

On grounds of the provisions of Art. 10 para. (2) point 1, Art. 11 para. (1) and of Article 12 para. (1) and (3) of Government Emergency Ordinance no. 22/2009 on the establishment of the National Authority for Management and Regulation in Communications, approved by Law no. 113/2010, with subsequent amendments, as well as Art. 6 para. (3), Art. 7 para. (2), Art. 8 and Art. 9 para. (1) of Government Emergency Ordinance no. 111/2011 on electronic communications, approved with amendments and completions by Law no. 140/2012, with subsequent amendments,

NATIONAL AUTHORITY FOR MANAGEMENT AND REGULATION IN COMMUNICATIONS

issues this

DECISION

on the general authorisation regime for the provision of electronic communications networks and services

CHAPTER I: General provisions

Art.1. – (1) This Decision establishes the procedure for the general authorisation of the persons intending to provide electronic communications networks or services, as well as the conditions under which the providers of electronic communications networks or services benefit from the general authorisation regime.

(2) The general authorisation comprises the legal norms regarding the specific rights and obligations applicable to the the provision of electronic communications networks and services, established by the National Authority for Management and Regulation in Communications.

Art.2. – In the present normative act:

- The National Authority for Management and Regulation in Communications will be referred to as *ANCOM or the Authority*;

- Government Emergency Ordinance no. 111/2011 on electronic communications, approved with amendments and completions by Law no. 140/2012, with subsequent amendments, will be referred to as Government *Emergency Ordinance no. 111/2011*;

- Law no. 198/2022 amending and completing certain normative acts in the field of electronic communications and establishing measures to facilitate the development of electronic communications networks will be referred to as *Law no. 198/2022*;

- Law no. 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector, as amended and completed, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, respectively Law no. 102/2005 on the establishment, the organization and functioning of the National Supervisory Authority for Personal Data Processing, republished, will be referred to as *the legislation specific to the protection of personal data*;

- The decision of the President of ANCOM no. 336/2013 on the means and method of transmission by providers of documents, data or information to the National Authority for Management and Regulation in Communications, with subsequent amendments, will be referred to as *the ANCOM President's Decision no. 336/2013*.

Art.3. – (1) For the purposes of this Decision, the following terms and expressions will be defined as follows:

1. *private electronic communications network* - an electronic communications network which meets at least one of the following conditions:

(a) it is provided exclusively for the provider's own needs, i.e. for the realization of communications exclusively between the provider's servants;

b) it is provided exclusively for the purpose of carrying out the communications necessary for the performance of its own activity, the provision of the network being ancillary to that activity;

2. *private electronic communications service* - an electronic communications service which meets at least one of the following conditions:

(a) it is provided exclusively for the provider's own needs, i.e. for the realization of communications exclusively between the provider's servants;

b) it is provided exclusively for the realization of the communications necessary for the performance of the provider's own activity, the provision of the service being ancillary to that activity;

c) it is provided, free of charge, exclusively in the provider's own premises or under the provider's administration, as a form of courtesy or comfort for its partners, visitors or customers;

3. *provision of an electronic communications network* – the installation, operation, control or making available of an electronic communications network:

a) *the installation of an electronic communications network* – the establishment, directly or using the services of a third party, of an electronic communications network until it is put into operational condition, for the purpose of its operation, control or making available;

b) *the operation of an electronic communications network* – the configuration of network equipment, as well as the operation monitoring, diagnosis and maintenance of an electronic

communications network;

c) control of an electronic communications network – monitoring, surveillance or verification of the physical access to the network and of the network communications, as well as management of information transmitted in the network;

d) making available of an electronic communications network – granting to a third-party the non-exclusive access to the network for the purpose of provision of electronic communications services through the respective network;

4. publicly available electronic communications service - an electronic communications service usually provided for a fee, exclusively or mainly to third parties;

5. leased line service - a publicly available electronic communications service which offers transparent and permanent transmission capacity between two points of the networks, and which does not allow switching at the users' request;

6. machine-to-machine (M2M) - a service that involves an automated transfer of data and information between software-based devices or applications, with limited human interaction or without human interaction;

7. resale of electronic communications services - the activity that involves the purchase by the provider of certain electronic communications services for the purpose of their subsequent sale, on its own name and account, to third parties, including end-users, without the provider transforming or altering significantly the services thus purchased.

(2) For the purposes of this Decision, the definitions provided for in the Government Emergency Ordinance no. 111/2011 and in the Government Emergency Ordinance no. 34/2008 on the organization and functioning of the Single National Emergency Calls System, approved with amendments and completions by Law no. 160/2008, with subsequent amendments and completions, also apply.

CHAPTER II: The general authorisation procedure for acquiring the right to provide public electronic communications networks or publicly available electronic communications services

Section 1: The obligation to notify

Art. 4. – Any person who intends to provide, on the territory of Romania, public electronic communications networks or publicly available electronic communications services, except for number-independent interpersonal communications services, hereinafter referred to as *the applicant*, has the obligation to submit to ANCOM a notification regarding this intention, in accordance with the provisions of this Decision, on the day of starting the activity at the latest.

Art. 5. – This Decision will not apply to:

a) persons who carry out design activities, deploy construction works or maintain the electronic communications networks and physical infrastructure elements necessary to support electronic

communications networks, as well as install, maintain or connect the electronic communications equipment;

b) persons who provide services consisting exclusively of the provision of content sent by means of the electronic communications networks or services, or whereby the editorial control over this content is exercised, or which allow the storage and subsequent accessing of the content sent;

c) persons offering or providing exclusively electronic hosting services with IP resources;

d) persons providing exclusively colocation services, associated facilities or associated services, as defined in the Government Emergency Ordinance no. 111/2011.

Art.6. – (1) The following do not have the obligation to submit the notification referred to in Art. 4:

a) persons who intend to provide electronic communications networks or services exclusively for their own needs;

b) persons intending to provide number-independent interpersonal communications services;

c) the local public administration authorities that provide on their own behalf, free of charge, electronic communications networks or services in the public spaces located on the administrative territory of the respective administrative-territorial units;

d) persons who provide, free of charge, in the premises where they operate, including their annexes, electronic communications networks or services exclusively to persons who are beneficiaries of educational and professional training services or of medical services offered by the former;

e) persons requesting access or interconnection to the providers of electronic communications networks and services in Romania, if they do not provide or operate networks on the national territory;

f) persons intending to provide electronic communications networks by means of radio frequencies allocated for the purpose of experimental or occasional transmissions;

g) foreign persons having their main headquarters in other member states of the European Union or the European Economic Area who intend to provide mobile electronic communications services on board vessels and aircraft registered in these states.

(2) The persons referred to in para. (1) letter a) are considered providers of private electronic communications networks and services and gain the specific rights and obligations provided in the general authorisation from the date of commencement of the effective provision of private electronic communications networks and services. The provisions relating to the withdrawal of the right to provide electronic communications networks or services or of the right to use radio frequencies will apply accordingly.

(3) The specific rights and obligations provided for in the general authorisation, as well as the provisions relating to the withdrawal of the right to provide electronic communications networks or services or the right to use radio frequencies will apply accordingly to the persons referred to in para. (1) letters c), d) and f).

Section 2: The standard notification form and the documents attached to the form

Art.7. – (1) The notification provided for in Art. 4 will necessarily be made by filling the standard notification form under Annex no. 1 and submitting it to ANCOM, pursuant to Art. 20 para. (1).

(2) The applicant will attach to the standard notification form the following documents, which are part thereof:

a) the documents issued by the competent public authorities and institutions in order to identify the applicant, the main headquarter (social or professional), as well as the unique identification code in a relevant register, which must meet the formal and substantive requirements for validity;

b) the proof of the capacity as applicant's representative of the person signing the standard notification form, or the identity document of the applicant who is an authorised natural person, or of the holder of the individual enterprise.

(3) The documents will not be transmitted in accordance with the provisions of para. (2) if, according to the legislation in force, the Authority is allowed to access, respectively verify, in the databases administered according to the legal duties by other public authorities or institutions, the information necessary to identify the applicant and its legal representative.

(4) The applicant - foreign person, with main headquarters in one of the Member States of the European Union or of the European Economic Area, who is not established in Romania, will attach documents issued in accordance with the law of the home Member State, containing equivalent information, instead of the documents referred to in para. (2).

(5) The applicant - foreign person, established in Romania upon setting up a unit without legal personality, will send the identification documents corresponding to the parent-company, in addition to the documents referred to in para. (2), corresponding to the secondary headquarters.

