

Disclaimer: This is a Romanian to English translation meant to facilitate the understanding of this Decision. Should discrepancies occur between the Romanian version and the English version, following translation, the Romanian version shall prevail.

On grounds of Article 34 of the Government Emergency Ordinance no. 111/2011 on electronic communications, approved, with amendments and completions, by Law no. 140/2012, with the subsequent amendments and completions, as well as of Article 10(2) item 10, Article 11(1) and (7), Article 12(1) and (3) of the Government Emergency Ordinance no. 22/2009 on the establishment of the National Authority for Management and Regulation in Communications of Romania, approved by Law no. 113/2010, with the subsequent amendments and completions,

**THE PRESIDENT OF THE
NATIONAL AUTHORITY FOR MANAGEMENT AND REGULATION
IN COMMUNICATIONS**

issues this

**DECISION
on the procedure for granting
the rights of use for the radio frequencies
to diplomatic missions, consular offices and representative offices
of international organisations accredited in Romania**

**Chapter I
General provisions**

Article 1. – This decision sets up the procedure for granting the rights of use for the radio frequencies to diplomatic missions, consular offices and representative offices of international organisations accredited in Romania, and for establishing the conditions for temporary use of the radio frequencies during visits of foreign dignitaries to Romania.

Article 2. – (1) For the purposes of this decision, the definitions provided in the Government Emergency Ordinance no. 111/2011 on electronic communications, approved, with amendments and completions, by Law no. 140/2012, with the subsequent amendments and completions, hereinafter referred to as Framework ordinance, shall apply.

(2) Within this decision, by the authorisation for the assignment of radio frequencies, hereinafter referred to as the *AAF*, which is an annex to the licence for the use of radio frequencies, ANCOM establishes the radio frequencies and the technical and operational parameters associated to the operation of one or several radiocommunications stations.

Article 3. – (1) The licence for the use of radio frequencies, hereinafter referred to as the *LUF*, mainly contains the holder's identification data, the rights of use for the radio spectrum granted under the licence, i.e. the assigned frequency/frequencies, specifies the respective radiocommunications service and the application type for which the licence has been issued, the network coverage, the technical and operational conditions associated to the rights of use, the holder's obligations, the validity term and the date of entry into force of the rights of use, any other conditions established in accordance with the provisions of Article 24(2) of the Framework ordinance, as well as other obligations pursuant to the legislation in force in the electronic communications field.

(2) AAF generally contains the holder's identification data, the assigned radio frequency or frequencies, the technical and operational parameters of a radiocommunications station, or – as the case may be – of the radiocommunications stations within a network, as well as other relevant details of the frequency assignment/assignments.

Article 4. – The radio frequencies may be actually used only upon the LUF issuance, respectively after the holder has been communicated the conditions for the temporary use of radio frequencies – in the case of occasional use, during visits of foreign dignitaries to Romania - under this decision.

Article 5. – (1) ANCOM issues LUF to diplomatic missions, consular offices and to representative offices of international organisations accredited in Romania, by order of requests, following their communication by the Ministry of Foreign Affairs – Protocol Division.

(2) The validity term of a LUF issued pursuant to paragraph (1) is five years, except for:

- a) LUF granted for electronic communications networks destined to occasional transmissions, the validity term of which is no longer than 6 months from issuance;
- b) LUF granted for terms shorter than 5 years, according to the holder's request;
- c) LUF granted for terms shorter than 5 years, from reasons pertaining to spectrum management;
- d) LUF granted based on spectrum usage strategies, providing other validity terms.

Chapter II

Issuance of LUF and AAF

Article 6. – (1) For the purpose of LUF issuance pursuant to Article 5, diplomatic missions, consular offices and representative offices of international organisations accredited in Romania, will send to the Ministry of Foreign Affairs - Protocol Division – a *Note-Verbale*, accompanied by two original standard-forms duly filled in, containing information specific to the radiocommunication service and application type envisaged by the request.

(2) The standard-form is available on ANCOM's website.

(3) One of the two original standard-forms will stay with the Ministry of Foreign Affairs – Protocol Division, which registers all such requests, including application types and advices on the fulfilment of reciprocity conditions.

