

NORMATIVE PROJECTS

On grounds of the Decision of the Prime Minister no. 113/2002 regarding the appointment of the president of the National Regulatory Authority for Communications,

On grounds of the provisions of art. 38 par. (1), (3) and (5), art. 4 par. (3), art. 5 and art. 51 of Government Emergency Ordinance no. 79/2002 regarding the general regulatory framework for communications,

THE PRESIDENT OF THE NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS

Issues the present:

DECISION

Art. 1. The present decision sets out the conditions under which providers of electronic communications networks and services benefit from the general authorization, as well as certain necessary measures for the efficient survey of the electronic communications field.

Art. 2. (1) The General Authorization represents the legal regime applicable to the provision of electronic communications networks and services and sets out the rights and obligations of the providers of each type of network or service.

(2) The rights and obligations of undertakings providing public electronic communications networks are stated in the general authorization presented in [Annex no. 1](#).

(3) The rights and obligations of persons providing electronic communications networks and services exclusively for own needs are stated by the general authorization presented in [Annex no. 2](#).

(4) The rights and obligations of undertakings providing public telephony services are stated by the general authorization presented in Annex no. 3. (*This project will be submitted to public consultation*)

(5) The rights and obligations of undertakings providing leased lines services are stated by the general authorization presented in Annex no. 4. (*This project will be submitted to public consultation*)

(6) The rights and obligations of undertakings providing public electronic communications services except for telephony and leased lines, are stated by the general authorization presented in [Annex no. 5](#).

Art. 3. (1) Any person who intends to provide electronic communications networks and services (hereinafter referred to as requester) is obliged to send to the National Regulatory Authority for Communications (hereinafter referred to as ANRC) a notification regarding this intention, at least 7 days prior to the starting of the activity.

(2) The holders of licenses and authorizations issued according to the Telecommunications Law no.74/1996, as well as the holders of previous technical approvals and decisions for the authorization of cable distribution networks issued according to the Audiovisual Law no.48/1992 are obliged to send the notification mentioned under par. 1 above at least 7 days prior to the date when the respective documents end their availability, but not later than December 24, 2002.

(3) The standard form presented in [Annex no. 6](#) shall be the one used for notification.

Art. 4. (1) For each type of electronic communications network or service he intends to provide and that has been included in the standard notification form, the provider who forwarded the notification within the term and under the conditions stated herein is considered holder of the general authorization for that type of network or service, and has all the rights and obligations provided by the respective general authorization.

(2) The indication of a certain type of electronic communications network or service in the standard notification form determines the exclusive application of the legal regime provided by the general authorization for the mentioned type of network or service, respectively:

a) obtaining the right to provide a certain type of electronic communications network does not include the right to provide another type of electronic communications network, nor the right to provide electronic communications services;

b) obtaining the right to provide a certain type of electronic communications service does not include the right to provide another type of electronic communications service, nor the right to provide electronic communications networks;

c) obtaining the right to provide a certain type of electronic communications network or service does not include the right to distribute, re-distribute or re-transmit audiovisual programs services, nor the right to use electronic communications networks in order to distribute, re-distribute or re-transmit audiovisual programs services. Such rights shall only be obtained after fulfilling the authorization procedures provided by the audiovisual law.

(3) The indication of several types of electronic communications networks or services in the standard notification form entails the cumulative application of the legal regimes provided by the general authorizations for the mentioned types of networks or services.

(4) Only undertakings who have the activity of providing electronic communications networks or services included in their object of activity may indicate in the standard notification form the providing of the networks or services stated by the general authorizations presented in Annexes no. 1, 3, 4 and 5.

Art. 5. (1) The requester may obtain the standard notification form from ANRC headquarters, or from any territorial office of ANRC.

(2) The requester shall submit the completed standard form to the ANRC headquarters or to the territorial office of ANRC covering the area where the requester's headquarters/domicile is located, together with the following documents, as the case may be:

a) the certificate of registration with the trade register and the fiscal certificate or the registration certificate containing the unique registration code, in copy;

b) the constitutive act, together with all subsequent amendments and completions, in copy.

(3) The standard form, together with all the other necessary documents, shall be submitted personally by the requester or by a representative of the requester, upon signature, or using the registered mail service.

(4) The standard form and the other necessary documents may also be sent to ANRC in electronic form to which has been included, attached, or logically associated an extended electronic signature, such signature being based upon a qualified certificate that has not been invalidated or revoked at the respective moment and generated by means of a secured device for creating electronic signature.