(6) The applicant may indicate in the standard notification form the estimated date for starting the provision of each type of electronic communications network or service. The estimated date is the date from which the applicant gains, in accordance with Art. 8 or Art. 9, the rights and obligations under the general authorisation regime for each type of electronic communications network or service.

(7) If the applicant has not indicated any estimated date or has indicated an estimated date which precedes the notification date submitted to ANCOM, the respective applicant gains the rights and obligations under the general authorisation regime for the types of electronic communications networks or services indicated in the notification from the date of submitting the notification pursuant to Art. 8 or Art. 9.

(8) All documents in a foreign language sent to ANCOM will be accompanied by an authorised translation into Romanian. ANCOM may exempt certain documents from the obligation to be accompanied by the authorised translation into the Romanian language.

Section 3: Notification requirements

Art.8. – (1) The notification will be deemed completed only if all the legal requirements related to the submission, form and content are met, according to the provisions of Art. 7 para. (1) to (3) or Art. 7 para. (4), (5) and (8), as applicable.

(2). The applicant that submitted the notification under the conditions of para. (1) is considered a provider of public electronic communications networks or publicly available electronic communications services for the types of networks or services indicated in the notification, hereinafter referred to as *the provider*, and acquires the corresponding rights and obligations specified in the general authorisation for the types of electronic communications networks or services indicated in the notification, from the date mentioned in Article 7 para. (6) or (7), as applicable.

(3) Within 7 days from the date of submitting the notification under the conditions set out in para. (1), ANCOM will issue and send to the requester a standard certificate attesting that it has submitted the notification pursuant to para. (1) and that it benefits, from the date specified in Art. 7 para. (6) or (7), as applicable, from the right to provide the types of electronic communications networks or services indicated in the notification, as well as from the rights of access on properties and right to negotiate access or interconnection agreements.

Art.9. – (1) If the notification includes, in addition to the types of public electronic communications networks or publicly available electronic communications services, at least sufficient information to accurately identify the applicant, such as to attest the validity of the notification and to allow ANCOM to communicate effectively with that applicant, and meets all the legal requirements regarding the notification submission and form, without however correctly and completely indicating all the data provided in the standard form of the notification, the notification is considered incomplete.

(2) The applicant that submitted the notification under the conditions provided for in para. (1) is considered a provider of public electronic communications networks or publicly available electronic communications services for the types of electronic communications networks or services indicated in the notification, with the corresponding rights and obligations set out in the general authorisation, from the date specified in Article 7 para. (6) or (7), as applicable, however, being also bound by the obligation to correctly transmit all the data provided for in the standard notification form which it did not transmit at the time of submitting the notification.

(3) In the case referred to in para. (1), within 7 days from the date of submission of the notification, ANCOM will issue and send to the applicant a document certifying that it has submitted the notification under the conditions of para. (1), and that it benefits from the right to provide, from the date provided for in Article 7 (1) para. (6) or (7), as applicable, the types of electronic communications networks or services indicated in the notification and setting out the conditions under which the applicant enjoys the right of access to property and the right to negotiate access or interconnection agreements.

(4) The person that has gained the right to provide public electronic communications networks or publicly available electronic communications services pursuant to para. (1) is not exempted from the obligation to meet all the legal requirements provided for in Art. 7 para. (1) to (3) or Art. 7 para. (4), (5) and (8), as applicable, concerning the content of the notification. All data will be transmitted to ANCOM, correctly and completely, within the deadline set by ANCOM through the document provided for in para. (3), which may not be less than 10 days from the date of communication by ANCOM of this document.

(5) In the case referred to in para. 1, the notification is considered complete on the date of submission, correctly, to ANCOM of all the data provided for in the standard notification form or of the documents certifying the fulfilment of all legal requirements regarding the submission, form and content of the notification according to the provisions of Art. 7 para. (1) to (3) or Art. 7 para. (4), (5) and (8), as applicable, the provisions of Art. 7 para. (6) and (7), as well as of Art. 8 para. (1) and (3) applying accordingly.

Art.10. – (1) In case of non-compliance with any of the requirements set out in Art. 9 para. (1), ANCOM will, within 10 days from the submission date of the notification, request in writing the applicant to fulfil them.

(2) In the case referred to in para. (1), the notification will take effect from the date of submission to ANCOM of the data or documents, as applicable, certifying the fulfilment, at least, of the requirements provided for in Art. 9 para. (1), the provisions of Art. 7 para. (6) and (7) as well as of Art. 8 or Art. 9, as applicable, applying accordingly.

(3) Until the date of submitting the notification under the conditions of Art. 8 para. (1) or Art. 9 para. (1), the applicant will not have the right to provide public electronic communications networks or publicly available electronic communications services.

Section 4: Notification effects

Art.11. – (1) The right to provide a certain type of electronic communications network does not entail the right to provide another type of electronic communications network, nor the right to provide electronic communications services.

(2) The right to provide a certain type of electronic communications service does not entail the right to provide another type of electronic communications service, nor the right to provide electronic communications networks.

(3) Not starting to effectively provide the electronic communications networks or services shall not postpone the birth of the rights and obligations under the general authorisation regime.

(4) The rights under the general authorisation regime may not be transmitted to third parties under a particular title.

Art.12. – (1) The right to provide electronic communications networks and/or electronic communications services under the general authorisation regime does not confer the right to use numbering resources or technical resources, where these are necessary for the provision of networks or services, except when the procedures for obtaining the right to use such resources have been completed, in accordance with the special legislation.

(2) The right to provide electronic communications networks and/or electronic communications services under the general authorisation regime does not implicitly confer the right to use radio frequencies, where these are necessary for the provision of networks or services, except in the situation referred to in para. (3) letter a) and, where applicable, in para. (3) letter b). Otherwise, it is necessary to undertake a procedure for obtaining the individual rights to use radio spectrum resources, depending on the type of radio application or network, in accordance with the special legislation.

(3) In order to allow the provision of electronic communications networks and/or electronic communications services through the radio spectrum, ANCOM will analyse the possibility and may establish, under the law, in compliance with the relevant conditions established by Art. 22¹ of the Government Emergency Ordinance no. 111/2011, that certain radio frequency bands:

(a) may be used exclusively under the general authorisation regime for certain types of radio applications,

b) may be used based on a combination of individual rights of use obtained, under the law, and the general authorisation regime, depending on the type of radio application.

(4) Within the analysis referred to in para. (3), ANCOM will bear in mind the objective of rational and efficient use of the limited resource, as well as the degree of use of the analysed frequency band, respectively the interest shown by the market in this regard, and will take into account technological innovations and developments in the field of radio spectrum use.

Section 5: Obligation to communicate changes

Art.13. – (1) Any modification of the data contained in the standard notification form will be notified to ANCOM within 10 days from the date of occurrence, respectively from the date of registration with the competent institutions, as applicable, by transmitting, accordingly, the standard notification form. The standard notification form will be accompanied, where applicable, in accordance with Art. 7 para. (2), Art. 7 para. (4), (5) and (8), by supporting documents, in so far as the provisions of Art. 7 para. (3) are not applicable, as the case may be.

(2) In the event ANCOM finds such modifications directly, the provider's liability regarding the fulfilment of the obligations provided for in para. (1) subsists, under the conditions established by this norm.

(3) The person that has established in Romania under any title after submitting the notification according to Art. 7 paragraph (4) will inform ANCOM thereon under the conditions of paragraph (1).

(4) If the modification concerns either the provision of other types of electronic communications

networks or services, additional to those mentioned in the previous notification, or the estimated date for starting the provision, the waiving of the right to provide a certain type of electronic communications network or service, or the identification data of the applicant or provider, as mentioned in the standard certificate, ANCOM will issue and send to the provider a new standard certificate.

(5) The persons that become, by merger or any other manner, successors or successors under universal title of a provider of public electronic communications networks or of publicly available electronic communications services which thus ceases to exist have the obligation to send ANCOM a notice, within the term and under the conditions of paragraph (1).

