

On grounds of the provisions under art.32(1) letter a) and of art.38 paragraph (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**

issues the present decision.

DECISION

on the completion of the ANRC President's Decision no.136/2002 on the approval of the Regulation on the identification of the relevant markets within the electronic communications sector

Unique article. – The Regulation on the identification of the relevant markets within the electronic communications sector, approved by ANRC's president Decision no.136/2002, published in the Romanian Official Journal, Part I, no.916 of December 16, 2002, is hereby completed as follows:

1. Art 2 shall be completed with the letters l) – z) having the following content:

„l) **broadband electronic communications service** – a publicly available electronic communications service, which consists in the conveyance of signals at a capacity of at least 128 Kbps;

m) **access network** – part of an electronic communications network corresponding to the local loop, including all transmission systems, equipments and resources dedicated to the individual provision of end users' access to the network;

n) **conveyance network** – electronic communications network, excluding the access network. The conveyance network contains all transmission systems, equipments and resources dedicated to the conveyance and switching of signals;

o) **transmissions network** – the conveyance network, excluding the switching equipment. The transmissions network contains all transmission systems, equipments and resources dedicated to the conveyance of signals;

p) **local transmissions network** – the part of a transmissions network which ensures the conveyance of signals between the access networks subordinated to a transmissions node corresponding to a local, digital switch in a PSTN/ISDN network or to an equivalent transmissions node from another public electronic communications network, as well as between these access networks and the regional transmissions network;

q) **regional transmissions network** – the part of a transmissions network which ensures the conveyance of signals between local transmissions networks subordinated to a transmissions node corresponding to a transit switch in a PSTN/ISDN network or to an equivalent transmissions node from another public electronic communications network, as well as between these local transmissions networks and the national transmissions network;

r) **national transmissions network** – the part of a transmissions network which ensures the conveyance of signals between the regional transmissions networks

subordinated to a transmissions node corresponding to a transit switch in a PSTN/ISDN network or to an equivalent transmissions node from another public electronic communications network, as well as between these national transmissions networks and the international transmissions network;

s) **terminal point** – the physical point where a user is provided with access to a public electronic communications network;

t) **leased line–total circuit** – the transparent and permanent transmission capacity between two terminal points belonging to the same public electronic communications network or to different public electronic communications networks;

u) **interconnection point for leased lines** – the physical point where may be achieved the interconnection between the segments of a leased line-total circuit, provided by different providers and which delimits the networks of these providers ;

v) **leased line–terminal segment, respectively leased lines-terminal segments service** – the leased line-total circuit segment delimited by an interconnection point for leased lines, located at the level of the regional transmissions network, the subordinated local transmissions network or the subordinated access network, according to the architecture of the network, and a terminal point from the area served by the transmissions node corresponding to the transit switch from a PSTN/ISDN network or by the equivalent transmissions node from a public electronic communications network in report to which the regional transmissions network, respectively the leased lines services which offer this segment on the wholesale market, are established;

w) **leased line–trunk segment, respectively leased lines–trunk segment service** – the leased line-total circuit segment, delimited by two interconnection points for leased lines, located at the level of the national transmissions network, at the regional transmissions network or the local transmissions network, respectively the leased lines service which offers this segment on the wholesale market;

x) **total access to the local loop** – the exclusive use by a beneficiary of the physical circuit that forms the local loop or the local sub-loop, according to the request, the equipment being provided and the configuration of the access connection being performed by the beneficiary;

y) **shared access to the local loop** – the use by one or more beneficiaries of the available capacity of the physical circuit forming the local loop or the local sub-loop, according to the request, without any disturbance of the service initially offered by the provider of this form of access;

z) **«bit stream» access to the local loop** – the use by one or more beneficiaries of the available capacity of the physical circuit forming the local loop or the local sub-loop, according to the request, by exploiting an access connection equipped and configured by the provider of this form of access."

2. In the annex of the regulation shall be included the points 6 – 9 having the following content :

„6. a) Relevant product market

The market of the provision of unconditioned total or shared access to the local loop consisting of a pair of twisted metallic wires, for the purpose of provision of broadband electronic communications services and publicly available telephony services at fixed locations.

The identified market is a wholesale market, submitted to the provision of Government Ordinance no.34/2002 on the 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 the provision of «*bit stream*» access to the local loop made of a pair of twisted metallic wires, optical fiber or coaxial cable and to the radio local loop, for the purpose of providing broadband electronic communications services

The identified market is a wholesale market submitted to the provisions under Government Ordinance no.34/2002 on access to the electronic communications networks and to the associated facilities, as well as their interconnection, 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 the provision of leased lines-terminal segments services.

The identified market is a wholesale market submitted to the provisions under Government Ordinance no.34/2002 on access to the electronic communications networks and to the associated facilities, as well as their interconnection, 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 the provision of leased lines-trunk segments services

The identified market is a wholesale market submitted to the provisions under Government Ordinance no.34/2002 on access to the electronic communications networks and to the associated facilities, as well as their interconnection, 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, May 13, 2003
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