

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

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

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

THE PRESIDENT OF THE NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS

issues the present:

DECISION

On the Interconnection to the Public Mobile Telephony Network Operated by „Mobifon” – S.A. Commercial Company for Call Termination

Art.1. – „Mobifon” – S.A. commercial company, hereinafter referred to as the *Operator*, designated as having significant power on the market of access to its own mobile telephony network for call termination by the Decision no.143/EI/2002 of the President of the National Regulatory Authority for Communications, has, under the conditions herein, the obligation of transparency, non-discrimination, separate accounting, as well as the obligation to provide certain services and grant access to certain facilities and the obligation to charge cost oriented tariffs, as regards the interconnection of the public mobile telephony network he operates to the public communications networks installed, operated, controlled, or made available by other operators, hereinafter referred to as the *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 user who makes the call, conveyed through the *Operator's* and the *Beneficiary's* networks at each call;
- c) *calling line identity presentation (CLIP)* – the calling line identity presentation service;
- d) *calling line identity restriction (CLIR)* – the calling line identity elimination service.

Art.3. – The *Operator* has the obligation to make public the tariffs for all the services that are necessary for interconnection to the public mobile telephony network he operates, for the purpose of call termination, as well as to send to the National Regulatory Authority for Communications, hereinafter referred to as *ANRC*, a copy of the concluded interconnection agreements within 7 days after their conclusion.

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

a) The *Operator* has the obligation to apply equivalent conditions for interconnection under equivalent circumstances to all the persons who require or who already benefit from the interconnection to the public mobile telephony network operated by the *Operator*, for call termination;

b) The *Operator* has the obligation to make available to the requesters all the services and information necessary for the interconnection to the public mobile telephony network he operates, for call termination, under the same conditions, including quality, as those offered for its own services or for the services provided to the persons within the same group.

Art.5. – (1) The *Operator* has the obligation of separate accounting, within the internal accounting, for all the activities related to interconnection to the public mobile telephony network he operates, for call termination.

(2) In order to facilitate the fulfillment of obligations under art.3 and 4, the *Operator* shall provide *ANRC* with separate financial reports for the last ended financial year. The deadline for the financial reports is one year after the date when *ANRC* adopts the principles and conditions based on which the separate accounting is kept.

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

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

(3) When the data for identifying the calling line are transferred to the *Operator's* network, he has the obligation to communicate these data to the final called user if *CLIP* was used for making this call.

(4) When the data for identifying the calling line are transferred to the *Operator's* network, he shall not communicate these data to the final called user if the *CLIR* service was used when making the call, except for the case when the call was sent to an emergency number.

(5) For the service for interconnection for call termination at mobile points shall be charged only the conversation period for those calls that are successfully made and answered to.

(6) The conversation period starts with the answering signal and ends with the first signal that is generated by the caller or by the called party and indicates the line is free.

(7) The *Operator* shall ensure the interconnection of the public mobile telephony network he operates, for the purpose of call termination, to the extent that the requests are reasonable. The *Operator's* refuse has to be justified and shall be communicated in writing to the requester and *ANRC*.

(8) The *Operator* shall offer the *Beneficiaries* access to all the services necessary for them to be able to exploit under normal conditions the interconnection to the public mobile telephony network of the *Operator* for call termination, through the provision of its own electronic communications services.

Art.7. – (1) For the provision of interconnection service for call termination at mobile points, under the conditions of this article, the *Operator* has the obligation to charge cost oriented tariffs based on a long run incremental costs calculation model approved by *ANRC* on a long term.

(2) The *Operator* has the obligation to implement the cost calculation model under paragraph (1) until the 1st of July 2004.

(3) Until the date when the interconnection tariffs are determined based on a long run incremental costs calculation model approved by *ANRC* on a long term, the maximum tariffs charged by the *Operator* for the provision of the interconnection service for call termination at mobile points are set out as follows:

a) from the date when the present decision is in force until the December 31, 2003 inclusively, the tariffs shall not exceed the value of 11 USD cents /minute;

b) from January 1, 2004 until the date when the interconnection tariffs are determined based on a long run incremental costs calculation model approved by *ANRC*, the tariffs shall not exceed the value of 10 USD cents /minute.

(4) The maximum tariffs under paragraph (3) are those corresponding to peak hours.

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

**PRESIDENT,
ION SMEEIANU**

Bucharest, March 24, 2003
No. 123 / EI