Section 6: Cessation of the right to provide electronic communications networks or services

Art.14. – (1) The right to provide electronic communications networks or services, as well as the other rights and obligations specified in the general authorisation cease in the following cases:

a) upon the provider's request, by submission, under the conditions of Article 20 para. (1), of the standard notification form contained in Annex no. 1, accompanied by the supporting documents regarding the identification data of the provider, respectively of its representative, if they differ from those previously transmitted to ANCOM, or the capacity of representative of the person signing the standard notification form has ceased, if applicable and, respectively, if the provisions of Art. 7 para. (2) and (3) did not apply.

b) in case of bankruptcy of the provider,) from the date of declaring the bankruptcy under the terms of Law no.85/2014 on insolvency prevention and insolvency procedures, with subsequent amendments and completions;

c) in case of enforcing the sanction of withdrawal of such right;

d) in case of dissolution, from the date of registering the dissolution decision with the relevant register;

(e) in case of cessation, in any other way, of the provider's existence;

(f) if the provider has not reported the statistical data on the provision of public electronic communications networks or publicly available electronic communications services, for reference periods cumulating 24 consecutive months;

g) if the provider has communicated, when reporting the statistical data on the provision of public electronic communications networks or publicly available electronic communications services, that it has not been active for reference periods cumulating 24 consecutive months;

h) if ANCOM is repeatedly unable to communicate the documents to the address indicated by the provider in the notification. The ANCOM representative will display the document to be communicated, excepting the fiscal administrative acts, at the address indicated by the provider in the notification and will conclude a minute on the impossibility of communicating the respective documents.

(2) The request referred to in para. (1) letter a) will take effect on the date of submission to ANCOM or from a later date, provided in the standard notification form, if all the legal requirements

regarding its submission, form and content have been met. ANCOM will confirm, in writing, to the provider the cessation of the right to provide all types of electronic communications networks or services, and if the provider has not waived the right to provide all types of electronic communications networks or services, the provisions of Art. 13 para. (4) will apply.

(3) The cessation of the right to provide electronic communications networks and services pursuant to para. (1) letters f) and g) will be established by ANCOM decision, which will be issued within 60 days from the date on which the deadline for the reporting due for the last reference period expired and will also establish the date from which the right ceases. The decision will be published on the ANCOM website.

(4) The cessation of the right to provide electronic communications networks and services under para. (1) letter h) will be established by an ANCOM decision, which also establishes the date from which the right ceases. The decision is published on the ANCOM website.

(5) The right of access on properties, the right to use numbering resources, radio frequencies or other categories of technical resources, where applicable, will cease on the date of cessation of the right to provide the types of electronic communications networks or services for which these have been granted, including the self-supply of electronic communications networks or services, where applicable.

(6) By way of derogation from the provisions of para. 1 point (a), the providers of electronic communications networks or services designated as universal service providers may not waive the right to provide the services for which they have been designated as universal service providers, during the period of their designation.

Section 7: Suspension of the right to provide electronic communications networks or services

Art.15. – The right to provide all or certain types of electronic communications networks or services will be suspended in the following cases:

a) temporary inactivity registered in the Trade Register, assessed by ANCOM or upon the provider's request, alongside a copy of the relevant documents issued by the National Trade Register Office or of the irrevocable court decision, as applicable, provided the provisions of Art. 7 para (3) do not apply.

b) in case of enforcement of the sanction of suspension of this right, under the law, by ANCOM's decision, which is communicated to the provider and published on the Authority's website.

Art.16. – (1) During the period of suspension of the right to provide electronic communications networks or services according to art. 15 letter a), all the rights and obligations of the provider in relation to ANCOM, as well as with other natural or legal persons, related to the provision of electronic communications networks and services will be suspended, except for the right to use numbering resources, technical resources and radio frequencies granted on the basis of a usage licence, which cease

from the date of suspension. The obligations related to the period prior to the suspension of the right to provide electronic communications networks or services remain, the provider being still bound by the obligation to fulfil them, under the law.

(2) The termination of the state of suspension provided for in art. 15 letter a) produces *de jure* the rebirth of the rights and obligations provided by the general authorisation regime, except for the rights to use numbering resources, technical resources and radio frequencies granted based on a usage licence, the provider having the obligation to transmit to ANCOM, under the conditions of Art. 20 para. (1), a notification on the resumption of activity, within 10 days from the date of entry of the resumption in the Trade Registry. The notification will be accompanied, in so far as the provisions of Art. 7 para. (3) are not applicable, by the relevant documents issued by the National Trade Registry Office or by the final court decision, as the case may be, on the resumption of activity.

(3) The suspension of the right to provide electronic communications networks or services pursuant to Art. 15 letter a) will not remove the provider's right to request the termination of the right to provide electronic communications networks or services, under the conditions of Art. 14 para. (1) letter a) of this Decision.

Art.17. – (1) The sanction of suspension of the right to provide electronic communications networks or services laid down in Art. 15 letter b) may not be imposed by ANCOM for more than 6 months.

(2) During the period of suspension of the right to provide electronic communications networks or services according to Art. 15 letter b), all the rights of the provider related to the provision of any type of electronic communications network or service specified in this Decision are suspended, regardless of the date of notification of the intention to provide the network or service in question, and the obligations in relation to ANCOM provided by the general authorization and other legal provisions, related to the provision of electronic communications networks or services, subsists, the provider being still bound by the obligation to fulfil them, under the law.

(3) By way of exception from the provisions of Art. 14 para. 1 letter a), during the period of suspension of the right to provide electronic communications networks or services pursuant to Art. 15 letter b), the right to provide electronic communications networks or services may not cease as a result of the provider's request.

(4) The termination of the sanction of suspension of the right to provide electronic communications networks or services will entail the rebirth of the rights provided for by the general authorisation regime. If, after the expiry of the suspension period, the provider does not eliminate the causes that determined the suspension measure, ANCOM may decide to withdraw the right to provide electronic communications networks or services.

Section 8: Withdrawal of the right to provide electronic communications networks or services

Art.18. – (1) The withdrawal of the right to provide electronic communications networks or services is imposed by ANCOM's decision, according to the law, is communicated to the provider and is published on the ANCOM website.

(2) In case of impossibility of communicating the ANCOM decision imposing the sanctioning of the provider, including the withdrawal of the right to provide electronic communications networks or services as a result of the failure to comply with the obligations to report statistical data to the Authority, ANCOM displays the respective decision at its headquarters and publishes it on its website.

(3) Both the display and the publication on ANCOM's website are made for a period of 60 days, during which the provider is entitled to come to the ANCOM headquarters in order to be informed of the decision and to fulfil the obligations for the non-compliance of which the sanction was imposed.

(4) If the provider does not come in order to be informed on the ANCOM decision at the place and within the term set out in para. 3, the decision will be deemed to have been communicated by publicity on the date of expiry of the 60-day period.

(5) In the case of communication by publicity, ANCOM will assess that the decision of the Authority imposing the sanctioning of the provider has produced effects through a minute that will include at least the following information: the name of the provider, accompanied by the address of the registered office and the unique registration code, the date of displaying the decision and the date of publication of the ANCOM decision on the Authority's website and the date on which it is deemed to have been communicated, the date of withdrawal of the right to provide electronic communications networks or services and the date of conclusion of the minute. The template of the minutes will be published by ANCOM on the Authority's website.

(6) The person to whom the sanction of withdrawal of the right to provide electronic communications networks or services has been applied will also lose the right of access to property, the right to use radio frequencies, numbering resources or technical resources, where appropriate, and may no longer acquire the right to provide electronic communications networks or services for a period of 3 years from the withdrawal of the right.

Section 9: Public record of providers of public electronic communications networks or publicly available electronic communications services

Art.19. – (1) In order to provide an official record of the providers, ANCOM sets up and updates the Public Record of providers of public electronic communications networks or of publicly available electronic communications services, available on the ANCOM website.

(2) The record referred to in para. 1 will contain the following data in respect of each provider of public electronic communications networks or of publicly available electronic communications services:

- a) identification data;
- (b) the types of electronic communications networks or services which it is entitled to provide;
- c) the date of birth of the right to provide each type of electronic communications network or

service;

d) mentions on the suspension or cessation of the right to provide electronic communications networks or services.

(3) In order to establish, at European level, an official record of the providers of public electronic communications networks or of publicly available electronic communications services, ANCOM will transmit to the Body of European Regulators for Electronic Communications, without undue delay, by electronic means, each notification received that meets the requirements set out in Art. 8 para. (1), respectively Art. 9 para. (5), including any subsequent change.

Section 10: Means for submitting the documents

Art.20. – (1) All the documents provided for in this Chapter and in Annex no. 1 to this Decision sent to ANCOM must be signed by the applicant's / provider's representative and transmitted to the e-mail address autorizare@ancom.ro or through the service "My ANCOM" provided for in art. 53 of Law no. 198/2022, hereinafter referred to as *My ANCOM*, only as an electronic document, to which an extended electronic signature was incorporated, attached or logically associated, based on a qualified certificate not suspended or unrevoked at that time and generated with the help of a secure device for creating the electronic signature.

