

General Authorization for the Provision of Public Electronic Communications Networks

1. General Provisions

1.1. The present General Authorization sets out the conditions required for installing, operating, controlling and providing public electronic communications networks.

1.2. The electronic communications network represents the transmission systems and the commuting and routing equipments, as the case may be, as well as any other resources that allow the transportation of signals through wire, fiber optic, radio or any other electromagnetic means.

1.3. The public electronic communications network represents the electronic communications network entirely or partially used for providing electronic communications services to the public, and for broadcasting, redistributing or retransmitting audiovisual programmes services. The types of public electronic communications networks subject to the present General Authorization are listed in the Annex hereto.

1.4. The holder of the General Authorization, having the rights and obligations granted hereby, is considered to be the person who has submitted a notification according to the terms and conditions provided by the Government Emergency Ordinance no.79/2002 on the general regulatory framework for communications.

2. The rights of the holder

2.1. The holder has the right to install, operate, control and provide public electronic communications networks.

2.1.1. The holder shall use the network in order to transmit signaling information, specific information and necessary information for the network operation.

The holder has the right to provide public electronic communications services through the network according to the general authorizations applicable to the services provided, but only after submitting a notification under the terms and conditions provided by Government Emergency Ordinance no.79/2002.

The holder has the right to broadcast, redistribute or retransmit audiovisual programmes services through the network, but only after completely fulfilling the authorization procedures provided by the audiovisual law.

2.1.2. The holder has the right to offer the network, on a commercial basis, only to a third party authorized to provide electronic communications services or to a third party authorized, according to the audiovisual law, to broadcast, redistribute or retransmit audiovisual programmes services, for the sole purpose of providing public electronic communications services or of broadcasting, redistributing or retransmitting audiovisual programmes services.

3. The Use of Radio Frequencies

3.1. In case radio channels are used for transporting signals through the network, the holder has the right to use the radio-electric frequencies that are subject to the licensing regime established by the Government Emergency Ordinance no.79/2002 only upon obtaining the licence for using radio-electric frequencies. A copy of the licence shall be provided to the National Regulatory Authority for Communications ("ANRC").

3.2. In case the Ministry of Communications and Information Technology ("MCTI") designates certain categories of frequencies for free use, according to Article 13(2) of Government Emergency Ordinance no.79/2002, the use of such frequencies being allowed only upon observance of the following conditions:

3.2.1. The technical data required in accordance with the specific regulations in force are to be notified to the Inspectorate General for Communications and Information Technology ("IGCTI") in order to be registered.

3.2.2. In case the notification results in determining that the provisions of Article 3.2.1 above have not been observed, IGCTI shall inform the holder on the restrictions to be imposed.

3.2.3. After obtaining the approval from IGCTI, according to the provisions of Article 3.2.1. above, the holder shall forward a copy thereof to ANRC.

4. Numbering

4.1. The allocation of numbering resources necessary for the network operation shall be made in accordance with the international regulations in the field (ITU, CEPT), and under the conditions established by ANRC.

5. The rights of way

5.1. The Holder is entitled to install, to maintain, to replace or to move any elements of the network, including the supports and the other facilities necessary for their support, as well as the terminal points used for providing electronic communications services, on, above, in or under the assets in public or private property, as the case may be, in accordance with the provisions of Chapter IV of Government Emergency Ordinance no.79/2002.

5.2. In accordance with Government Emergency Ordinance no.79/2002, ANRC may oblige the Holder to allow another authorized electronic communications network provider to use the supports and the other facilities destined for the network elements, installed, built or administrated by the Holder, for the purpose of installing, maintaining, replacing or moving any other elements of the other provider's network. ANRC may also establish the conditions for the sharing of these facilities.

5.3. The Holder has the obligation to provide ANRC with a copy of the agreement concluded with the holder of the property or administration right over public buildings, or a copy of the decision of the Court regarding the rights of way to the above mentioned buildings.

6. Access and interconnection

6.1. The holder is entitled to negotiate interconnection agreements with any other provider of a public electronic communications network, with the purpose to provide public electronic communications services, including electronic communications services at which users are provided with access through other public communications network interconnected with the network of any of the two said providers. The holder is entitled to conclude interconnection agreements in accordance with the provisions of Government Ordinance no.34/2002, as approved, with amendments and completions, by Law no.527/2002.

6.2. Upon request of a legally authorized third party, the Holder has the obligation to negotiate an interconnection agreement with the third party, for the provision of publicly available electronic communications services, including electronic communications services available to users through another public communications network interconnected with the network of any of the parties.

6.3. The Holder shall comply with all the imposed obligations and the necessary measures taken by ANRC in order to encourage and, if necessary, to ensure the access and interconnection in adequate conditions and the interoperability of services, according to the provisions of the Government Emergency Ordinance no. 34/2002, at the same time ensuring the observance of economic efficiency principles, promoting the competition and maximizing the benefit of the final user.

6.4. The Holder has the obligation to provide ANRC with a copy of all the concluded access agreements. Nevertheless, the Holder shall notify ANRC upon any changes or upon termination of the said agreements.

