

On the grounds of the provisions of Article 38 paragraphs (1), (3) and (5), of Article 44 letters f) and of Article 46 paragraph (1) subparagraph 20 of the Government Emergency Ordinance no.79/2002 on the general regulatory framework for communications, approved with amendments and completions by Law no.591/2002,

Having regard to the provisions of subparagraph 3.18.4 of the general authorisation for the provision of electronic communications networks and services, annex no.1 of the ANRC President's Decision no. 1333/2003 on the general authorisation regime for the provision of electronic communications networks and services,

THE PRESIDENT OF THE NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS

issues the present:

DECISION

regarding the procedure of granting the right of using the national and international signalling point codes

Art.1. – (1) The present Decision establishes the conditions under which a provider of public electronic communications networks is granted and may enforce the right of using certain national and international signalling point codes.

(2) The National Regulatory Authority for Communications, hereinafter referred to as *ANRC*, may grant the right of using certain national and international signalling point codes to a provider of public electronic communications networks, who is authorised according to Article 4 of the Government Emergency Ordinance no.79/2002 on the general regulatory framework for communications, approved with amendments and completions by Law no.591/2002, and in accordance with the procedures provided in the ANRC President's Decision no.1333/2003 on the general authorisation regime for the provision of electronic communications networks and services, and who submits an application therefor.

Art.2. – For the purpose of this Decision, the following definitions shall apply:

a) *Signalling Point (SP)* – a node in a signalling network, which generates and receives the signalling messages, transfers signalling messages from a signalling line to another, or fulfils both above mentioned functions;

b) *Signalling Point Code (SPC)* – a code identifying, specifically, a signalling point within a signalling network using the signalling system on a joint channel no.7 (SS7);

c) *National Signalling Point (NSP)*, respectively *National Signalling Point Code (NSPC)* – the signalling point belonging to the national signalling network, used for routing the signalling messages at national level, respectively the code identifying this point;

d) *International Signalling Point (ISP)*, respectively *International Signalling Point Code (ISPC)* – signalling point belonging to the international signalling network, used for routing the signalling messages at international level, respectively the code identifying this point.

Art.3. – (1) With a view to be granted the right of using certain signalling point codes, the requestant shall enter an application with the ANRC Registry or shall send it by the postal service for registered items with confirmation receipt.

(2) The registration date is the date inscribed in the general record of incoming-outgoing correspondence of ANRC.

(3) The application shall mention the following information:

a) name or company name of the requestant, residence or headquarters, series and number of the identity document, personal numeric code, telephone or fax number, e-mail address, Internet page, registration number with the Trade Registry and the fiscal registry code of the unique code of registration, as well as, in case of natural persons, series and number of the authorisation for independently performing economic activities;

b) the legal representative's name, e-mail address, telephone and fax number;

c) type and number of the requested signalling point codes (ISPC and/or NSPC) or the codes of the previously used signalling points, as the case may be;

d) description of the owned signalling network within which the requested codes are to be used, mentioning the location of the signalling points for whose identification ISPC and/or NSPC are requested;

e) usage method of the previously granted codes;

f) in case an ISPC is granted, the data required by the International Telecommunications Union (ITU) according to the provisions of the Recommendation ITU-T M.1400.

(4) If ANRC considers that the information submitted is not sufficient, it shall require additional information within 10 days from the registry date of the application.

Art.4. – (1) The right of using certain signalling point codes shall be granted by the ANRC President's Decision, within 3 weeks from the registry date of the application.

(2) Should ANRC require additional information, the term provided under paragraph (1) shall begin on the date of receiving the required information.

(3) The right of using certain signalling point codes shall be granted for an unlimited period.

Art.5. – (1) The analysis of the applications for using the signalling point codes shall be performed according to the principles of objectivity, transparency, non-discrimination and proportionality.

(2) The analysis of the applications shall be based on the following criteria:

a) necessity of obtaining the respective signalling point codes;

b) structure of the network provided by the requestant;

c) ensuring the rational and efficient usage of the signalling point codes.

(3) The application shall be rejected should there not be met all the conditions provided in this Decision or in other normative acts.