(2) Except for the transmission of documents through My ANCOM, the date of transmission is considered the date on which the electronic document was transmitted under the conditions of para. (1), to the extent that the transmission to ANCOM was carried out on a working day of the Authority and, respectively, during ANCOM's working hours on that day. In the documents are submitted without observing one of these conditions, the date of submission of documents is considered to be the date of the first working day of ANCOM, after the transmission of the electronic document.

(3) In cases where this Decision provides for the transmission of documents by ANCOM, these will be sent by electronic mail or through My ANCOM.

(4) The standard notification form referred to in Art. 7 para. (1) can be obtained from the ANCOM website.

CHAPTER III: General authorisation for the provision of electronic communications networks and services

Section 1: Subject matter of the general authorisation

Art.21. – This chapter sets out the conditions under which the provision of electronic communications networks and services may take place.

Section 2: General conditions for the provision of electronic communications networks and services, with the exception of number-independent interpersonal communications services:

Paragraph 1 – Annual monitoring tariff

Art.22. – (1) The providers of public electronic communications networks or of publicly available electronic communications services have the obligation to transmit to ANCOM, as the case may be, the annual financial statements containing the turnovers entered in the profit and loss account or of the annual financial statements on the gross revenues made, within 7 days from the expiry of the legal term for their submission to the competent bodies where they register, according to the legislation in force, under the provisions of the ANCOM President's Decision of no. 336/2013.

(2) The providers of public electronic communications networks or of publicly available electronic communications services that register a turnover exceeding the equivalent in lei of 100,000 euros have the obligation to pay to ANCOM an annual monitoring tariff, in the amount and under the conditions stipulated by Chapter X of the Government Emergency Ordinance no. 111/2011.

(3) The providers of public electronic communications networks or publicly available electronic communications services have the right to choose whether the annual monitoring fee is to be determined on the basis of turnover or revenues obtained exclusively from the provision of electronic communications networks or services.

(4) In order to determine the financial obligations to ANCOM, foreign persons with their main headquarters in the Member States of the European Union or of the European Economic Area, who have not established themselves on a secondary basis in Romania, have the obligation to keep separate accounting records for all production, trade or service provision activities carried out in Romania, respectively for the activities of providing electronic communications networks or services in Romania, depending on the basis of the calculation for which they have opted.

Paragraph 2 – Protection of personal data and privacy

Art.23. – (1) The provider of public electronic communications networks or publicly available electronic communications services is obliged to comply with the provisions on the processing of personal data related to the provision of publicly available electronic communications services through public electronic communications networks, including public electronic communications networks involving data collection and identification devices, according to the specific legislation in the protection of personal data field.

(2) The provider of public electronic communications networks or publicly available electronic communications services will not change the identity of the caller and will not conceal nor disclose to the called user the identity of the caller without the latter's consent.

(3) The provider of public electronic communications networks or of publicly available electronic communications services will contribute to the identification of the electronic communications networks

from which the calls were originated or through which the calls were transmitted, as well as to the identification of the origin of the call, at the request of the competent authorities, in accordance with the law.

Paragraph 3 – Obligations to inform ANCOM

Art.24. – (1) The provider of public electronic communications networks or publicly available electronic communications services has the following information obligations towards ANCOM:

a) to transmit within the deadline set by ANCOM, correctly and completely, all the data provided for in Art. 7, in so far as they were not transmitted at the time of notification;

b) to notify ANCOM of any change in the data contained in the notification form, under the conditions of Art. 13 of this Decision;

c) to transmit to ANCOM, under the conditions established by the provisions of the ANCOM President's Decision no. 336/2013, each contract on access on public or private property, from each final court decision that substitutes the contract or, as the case may be, from each act that amends or completes them, within 30 days or, as the case may be, within 10 days from the date of conclusion of the contract or of the act of amendment or completion, respectively from the date of communication of the court decision, as well as to send to ANCOM, for each of these documents, information on the identification data of the building making the object of the right of access, the amount of the price or tariff and the unit of measure for which it is calculated, under the conditions established by the ANCOM decision.

d) to transmit to ANCOM, under the conditions established by the provisions of the ANCOM President's Decision no. 336/2013, each access and interconnection agreement it has concluded, within 10 days from the date of its conclusion; also, the provider will send ANCOM all the information regarding the modification or termination of each agreement, accompanied by the supporting documents, where appropriate, within 10 days from the date on which the change or termination occurred;

e) to periodically transmit to ANCOM the statistical data necessary for the elaboration of reports, studies, analyses and other such documents in the field of electronic communications, under the conditions established by the regulations in force, and to keep the data and documents underlying them for a period of at least 5 years from the date of reporting to ANCOM;

f) to transmit to ANCOM any requested information, according to the law.

(2) The provider of electronic communications networks has the obligation to request ANCOM to issue the necessary permit for obtaining the building permit for physical infrastructures, electronic communications networks and buildings that may affect the functioning of ANCOM's monitoring systems. The list of localities where this approval is required to obtain the permit for the construction of physical infrastructures, electronic communications networks and buildings is published on ANCOM's website.

(3) If the provider of electronic communications networks or services considers that certain information transmitted to ANCOM is confidential, it has the obligation to motivate the confidential nature of each such information and to send including a non-confidential version of it, when possible.

(4) ANCOM may decide, following the analysis of the request provided for in para. (3), that the information transmitted is not confidential, being able to make it available to third parties after the expiry of a period of 3 working days from the communication to the respective provider of its intention and of the reasons therefor, for the purpose of exercising legal duties.

Paragraph 4 – Lawful interception of communications

Art.25. – (1) The provider of electronic communications networks or services will allow, including from a technical point of view, the competent public authorities to intercept the communications carried out, and will bear the costs of the interception interface, in accordance with the law.

(2) The provider of electronic communications networks or services will ensure the confidentiality of interception operations through its own system of organisational, technical and procedural measures accredited under the terms of the special legislation in the field of protection of classified information.

(3) The provider of electronic communications networks or services will make available to the competent public authorities all technical data relating to interception operations in the format laid down by the latter, taking into account the state of the art in the field.

(4) The provider of electronic communications networks or services will make available to the national authority in the field of interception of communications, designated according to the legal regulations in force, the interception management servers and the management and operation consoles it holds, in order to ensure the function of legal interception of communications.

(5) The provider of electronic communications networks or services has the obligation to provide technical support to the national authority in the field of interception of communications, in order to carry out its tasks in the field and will cooperate with this authority in the implementation of the criteria for securing and auditing the national system of interception of communications developed by the latter.

(6) The provider of electronic communications networks or services will take all necessary technical measures with a view to the immediate enforcement of authorizations or warrants for the interception of communications issued in accordance with the law.

Paragraph 5 – Conditions of use of electronic communications networks and services during a major disaster or national emergency situations and for the transmission of warning messages to the public

Art.26. – (1) During situations arising from a major disaster or in situations of national emergency, the providers of electronic communications networks and the providers of electronic communications services are required to take all measures to ensure the integrity of networks and the continuity of the provision of electronic communications services, as well as to enable the carrying out of electronic communications between the public authorities responsible for organizing the defence against disasters, under the conditions of the applicable legislation in the field.

(2) The providers of public electronic communications networks and the providers of publicly available number-based interpersonal communications services, which provide through public networks

call origination services to a number or numbers from the National Numbering Plan or international numbering plans, are required to ensure, as a matter of priority, the connections with the SNUAU centres and dispatchers, in situations caused by a major catastrophe or in national emergency situations.

(3) The providers of public mobile electronic communications networks have the obligation to take all measures to ensure the transmission of RO-ALERT messages, under the conditions of the applicable legislation in the field.

Paragraph 6 – Obligations regarding the granting of access, other than those provided for in Articles 100-105 and 113 of Government Emergency Ordinance no. 111/2011

Art.27. – (1) The providers of public electronic communications networks or publicly available electronic communications services are required, at the request of a third-party provider, to negotiate with the requester concerned the technical and economic terms of an access agreement, with a view to providing publicly available electronic communications services, including electronic communications services accessible to users by means of another public electronic communications networks interconnected with the network of either party.

(2) The negotiations referred to in para. (1) are carried out based on the principle of good faith, within a reasonable time, which is assessed on a case-by-case basis, taking into account the specific regulations established by ANCOM, the parties being obliged to communicate their arguments to the submitted proposals, respectively the reasons for rejecting the proposals of the other party. Providers must do their utmost to conclude the access agreement, showing reasonableness, availability and timeliness.

(3) Information obtained before, during or after the finalisation of the negotiations on an access agreement will be used only for the purpose for which it was provided and the confidentiality of information transmitted or stored will be respected in all cases. This information may not be disclosed to any third party, in particular to other departments, subsidiaries, secondary offices or partners of the provider that provides access, which would thus obtain a competitive advantage, except for the information requested by the Authority, according to the provisions of Chapter IX of the Government Emergency Ordinance no. 111/2011.

(4) The providers of public electronic communications networks or publicly available electronic communications services have the obligation to comply with all the measures taken by ANCOM to encourage and, where appropriate, ensure access under appropriate conditions, as well as the interoperability of services, respecting the principles of economic efficiency, the promotion of competition, efficient investments, innovation and maximization of benefits for the end-users, in accordance with the provisions of Government Emergency Ordinance no. 111/2011.

Paragraph 7 – Measures to ensure compliance with technical standards or specifications

Art.28. – (1) To the extent strictly necessary to ensure the interoperability of services, end-to-end connectivity, to facilitate the transfer from one provider of internet access services to another and

the portability of numbers and to improve choice for users, ANCOM recommends the providers of electronic communications networks and services to comply with the standards and specifications for electronic communications networks and services, as well as for the physical infrastructure and associated services, harmonised, established by decisions of the European Commission and published in the Official Journal of the European Union. The list of relevant standards and/or specifications for electronic communications networks and services, as well as for the physical infrastructure and associated services will also be published on ANCOM's website.

(2) In the absence of the technical standards and specifications referred to in para. (1), ANCOM recommends the providers of electronic communications networks and services to comply with the standards and specifications adopted by the European standardization organizations or, if they are also missing, the standards and recommendations adopted by the International Telecommunication Union (ITU), the European Conference of Postal and Telecommunications Administrations (CEPT), the International Organization for Standardization or the International Electrotechnical Commission.

(3) For reasons related to the efficient radio spectrum management, ANCOM establishes, through the National Table for frequency bands allocation, the application of certain technical regulations adopted by ITU and CEPT.

(4) The provider of electronic communications networks and services using the electronic communications network, consisting wholly or partly of coaxial cable, for the retransmission of audio-visual programme services and/or for data transmission and internet access services will be bound by the technical and electromagnetic compatibility conditions laid down in Annex no. 2.

Section 3: Specific conditions for the provision of electronic communications networks

Paragraph 1 – Interconnection of networks

Art.29. – (1) The provider of public electronic communications networks will, at the request of a third party provider, negotiate with the requester concerned the technical and economic terms of an interconnection agreement with a view to the provision of publicly available electronic communications services, including electronic communications services accessible to users through another public electronic communications network interconnected with the network of either party.

(2) The negotiations referred to in para. (1) will be carried out on the basis of the principle of good faith, within a reasonable time, to be assessed on a case-by-case basis, taking into account the specific regulations established by ANCOM, the parties being required to communicate their arguments to the submitted proposals, respectively the reasons for rejecting the proposals of the other party. The providers must take all due diligence to conclude the interconnection agreement, showing reasonableness, availability and timeliness.

(3) Information obtained before, during or after the completion of the negotiations on an interconnection agreement will be used only for the purpose for which it was provided, and the confidentiality of the information transmitted or stored will in all cases be respected. This information

may not be disclosed to any third party, especially to other departments, subsidiaries, secondary offices or partners of the provider offering interconnection, which would thus obtain a competitive advantage, except for the information requested by the Authority, according to the provisions of Chapter IX of the Government Emergency Ordinance no. 111/2011.

(4) Providers of public electronic communications networks or of publicly available electronic communications services have the obligation to comply with all the measures taken by ANCOM to encourage and, where appropriate, ensure interconnection under appropriate conditions, as well as the interoperability of services, respecting the principles of economic efficiency, promoting competition, efficient investments, innovation and maximizing benefits for the end-users, in accordance with the provisions of Government Emergency Ordinance no. 111/2011.

(5) The providers of private electronic communications networks have the obligation to not connect their network to another private electronic communications network, directly or through another private electronic communications network.

(6) The providers of private electronic communications networks have the obligation to not carry out the transmission over the network of traffic generated by a public electronic communications network to another public or private electronic communications network, nor the conveyance over the network of the traffic generated by a private electronic communications network to a public electronic communications network.

Paragraph 2 – Obligation on the transmission of television/sound radio-broadcasting programmes through electronic communications networks

Art.30. – The provider of electronic communications networks that ensures the retransmission of television/sound broadcasting services has the obligation to comply with the provisions of Art. 82 of the Audiovisual Law no. 504/2002, with subsequent amendments and completions.

Paragraph 3 – Measures to protect public health by limiting the exposure of the population to electromagnetic fields generated by electronic communications networks

Art.31. – (1) The provider of electronic communications networks using radio waves for the provision of electronic communications services will comply with the requirements of the rules in force on the limitation of the effects of electromagnetic fields generated by electronic communications networks.

(2) In the situation referred to in para. (1), the electronic communications network provider will take into account, when deploying its own equipment, the compliance with the limits set according to the rules in force, as well as the reference to a cumulated electromagnetic field value determined in accordance with the recommendations of the Electronic Communications Committee of the European Conference of Postal and Telecommunications Administrations.

Paragraph 4 – **Measures to maintain the integrity of public electronic communications networks, including through conditions for preventing electromagnetic disturbances/harmful interference between electronic communications networks**

Art.32. – (1) When choosing the locations of the radiocommunications stations, the provider of electronic communications networks shall study the compatibility with the radiocommunications systems existing at that location or in neighbourhood, shall take into account the characteristics of these stations and shall adopt those technical solutions which are necessary in order to maintain the existing state of compatibility. If the state of incompatibility cannot be predicted *a priori* and, after the commissioning of a radiocommunications station, it is found that one or more existing radiocommunication stations have been disturbed or that the service provided has been degraded, the provider which caused the incompatibility shall bear the cost of all the technical measures necessary to return to the original situation.

(2) The provider of electronic communications networks or services shall, where appropriate, take the necessary measures, at its own expense, to eliminate harmful interference due to it or attributable to it, including, but not limited to, repairs, the insertion of additional filters, the correction of errors due to the inadequate or defective installation of the network or the improper operation of equipment within its network.

(3) In case of incompatibility of radiocommunication stations in a site, for which either there are no technical solutions to restore the initial situation without degradation of the quality of the service, or the technical solutions that are required have a cost that is not assumed by the provider which caused the incompatibility, the latter will be applied the rule "last arrived at the site - the first one left from that site".

Paragraph 5 – **Conditions of use of radio frequencies which are subject only to the general authorization regime, in accordance with the provisions of Article 1 23 para. (3) and (4) of Government Emergency Ordinance no. 111/2011**

Art.33. – (1) The provision of public electronic communications networks and/or publicly available electronic communications services over the radio spectrum, based on the general authorisation regime or a combination of individual rights of use obtained and the general authorisation regime, is possible for the types of applications, frequency bands and radio interface technical specifications provided for in Annex no. 3.

(2) The use of radio spectrum according to para. (1), as well as the technical and operational conditions for the effective use of radio spectrum, shall be carried out, as appropriate, under the conditions established in accordance with the decision on the radio frequencies or radio frequency bands exempted from the licensing regime, respectively under the conditions laid down in the relevant regulations for those radio applications which may use radio spectrum only upon the obtaining of individual rights.

(3) The provider of public electronic communications networks using radio frequencies exempted from licensing for the provision of publicly available electronic communications services shall ensure that the quality of the services it provides is maintained.

(4) The provider of public electronic communications networks that uses the radio spectrum exclusively on the basis of the general authorization regime has the obligation to transmit to ANCOM, upon commissioning and, subsequently, with a periodicity established by ANCOM, a notification of the radiocommunication stations (radio access points) in the electronic communications network, in compliance with the provisions of Article 36⁵ para. (4) of the *Government Emergency Ordinance no. 111/2011*. The format for presenting the information and the method of transmitting it are established by ANCOM and are published on the website.

Section 4: Specific conditions for the provision of electronic communications services, with the exception of number-independent interpersonal communications services

Paragraph 1 – Service interoperability

Art.34. – (1) In order to ensure the provision and interoperability of the publicly available electronic communications services, any operator of a public electronic communications network has the right to negotiate an interconnection agreement with any other operator of a public electronic communications network for the provision of publicly available electronic communications services, including electronic communications services accessible to users through another public electronic communications network interconnected with the network of either party.

(2) Any operator of a public electronic communications network has the obligation, at the request of a third party authorised under the terms of Government Emergency Ordinance no. 111/2011, to negotiate an interconnection agreement with the requester concerned, in order to ensure the provision and interoperability of publicly available electronic communications services, including electronic communications services accessible to users through another public electronic communications network interconnected with the network of either party.

