

On grounds of the provisions under art.38(1), (3) and (5), under art.46 (1) point 7 of Emergency Government Ordinance no.79/2002 on the general regulatory framework for communications, approved, with amendments and completions, by Law no.591/2002,

**THE PRESIDENT OF
THE NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS**

issues the present:

**DECISION
on the procedure for the request and granting of the licenses for the use of
the numbering resources**

Art.1. – (1) The present decision sets out the conditions under which a provider of electronic communications services gains and may exercise the right to use certain ranges of numbers from the National Numbering Plan, hereinafter referred to as *PNV*, for a limited period of time, based upon the license for the use of numbering resources.

(2) The National Regulatory Authority for Communications, hereinafter referred to as *ANRC*, can grant the right to use certain numbers from the *PNV*, upon request, to any provider of publicly available electronic communications services who is authorized under art.4 of Government Emergency Ordinance no.79/2002 on the general regulatory framework for electronic communications, approved, with amendments and completions, by Law no.591/2002 (hereinafter referred to as *Framework Ordinance*), and according to the procedure under Decision no.131/2002 of the president of the National Regulatory Authority for Communications on the general authorization regime for providing electronic communication networks and services,.

(3) The present decision shall not apply in case of certain categories of numbers with special economic value that are granted through a competitive or comparative selection procedure.

Art.2. - The numbering resources that may constitute the object of a license for the use of numbering resources, hereinafter referred to as *LURN*, are:

a) ranges of 100,000 and of 10,000 numbers from the national numbering system for fixed telephony, for telephony services provided through the public fixed electronic communications networks, provided in *PNV* within OZ = 02 and OZ = 03 domains. Lower ranges than 10,000 numbers may be allotted only in seriously justified cases;

b) ranges of 1,000,000 and of 100,000 numbers from the closed national numbering system, for telephony services provided through public mobile electronic communications networks, provided in *PNV* within the OZ = 07 domain;

c) ranges of 1,000 numbers from the closed national numbering system, used for the provision of various services, stipulated in *PNN* within 0Z = 08 and 0Z = 09 domains;

d) individual 10xyz codes for carriers. *The carrier* is the provider of publicly available electronic communications services who carries out, without affecting the information content, the transport of the signal from the network where it is initiated to the destination network.

Art.3. – (1) For the *LURN* to be granted, the requester shall submit a request to *ANRC* registration office or shall send it by registered mail with confirmed receipt.

(2) The registration date is considered to be the date when the request is registered in the in-coming – out-going correspondence register of *ANRC*.

(3) The request for granting *LURN* shall include the following mandatory information:

a) name or company name of the requester, the domicile or headquarters, telephone, fax, e-mail address, website, the registration number with the Trade Register and the unique identification code, as well as, in case of natural persons, the series and number of the identification card, the personal numbering code and the number of the authorization for independently carrying out economic activities;

b) name, telephone, fax and e-mail of the legal representative;

c) requested ranges of numbering resources or individual codes, in accordance with the destination provided by *PNN*;

d) description of the service as well as the structure and conditions for the implementation of the service;

e) the manner of using the numbering resources previously granted to the requester;

f) the geographical location established for the requested numbers.

(4) In case *ANRC* considers submitted information as not sufficient, within 10 days after the registration date *ANRC* shall require supplementary information.

Art.4. – (1) The requests for granting *LURN* are analysed by a commission established through decision of the president of *ANRC*, hereinafter referred to as *the Commission*, comprising the president and other members.

(2) This *Commission* shall meet monthly or at any time as necessary.

(3) *LURN* shall be granted within at most 3 weeks since the request is registered.

(4) In case *ANRC* requests supplementary information, the above-mentioned terms under paragraph (3) shall commence on the date when the requested supplementary information is received.

Art.5. – (1) The analysis of the requests for granting *LURN* shall be made according to the principles of objectivity, transparency, non-discrimination and proportionality.

(2) The *Commission* shall evaluate the request for *LURN* based on the following general criteria:

a) the necessity to obtain the respective numbering resources;

b) the nature of the service provided by the requester;

c) ensuring an efficient and rational use of the numbering resources;

d) the requester's market position.

Art.6. – (1) Based upon the information provided in the request and based upon the additional information received, the *Commission* shall propose to the president of *ANRC* the granting or rejection of *LURN*.

(2) According to *PNN*, the *Commission* shall analyse the request for granting *LURN* taking into consideration the following special criteria:

a) ranges of numbers within the OZ=02 domain that keep the existing geographical structure of the open numbering system shall be allocated to providers of electronic communications services provided through the public fixed electronic communications networks, by using the *PQ* codes not yet allocated;

b) ranges of numbers within the OZ=03 domain shall be allocated to providers of telephony services provided through the public electronic communications fixed networks to whom cannot be entirely allocated the ranges of numbers required within the OZ=02 domain.

(3) The initial and subsequent allocations of numbering resources shall be made within the ranges of numbers under art.2.

(4) The request to grant the *LURN* shall be rejected if the conditions under this decision or under other normative documents are not observed.

(5) The decision to reject the request for granting *LURN* shall be motivated and communicated to the requester.

Art.7. – (1) Should the same numbering resources be object to several requests, the *Commission* shall examine the granting of *LURN* in accordance with their registration order at *ANRC*.

(2) If all conditions under this decision or under other normative documents are met, the *LURN* for the requested resources shall be granted to the first provider who registered the request at *ANRC*.

