access and the price/monthly tariff for their use/lease;
 - c) monthly subscription tariff, mentioning the situations where the tariff is bound to the purchase of a whole set of services;
 - d) traffic included in the subscription (traffic limit);
 - e) tariff for the additional traffic in case of exceeding the traffic limit;
 - f) upload/download capacity during peak hours (calculated based on the maximum number of users that may access the service simultaneously), as well as the maximum upload/download capacity;
 - g) tariffs by period of the day/week when the Internet access is established, as the case may be;
 - h) invoice payment means and methods (if the tariffs are denominated in other currencies than that of the payment, the exchange rate must be specified; where an average monthly exchange rate is used, this must be mentioned), as well as the tariff for issuing an itemised bill, as the case may be;
 - j) bundles of integrated services including Internet access services offered, as well as the corresponding terms, as the case may be;
 - k) terms for suspending, respectively for reconnecting the networks access service after suspension, as well as the applicable tariffs, as the case may be;

E. Network reconnection/service installation term;

F. Additional products and services offered (for example, there must be specified whether additional equipments need to be purchased/installed and the applicable tariffs), the value-added services offered, terms under which these are made available, activation and deactivation, as well as the charging method;

G. Possible restrictions regarding the use of the terminal equipment, as well as their validity term, as the case may be;

H. Customer loyalty programmes (bonuses, discounts etc.) along with the terms for making them available;

¹ Idem.

I. Numbers for access to the customer service and/or to the technical assistance service and the work programme of these services;

J. Quality levels offered (for example, there will be indicated the quality level regarding access, whether the bandwidth is guaranteed or not or whether it depends on the degree of network or server usage);

K. Types of flaw remedy services, maintenance and repair (information on the department in charge of flaw remedy, contact data, work programme and tariffs charged for these services will be provided).

YOUR INFORMATION RIGHTS AS A TELEPHONY USER

You have certain information rights guaranteed by law in relationship with [the provider's name].

You have the right to request and obtain – free of charge – before signing the contract a copy of the Framework-Contract and of the General Terms for service provision. This applies also to the purchase of a pre-paid card, when you are entitled to request and receive – free of charge - the General Terms for service provision.

Prior to signing the contract, you must be told and, upon request, provided in writing with the following three important pieces of information:

- the chosen tariff plan, including its value for the whole contract duration, with included services – monthly subscription (with included credit/minutes), extra-options, connection/installation etc., plus telephone set (as the case may be), all taxes included;**
- charged tariffs and applicable terms for the use of the included credit/minutes;**
- minimum contract duration and the charges incurred in case of early contract termination.**

Be careful when you sign the contract! Check especially the following:

- 1. tariffs and applicable terms;**
- 2. initial connection timeframe;**
- 3. manner of notifying a flaw and repair time;**
- 4. charges to be paid when you terminate the contract before the due termination date;**
- 5. terms under which your service may be suspended;**
- 6. compensations you are entitled to if [provider's name] breaches the contract;**
- 7. penalties you have to pay if you break the contract (for example, if you fail to pay the invoice in due time).**

[Provider's name] must offer, upon signing the contract, a printed copy of the Complaints Handling Procedure.

In case of infringement of any of these rights to information, you may address the National Authority for Management and Regulation in Communications (ANCOM).

National Authority for Management and Regulation in Communications
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