

Having regard to the provisions of Article 14(3) c) and (4) 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,

On grounds of the provisions of Article 10(2) indent 10, 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,

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

issues this

DECISION

on the harmonisation of the use of the pairs of radio frequency bands 880-915 MHz, 925-960 MHz, 1710-1747.5 MHz and 1805-1842.5 MHz

Art. 1. – (1) This decision is aimed at adopting the technical and administrative measures necessary for the harmonisation of the terms regarding the availability and the efficient use of the pairs of radio frequency bands 880-915 MHz, 925-960 MHz and 1710-1747.5 MHz and 1805-1842.5 MHz with a view of ensuring optimum conditions for the provision of third generation electronic communications services by means of the UMTS systems.

(2) This decision is applicable to the holders of licences for the use of radio frequencies granted in the radio frequency bands provided in paragraph (1).

Art. 2. – For the purposes of this decision, the following definitions shall apply:

a) *UMTS system* shall mean an electronic communications network that complies with the UMTS standards, as published by ETSI, in particular EN 301 908-1, EN 301 908-2, EN 301 908-3 and EN 301 908-11;

b) *GSM system* shall mean an electronic communications network that complies with the GSM standards, as published by ETSI, in particular EN 301 502 and EN 301 511.

Art. 3. – (1) The holders of licences for the use of radio frequencies provided in Article 1(2) may use the frequency bands allotted by licences for the provision of third generation networks by means of UMTS systems.

(2) The right provided in paragraph (1) shall not be exercised before the amendment of the licences for the use of radio frequencies, under the legal provisions.

(3) The provision of third generation electronic communications services in the frequency bands provided in Article 1(1) shall be performed under conditions that ensure:

a) appropriate radio protection for the radiocommunications systems in the adjacent bands;

b) coexistence of the provision of second generation electronic communications services, specific to GSM systems;

c) appropriate radio protection for the GSM systems that will continue operating in the radio frequency bands 880-915 MHz, 925-960 MHz, 1710-1747.5 MHz and 1805-1842.5 MHz.

Art. 4. – Where the holders of licences for the use of radio frequencies allotted in the bands provided in Article 1(1) have not concluded bilateral or multilateral agreements establishing the technical terms for the coexistence of the UMTS, respectively of the GSM systems operated, these terms shall be as follows:

a) the space between the carriers of two neighbouring UMTS networks shall be at least 5 MHz;

b) the space between the carriers of an UMTS network and those of a neighbouring GSM network shall be at least 2.8 MHz.

Art. 5. – This Decision shall be published in the Romanian Official Journal, Part I.

This Decision transposes Directive 2009/114/CE of the European Parliament and of the Council of 16 September 2009 amending Directive 87/372/CEE of the Council on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community, published in the Official Journal of the European Communities, series L no. 274 of 20 October 2009.

PRESIDENT
Marius Catalin MARINESCU

Bucharest, 9 March 2010
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