Art.8. B - The *LURN* shall comprise:

a) name or company name of the requester, the domicile or headquarters, telephone, fax, e-mail address, website, the registration number with the Trade Register and the unique identification code, as well as, in case of natural persons, the series and number of the identification card, the personal numbering code and the number of the authorization for independently carrying out economic activities;

b) the service for which was granted the right to use the numbering resources, including any requests related to this service provision;

c) the numbering resources the one who requests may use;

d) the conditions under which these resources may be used;

e) the period for which *LURN* is granted;

f) the conditions regarding the cession of the *LURN*;

g) the obligation of the holder to apply the non-discrimination and transparency principles towards other providers of electronic communications services with respect to the sequences of numbers used for the access to their services;

h) requester's obligation to submit to *ANRC*, no later than January 31 of each year, the report on the effective use of the numbering resources during the previous year;

- i) other obligations taken over by the provider during a competitive or comparative selection procedure, in case the *LURN* is granted through such a procedure;
- j) the tariff for the use of numbering resources, set out according to the provisions under art.19 of *Framework Ordinance*;
- k) the obligation to introduce information on allocated numbering resources in the directories;
- l) other obligations imposed to the holder.

Art.9. – The *LURN* availability is of 10 years from the date when it is granted.

Art.10. – The annual report of the *LURN* holder shall contain:

- a) the ranges of numbers assigned to end users;
- b) details regarding numbers provided in the development plans, the reservations made for end users;
- c) the assigned percentage from the allocated numbering resources.

Art.11. – *ANRC* authorized personnel has the right to verify:

- a) the efficient, rational and effective use of the numbering resources previously granted, should additional resources be requested;
- b) the way the granted numbering resources are assigned, should they not be used in accordance with the provisions under the *LURN*.

Art.12. – (1) The *LURN* may be transferred to a provider of publicly available electronic communications services, authorized under art.4 of *Framework Ordinance* and according to the procedure under Decision no.131/2002 of the president of the National Regulatory Authority for Communications on the general authorization regime for the electronic communications networks and services, only upon prior *ANRC* approval. The *Commission* shall analyse whether by transferring the license the competition in the electronic communications sector will be limited, prevented or distorted, or the users' interests are affected.

(2) *ANRC* agreement shall be communicated to the *LURN* holder within 15 days from the registration date of the *LURN*.

(3) The request regarding the transfer of the *LURN* shall contain:

a) name or company name of the requester, the domicile or headquarters, telephone, fax, e-mail address, website, the registration number with the Trade Register and the unique identification code, as well as, in case of natural persons, the series and number of the identification card, the personal numbering code and the number of the authorization for independently carrying out economic activities;

b) the name or company name of the cessioning party, the domicile or headquarters, the registration number with the Trade Register and the unique identification code, as well as, in case of natural persons, the series and number of the identification card, the personal numbering code and the number of the authorization for independently carrying out economic activities;

c) information on the cession agreement to be terminated (its nature, the date when it is due to entry in force, special contractual conditions, as well as the manner of implementing the agreement);

d) the numbering resources which are object to the agreement;

e) the description of the service the cessioning party intends to provide, as well as its structure and implementation conditions.

4) The cession agreement shall observe the conditions under the *LURN* with respect to the transfer of the *LURN*.

5) The cessioning party shall commit all the obligations resulting from the respective *LURN*.

6) Any agreement having as object the transfer of the *LURN*, terminated without observing the provisions under paragraph (1), (4) and (5), is to be considered rightfully null and void.

(7) The transfer of the *LURN* shall be published on *ANRC* website.

Art.13. – (1) *ANRC* shall modify the *LURN* when:

a) the change is necessary in order to observe the obligations Romania has arising from international agreements or from its quality as a member in an international organization;

b) the change is necessary in order to ensure the national defense or security;

c) the circumstances under which *LURN* was granted have changed;

d) *PNM* is changed;

e) the holder of the *LURN* reasonably requests the change.

(2) In case the provisions under *LURN* are changed, *ANRC* shall issue a new license, maintaining the expiry date under the previous license.

Art.14. – (1) The right to use the numbering resources under *LURN* shall terminate in the following cases:

a) upon holder's request,

b) in case the sanction to withdraw this right is applied in accordance with the conditions under art.57(2) or art.59 of *Framework Ordinance*;

c) on the expiry date of the *LURN*.

(2) At least 60 days prior to the expiry date of the *LURN*, the holder may send to *ANRC* a request regarding the renewal of the *LURN* availability comprising information under art.3(3), except for those under letters d), e) and f).

3) Should the conditions under this decision or under other normative documents be met, the holder shall be granted a new license for the use of the same numbering resources.

Art.15. – (1) *LURN* may be withdrawn or postponed in accordance with the conditions under art.57(2) or art.59 of *Framework Ordinance*, in the following situations:

a) if the holder does not observe the conditions regarding the use of numbering resources;

c) if, during the last 12 months, the holder has not effectively used any of the numbers that are object to the *LURN*;

d) after the holder's right to provide electronic communications services or networks, based upon the general authorization, is withdrawn.

(2) The change, withdrawal or postponement of the *LURN* shall be made through decision of the president of *ANRC*.

Art.16. Within 30 days since this decision is published in the Romanian Official Journal, the right to use certain numbering resources based on the provisions under Telecommunication Law no.74/1996, with the subsequent amendments, shall submit *ANRC* a request for the granting of a *LURN* for the same numbering resources, by observing the conditions under art.14(2).

Art.17. – The requests regarding the granting of the *LURN* under other conditions than under art.16, except for those requests regarding the allocation of individual carrier selection codes, can be submitted to *ANRC* after the expiry of 30 days after this decision is published in the Romanian Official Journal, Part I.

Art.18. – The present decision shall be published in the Romanian Official Journal, Part I.

**PRESIDENT
ION SMEEIANU**

Bucharest, December 16, 2002
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