(4) The decision of rejecting the application shall be motivated and communicated to the requestant.

Art.6. – The holder of the right of using certain signalling point codes shall have the following obligations:

- a) to use the codes allotted on the Romanian territory and in conformity with the destination specified in the application;
- b) to comply with the conditions of code usage, as provided in the ANRC President's Decision for granting the right of using certain signalling point codes, as the case may be;
- c) to commission and effectively use all the ISPC and a significant number of the allotted NSPC blocks, within 6 months from the allotment date, as well as to notify ANRC within one month since the commissioning of the codes;
- d) to inform ANRC in case of reorganisation, by merger or separation, or of ceasing the activity in the electronic communications sector, with a view to re-allotting the signalling point codes, as the case may be.

Art.7. – (1) The right of using certain signalling point codes may be assigned to a provider of public electronic communications networks, who is authorised under the provisions of Article 4 of the Government Emergency Ordinance no.79/2002, approved with amendments and completions no.591/2002, and in conformity with the procedure provided in the ANRC President's Decision no. 1333/2003, only under well-grounded situations, such as the reorganisation of the legal person, by merger or separation, and only with the prior ANRC consent.

(2) The ANRC consent shall be communicated to the holder of the usage right within 3 weeks since the registration date of the application regarding the assignment of the right.

(3) The application regarding the assignment of the right:

a) name or company name of the holder, residence or headquarters, series and number of the identity document, personal numeric code, telephone or fax number, e-mail address, Internet page, registration number with the Trade Registry and the fiscal registry code of the unique code of registration, as well as, in case of natural persons, series and number of the authorisation for independently performing economic activities;

b) name or company name of the assignee, residence or headquarters, series and number of the identity document, personal numeric code, telephone or fax number, e-mail address, Internet page, registration number with the Trade Registry and the fiscal registry code of the unique code of registration, as well as, in case of natural persons, series and number of the authorisation for independently performing economic activities;

c) information on the assignment agreement to be concluded (its nature, date of its entry in force, special agreement conditions, as well as the manner of implementation of the agreement);

d) codes of the signalling points which are to be the object of the agreement;

e) description of the network within which the codes to be the object of the agreement will be used;

(4) The assignment agreement shall comply with the conditions regarding the assignment of the right, provided in the ANRC President's Decision for granting the right of using certain signalling point codes.

(5) The assignee shall undertake all the obligations incurring with the right of using the signalling point codes.

(6) All the agreements on the assignment of the right of using certain signalling point codes, concluded in breach of the provisions of paragraph (1), (4) and (5), shall be waived.

Art.8. – The ANRC President's Decision for granting the right of using certain signalling point codes shall be amended when:

- a) it is necessary for Romania's compliance with the obligations incurring with international agreements or following its quality as a member in an international organisation;
- b) it is necessary for ensuring national security or defence;
- c) the circumstances within which the ANRC President's has been issued;
- d) the holder requires the allotment of additional code blocks.

Art.9. – The right of using certain signalling point codes shall cease in the following situations:

- a) upon the holder's request;
- b) a sanction of withdrawing the respective right has been enforced, according to the conditions provided under Article 10.

Art.10. – The right of using certain signalling point codes may be suspended or withdrawn, by the ANRC President's Decision, in the following situations:

- a) the holder does not observe the obligations provided under Article 6;
- b) the holder's right of providing electronic communications networks, based on the general authorisation, was withdrawn or suspended.

Art.11. – (1) Within 30 days since the entry in force of this Decision, the providers of public electronic communications networks who were granted the right of using certain signalling point codes shall submit ANRC an application for using the same signalling point codes, which must include all the information provided under Article 3 paragraph (3).

(2) The applications for using the signalling point codes, other than those provided under paragraph (1), may be submitted to ANRC after the expiry of the term of 30 days since the date of entry in force of this Decision.

Art.12. – This Decision shall be published in the Official Journal of Romania, Part I.

**PRESIDENT,
ION SMEEIANU**

Bucharest, November 5, 2003.
Nr. 1.334/EN.