

On grounds of the provisions of Article 38 paragraphs (1), (3) and (5) and of Article 44 letter f) of the Emergency Government Ordinance no.79/2002, approved, with amendments and completions, by Law no.591/2002, as well as of Article 49 paragraph (3) letter a) and of Article 50 of the 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 following:

DECISION on reporting statistical data by the providers of postal services

Art.1. – The present decision was drawn up in order to impose on the providers of postal services the obligation to send statistical data, on a regular basis, to the National Regulatory Authority for Communications, hereinafter referred to as *ANRC*, with a view to elaborating reports, studies, analyses and other such documents in the field of postal services, as well as with a view to monitoring and controlling the enforcement of the provisions of the legal regulations in force.

Art.2. – The present decision lays down indicators for the provision of postal services, and itemises the information categories for each indicator.

Art.3. – (1) The postal service providers have the obligation to report ANRC, on a regular basis, the values of the indicators provided in Article 2, in the standard form, under the conditions laid down in the annex herewith enclosed.

(2) The statistical data provided in the annex shall be sent on a yearly basis, not later than March 15, for the reporting period of the previous year.

Art.4. – (1) The documents containing the values of the indicators provided in Article 2 may be sent to the *ANRC* headquarters or territorial offices monitoring the respective provider, in one of the following manners:

- a) by registration, personally or by the provider's representative, upon signature;
- b) by registered letter, with confirmation receipt;
- c) in electronic format, with an enclosed or a logically attached/associated extensive electronic signature, based on an authorized certificate and generated by means of a secured device for electronic signatures.

(2) As the technical endowment may allow, the providers of postal services shall fill in by electronic means the standard forms available on the ANRC website, once they have sent the required documents under the conditions of paragraph (1).

(3) ANRC shall communicate each postal service provider the user name, the password and the Internet address by means of which the respective provider may fill in the standard forms provided under paragraph (2).

Art.5. – In case of breach of the obligation provided in Article 3 paragraph (1), ANRC may enforce the administrative fines set out in Article 60 paragraph (1) letter a) of the Government Ordinance no.31/2002 on postal services, approved, with amendments and completions, by Law no. 642/2002.

Art.6. – The present Decision shall be published in the Romanian Official Journal, Part I, and shall enter in force within 3 days since the publication.

**PRESIDENT,
ION SMEEIANU**

Bucharest, November 17, 2004
No. 1.301 / EN

Annex

QUESTIONNAIRE FOR THE PROVIDERS OF POSTAL SERVICES

- Statistical data for the year:

Postal service provider:

Headquarters:

Signature and seal of the company representative.....

Indicators			Number of processed items		Comments ¹		
			In the period 01.01 – 30.06	In the period 01.07 – 31.12			
1. Postal services within the scope of universal service:	1.1. Postal items, weighing up to 2 kg (including 2 kg):	a) domestic (total):			1		
		b) cross-border	incoming (total)		2		
			outgoing (total)		3		
	Of which:	- items of correspondence:	a) domestic:	≤ 20g		4	
				21 – 50g		5	
				51 – 100g		6	
				101 – 250g		7	
				251 – 500g		8	
				501 – 1000g		9	
				1001 – 2000g		10	
			b) cross-border: (outgoing)	≤ 20g		11	
				21 – 50g		12	
				51 – 100g		13	
				101 – 250g		14	
				251 – 500g		15	
				501 – 1000g		16	
				1001 – 2000g		17	
			- printed matter items:	a) domestic:			18
				b) cross-border	incoming		19
					outgoing		20
	- registered items:	a) domestic:			21		
		b) cross-border	incoming		22		
			outgoing		23		
	- insured items:	a) domestic:			24		
		b) cross-border	incoming		25		
			outgoing		26		
	- postal packages:	a) domestic:			27		
		b) cross-border	incoming		28		
			outgoing		29		
	1.2. Packages, weighing between 2 kg and 10 kg (including 10 kg)*:	a) domestic (total):			30		
		b) cross-border	incoming (total)		31		
			outgoing (total)		32		
	1.3 Packages, weighing between 10 kg and 20 kg (including 20 kg)*:	b) cross border (total) incoming:			33		

¹ Should you not have enough space for comments, these may be made on a separate sheet, bearing the respective current number;

* also includes value-added postal packages

Indicators (continued)				Number of processed items		Comments ¹	
				In the period 01.01 – 30.06	In the period 01.01 – 30.06		
2. Postal services outside the scope of universal service:	2.1. Postal items which are the object of value-added services, weighing up to 2 kg (including 2 kg):			a) domestic (total):		34	
				b) cross-border (total):		35	
	Of which:	- items of correspondence:	- Express service:	a) domestic:			36
				b) cross-border:			37
			- others:	a) domestic:			38
				b) cross-border:			39
		- printed matter:	- Express service:	a) domestic:			40
				b) cross-border:			41
			- others:	a) domestic:			42
				b) cross-border:			43
		- direct mail:		a) domestic:			44
				b) cross-border:			45
		- postal packages:		a) domestic:			46
				b) cross-border:			47
	- postal items not mentioning the addressee's address on the wrapping:		domestic			48	
	2.2. Postal items which are the object of value-added services, weighing between 2 kg and 10 kg (including 10 kg):						
	Of which:	- Express service:	a) domestic				49
			b) cross-border				50
		- others:	a) domestic				51
			b) cross-border				52
						53	
						54	
	2.3. Postal packages which are the object of value-added services, weighing between 10 kg and 50 kg (including 50 kg):						
	Of which:	- Express service:	a) domestic				55
b) cross-border						56	
- others:		a) domestic				57	
		b) cross-border				58	
					59		
					60		
2.4. Postal packages which are the object of non-value-added services, weighing between 10 kg and 50 kg (including 50 kg):			a) domestic (total):		61		
			b) cross-border (total):		62		

Indicators (continued)	Number of processed items		Comments ¹
	In the period 01.01 – 30.06	In the period 01.01 – 30.06	
3. Document exchange services:	a) domestic (total):		63
	b) cross-border (total):		64
4. Financial-postal services:	a) domestic (total):		65
	b) cross-border (total):		66

Indicator	Indicator value on 30.06	Indicator value on 31.12	Comments
Full-time employees			67
Part-time employees			68
Total no. of employees			69

As well, the providers will attach the questionnaire the list of tariffs charged for the services they provide and the promotions and tariff discounts they make depending on certain parameters (ex.: traffic, physical volume, client loyalty).

For the purposes of the present Questionnaire, the following terms shall be defined as follows:

a) Postal services: services available to the public, consisting of the clearance, sorting, transport and delivery to the addressees of postal items, whose provision has a professional character and is made in consideration of a profit; based on the criterion of the **postal service characteristics**, these services are classified as follows:

- value added services: postal items whose characteristics („value-added”) meet particular requirements of the users. Such characteristics are, for instance: the clearance of the postal item from an address specified by the sender, the delivery of the postal item to the addressee in person or to his authorised representative, upon signature, delivery on appointment, guaranteed time of delivery, more than one attempt at delivery, delivery according to the priority or sequence specified by the sender, confirmation of delivery to the sender, the possibility to effect a change of destination or of addressee during the transit or, if delivery to the primary destination fails, electronic monitoring of the postal item during the transit and other such characteristics. The accelerated delivery of the postal item (priority processing and transport), the transmission to or receipt by a provider of postal services of a postal item’s content, by electronic means, for the purpose of sorting, printing or preparation of the postal item („hybrid mail”) **do not represent “value-added” characteristics within the meaning of this definition.**

- non-value added services: postal items that do not feature „value-added” characteristics, within the meaning of the above definition.

b) Postal item: an item addressed in the final form in which it is to be conveyed and delivered, by non-electronic means, at the address indicated by the sender; items of correspondence, as well as books, catalogues, newspapers, periodicals and postal packages containing goods with or without commercial value are included in this category; *this category shall also include postal items that do not mention the addressee’s address on the package, as the list of the addressees’ addresses may be communicated by the sender to the postal service provider in any form*; based on the criterion of the **location of clearance and delivery of the postal items**, these items are classified as follows:

- domestic postal item: a postal item sent from Romania to an address which is located on the Romanian territory;

- cross-border postal item: a postal item sent from Romania to an address which is not located on the Romanian territory or sent from outside Romania to an address located on the Romanian territory.

c) Item of correspondence: a communication in written form, printed, impressed or recorded on any kind of physical support, to be conveyed and delivered, by non-electronic means, to the address indicated by the sender on the respective support or on its wrapping. Thus, the two essential characteristics of an item of correspondence are: 1. the message in written, impressed or imprinted or recorded form, addressed by the sender to the addressee and 2.

mentioning the address of the addressee. Printed matter (books, catalogues, newspapers and periodicals) are postal items, but shall not be regarded as items of correspondence.

d) Postal package: postal item containing goods with or without commercial value; postal packages shall not contain other postal items.

e) Direct mail: postal items to be conveyed and delivered to the address indicated by the sender on the item itself or on its wrapping, posted as lots of minimum 1000 items in the same access point, by the same sender, in the same transport, consisting solely of advertising, marketing or publicity material and comprising an identical message, except for the addressee's name, address and identifying number as well as other modifications which do not alter the nature of the message. The upper side of the postal item containing direct mail shall bear the mention „Advertising“. The following **do not represent direct mail**: bills, invoices, financial statements and other non-identical messages, as well as postal items combining direct mail with other postal items within the same wrapping. Postal items which are direct mail are not regarded as items of correspondence.

f) Express services: services featuring at least the following three „added values“: 1. clearance of the postal items from an address specified by the sender, 2. delivery time guarantee and 3. electronic monitoring of the items during the transfer to the addressee.

g) Document exchange services: provision of means, including the supply of ad hoc premises as well as transportation by a third party, allowing self-delivery by mutual exchange of postal items between the users subscribing to this service.

h) Financial-postal services – the set of cashing in, payment and fund transfer services, offered by the providers of postal services through the public postal network, as regulated by the Universal Postal Union;

i) Full-time employees: all the provider's employees who accomplish their jobs during the usual work schedule. The usual work schedule means the number of the weekly work hours established by the respective company as a full time programme, according to the legal provisions.

j) Part-time employees: all the company's employees who accomplish their jobs during a shorter period than the usual work schedule, as it is defined at letter i) above.