(5) Notification shall only be considered as done if all necessary documents have been submitted.

(6) In case the requester does not submit all necessary documents, ANRC will send him, within 7 days after receiving the standard notification form, a request to submit the missing documents. In such case, the requester shall repeat the notification procedure.

(7) The notification date is considered, as the case may be, to be the date when the notification is registered in the in-coming – out-going correspondence register, the confirmation date of the receipt if sent by registered mail, or the confirmation date of the receipt if sent in electronic form.

Art. 6. Any modification of the data included in the standard form shall be notified to ANRC within 10 days after it has occurred, by filling in another standard form and mentioning the number and date of the initial standard form received by ANRC.

Art. 7. (1) Upon the requester's demand, ANRC shall issue a standard certificate that states the requester obtained the right to provide certain types of electronic communications networks or services, and presents the conditions under which the requester benefits from rights of way and from the right to negotiate access or interconnection agreements.

(2) Requester's demand may be included in the standard notification form or in a subsequent specific document.

(3) ANRC shall issue the standard certificate within 7 days after receiving the notification or the subsequent express demand, as the case may be, and the provisions of art. 5 par. (7) shall apply accordingly.

(4) The standard certificate has the form presented in [Annex no. 7](#).

(5) The standard certificate may also be *ex officio* issued by ANRC.

Art. 8. The requester obtains the rights and obligations stated by each general authorization from the date mentioned in the standard form as the date of starting the activity, for the respective general authorization, but not earlier than 7 days after the notification.

Art. 9. The right to provide electronic communications networks or services ceases in the following cases:

a) upon holder's request;

b) when applying the sanction for withdrawing the right, in case the monitoring tariff and penalties have not been paid, and in accordance with the provisions of art.57 par. (2) of Government Emergency Ordinance no. 79/2002;

c) when applying the sanction for withdrawing the right, in case of serious and repeated breaches of due obligations followed by non-compliance of the corresponding rulings of ANRC, and in accordance with the provisions of art. 59 par. (4) letter a) of the Government Emergency Ordinance no. 79/2002.

Art. 10. (1) In order to verify the compliance to the obligations stated by the general authorizations and the special legislation in the field of electronic communications, the holder of the general authorization has the following obligations with respect to inform ANRC:

a) the holder shall fill in and send to ANRC the information form presented in [Annex no. 8](#), within 5 days after obtaining the right to provide electronic communications networks and services;

b) the holder shall send ANRC a copy of the license for the use of radio-electric frequencies, within 30 days after obtaining this license;

c) the holder will send to ANRC a copy of each contract for the right of way concluded with the owners of the property right or of the administration right over the public property buildings, within 30 days after concluding them, or a copy of each court decision replacing a contract, as the case may be;

d) the holder shall send to ANRC a copy of each access agreements concluded, within 10 days after concluding them, as well as a copy of each interconnection agreement concluded following his initiative. Additionally, the holder shall notify ANRC regarding the amendment or termination of the sent agreements.

(2) Any amendments of data included in the information form shall be sent to ANRC within 30 after it occurred, by filling in a new information form.

(3) Provisions of art. 5 apply accordingly, as the case may be.

Art. 11. (1) In order to fulfill the obligation to pay the monitoring tariff, the holders of general authorizations shall send to ANRC headquarters or to its territorial offices, a copy of the annual financial statements, no later than the limit date for sending such statements to the public finances directorates.

(2) The obligation stated within par. (1) above does not imply to persons who are exclusive holders of the general authorization for providing electronic communications networks and services exclusively for own needs.

Art. 12. In case of noncompliance with the information obligations stated within art. 10 and art. 11 above, ANRC may apply the sanction provided by art. 56 of the Government Emergency Ordinance no. 79/2002.

Art. 13. In order to keep record of all authorized providers of electronic communications networks or services, ANRC shall create and update a public register of providers, available on the Internet website of ANRC and containing information included in the received notifications.

Art. 14. The case when a person who is not authorized under the conditions herein provides electronic communications networks or services, or provides such during the time interval when the right to provide has been suspended or withdrawn, and the case when the conditions stated within the general authorization are not observed, constitute contravention and are sanctioned according to Chapter IX of the Government Emergency Ordinance no. 79/2002.

Art. 15. The present decision shall be published in the Official Journal of Romania, Part I.

