

# **THE GENERAL AUTHORISATION ON THE PROVISION OF PUBLICLY AVAILABLE TELEPHONY SERVICES**

## **1. Legal provisions**

The present General Authorization establishes the conditions under which publicly available telephony services can be provided, also establishing the rights and obligations of the providers.

The electronic communications service is the service usually provided in exchange for a fee and consists, in total or in part, of the transport of signals through the electronic communications networks.

The publicly available electronic communications service is the electronic communications service provided in order to satisfy the need of third persons.

The publicly available telephony service is the publicly available electronic communications service consisting of the direct voice transport, in real time, through a commuted public electronic communications network, allowing any user connected to a terminal point of that network to communicate with any user connected to another terminal point of that network.

The publicly available telephony service can be provided through the public fixed electronic communications networks or through the public mobile electronic communications networks.

## **2. Owner's rights**

### **2.1. Service provision**

The Owner has the right to provide the telephony service publicly available, with the observance of the exclusive rights given by the Romanian state to the S.N.Tc. Romtelecom S.A.

For the service provision, the Owner can use an electronic communications public network only if he is the owner of a general authorization on the provision of electronic communications public networks.

### **2.2. Access to the networks**

In order to provide the service, the Owner can use a public electronic communications network owned by a third person, upon the approval of the third person, only if such third person is authorized to provide electronic communications networks and only in case the construction of that network allows the service provision.

The Owner has the right to negotiate access agreements to the public electronic communications networks authorized under Government Ordinance no. 34/2002 on access to, and interconnection of, public electronic communications networks and associated facilities, approved with amendments and completions by Law no. 527/ 2002.

### **2.3. The designation as universal service provider**

The Owner has the right to be designated to provide any elements of the universal service in order to cover the entire national territory or only various parts thereof, under the conditions of the special legislation on universal service.

### **2.4. Numbering resources**

The Owner has the right to receive from ANRC, based upon a license, the numbering resources appropriate to the service provision.

### **2.5. Adjacent rights**

The Owner has the right to publish directories of the subscribers comprising their identification data and telephone numbers, in written, electronic and/or any other form, with the observance of the provisions of the special legislation on personal data and private life protection.

The Owner has the right to provide the subscribers information service and the customer care service.

## **3. Owner's obligations**

### **3.1. The contribution to sustaining universal service**

ANRC may impose the Owner to pay a financial contribution for sustaining universal service under the conditions of the special legislation on universal service.

### **3.2. The annual monitoring tariff**

The Owner is bound to pay to ANRC an annual monitoring tariff in the amount and under the conditions under Government Emergency Ordinance no. 79/2002.

### **3.3. The use of numbering resources**

In case blocks of numbers are allocated to the Owner, it is bound to apply the non-discrimination principle toward other electronic communications services providers with respect to the sequences of numbers used for the access to its service. The Owner also has the obligations regarding numbering resources availability for all end users under the conditions of the special legislation on universal service.

### **3.4. Personal data processing**

The Owner is bound to provide the service by complying with the provisions on processing personal data under the legislation on personal data processing and private life protection.

### **3.5. Consumer protection**

The Owner is bound to provide the service by complying with the provisions on consumer protection and with the provisions of special legislation on the rights of the electronic communications service users.

### **3.6. Service security**

The Owner shall take all adequate technical and organizational measures in order to ensure the security of the service against unauthorized access, including all the measures in order to guarantee the confidentiality of communications made through the service, in accordance with the special legislation in this field.

The Owner shall notify all subscribers and ANRC in case it acknowledges the occurrence of a special risk of security breach related to the network through which the service is provided. The notification shall refer to all possible remedies and their costs.

The Owner shall to allow, technical standpoint included, the competent public authorities, upon their specific request, to legally intercept the communications made through the service and to support the interception related costs, entirely or together with the provider of the electronic service network through which the services is provided.

### **3.7. Ensuring non-discriminatory access**

The Owner is bound to ensure the non-discriminatory access of end users to the service. The Owner may only refuse the access of an end user to the service on justified technical reasons and only upon ANRC approval.

### **3.8. Service quality**

Before offering the service for commercial use, the Owner shall make publicly available the quality indicators it commits to observe and, for providing the service, shall apply tariffs correlated to these indicators.

The Owner shall observe all minimal quality indicators established by ANRC for the provision of the publicly available telephony service.

### **3.9. Service provision under special situations**

During he situations generated by a natural catastrophe and a sinister, the Owner is bound to take all necessary measures in order to ensure the continuity of the service provision and to allow communication among the public authorities responsible for the defense against disasters.

The Owner shall ensure the receipt and retransmission of emergency calls from any terminal network point through which the service is provided, under conditions of the special legislation on the unique national system for emergency calls operation.

### **3.10. Service Billing**

The Owner shall provide to any subscriber a non-detailed bill free of

charge, in order to allow him to verify the correspondence between the payment obligation and the service provided.

The Owner is bound to observe ANRC regulation on the categories of information to be included in the detailed bills.

**3.11. Obligation to inform**

The Owner shall send ANRC a monitoring chart under the conditions herein.