

On grounds of the Prime Minister Decision no.249/2005 on the designation of the president of the National Regulatory Authority for Communications,

On grounds of the provisions 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, as well as of art.6(2) and art.30(2) of the Government Ordinance no.31/2002 on postal services, approved, with amendments and completions, by Law no.642/2002, with the subsequent amendments,

Having regard to the provisions of art.13 of the ANRC President's Decision no.88/2004 on the designation of the Universal Service provider in the field of postal services,

THE PRESIDENT OF THE NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS

issues the present:

DECISION

on establishing the terms and procedure for assessing the compliance of the National Company *Romanian Post* with the quality objectives imposed by the ANRC President's Decision no.88/2004 on the designation of the Universal Service provider in the field of postal services, with the subsequent amendments

Art.1. – This decision establishes the terms and the procedure for assessing the compliance with the quality objectives imposed on the National Company *Romanian Post*, hereinafter referred to as CNPR, which is the Universal Service provider in the field of postal services.

Art.2. - Within the scope of this decision, the terms below shall be defined as follows:

- a) *real flow* – number and types of the postal items that are the object of the postal services within the scope of Universal Service provided by CNPR;
- b) *end-to-end measurement* – measurement of the transit duration of the postal items from the moment of transmission to the access point until the moment of delivery;
- c) *UNEX* – a system used especially by the providers of postal services, who are members of the IPC (International Post Corporation), whose object is monitoring the end-to-end transit duration of the cross-border postal items in the fastest category of the standard service.

Art.3. - CNPR has the obligation to perform, under the terms and according to the procedure established by this decision, an assessment of the compliance with the quality objectives provided under art.12 of the ANRC President's Decision no.88/2004 on the designation of the Universal Service provider in the field of postal services, with the subsequent amendments, hereinafter referred to as the *Designation Decision*.

Art.4. - CNPR has the obligation to determine the real flow of the domestic items of correspondence in the fastest category of the standard service within the postal services offer of CNPR.

Art.5. - (1) The obligations provided under articles 3 and 4 shall be observed by CNPR by concluding an agreement with an independent monitoring body, which shall have the following object:

a) conduct the measurements required for determining the real flow, in accordance with the provisions under art.6;

b) conduct the measurements required for the assessment of compliance with the quality objectives provided under art.12 (1) of the Designation Decision, for the postal services dealing with domestic postal items, by the enforcement of Standard *SR EN 13850:2003 – Postal Services. Service Quality. Measurement of the transition duration from the moment of entry in the collecting system until the postal item reaches the addressee, for individual postal items in the priority/first-class service*, as provided under art.7;

c) conduct the measurements required for the assessment of compliance with the quality objectives under art.12(2) of the Designation Decision, for the postal services dealing with intra-European cross-border postal items, by the enforcement of Standard SR EN 13850:2003.

(2) The measurements required for determining the real flow may be conducted directly by CNPR, as provided under art.6.

(3) By way of exception, the measurements provided under paragraph (1) letter c) may be conducted under a distinct agreement, concluded by CNPR with another independent monitoring body, in conformity with the provisions of this decision; this agreement shall provide for the use of the UNEX system.

(4) For the purpose of selecting the independent monitoring body provided under paragraph (1), CNPR shall consider the following principles:

a) a competitive or comparative selection procedure shall be used, with national and international participation;

b) the participants in the selection procedure shall have, within their object of activity, the provision of the services stipulated under paragraph (1);

c) the participants in the selection procedure shall have no property right or control over CNPR;

d) the participants in the selection procedure shall produce evidence of their previous experience in the field of providing the services stipulated under paragraph (1).

Art.6. - (1) Starting 2006, at least once in three years, the independent monitoring body or CNPR, as the case may be, shall conduct the measurements required for determining the real flow, under the terms provided by Standard SR EN 13850:2003. The measurements shall be completed by December 31st of the respective year.

(2) By way of exception from the provisions of art.4, in 2006, the real flow shall be determined for the domestic items of correspondence of the standard service.

Art.7. - (1) Starting 2006, the independent monitoring body shall conduct end-to-end measurements for the transit duration of the domestic postal items provided under art.12(1) of the Designation Decision.

2) The end-to-end measurements for the transit duration of the domestic postal items provided under art.12(1) of the Designation Decision shall be conducted based on the results of the latest real flow and shall be completed by December 31st of the respective year.

(3) By way of exception, in 2006, for the purpose of conducting the end-to-end measurements of the transit duration for the domestic postal items provided under art.12(1) of the Designation Decision, an even distribution over the national territory of the sample postal items or another distribution CNPR may consider adequate shall be used; these measurements shall be eventually adjusted upon reception of the final results regarding the real flow.

(4) The error margin corresponding to the measurements provided under paragraph (3) shall not exceed 5%, for a reliability level of 95%.

Art.8. - (1) For the purpose of observing the obligations provided under art.3 and 4, CNPR shall conclude an agreement with an independent auditing body that audits the real flow measurement results provided under art.5(1) letter a), as well as the results of the measurements required for the assessment of the compliance with the quality objectives stipulated under art.5(1) letter b) and c), under the terms provided by Standard SR EN 13850:2003.

(2) "Auditing" means an independent and systematic examination determining whether the stated activities or results comply with the imposed regulations and whether the standard norms are effectively implemented and are adequate for the achievement of certain objectives.

(3) For the purpose of selecting the independent auditing body, CNPR shall correspondingly enforce the principles provided under art.5(4). The independent auditing body shall have no property right or control over CNPR or over the independent monitoring body.

Art.9. - (1) Based on the audited results of the measurements provided under art.5(1) letters b) and c), CNPR shall draw up an annual assessment report regarding the compliance with the quality objectives stipulated under art.12 of the Designation Decision.

(2) CNPR shall submit the National Regulatory Authority for Communications the report provided under paragraph (1) by May 1st of the year following the measurements, for approval.

(3) Within 10 days from the approval date, CNPR shall publish on its website the report provided under paragraph (1), as well as - either full text or excerpts - in two national high-run daily newspapers.

Art.10. – This decision shall be communicated to CNPR and shall enter into force from the communication date.

**PRESIDENT,
DAN CRISTIAN GEORGESCU**