



On grounds of art.32(1) letter a) and of art.38(1), (3) and (5) of Government Emergency Ordinance no.79/2002 on the general regulatory framework for communications, approved, with amendments and completions, by Law no.591/2002,

**THE PRESIDENT OF THE
NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS**

issue the present:

**DECISION
on the completion of Decision no.136/2002 of the president of the
National Regulatory Authority for Communications on the approval of
the Rules for the identification of the relevant markets within the
electronic communications sector**

Unique article. – The Rules for the identification of the relevant markets within the electronic communications sector, approved by Decision no.136/2002 of the president of the National Regulatory Authority for Communications, published in the Romanian Official Journal, Part I, no.916 of December 16, 2002, is hereby completed as follows:

1. Under article 2 shall be introduced letters l) – t) having the following content:

- „l) **broadband Internet access service** – an electronic communications service destined to the public, comprising the provision of Internet access with at least 128 Kbps capacity (bandwidth) ;
- m) **terminal point** – the physical point where a user is provided with access to a public electronic communications network;
- n) **leased line–total circuit** – transparent and permanent transmission capacity between two terminal points of the same public electronic communications network or of different public electronic communications networks;
- o) **point of interconnection for leased lines** – physical point that allows the interconnection between the segments of a leased line-total circuit provided by different operators and separates the networks of these operators;
- p) **leased lines–terminal segment, respectively the leased lines-terminal segments service** – the segment of the leased line-total circuit bordered by one terminal point and one point of interconnection for leased lines located at the level of the local loop, the local transport network or the regional transport network, respectively the leased lines service that provides this segment on the wholesale market;
- q) **leased lines–trunk segment, respectively the leased lines–trunk segment service** – the segment of the leased line–total circuit bordered by two points of interconnection for leased lines located at the level of the national transport network

(backbone) or the regional transport network, respectively the leased lines service that provides this segment on the wholesale market;

r) **total access to the local loop** – the exclusive use by a beneficiary of the physical circuit that forms the local loop or the local subloop according to the request, the beneficiary providing the equipment and designing the configuration of the access link;

s) **segmented access to the local loop** – the use by one or more beneficiaries of the available capacity of the physical circuit that forms the local loop or the local subloop according to the request, without disturbing the initial service offered by the provider of this form of access;

t) **„bit stream” access to the local loop** – the use by one or more beneficiaries of the available capacity of the physical circuit that forms the local loop or the local subloop according to the request, by the exploitation of an access link that is provided with equipment and configured by the provider of this form of access”.

2. Under the Annex to the Regulation shall be introduced points 6–11 having the following content:

„6. a) **Relevant product market**

The market of the provision of total or segmented access to the local loop consisting of one pair of twisted metallic wires for the purpose of providing broadband Internet access services and publicly available telephony services at fixed locations.

The identified market is a wholesale market subject to the provisions 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.

b) **Relevant geographical market**

National market determined by the Romanian territory

7. a) **Relevant product market**

The market of providing „bit stream” access to the local loop consisting of one pair of twisted metallic wires, optical fiber, coaxial cable, and radio local loop for the purpose of providing broadband Internet access services.

The identified market is a wholesale market subject to the provisions 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.

b) **Relevant geographical market**

National market determined by the Romanian territory

8. a) **Relevant product market**

The market of leased lines-terminal segments services.

The identified market is a wholesale market subject to the provisions 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.

b) Relevant geographical market

National market determined by the Romanian territory

9. a) Relevant product market

The market of leased lines-trunk segments services.

The identified market is a wholesale market subject to the provisions 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.

b) Relevant geographical market

National market determined by the Romanian territory

10. a) Relevant product market

The market of the access to facilities associated to the electronic communications networks' segments consisting of metallic wires, optical fiber or coaxial cable, including the access to those associated resources allowing or supporting the provision of services through the respective network, comprising those that have not been created as support for the electronic communications networks but are used as associated facilities for at least one public electronic communications network (high and low voltage piles, ducts, trenches, buildings, subway tunnels etc).

The identified market is a wholesale market subject to the provisions 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.

b) Relevant geographical market

National market determined by the Romanian territory

11. a) Relevant product market

The market of the access to the facilities associated to the radio segments of the public electronic communications services, including the access to those over ground resources allowing or supporting the provision of services through the respective network, comprising those that have not been created as support for the electronic communications networks but are used as associated facilities for at least one public electronic communications network (piles, buildings etc).

The identified market is a wholesale market subject to the provisions 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.

b) Relevant geographical market

National market determined by the Romanian territory”.

**PRESIDENT,
ION SMEEIANU**

Bucharest, February __, 2003
No. __/EN

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