**PRESIDENT,
ION SMEEIANU**

Bucharest,
No. / EN

Annex no. 6

NOTIFICATION FORM

for Providing Electronic Communications Networks and Services

A. Necessary Data for the Identification of, and the Efficient Communication with, the Requester (as per the constitutive act and the certificates attached in copy)

1. Name/Denomination of the Requester:

2. Domicile/Headquarters of the Requester:

City.....

Street.....No. ..., Bl., Entr. ..., Fl., Ap.

District/Sector Postal Code

Telephone

Fax

E-mail

Internet Page

3. The Requester is Registered with the Trade Register of the
District under no. as of , fiscal code or unique registration code

4. Legal Representative of the Requester:

Surname First Name.....

CNP.....

Domicile in Street No. Bl., Entr. ..., Fl.,
Ap. District/Sector Postal Code

Telephone Fax E-mail

5. Contact Person :

Surname First Name.....

Telephone Fax E-mail

B. Description of types of networks or services the provider intends to offer and the estimated date for beginning the provision:

1. Electronic communications networks:

1. Public electronic communications networks Date:

2. Private electronic communications networks Date:

2. Electronic communications services:

1. Telephony services Date:

2. Leased lines services Date:

3. Other services than telephony and leased lines Date:

C. The Requester Demands the Issue of a Standard Certificate for the provider of electronic communications networks or services:

Yes

No

D. The present constitutes an amendment of the notification received by ANRC under no as of

Signature of the legal representative and the stamp of the requester:

DRAFT

STANDARD CERTIFICATE

For the Provider of Electronic Communications Networks or Services

1. The Holder:

Domicile/headquarters in: City
Street.....No. ..., Bl., Entr. ..., Fl., Ap.
District/Sector

Registered with the Trade Register of the District under no. as
of , fiscal code or unique registration code

Benefits from the right to provide the following electronic communications networks or
services, and the date since he benefits from the respective right:

- | | |
|---|-------|
| 1. Public electronic communications networks | Date: |
| 2. Private electronic communications networks | Date: |
| 3. Telephony services | Date: |
| 4. Leased lines services | Date: |
| 5. Other services than telephony and leased lines | Date: |

2. The Holder benefits from the right of way:

No.

Yes, under the following conditions:
.....
.....

3. The Holder benefits from the right to negotiate and conclude interconnection agreements:

No.

Yes, under the following conditions:
.....
.....

4. The Holder benefits from the right to negotiate and conclude access agreements:

No.

Yes, under the following conditions:
.....
.....

PRESIDENT,

L.S.

Director,
OPERATIVE DIVISION

Approved,
LEGAL DIVISION

INFORMATION FORM

Holder of the general authorization:

Name/Denomination.....

Domicile/Headquarters:

City.....

Street.....No. ..., Bl., Entr. ..., Fl., Ap.

District/Sector Postal Code.....

Telephone

Fax

E-mail

Internet Website.....

A. PROVIDING ELECTRONIC COMMUNICATIONS NETWORKS

1. Fixed Public Networks

1.1. Area of network availability:

- a) National
- b) Regional
- c) Local

1.2. Access network:

- a) Metallic wires
- b) Coaxial cable
- c) Optical fiber
- d) Radio access

1.3. Transmission network:

- a) Metallic wires
- b) Coaxial cable
- c) Optical fiber
- d) Radiolink

1.4. The frequency band where the network radio segments operate (the licenses for the use of radio-electric frequencies will be attached in copy):

- a) The access network:.....
- b) The transmission network:.....

1.5. Types of services allowed by the network construction:

- 1.5.1. Telephony.
- 1.5.2. Data transmission.
- 1.5.3. Re-transmission of audiovisual programs services .
- 1.5.4. Leased lines.

1.6. The state of providing the network:

a) Network not yet operational (under construction). Estimated providing date

.....

b) Operational network.

2. Public Mobile Terrestrial Networks.

2.1. GSM Cellular Networks

2.1.1. Area of network availability:

- a) National
- b) Regional

2.1.2. Transmission network:

- a) Optical fiber
- b) Radiolink

2.1.3. Frequencies (channels) band where the network radio segment operates (the licenses for the use of radio-electric frequencies will be attached in copy):.....

2.1.4. Types of services allowed by the network construction:

- a) Voice.
- b) Data transmission.

2.1.5. The state of providing the network:

a) Network not yet operational (under construction). Estimated providing date

.....

b) Operational network.

2.2. DCS Cellular Networks

identical to pt. 2.1 above.

2.3. CDMA Cellular Networks

identical to pt. 2.1 above.

2.4. NMT Cellular Networks

identical to pt. 2.1 above.

