

On grounds of art.38 paragraphs (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, and of art.12 paragraph (1), art.27 paragraph (3) and art.30 paragraph (1) of Government Ordinance no.31/2002 on postal services, approved with amendments and completions by Law no.642/2002,

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

issues the present:

**DECISION
on the Amendment of the Decision of the President
of the National Regulatory Authority for Communications no.88/2004
on the designation of the universal service provider in the postal services sector**

Art.I. – The Decision of the President of the National Regulatory Authority for Communications no.88/2004 on the designation of the universal service provider in the postal services sector, published in the Romanian Official Journal, Part I, no.355 as of April 22, 2004, is hereby amended as follows:

1. Article 5 shall have the following content:

"Art.5. – (1) Until December 31, 2008, CNPR is granted the exclusive right to provide items of correspondence, irrespective of whether the delivery is accelerated or not, with the weight and tariff less than the limits established at paragraphs (2) and (3):

a) clearance, sorting, transport and delivery of domestic items of correspondence;
b) the distribution of items of correspondence sent from outside Romania to an address located in Romania.

(2) The weight limit which determines the extension of the exclusive right granted to CNPR is:

a) 100 g, until December 31, 2005;
b) 50 g, between January 1, 2006 and December 31, 2008.

(3) The tariff limit which determines the extension of the exclusive right granted to CNPR is of 12,000 lei, value added tax included.

(4) In case the tariffs charged by CNPR are modified, under the conditions mentioned at art.17 paragraph (3) herein, ANRC may update the tariff limit mentioned at paragraph (3), but the modified value may not exceed the following levels:

a) until December 31, 2005, the value shall be smaller than 3 times the public tariff corresponding to an item of correspondence in the first weight step of the fastest standard category included in CNPR's offer;

b) between January 1, 2006 and December 31, 2008, the value is smaller than 2.5 times the public tariff corresponding to an item of correspondence in the first weight step of the fastest standard category included in CNPR's offer.

(5) The postal services providers may offer the services mentioned at paragraph (1), with or without added value, below the weight limits mentioned at paragraph (2), upon condition that they charge a tariff at least equal to the tariff limit mentioned at paragraph (3).

(6) The update mentioned at paragraph (4) shall be made when, in its absence, the obligations to ensure universal service under chapter III herein can not be observed adequately. The decision of the president of ANRC on the update of the tariff limit which determines the extension of the exclusive right granted to CNPR shall also establish the date since when the postal services providers have the obligation to charge tariffs at least equal to this limit."

2. Article 9 shall have the following content:

"Art.9. – (1) In order to comply with the obligations under art.6 paragraphs (1)–(3), CNPR has the obligation to deliver to the home and premises of the addressee or at its contact points, as the case may be, all the postal items with a weight under or equal to 500 g, as follows:

a) to any recipient where the addressee agrees that the postal items addressed to him may be delivered;

b) to the person authorised to receive the postal item.

(2) The postal items with a weight over 500 g, as well as the registered postal items which could not have been delivered to the authorised person to receive them, shall be delivered to the CNPR contact points, but only after the addressee is informed, under the conditions mentioned at paragraph (1), about the arrival of these postal items."

3. Paragraphs (1)–(3) of article 12 shall have the following content:

"Art.12. – (1) CNPR has the obligation to ensure the following quality norms for the distribution of domestic postal issues which are included in the fastest standard category and are the object of the services mentioned at art.1 paragraph (2) letter a):

a) until the end of 2004: Z+1 for 70% of the total number of postal items and Z+2 for 80% of the total number of postal items;

b) until the end of 2005: Z+1 for 77% of the total number of postal items and Z+2 for 90% of the total number of postal items;

c) until the end of 2006: Z+1 for 85% of the total number of postal items and Z+2 for 97% of the total number of postal items.

(2) CNPR has the obligation to ensure the observance of the following quality norms for the distribution of cross-border (inside Europe) postal issues which are included in the fastest standard category and are the object of the services under art.1 paragraph (2)a):

a) until the end of 2004: Z+3 for 75% of the total number of postal items and Z+5 for 85% of the total number of postal items;

b) until the end of 2005: Z+3 for 80% of the total number of postal items and Z+5 for 90% of the total number of postal items;

c) until the end of 2006: Z+3 for 85% of the total number of postal items and Z+5 for 97% of the total number of postal items.

(3) The quality norm for distribution mentioned at paragraph (2) shall be ensured for the postal traffic maintained with each state."

4. Paragraph (2) of article 23 is abrogated.

5. Article 26 shall have the following content:

"Art.26. – Letter i) points 1.2.2. and 3.5.2 of Annex no.1 "The general authorisation regime for the provision of postal services" to the Decision of the President of ANRC no.118/2003 on the authorisation procedure for the postal services providers, published in the Romanian Official Journal, Part I, no.212 as of April 1, 2003, is abrogated."

Art.II. – The present decision shall be published in the Romanian Official Journal, Part I, and shall enter into force 3 days after it is published.

**p. PRESIDENT OF THE NATIONAL REGULATORY AUTHORITY FOR
COMMUNICATIONS,
ALEXANDRINA-LUMINIȚA HÎRȚAN,
VICE-PRESIDENT**