

PROCEDURE FOR GRANTING THE LICENSES FOR THE USE OF THE NUMBERING RESSOURCES FROM THE NATIONAL NUMBERING PLAN

1. General provisions

The present decision establishes the conditions under which an electronic communications services provider may exercise the right to use certain numbers in order to provide electronic communications services for a limited period of time.

The National Regulatory Authority for Communications (*ANRC*), on grounds of art.17(1) and of art.18 of Government Emergency Ordinance no. 79/2002 on the general regulatory framework on electronic communications, approved with amendments and completions by Law no. 591/2002 (*Framework Ordinance*), grants to an electronic communications services provider, authorized under the conditions of art. 4 of Framework Ordinance, upon request, the right to use certain numbers from the National Numbering Plan (*PNN*) by means of a license for the use of numbering resources (*LURN*).

2. Numbering resources object to LURN

The numbering resources that may be object to LURN are:

- a) Ranges of 100,000 and of 10,000 numbers from the national numbers for fixed telephony, provided in the 2002 National Numbering Plan (*2002 PNN*) at OZ = 02 and at OZ = 03. The possibility of granting ranges inferior to 10,000 numbers for the fixed telephony shall make the object of a subsequent decision;
- b) Ranges of 1,000,000 and of 100,000 numbers from the 2002 PNN that are closed for mobile communications and provided at OZ = 07;
- c) Ranges of 1,000 numbers from the national numbering closed for services and numbers from the national numbering closed for services with special tariffs and provided at OZ = 08 and OZ = 09, respectively;
- d) Individual 10xyz codes for carriers.

The granting of number ranges shall only be made after taking into consideration the market share of the one requesting numbering resources.

3. The request for granting LURN

The request for granting LURN shall include the following mandatory information:

- a) The name or denomination of the one requesting numbering resources, the address, telephone, fax, e-mail and the unique identification code or the registration number with the Trade Register, as the case may be;
- b) The name, telephone, fax and e-mail of the contact person;
- c) The numbering resources requested in accordance with the destination established by 2002 PNN;
- d) The period for which LURN is requested;
- e) Details over the service as well as the structure and conditions for the implementation of the service;

- f) The rate and conditions of the use of numbering resources already granted to the one who requests as well as the reasoning for granting minimum 40% of these, as the case may be;
- g) In the case of geographical numbers, the geographical location established for the requested numbers, mentioned by means of numbering areas;
- h) The geographical coverage area of the service.

The request for granting LURN shall be submitted to ANRC registration office or shall be send by registered mail with confirmed receipt.

Within 10 working days after the registration date of the request for granting LURN, ANRC may demand additional information to the information already provided by the one who requests numbering resources.

The requests submitted to ANRC are analyzed by a commission established through decision of the president of ANRC (*the Commission*). This Commission shall meet at least once a month, or as often as necessary.

The granting of LURN shall be made through an open, transparent and non-discriminatory procedure within at most 3 weeks since the request is registered, except for licenses granted through a competitive or comparative selection procedure, for which the deadline is 6 weeks at most.

In case ANRC requests additional information, the above-mentioned terms shall start on the date when the response to the requested information is received.

4. Request examination

Based on the information provided in the request and on the eventual additional information received, the Commission shall decide to what degree the expressly requested numbering resources may be granted.

In order to ensure PNN availability during a long period of time, the large and continuous areas of the PNN shall be kept available, if possible. According to the 2002 PNN, the Commission shall grant LURN using with priority the available resources in the areas already open for use.

The initial and subsequent granting of the numbering resources shall be made using the minimum ranges provided within Chapter 2 herein.

In case the same numbering resources are object to several requests, the Commission shall examine the granting of LURN following their registration order. If all conditions are met, the Commission shall grant LURN for the requested resources to the first provider who registered its request at ANRC.

5. The content of LURN

The license for the use of numbering resources shall include:

- a) The name or the denomination of the one who requests numbering resources, the address and the unique identification code and the registration number with the Trade Register, as the case may be;
- b) The numbering resources the one who requests may use;
- c) The conditions under which these resources may be used;
- d) The period for which LURN is granted;

e) The obligation of the one who requests numbering resources to submit to ANRC, no later than January 31 of every year, the report regarding the effective use of the numbering resources during the previous year;

f) Other obligations imposed to the respective provider.

ANRC reserves itself the right to verify:

a) the efficient use of the numbering resources previously granted, in case of a request for additional resources;

b) the way the granted numbering resources are assigned, in case there are not used in accordance with the LURN provisions.

6. Postponement, change and termination of the LURN

ANRC shall be able to modify LURN in case:

a) the change is necessary for Romania to observe its obligations arising from international agreements or from its quality as a member in an international organization;

b) the change is necessary in order to ensure the national defense or security;

c) the circumstances when LURN was granted have changed;

d) the change is reasonably requested by the holder of the LURN.

ANRC shall be able to withdraw or postpone the LURN in the following situations:

a) upon holder's request;

b) if the holder does not observe the conditions regarding the use of numbering resources;

c) if the holder has not effectively used any of the numbers object to the LURN during the last 12 months;

d) after the holder's right to provide electronic communications services or networks, based on the general authorization, is withdrawn;

e) under conditions provided by art. 59(4) and (5) of Framework Ordinance.

The change, withdrawal or postponement of the LURN shall be made through the decision of the president of ANRC.

The availability of the LURN ends on the date when the duration for which it was granted expires.

When such period expires, LURN availability may be extended, upon holder's request, in case all the conditions provided herein are fulfilled.