



On grounds of Decision no.113/2002 of the Prime Minister on the designation of the President of the National Regulatory Authority for Communications,

On grounds of the provisions under art.38(1), (3) and (5) and under art.46(1) point 11 of Government Emergency Ordinance no.79/2002 on the general regulatory framework for communications, approved, with amendments and completions, by Law no.591/2002, as well as under art.8(1), art.9(1), art.10, art.11, art.12 and art.13 of Government Ordinance no.34/2002 on access to, interconnection of, public electronic communications networks and associated facilities, approved, with amendments and completions, by Law no.527/2002,

Considering the provisions under Decision no.143/EI/2002 of the president of the National Regulatory Authority for Communications, on the designation of „Mobifon” – S.A. commercial company as operator with significant power on the market of the access to its own mobile telephony network for call termination,

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

issues the present:

**DECISION
on interconnection to the public mobile telephony network operated by
„Mobifon” – S.A. commercial company for call termination**

Art.1. – (1) „Mobifon” – S.A. commercial company, hereinafter referred to as the *Operator*, designated through Decision no.143/EI/2002 of the president of the National Regulatory Authority for Communications as operator with significant market power on the market of the access to its own mobile telephony network for call termination, shall have, under the conditions herein, the obligation to be transparent, to keep separate accounting, to provide certain services and to grant access to certain facilities, as well as to establish the tariffs based upon costs, with respect to the interconnection of the public mobile telephony network he operates with public communications networks installed, operated, controlled or made available by other operators, hereinafter referred to as *Beneficiaries*, for call termination.

Art.2. – Within the meaning of this decision, the terms below are defined as follows:

- a) *call* – the call for publicly available telephony services;
- b) *calling line identity (CLI)* – the number of the caller, conveyed through the networks of the *Operator* and the *Beneficiary* during each call;

c) *calling line identity presentation (CLIP)* – the service of presenting the calling line identity;

d) *calling line identity restriction (CLIR)* – the service of eliminating the presentation of the calling line identity.

Art.3. – (1) The *Operator* is bound to make public the tariffs for all the services necessary for the interconnection to the public mobile telephony network which he operates, for the purpose of call termination, and to send the National Regulatory Authority for Communications, hereinafter referred to as *ANRC*, a copy of all the concluded interconnection agreements within 7 days after they are concluded.

Art.4. –The obligation of non-discrimination shall be met under the following conditions:

a) the *Operator* is bound to apply equivalent interconnection conditions under equivalent circumstances to all persons who request or already benefit from interconnection with the *Operator's* public mobile telephony network for call termination;

b) the *Operator* is bound to make available to third parties all services and information necessary for the interconnection to the *Operator's* public mobile telephony network for call termination under the same conditions, quality included, as those conditions provided for its own services or for services provided to persons within the same group.

Art.5. – (1) The *Operator* is bound to keep separate accounting, part of its internal book-keeping, for all activities related to interconnection with the public mobile telephony network he operates, for call termination.

(2) In order to facilitate the verification of whether the obligations under art.3 and 4 are met, the *Operator* shall submit *ANRC* separate accounting reports for the previous concluded financial year. The term for submitting the said reports shall be of one year after *ANRC* adopts the principles and pre-requisites for conducting separate accounting.

Art.6. – (1) The *Operator* shall provide the *Beneficiaries* with at least the interconnection service for call termination at mobile points, under the conditions within this article.

(2) Through the interconnection service for call termination at mobile points, the *Operator* shall ensure taking over the calls from the *Beneficiary's* network and terminating them at any number allocated to the *Operator*, if termination is technically possible at the respective number.

(3) When the calling line identity is transferred to the *Operator's* network, if the *CLIP* service is used when making the call, the *Operator* has the obligation to communicate these data to the called end user.

(4) When the calling line identity is transferred to the *Operator's* network, if the *CLIR* service is used when making the call, the *Operator* shall not communicate these data to the called end user, except when such call is made to an emergency number.

(5) For the interconnection service for call termination at mobile points shall only be billed the conversation time for successful calls that have been answered.

(6) The conversation time begins with the response signal and ends with the first line release signal generated either by the calling party or the called party.

(7) For the purpose of call termination, the *Operator* shall ensure interconnection to the public mobile telephony network which he operates, to the extent that requests are reasonable. *Operator's* refusal shall be thoroughly justified and shall be communicated in writing to the requester as well as to *ANRC*.

(8) The *Operator* shall provide the *Beneficiary* with access to all the necessary services allowing the *Beneficiary* to provide its own electronic communications services, including access to operational assistance services, emergency services and directory services.

Art.7. – (1) The *Operator* is bound to collect, for providing the interconnection service for call termination at mobile points, under the conditions of this article, cost based tariffs established based upon a long time incremental cost calculation model approved by *ANRC*.

(2) The *Operator* is bound to implement the cost calculation method under paragraph (1) no later than July 1, 2004.

(3) Until the date when interconnection tariffs are set out based upon the long time incremental cost calculation model approved by *ANRC*, the maximum tariffs the *Operator* may collect for providing the interconnection service for call termination at mobile points shall be established as follows:

a) since the date when this decision enters into force and until December 31, 2003, inclusively, tariffs shall not exceed the amount of 11 USD cents/minute;

b) since January 1, 2004, until the date when the interconnection tariffs will be established based upon a long time incremental cost calculation model approved by *ANRC*, tariffs shall not exceed the amount of 10 USD cents/minute.

(4) The maximum tariffs under paragraph (3) correspond to peak hours.

Art.8. – This decision shall be communicated to „Mobifon” – S.A. commercial company.

PRESIDENT,

ION SMEEIANU

Bucharest, February __, 2003

Nr. __/EI