(3) The provider of publicly available electronic communications services may use for the purpose of providing electronic communications services a network belonging to a third-party provider of public electronic communications networks, with the consent of that provider, where that network technically permits the provision of the electronic communications service.

(4) In order to increase the interoperability of services and to improve the users' choice, ANCOM recommends the providers of electronic communications networks and services to observe the standards and specifications for electronic communications networks and services, as well as for the associated infrastructure and services, harmonized, established by decisions of the European Commission and published in the Official Journal of the European Union. The list of standards and/or specifications for electronic communications networks and services, as well as for the infrastructure and associated services, shall also be published on ANCOM's website.

(5) The provider of public electronic communications networks shall ensure the necessary conditions for the provision, over the network, of electronic communications services, to the quality standards required for the provision of those services, where these activities are carried out by a third party.

(6) The provider of public electronic communications networks has the obligation to use for interconnection at national and international level only the technical resources allocated by ANCOM, under the conditions established by ANCOM decision.

(7) In the case of interconnection, the provider of public electronic communications networks shall transmit to the interface between the two networks the identity of the calling line without altering, modifying or deleting it.

Paragraph 2 – **Accessibility to end-users of the numbering resources from the National Numbering Plan, of the free universal international numbers and, where economically and technically feasible, of the numbering resources from the national numbering plans of other Member States of the European Union, as well as other related conditions, imposed in accordance with the provisions of the Government Emergency Ordinance no. 111/2011**

Art.35. – (1) The providers of publicly available electronic communications services have the obligation to provide the end-users who have been assigned numbers from the Romanian National Numbering Plan the possibility to keep, upon request, these numbers, if they change their service provider, in compliance with the conditions for carrying out the porting process established by ANCOM decision.

(2) The providers of public electronic communications networks and the providers of publicly available electronic communications services that have acquired the right to use numbering resources for extraterritorial use included in the Romanian Numbering Plan shall not use those resources on the territory of other states than the Member States of the European Union and shall comply with all national rules on consumer protection and use of numbering resources in the Member States where those resources are used.

(3) The providers that have acquired the right of use for numbering resources with extraterritorial use belonging to numbering plans from other Member States of the European Union may use these resources on the territory of Romania only for the provision of certain electronic communications services, other than the interpersonal communications ones, and are bound by national legal rules on the conditions of use of numbering resources and on consumer protection.

Paragraph 3 – **Protection of end-users in the field of electronic communications**

Art.36. – (1) The provider of publicly available electronic communications services is required to comply in its activity with the provisions of the legislation on consumer protection as well as with the special legislation on the rights of the end-users of electronic communications services.

(2) The provider of the publicly available electronic communications services is obliged to conclude contracts with consumers in one of the following ways: on paper or, if end-users agree, as a written document in electronic form, signed with an advanced/qualified electronic signature, or by means

of distance communication means, in compliance with the conditions set out under the law. The contract may be concluded by consumers for a single initial contractual period not exceeding 24 months, with the exception of contracts relating to transmission services used for the provision of services between devices.

(3) The provisions of para. (2) shall also apply to micro enterprises, small enterprises or non-profit-making end-users to the extent that they have not explicitly agreed to waive in whole or in part their application.

(4) The provider of publicly available electronic communications services, where it has launched a public offer and has established standard conditions for the conclusion of the contract for the provision of electronic communications services, shall ensure the non-discriminatory access of the end-users to those services. The provider of publicly available electronic communications services may not deny end-users' access to, or use, of electronic communications networks or services nor apply restrictions or different conditions to end-users on grounds relating to the nationality, state of residence or place of establishment of the end-user, except in objectively justified cases.

(5) The provider of publicly available electronic communications services has the obligation to comply with the measures imposed by ANCOM for the purpose of informing, respectively ensuring the access and possibility of end-users with disabilities to benefit from publicly available electronic communications services adapted to their needs and under conditions equivalent to those enjoyed by other end-users.

(6) The provider of publicly available electronic communications services has the obligation to issue detailed invoices, at the request of any subscriber, regardless of the capacity of natural or legal person of the subscriber, in compliance with the minimum categories of information and other conditions established by the ANCOM regulations on the information of end-users.

(7) The provider of publicly available electronic communications services is required to make publicly available, in an open data format, information on the provider's contact details, the description of the services offered and the dispute resolution mechanisms, including those made available by the providers, in a clear, complete, up-to-date, readable form and in a format accessible and relevant to end-users with disabilities to enable the end-users to make an informed decision, in accordance with the secondary regulations adopted by ANCOM.

(8) The provider of publicly available electronic communications services has the obligation to observe the measures imposed by ANCOM in order to inform in a detailed way, in an accessible and relevant format and regularly the subscribers with disabilities about the products and services intended for them, as well as about any functions, practices, policies and procedures, as well as changes in the services offered to them, in accordance with the secondary regulations adopted by ANCOM.

(9) The provider of publicly available electronic communications services shall draw up and submit the information referred to in paragraph (7) in a manner that allows the users to navigate through it easily. The conditions or time limits affecting certain offers shall be presented in the same format and in the same graphic characters used for the preparation of the offers.

(10) The providers of publicly available number-based interpersonal communications services providing call origination services to a number or numbers included in the National Numbering Plan or international numbering plans shall inform the public of the existence, use and accessibility of the single European emergency number 112, including by using formats adapted to different types of disabilities, under the conditions established by ANCOM.

(11) The provider of public electronic communications networks shall ensure at all times the technical conditions required to ensure the non-discriminatory access of end-users to the electronic communications services provided over the network.

(12) The provider of publicly available electronic communications services shall provide consumers, prior to the conclusion of the contract and irrespective of the manner in which it is concluded, free of charge, on a durable medium or, where provision on a durable medium is not feasible, in a document which can be easily opened, viewed and downloaded, a concise and easy-to-read summary sheet of the contract.

(13) The provider of internet access services or publicly available interpersonal communications services shall offer consumers the facility to monitor and control in a timely manner the level of consumption of each of the services included in the tariff plan, which are charged on a basis of volume or period of use.

Chapter IV: Transitory and final provisions

Art.37. – (1) Within 30 days from the entry into force of this Decision, ANCOM will send, by electronic means, to each provider the classification - according to the standard notification form provided in Annex no. 1 - of all the types of public electronic communications networks and publicly available electronic communications services notified to ANCOM by the respective provider, before the entry into force of this Decision.

(2) By 31 May 2023, all the providers of public electronic communications networks or of publicly available electronic communications services are required to duly complete and submit the standard notification form under Annex No. 1, in so far as changes are necessary regarding the classification of the types of public electronic communications networks and publicly available electronic communications services referred to in paragraph (1). The provisions of Articles 13 and 20 shall apply accordingly.

(3) Failure to submit the standard notification form within the time limit and under the conditions set out in para. (2) shall trigger the validation of the classification communicated by ANCOM according to para. (1) to that provider.

(4) Without prejudice to the provisions of paragraphs 1 and 2, the notification made under the terms of the normative acts governing the general authorisation regime for the provision of electronic communications networks and services shall continue to produce effects, with the application of the rights and obligations provided for in this Decision.

Art.38. – Annexes no. 1 - 3 are an integral part of the present Decision.

Art.39. – (1) This Decision shall be published in the Romanian Official Journal, Part I, and shall enter into force on the day of its publication, except for the provisions of Article 24 para. (1) letter e) regarding the obligation to keep the data and documents underlying the statistical data transmitted to the Authority, for a period of at least 5 years from the date of reporting to ANCOM, which enter into force on 1 December 2023.

(2) On the date of entry into force of this Decision, the Decision of the President of the National Authority for Administration and Regulation in Communications no. 987/2012 on the general authorization regime for the provision of electronic communications networks and services, published in the Romanian Official Journal, Part I, no. 853 of 18 December 2012, with subsequent amendments, shall be repealed.

PRESIDENT,

Vlad Ștefan STOICA

Bucharest, 09.02.2023

No. 70

Notification form

In Table 1 below, please tick only the one, out of the available options, which is applicable to your case.

Network = public electronic communications network

Service = publicly available electronic communications service

If you intend to start a whole new business and have not notified any network or service yet to the National Authority for Management and Regulation in Communications (ANCOM), please tick item 1.1 in Table 1 and then filling in Tables 2 to 4.

In case you are a provider which has already notified to ANCOM of the beginning of its activities and you wish to amend the submitted information (the provision of new networks or services, expansion or narrowing of the geographic area of network or service provision, termination of certain networks or services etc.), please notify to ANCOM only of the changes that you wish to introduce by ticking item 1.2 in Table 1 and then filling in items 2.1 and 2.2 in Table 2, as well as Table 4.

