

A Summary of the Comments Concerning the Draft Decision of the President of the National Regulatory Authority for Communications, on the Postal Services Providers Authorisation Procedure

The above draft was subject to the consultation period that ended on the 28th of February 2003.

On grounds of the provisions under art.50(4) of Government Emergency Ordinance no.79/2002 on the general regulatory framework for communications, approved, with amendments and completions, by Law no.591/2002 (hereinafter referred to as *Framework-Ordinance*), the National Regulatory Authority for Communications, hereinafter referred to as *ANRC*, publishes the present document containing the summary of comments concerning the above mentioned draft, including *ANRC* position toward these comments.

The comments received by *ANRC* during the consultation procedure refer to the following aspects:

1. Clearly establishing the area of retailers, legal persons, that may become providers of postal services

It was *ANRC*'s intention to include and detail, within the content of the draft decision, all the postal activities comprised by the Classification of Activities in the National Economy (CAEN), in order not to cause misunderstandings in interpretation. Therefore, the draft decision lists all the services within its scope under point 1.3. of Annex no.1 of „*General Authorisation Regime for the provision of postal services*“.

Based on the comments received during the consultation procedure, *ANRC* amended the content of the draft decision as follows:

a) Annex no.1 point 1.2.2. was completed with the definition of financial-postal services, CAEN code 6512, as follows:

„o) *Financial-postal services – set of cashing in, payments and funds transfer services offered by the providers of postal services by the public postal network, as the Universal Postal Union rules*“.

b) Point 1.3.1.c) and point 1.3.2.c) under the General authorisation regime have been amended, having the following content: „*financial-post services (CAEN code: 6512)*“.

2. Exactly establishing and limiting the conditions under which the right to provide postal services is granted based upon an individual license, considering the provisions under art.4 of the Directive 97/67/CE stating the publishing of the rights and obligations of the universal service provider/providers

The authorisation of the providers of postal services in the area of the universal service is made by means of granting individual licenses. The procedure of granting these documents is provisioned under the draft decision on the authorisation of providers of postal services. The individual license shall be granted on a determined period of 10 years and shall contain the specific rights and obligations of each provider of postal services in the area of universal service,

in addition to those set out by the general authorisation regime. The Decision of the President of ANRC shall further designate the provider/providers of universal service from the providers of postal services in the area of universal service and shall regulate the representation of the Romanian postal administration in international agreements.

3. Clarifying the fact that only a provider of postal services in the area of universal service may be authorised at national level to take part in international postal relations, being therefore considered responsible entity as regards the rights and obligations of Romania under the ratified international postal agreements.

The comments suggesting the elimination of the „Internal“/ „International“ sub-groups under points 1.1., 1.2., 2, 3, 4, and 5 of Annex no.5 of the draft decision were accepted.

4. Eliminating any possibility of abusive interpretation of the obligations, with respect to tariffs, of the providers of postal services comprising the provision of mailings with a weight limited to maximum 350 g., in the area of rights reserved to the provider of universal service.

Following the comments received during the consultation period, point 3.5.2. of Annex no.1 of the draft decision was amended, and shall have the following content: *„In order to observe the reserved rights, the provider of postal services has the obligation, in case it provides postal services comprising internal and international mailings with weight limited to maximum 350 g, irrespective of the fact that the delivery is accelerated or not, to set out the tariff corresponding to these services at a value equal to 5 times the public tariff corresponding to mailings within the first category of priority standard postal services included in the offer of the universal service provider“.*

There existed also concrete comments of lesser importance that were analysed and accordingly introduced in the final version of the decision.