7. Technical Characteristics of the Network and the Terminal Equipments

7.1. The operation of the network may be carried out only in accordance with the documents contained in the technical file. The technical file contains, among others, the network projects, the technical characteristics of the network, the types and technical characteristics of the equipment, data regarding the software used, the authorizations required for building the network, measurement results, as well as any other documents regarding the installation and maintenance of the network. It is the Holder's responsibility to create and update the technical file.

7.2. The Holder has the obligation to provide the network, complying with the Romanian standards and specifications and of the international standards adopted by Romania.

7.3. The Holder has the obligation to permanently ensure the necessary technical conditions for the provision of electronic communications services through the network, at such quality standards as are imposed to the provision of those services, as well as the technical conditions necessary for broadcasting, redistributing or retransmitting audiovisual programmes services through the network, at the respectively imposed standards.

7.4. The Holder has the obligation to permanently ensure the necessary technical conditions for the provision of nondiscriminating access of end users to the electronic communications services provided through the network.

7.5. The Holder shall provide the appropriate interface/interfaces based upon the specific provisions stated within the contract concluded with the user with respect to the connection of terminal equipment to the network.

7.6. The Holder shall require the users connected to the network to use only equipments corresponding to the standards in force and/or other technical conditions established by MCTI or ANRC.

7.7. The organizations and/or the institutions of the National Security System that are interconnected with the Holder's network, may also use, according to the law, terminal equipments corresponding to their own standards, if such equipments are technically compatible.

7.8. Principles, rules and measurement methods for the network quality parameters shall be set out by ANRC according to the international standards and practices.

8. Data and information protection

8.1. In case the Holder is granted access to personal data of the users, the Holder has the obligation to observe the provisions regarding the processing of these data as per the legislation regarding personal data processing and the protection of private life.

8.2. The Holder has the obligation to take all adequate technical and organizational measures in order to guarantee the network security against unauthorized access, including measures that guarantee the confidentiality of communications through the network.

8.3. The Holder has the obligation to allow, from the technical point of view, the competent public authorities to legally intercept the communications carried out through the network, as well as to support the interception costs entirely or together with the electronic communications services provider.

9. The Monitoring Tariff

9.1. The Holder has the obligation to provide ANRC with a copy of the annual financial statements, at the same time when forwarding them to the territorial directorates, or to the Bucharest directorate of the Department for Public Finances, within the legally established term.

9.2. The Holder has the obligation to pay to ANRC the monitoring tariff established and communicated to the Holder by ANRC, within the due term and under the conditions established by the Government Emergency Ordinance no.79/2002. The monitoring tariff shall also be paid in case the activity is ceased, regardless of the reasons for such cease.

10. Other Obligations

10.1. ANRC may impose the Holder to pay a financial contribution necessary for sustaining the universal service under the conditions stipulated in the specific legislation regarding the universal service.

10.2. The Holder has the obligation to obtain all the necessary authorizations provided by the environment protection legislation, and by the legislation on the carrying out and quality of constructions. The capacity of holder of this General Authorization does not replace any of these documents.

10.3. The Holder has the obligation to comply with the town and country planning requirements during the entire period of his activity.

11. Control and Surveillance Activity

11.1. The Holder shall provide ANRC no later than May 15, except for the registration year, with an annual report including the network development stage. The annual report shall also be available to the public.

11.2. The Holder shall allow the access of ANRC and IGCTI representatives to the equipments, software systems, installations, premises, terrains used by the provider during his activity, and shall place at ANRC disposal, upon request, all the technical, financial, statistical or any other type of information referring to the network and to the observance of the General Authorization provisions, according to the Government Emergency Ordinance no.79/2002, in such form as approved by, or agreed with ANRC.

12. Providing the network under special conditions

12.1. Along the entire duration of situations generated by a natural disaster or an extremely serious sinister, the Holder has the obligation to take all the necessary measures in order to ensure the integrity of the network, as well as to allow communications to be carried out between the public authorities responsible for organizing the defense against disasters.

13. Liabilities and Sanctions

13.1. Any breach of the provisions within the General Authorization or the applicable laws and regulations in force, shall result in the administrative, civil or penal responsibility of the holder, as the case may be, according to the Government Emergency Ordinance no.79/2002 and the specific legislation.

13.2. ANRC may decide to suspend or withdraw the right to provide the electronic communications network granted hereby in case the provider repeatedly and seriously breaches the provisions of the General Authorization and of the legislation in force, and does not comply with the measures for regaining a legal status, established by ANRC.

Annex

The public networks subject to the present General Authorization:

1. Fixed electronic communications networks

1.1. Fixed communications networks used for the provision of fixed telephony services

1.2. Fixed data communications networks (including point-multipoint radio communications networks used for data communications, and VSAT networks)

2. Mobile communications networks

2.1. Terrestrial mobile networks

GSM and DCS cellular networks

NMT cellular networks

CDMA cellular networks

Digital radiotelephony networks with multiple TETRA access

Mobile radiotelephony networks (PAMR)

Public paging networks

3G mobile networks (in the future)

Other types of networks

2.2. Mobile satellite communications networks

3. Audiovisual communication distribution networks also used for electronic communications for public use

4. Other types of networks