2.5. PAMR Mobile Radiophony Networks

2.5.1. Area of network availability:

- a) National
- b) Regional
- c) Local

2.5.2. Access network:

- a) Simplex
- b) Semiduplex
- c) Trunking

2.1.2. Transmission network:

To be completed with relevant data, as the case may be.

2.1.3. The frequencies band where the network operates (the licenses for the use of radio-electric frequencies will be attached in copy):.....

2.1.4. Types of services allowed by the network construction:

- a) Voice.
- b) Data transmission.

2.1.5. The state of providing the network:

a) Network not yet operational (under construction). Estimated providing date

.....

b) Operational network.

2.6. TETRA Digital Radiophony Networks with Multiple Access

identical to pt. 2.1 above.

2.7. Radiopaging Networks

2.7.1. Area of network availability:

- a) National
- b) Regional
- c) Local

2.7.2. Transmission network:

To be completed with relevant data, as the case may be.

2.7.3. The frequencies band where the network operates (the licenses for the use of radio-electric frequencies will be attached in copy):.....

2.7.4. The state of providing the network:

a) Network not yet operational (under construction). Estimated providing date

.....

b) Operational network.

2.8. 3G Networks (IMT 2000/UMTS)

identical to pt. 2.1 above.

2.9. Other Types of Networks

To be completed with relevant data, as the case may be.

3. Public Networks with Satellite Transmission

3.1. Fixed Networks (Ground Stations, VSAT)

3.1.1. The frequencies band where the network operates (the licenses for the use of radio-electric frequencies will be attached in copy):

- a) Downline
- b) Upline

3.1.2. The operator of the spatial segment:.....

3.1.3. Types of services allowed by the network construction:

- a) Voice.
- b) Data transmission
- c) Re-transmission of audiovisual programs

3.1.4. The state of providing the network:

a) Network not yet operational (under construction). Estimated providing date

.....

b) Operational network.

3.2. Mobile Networks

identical to pt. 3.1 above.

4. Private Networks Using Radio-electric Frequencies

4.1. Private Radiomobile Networks (PRM)

4.1.1. Area of network availability:

- a) National
- b) Regional
- c) Local

4.1.2. Access network:

- a) Simplex
- b) Semiduplex
- c) Trunking

4.1.3. Transmission network:

To be completed with relevant data, as the case may be.

4.1.4. The frequencies band where the network operates (the licenses for the use of radio-electric frequencies will be attached in copy):.....

4.1.5. Types of services allowed by the network construction:

- a) Voice.
- b) Data transmission.

4.1.6. The network is connected to public communications networks: yes/no

4.1.7. The state of providing the network:

a) Network not yet operational (under construction). Estimated providing date

.....

b) Operational network.

4.2. TETRA Networks

identical to pt. 4.1 above.

4.3. Radiopaging Networks

4.3.1. Area of network availability:

- a) National
- b) Regional
- c) Local

4.3.2. Transmission network:

To be completed with relevant data, as the case may be.

4.3.4. The frequencies band where the network operates (the licenses for the use of radio-electric frequencies will be attached in copy):.....

4.3.5. The network is connected to public communications networks: yes/no

4.3.6. The state of providing the network:

a) Network not yet operational (under construction). Estimated providing date

.....

b) Operational network.

4.4. Networks with Satellite Transmission

4.4.1. Fixed Networks (VSAT)

4.4.1.1. The frequencies band where the network operates (the licenses for the use of radio-electric frequencies will be attached in copy):

- a) Downline
- b) Upline

4.4.1.2 The operator of the spatial segment:.....

4.4.1.3 Types of services allowed by the network construction:

- a) Voice.
- b) Data transmission

4.4.1.4. The state of providing the network:

a) Network not yet operational (under construction). Estimated providing date

b) Operational network.

4.4.2. Mobile Networks

identical to pt. 4.4.1 above.

4.5. Fixed Networks Using Lines of Radiolinks

4.5.1. The frequencies band where the network operates (the licenses for the use of radio-electric frequencies will be attached in copy):

4.5.2. Types of services allowed by the network construction:

a) Voice.

b) Data transmission.

4.5.3. The network is connected to public communications networks: yes/no

4.5.4. The state of providing the network:

a) Network not yet operational (under construction). Estimated providing date

b) Operational network.

4.6. Other Types of Networks

To be completed with relevant data, as the case may be.

Note: 1. In case of providing the network at regional level, all cities included in the territory where the network is provided shall be listed in an annex.