Article 7. – (1) The Ministry of Foreign Affairs – Protocol Division sends the LUF request to ANCOM, within 10 working days.

(2) Where - following analysis of a request and of its technical documentation – ANCOM deems that the request is incorrect or incomplete, the Authority will communicate the requester the necessary comments through the Ministry of Foreign Affairs – Protocol Division.

(3) Within 6 weeks from the date of receiving full information, ANCOM will analyse the received documentation and – if the technical and legal conditions are fulfilled -, it will issue a LUF and one or several AAF.

(4) The reception date will be the date of entry in ANCOM's general incoming/outgoing document log or the date of confirming the receipt through the correspondence service with acknowledgement of receipt.

(5) ANCOM may change the term provided in paragraph (3) under the terms provided in Article 26(3) of the Framework ordinance.

Article 8. – (1) ANCOM may reject a LUF request in the following cases:

- a) the requester has not submitted all the documents and has not provided all the details under Articles 5, 6 and 7;
- b) there are no radio frequencies available in the requested conditions;
- c) the technical or legal conditions in the electronic communications field are not met;
- d) the assignment of the requested spectrum resource is not objectively justified, for reasons pertaining to the rational and efficient use of the radio spectrum;
- e) the requester has debts as regards the spectrum usage tariff for the previously awarded/assigned radio frequencies, established by ANCOM in accordance with the provisions of Article 30(1) of the Framework-ordinance, and therefore the reciprocity conditions for an exemption - in the case of diplomatic missions/consular offices in accordance with the provisions of the Convention on Diplomatic Relations (Vienna, 1961), or in accordance with the conditions established by the international conventions on the establishment of organisations, or by agreements on the premises for the representative offices of international organisations accredited in Romania, as applicable – are not met.

(2) Rejection of a LUF request will be justified and will be communicated to the requester, through the Ministry of Foreign Affairs – Protocol Division.

Article 9. – (1) For diplomatic missions and consular offices, the spectrum usage tariff for the radio frequencies awarded/assigned pursuant to this chapter, established in accordance with the legal provisions in force, will be charged/obliterated based on the written advice on the fulfilment of the reciprocity conditions issued by the Ministry of Foreign Affairs – Protocol Division, or on a case-by-case basis.

(2) For the representative offices of international organisations accredited in Romania, the spectrum usage tariff for the radio frequencies awarded/assigned pursuant to this chapter, established in accordance with the legal provisions in force, will be charged/obliterated based on the written confirmation regarding the observance of the limits and conditions established by the international conventions on the setup of organisations, by agreements regarding the premises for the representative offices of international organisations accredited in Romania, issued by the Ministry of Foreign Affairs – Protocol Division, as applicable.

Chapter III

The procedure for approving the temporary use of radio frequencies on the occasion of foreign dignitaries' visits to Romania

Article 10. – (1) In the case of using radio frequencies on an occasional basis, during the visits of foreign dignitaries to Romania, the diplomatic mission of the interested country will send the Ministry of Foreign Affairs – Protocol Division a request by *Note-Verbale*, in order to establish the conditions for temporary use of radio frequencies.

(2) The request provided in paragraph (1) must include the technical and operational details on the temporary use of radio frequencies, by radiocommunications service and application type envisaged in the request.

(3) For the temporary use of frequencies by radio stations in the land mobile service, the request provided in paragraph (1) will include the technical and operational details specified in the annex.

(4) Upon receiving the request, the Ministry of Foreign Affairs – Protocol Division will send ANCOM a copy of the request in paragraph (1) that includes the details under paragraphs (2) and (3), as applicable.

(5) The request under paragraph (1) will be sent to ANCOM at least 12 working days prior to the starting date of effective use.

(6) Within 9 working days from the date of receiving the request, ANCOM will analyse the documentation submitted and, if the technical and legal conditions are met, it will communicate the Ministry of Foreign Affairs – Protocol Division the conditions for temporary use of the radio frequencies or a negative answer, where the technical and legal conditions are not met.

(7) The conditions for temporary use of the radio frequencies established by ANCOM will be communicated to the Ministry of Foreign Affairs – Protocol Division at the latest 3 working days prior to starting the effective use of the radio frequencies, provided that the deadline for submitting the request under paragraph (5) is observed.