In case of termination of your whole activity, please tick item 1.2 in Table 1 and indicate the date on which the termination occurs in the attached column and then fill in items 2.1 and 2.2 in Table 2.

In Table 3, please provide the requested information about the person you would like to be the main contact for your relationship with ANCOM for any aspect regarding the notification procedure, as well as the details of an alternative contact person (to be reached in case the main contact person does not respond).

Table 1 – Purpose of the notification

This notification is for	
1.1. Commencement of new activity (provision of networks and/or services) <i>If you select this item, please proceed to filling in Tables 2 to 4.</i>	<input type="checkbox"/>
1.2. A. Changes ¹ to the networks/services already notified to ANCOM <i>If you select this item, please proceed to filling in items 2.1 and 2.2 in Table 2 and Table 4.</i> B. Termination of your whole activity <i>If you select this item, please proceed to filling in 2.1 and 2.2 in Table 2, and the termination date of your whole activity beside your tick mark.</i>	<input type="checkbox"/> <input type="checkbox"/> from (date).....
1.3. Changes to provider identification data, contact person or contact details. <i>If you select this item, please proceed to filling in Tables 2 and/or 3.</i>	<input type="checkbox"/>
1.4. Changes to the commencement date ² <i>If you select this item, please proceed to filling in items 2.1 and 2.2 in Table 2 and Table 4.</i>	<input type="checkbox"/>

¹ Changes that must be notified concern the intention to provide new networks or services, to expand or narrow the geographic area of your notified network and/or service or to terminate networks and/or services etc. (for example, tick item 1.2. if you are already notified as an internet service provider and you intend to provide also voice services or if you intend to change the geographic reach of your notified network/service).

² This change, if applicable, should be notified to ANCOM before the commencement date already notified.

Table 2 – Identification data

Details of the requester/provider	
2.1. Name of the provider	
2.2. A. Provider's legal status and organisation form ³ B. Unique identification code under which the provider is registered in the relevant register ⁴	
2.3. Geographical address of the provider's main establishment and, where applicable, of the entities without legal personality (branches, agencies, representative offices, offices etc.) registered in other Member States	
2.4. Provider's website address, where applicable, dedicated to the provision of networks or services ⁵	

Table 3 – Contact person and contact details

Contact person	
3.1. Full name of the contact person, who has the right to submit notifications or documents on provider's behalf	
3.2. Telephone no.	
3.3. E-mail address	
3.4. Geographic address ⁶	
Alternative contact person	
3.5. Full name of the alternative contact person	
3.6. Telephone no.	
3.7. E-mail address	
3.8. Geographic address ⁷	

³ For example, Ltd., JSC, sole proprietor (S.P.), Individual Enterprise, Family Enterprise, association, foundation, federation.

⁴ For example, the unique registration code in the Trade Registry, the fiscal identification code, the registration number in the Associations and Foundations Registry, in the Federations Registry or, if applicable, another equivalent identification code/number issued by authorities outside Romania.

⁵ Providers shall indicate the address of their website's sections concerning the provision of electronic communications networks or services, in case such pages are available.

⁶ Correspondence address in relation to ANCOM; optional, to be filled in only in case it is different of 2.3.

⁷ Correspondence address in relation to ANCOM; optional, to be filled in only in case it is different of 2.3.

Table 4 – Short description of the networks and services ⁸

(1) Types of networks/ Types of services <i>(Please tick)</i>	(2) Short description of the network/ Short description of the service ⁹ <input type="checkbox"/> Service resale <i>(please tick):</i>	(3) Geographic area where the network and/or the service is provided		(4) Publicly Available ¹⁰ ?	(5) Wholesale- only service ¹¹	(6) Estimated commencement date	(7) Termination date
		<i>(Please choose from the drop-down menu)</i>	Name <i>(Please indicate the name of the geographical area)</i>				
Short description of the networks							
<input type="checkbox"/> R1 Metal Line (DSL)		National Counties Cities/Town/Communes					
<input type="checkbox"/> R2 Coax (cable TV)							
<input type="checkbox"/> R3 Fibre							
<input type="checkbox"/> R4 Electricity cable system (PLC)							
<input type="checkbox"/> R5 Wireless - licensed spectrum							

⁸ Please indicate the activities to be carried out by the provider submitting the notification.

⁹ Please tick resale if service resale is intended. The resale activity involves the provider's purchase of certain electronic communications services within the purpose of their resale to third parties, including to end-users, without the provider transforming or significantly altering the services thus purchased. In this case the subsequent resale is performed by the provider on its own behalf and account.

¹⁰ Only the offers dedicated expressly and unequivocally to a well-defined category of users are not public provision offers.

¹¹ To be tick if the provider intends to provide the service only at wholesale market, the possibility of activating on the retail market being excluded. In this case, it is not relevant if the service is provided whether via own network or based on resale.

<input type="checkbox"/> R6 Wireless - unlicensed spectrum							
<input type="checkbox"/> R7 Standard mobile network (e.g: 2G; 3G; 4G; 5G)							
<input type="checkbox"/> R8 Other mobile solutions (e.g: TETRAPOL emergency networks)							
<input type="checkbox"/> R9 Submarine cables							
<input type="checkbox"/> R10 Satellite							
<input type="checkbox"/> R11 Other types of networks							

Short description of the services

<input type="checkbox"/> S1 Fixed IAS	<input type="checkbox"/> Resale	National Counties Cities/Towns/Communes		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> S2 Mobile IAS	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> S3 Fixed NB- ICS (including nomadic/location independent ones)	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> S4 S3 Mobile NB-ICS (including MVNO)	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		

<input type="checkbox"/> S5 Data transmission	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> S6 Leased lines	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> S7 TV broadcasting	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> S8 Radio broadcasting	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> S9 Roaming services (MCA and MCV)	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> S10 Transport of telephone traffic among operators	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> S11 M2M ¹²	<input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Other types of services	<input type="checkbox"/> Retransmission of linear audiovisual media programme services <input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/> Other types <input type="checkbox"/> Resale			<input type="checkbox"/>	<input type="checkbox"/>		

¹² Machine-to-machine (M2M) - a service involving an automated transfer of data and information between software-based devices or applications, with a limited human interaction or without human interaction at all.

Declaration ¹³

On behalf of the requester/provider, I declare that the information provided by me is accurate and complete in all respects.

Full name of the requester's/provider's representative:

Signature:

Position held (if the requester is a company):

Date: _____

¹³ The notification must be signed by the legal or conventional representative of the requester/provider.

TECHNICAL AND ELECTROMAGNETIC COMPATIBILITY REQUIREMENTS
imposed on the electronic communications networks
fully or partly built up of coaxial cable, intended for the retransmission of audiovisual programme services
and/or data transmission and internet access services

1. Security and electromagnetic compatibility general requirements

1.1. The systems of distribution through electronic communications networks must be designed, built and installed in accordance with the provisions of the relevant security and electromagnetic compatibility standards adopted by the national standardisation body.

1.2. The equipment and devices used for the reception, processing and distribution of signals in systems of distribution through electronic communications networks must meet the requirements laid down in the Government Decision no. 487/2016 on electromagnetic compatibility, with the subsequent amendments and completions.