2. Optical fiber and radiolink highways shall be mentioned and drawn on a map if possible.

B. PROVIDING PUBLIC ELECTRONIC COMMUNICATIONS SERVICES

1. Telephony Services

1.1 Telephony Services Provided by Means of Public Fixed Networks

1.1.1. Types of provided services:

a) Local calls

b) Long distance calls

c) International calls

d) Payphones

e) Voice Mail

f) Fax

g) Phonebooks

h) ISDN

1.1.2. Services that are provided through (Area of service availability)

a) Own networks:.....

b) Networks owned by authorized third parties

1.1.3. The state of providing the service:

a) Service not yet operational (under construction). Estimated providing date

b) Operational service

1.2. Telephony Services Provided by Means of Public Mobile Terrestrial Networks

1.2.1. Types of provided services:

- a) Voice
- b) Fax and data transmission
- c) SMS
- d) Voice Mail
- 1.2.2. Services are provided through (Area of service availability)
 - a) Own networks:.....
 - b) Networks owned by authorized third parties
- 1.2.3. The state of providing the service:
 - a) Service not yet operational (under construction). Estimated providing date
 - b) Operational service

1.3. Telephony Services Provided by Means of Public Networks with Satellite Transmission

- 1.3.1. Types of provided services:.....
- 1.3.2. Types of networks used for providing the service:
 - 1.3.2.1. Fixed networks
 - a) Own networks:.....
 - b) Networks owned by authorized third parties
 - 1.3.2.2. Mobile networks
 - a) Own networks:.....
 - b) Networks owned by authorized third parties
- 1.3.3. The state of providing the service:
 - a) Service not yet operational (under construction). Estimated providing date
 - b) Operational service

2. Leased Lines Services

- 2.1. Types:
 - 2.1.1. Analog
 - a) Normal quality
 - b) Special quality
 - 2.1.2. Digital
 - a) 64 Kb/s
 - b) 2048 Kb/s digital unstructured
 - c) 2048 Kb/s digital structured
 - d) >2048 Kb/s
- 2.2. Area of service availability:
 - a) Regional
 - b) National
 - c) International
- 2.3. Services that are provided through (Area of service availability)
 - a) Own networks:.....
 - b) Networks owned by authorized third parties
- 2.4. The state of providing the service:
 - a) Service not yet operational (under construction). Estimated providing date
 - b) Operational service

3. Data Transmission Services

3.1. Protocols and technologies:

- a) SDH/PDH
- b) ISDN services
- c) TCP/IP
- d) ATM
- e) Frame relay
- f) X.25
- g) HSCSD
- h) GPRS
- i) EDGE
- j) 3G (IMT 2000/UMTS)
- k) xDSL
- l) Coaxial cable
- m) Radio access
- n) LAN-LAN interconnection
- o) Telex
- p) Data transmission services provided through public networks with satellite transmission

3.2. Area of service availability:

- a) Local
- b) Regional
- c) National

3.3. The state of providing the service:

- a) Service not yet operational (under construction). Estimated providing date
- b) Operational service

4. Providing the Internet Access Services

4.1 Ways of connecting users:

- a) Dial-up
- b) Coaxial cable
- c) Leased lines
- d) Radio

4.2. Ways of connecting to international:

4.2.1. Direct access:

- a) Optical fiber (mentioning the capacity).....
- b) Satellite (mentioning capacity).....
- c) Leased lines (mentioning capacity).....

4.2.2. Indirect access:

4.3. The state of providing the service:

- a) Service not yet operational (under construction). Estimated providing date
- b) Operational service

5. Professional Mobile Radiocommunications Services

5.1. Types:

- a) Voice
- b) Data

5.2. Technologies used for providing the service:

5.2.1. Analog

- a) Simplex
- b) Semiduplex
- c) Duplex

5.2.2. Digital (TETRA)

5.3. Services are provided through (Area of service availability)

- a) Own networks:.....
- b) Networks owned by authorized third parties

5.2. The state of providing the service:

- a) Service not yet operational (under construction). Estimated providing date
- b) Operational service

6. Radiopaging Services

6.1. Services that are provided through (Area of service availability)

- a) Own networks:.....
- b) Networks owned by authorized third parties

6.2. The state of providing the service:

- a) Service not yet operational (under construction). Estimated providing date
- b) Operational service

7. Other Types of Services

To be completed with relevant data, as the case may be.

Note: In case of providing the service at regional level, all cities included in the territory where the service is provided shall be listed in an annex.

Signature of the legal representative and the stamp of the requesting party: