

GENERAL AUTHORIZATION FOR PROVIDING PUBLIC ELECTRONIC COMMUNICATIONS SERVICES

1. General Provisions

The present General Authorization establishes the conditions for providing public electronic communications services, except for telephony and leased lines, and establishes the rights and obligations of the providers.

The electronic communications service is the service totally or in principle consisting of the transport of signals through electronic communications networks and is usually provided upon charge. The public electronic communications service is the electronic communications service provided to the public, respectively the service provided in order to satisfy the needs of third persons.

2. Holder's Rights

2.1. Providing the Service

The Holder has the right to provide public electronic communications services, undertaking the exclusive rights granted by the Romanian State to the National Company for Telecommunications Romtelecom S.A. and to the National Company for Radiocommunications S.A.

For providing the service, the Holder can use an own public electronic communications network only if he holds the General Authorization for providing public electronic communications networks.

2.2. Access to the Networks

For providing the service, the Holder can use a public electronic communications network of an authorised third person, upon his approval, and only in case the construction of the respective network allows the providing of the service. The Holder has the right to negotiate agreements regarding access to public electronic communications networks authorised under the conditions stated by Government Ordinance no. 34/2002, approved, modified and completed by the Law no. 527/2002.

2.3. Appointment as Universal Service Provider

The Holder has the right to be appointed for providing any parts of the universal service over the entire national territory or over regions of the national territory, under the conditions of the special legislation regarding the universal service.

2.4. Numbering Resources

It is the Holder's right that ANRC places at his disposal the adequate numbering resources for providing the service, based upon licence.

3. Holder's Obligations

3.1. Contributions to the Support of Universal Service

ANRC may impose the Holder to pay a financial contribution for the support of the universal service, under the conditions of the special legislation regarding the universal service.

3.2. Annual Monitoring Tariff

The Holder has the obligation to pay ANRC an annual monitoring tariff, in the amount and under the conditions stated by Government Emergency Ordinance no. 79/2002.

3.3. Use of Numbering Resources

In case blocks of numbers have been allocated to the Holder, he is obliged to apply the non-discrimination principle towards other electronic communications services providers, with respect to the sequences of numbers used for access to his services, as well as to make available the numbering resources for the final users in accordance with the special legislation for universal service.

3.4. Processing of Personal Data

The Holder has the obligation to provide the service by observing the provisions regarding the processing method for personal data, that are stated within the legislation regarding the personal data processing and the protection of private life.

3.5. Consumer Protection

The Holder has the obligation to provide the service by observing the legal provisions regarding consumer's protection and the legal provisions regarding the rights of the electronic communications services users.

3.6. Security of Service

The Holder has the obligation to take all adequate technical and organizational measures in order to guarantee the security of the service against unauthorised access, including measures regarding the guarantee of the confidentiality of communications carried out by means of the service.

The Holder has the obligation to inform the subscribers, as well as ANRC, in case he acknowledges the appearance of a special risk for breaching the security of the network through which the service is provided. The notification will refer to possible remedies and their costs.

The Holder has the obligation to allow, including the technical point of view, the competent public authorities, upon their express request, to legally intercept the communications carried out by means of the service, as well as the obligation to bear the afferent costs, totally or together with the provider of the electronic communications network through which the service is provided.

3.7. Ensuring Non-discrimination Access

The Holder has the obligation to ensure the non-discrimination access of final users to the service. The Holder cannot refuse the access of the final users to the service but for seriously justified technical reasons and only upon ANRC approval.

3.8. Quality of Service

Before the service is commercialized, the Holder has the obligation to make public the quality parameters he undertakes, as well as to impose tariffs correlated to these parameters when providing the service. For certain services for which the observance of quality parameters is essential in order to ensure the providing and interoperability of services, ANRC will publish and impose mandatory minimum quality standards.

3.9. Providing Service during Special Situations

During the situations generated by natural calamity or by an extremely serious disaster, the Holder has the obligation to take all measures in order to ensure continuous provisions of the service, as well as to allow the communication between the public authorities responsible for organizing defence against disasters.

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