2. Electromagnetic compatibility requirements

No.	Parameter	Value
0	1	2
1.	Limits of narrow band, interfering radiations, in 30 – 1.218 MHz frequency range	
	30 – 1.000 MHz	Maximum value: 27 dB(μ V/m) ¹⁾ 1) 120 kHz Measurement band; quasi-peak detector.
	1.000 – 1.218 MHz	Maximum value: 40 dB(μ V/m) ¹⁾ 1) 1 MHz Measurement band; peak detector.
	<u>NOTE:</u> The values are measured 3m away from the source. When the system causes interferences on other authorised radiocommunication systems, the provider of electronic communications networks has the obligation to reduce the level of the interference until total removal.	
2.	Limits of interfering tensions injected by the equipment in the electric power network in the 150 kHz – 30 MHz frequency range	
	150 kHz – 500 kHz	Quasi-peak: 66 – 56 dB(μ V) ¹⁾ Average value: 56 – 46 dB(μ V) ¹⁾ 1) Decrease linear with the frequency logarithm
	500 kHz – 5 MHz	quasi-peak: 56 dB(μ V) Average value: 46 dB(μ V)
	5 MHz – 30 MHz	Quasi-peak: 60 dB(μ V) Average value: 50 dB(μ V)

3. Technical requirements for the retransmission of FM radio-broadcasting programme services on the coaxial cable segments/sections

No.	Parameter	Value			
0	1	2			
1.	The employable spectrum for radio-broadcasting in frequency modulation	87.5-108 MHz			
2.	Maximum level of the signal in the network	110 dB (μ V)			
3.	Tolerance of the frequency of signal carriers in relation to the nominal frequency at the user socket and at the emission equipment from the network end for sound FM radio broadcasting	Max.12 kHz			
4.	Levels of the signal carriers for sound radio broadcasting at the user socket	Mono – minimum 40 dB μ V; maximum 70 dB μ V			
		Stereo - minimum 50 dB μ V; maximum 70 dB μ V			
5.	Minimum carriers/noise ratio at the user socket for sound radio broadcasting	Standard	Modulation	C/N dB	Equivalent noise band MHz
		Mono	FM	38	0.2
		Stereo	FM	48	0.2

4. Technical requirements for the retransmission of analogue television programmes on the coaxial cable segments/sections

No.	Parameter	Value					
0	1	2					
1.	The employable spectrum and television system NOTE: 1. The intercalary use of norms D and B within each sub-band A, B, C and D is not allowed. 2. The use of the image-sound frequency deviation of 6.5 MHz in the channels of 8 MHz for retransmission over conversion from FIF norm D is allowed. 3. The use of the image-sound frequency deviation of 5.5 MHz in the channels of 8MHz for retransmission over conversion from UIF norm G is allowed.	FIF					
		Norm D Channels of 8 MHz			Norm B Channels of 7 MHz		
		A	1	48.5–56.5MHz			
			2	58–66 MHz	2	47–54 MHz	
			3	76–84 MHz	3	54–61 MHz	
			4	84–92 MHz	4	61–68 MHz	
			5	92–100 MHz			
		B	S1-S9	102–174 MHz		S1-S10	104–174 MHz
		C	6-12	174–230 MHz		5-12	174–230 MHz
		D	S10-S18	230–302 MHz		S11-S20	230–300 MHz
UIF Norm G Channels of 8 MHz							
S21-S41			302–470 MHz				
21--69			470–862 MHz				
2.	Maximum level of the signal in the network	110 dB(µV)					
3.	Frequency tolerance of the carriers distributed (sound and image) in relation to the nominal frequency at the user socket and at the emission equipment from the network end for television broadcasting	Maximum 75 kHz					
4.	Levels of video carriers for television broadcasting at the user socket	Standard	Modulation	Frequency band	Minimum level dBµV	Maximum level dBµV	
		PAL/SECAM	AM-VSB	FIF/UIF	60 ^{a)}	80 ^{b)}	
^{a)} 57 dBµV for systems using channels of 8 MHz. ^{b)} 77 dBµV for systems using more than 20 channels.							
5.	Maximum difference between the levels of the video carriers at the user socket	Standard	Modulation	Frequency band	Maximum level difference dB		
		PAL/SECAM	AM-VSB	47MHz–862 MHz	12		
		PAL/SECAM	AM-VSB	In any band of 60 MHz in FIF	6		
		PAL/SECAM	AM-VSB	Adjacent channels	3		
	-- first audio carrier 7–16 dB -- second audio carrier 17–23 dB						
6.	Minimum carrier / noise ratio at the user socket for television broadcasting	Standard	Modulation	C/N dB	Equivalent noise band MHz		
		B,G	AM-VSB	44	4.75		
		D,K	AM-VSB	44	4.75		
7.	Noise per carrier determined by the electrical supply source (50Hz and harmonics below 1kHz). It is expressed as the difference between the level of the video carrier and the peak-peak value of the network noise voltage.	Minimum 46dB					

5. Technical requirements for the retransmission of digital television programmes on the coaxial cable segments/sections

No.	Parameter	Value				
0	1	2				
1.	The employable spectrum and television system NOTE: The use of the channels of 6 MHz, 7 MHz and 8 MHz for the distribution of digital television signals is allowed.	The employable television spectrum for digital television is the same as the one for analogue television (see parameter 1 in the table under point 4).				
2.	Maximum level of the signal in the network	110 dB(μV)				
3.	Maximum level difference between carriers at the user socket	Standard	Modulation	Frequency band	Maximum level difference (dB)	
		DVB-C	64QAM	47MHz-862 MHz	12	
		DVB-C	64QAM	Adjacent channels	3	
		DVB-C	64QAM	Adjacent channel AM-VSB	10	
		DVB-C	128QAM	47MHz-862 MHz	12	
		DVB-C	128QAM	Adjacent channels	3	
		DVB-C	256QAM	47 MHz-862 MHz	12	
		DVB-C	256QAM	Adjacent channels	3	
		DVB-C	256QAM	Adjacent channel AM-VSB	6	
		Level of QAM signal must be inferior to the level of adjacent AM signal				
4.	Minimum signal to noise ratio at the user socket for television broadcasting	Standard	Modulation	RF Signal-to-noise Ratio SD, RF/N dB	Equivalent noise band MHz	
		DVB-C	16QAM	20 ^b	Independent from the band	
		DVB-C	64QAM	26 ^b	Independent from the band	
		DVB-C	128QAM	29 ^b	Independent from the band	
		DVB-C	256QAM	32 ^b	Independent from the band	
		^b) These values take into consideration the simultaneous transmission of analogue and digital channels. These values assume that the intermodulation noise is not present or may be neglected and the BER determined before Reed Solomon decoder is better than 10 ⁻⁴				
5.	Levels of signal carriers for television broadcasting at the user socket	Standard	Modulation	Frequency band	Minimum level dBμV	Maximum level dBμV
		DVB-C	16QAM	FIF/UIF	41	61
		DVB-C	64QAM	FIF/UIF	47	67
		DVB-C	128QAM	FIF/UIF	50	70
		DVB-C	256QAM	FIF/UIF	54	74
6.	Bit Error Rate (BER) and Modulation Error Rate (MER) of the digital television channels at the user socket	Standard	Modulation	BER	MER dB	
		DVB-C	16QAM	≤10 ⁻⁴	20	
		DVB-C	64QAM	≤10 ⁻⁴	26	
		DVB-C	128QAM	≤10 ⁻⁴	29	
		DVB-C	256QAM	≤10 ⁻⁴	32	

6. Technical requirements for the data transmission and Internet access services on the coaxial cable segments/sections

No.	Parameter	Value
0	1	2
1.	Level of the signal for data transmissions at the entry of the network interface	42 – 75 dB (μV)
2.	Band allowed for the return path of the signal for data transmissions	5 – 204 MHz
3.	Band allowed for the direct path of the signal for data transmissions (transmissions outside the band)	108 – 1.218 MHz

GENERAL NOTES:

1. The use in the cable distribution channels of channels/frequencies totally or partly overlapped with those serving the terrestrial area will be avoided.
2. The values for the signal levels in dB(μ V) displayed in the tables above are valid for an impedance of 75 ohms.

TECHNICAL SPECIFICATIONS

on the radio interfaces containing radio frequencies or radio frequency bands for the use of radio equipment in view of the provision of electronic communications networks and services

Chapter 1 – Technical specifications for radio equipment operating in the frequency bands where the provision of public electronic communications networks and of publicly available electronic communications services is allowed only based on the general authorisation regime

No.	Technical specification on the radio interface	Frequency bands	Radio equipment categories
1	RO-IR RLAN	All the frequency bands included in the respective interface	Wireless access systems for broadband data transmission, including radio local networks (WAS/RLAN)
2	RO-IR SRD-01	865 – 868 MHz 874 – 874.4 MHz 917.3 – 918.9 MHz 917.4 – 919.4 MHz	Non-specific proximity (short range) radio devices used exclusively in data networks
3	RO-IR SRD-01	57 – 64 GHz 61 – 61.5 GHz	Non-specific proximity (short range) radio devices
4	RO-IR SRD-03	863 – 868 MHz 917.4 – 919.4 MHz	Broadband proximity (short range) radio devices used exclusively in data networks
5	RO-IR SRD-03	57 – 71 GHz	Broadband proximity (short range) radio devices used indoor or outdoor (only fixed installations)

Chapter 2 – Technical specifications for radio equipment operating in the frequency bands in which the provision of public electronic communications networks and of publicly available electronic communications services is allowed based on a combination between the obtaining of individual usage rights and the general authorisation regime

No.	Technical specification on the radio interface	Frequency bands	Radio equipment categories
1	RO-IR DECT	1.880 – 1.900 MHz	DECT (Digital European Cordless Telecommunications) equipment