(8) The Ministry of Foreign Affairs – Protocol Division will communicate the requester, in due time, ANCOM's answer on the possibility to temporarily use the radio frequencies, or the negative answer, as appropriate.

Chapter IV **Amending the LUF and/or the AAF**

Article 11. – (1) The validity term of the LUF, issued according to the principle provided in Article 5, may be extended for periods at least equal to the period for which it has been initially granted.

(2) LUF validity may be extended based on a request sent at least 30 days in advance, but not sooner than 3 months prior to the expiry of the term provided in it.

(3) Within 30 calendar days from the submission of the request provided under paragraph (2), ANCOM will extend the LUF validity, if all the conditions provided by the law are met.

(4) ANCOM may reject the LUF validity extension request, if:

- a) the request has not been submitted within the timeframes provided in paragraph (2);
- b) the extension of the rights of use is not justified, for reasons pertaining to the rational and efficient use of the radio spectrum;
- c) the radio frequency band or bands in the licence are undergoing a refarming process;
- d) there are provisions therefor in the technical regulations in force regarding the radio band or bands in the licence.

Article 12. – (1) ANCOM may amend LUF and/or AAF, *ex officio*, in the situations provided in Article 24 (3) of the Framework-ordinance.

(2) ANCOM may amend the provisions of LUF and/or AAF, upon the holder's request – sent through the Ministry of Foreign Affairs – Protocol Division - in the following situations:

- a) amendments of the technical and operational conditions in the LUF are requested;
- b) amendments of the technical and operational parameters in the AAF are requested;

(3) After the request has been submitted, the Ministry of Foreign Affairs – Protocol Division will send ANCOM, within 10 working days, the amendment request.

Article 13. – (1) In order to amend the technical and operational conditions in the LUF, the holder will send the Ministry of Foreign Affairs – Protocol Division a request by *Note- Verbale*, accompanied by two original standard forms, duly filled in, containing information specific to the radiocommunications service and to the application type envisaged in the request.

(2) The standard form is available on ANCOM's website.

(3) One standard form will stay with the Ministry of Foreign Affairs – Protocol Division, which keeps record of the technical and operational amendments.

(4) After submitting the documentation, the Ministry of Foreign Affairs – Protocol Division will send ANCOM the LUF amendment request, within 10 working days.

(5) The LUF will be amended in accordance with the provisions of Article 7 and Article 8 paragraph (1) letters a)-d) and paragraph (2), which apply accordingly.

(6) The radio frequencies will be used under the amended technical and operational conditions only after the LUF has been amended.

Article 14. – (1) With a view to amending the technical and operational conditions in the AAF, the holder will send the Ministry of Foreign Affairs – Protocol Division a request by *Note-Verbale*, accompanied by two original standard forms, duly filled in, containing information specific to the radiocommunications service and to the application type envisaged.

(2) The standard form is available on ANCOM's website.

(3) One standard form will stay with the Ministry of Foreign Affairs – Protocol Division, which keeps record of the technical and operational amendments.

(4) After submitting the documentation, the Ministry of Foreign Affairs – Protocol Division will send ANCOM, within 10 working days, the request for amending the technical and operational parameters in the AAF.

(5) The AAF will be amended in accordance with the provisions of Article 7 and Article 8 paragraph (1) letters a)-d) and paragraph (2), which apply accordingly.

(6) The radio frequencies can be used with the amended technical and operational parameters only after the AAF has been amended.

Chapter V

Cessation of the right under the LUF

Article 15. – (1) The right to use the radio frequencies will cease in the following cases:

- a) upon the holder's request;
- b) at the expiry of the validity period, if the holder has not sent a request for extending the licence validity;
- c) following the closing of diplomatic missions, consular offices and of the representative offices of international organisations accredited in Romania.

(2) The licence holder will inform the Ministry of Foreign Affairs – Protocol Division on the waiver of the right to use radio frequencies, on its own initiative, by filling in a request therefor, to be sent to the Ministry of Foreign Affairs.

(3) After the request provided in Article (2) has been submitted, the Ministry of Foreign Affairs – Protocol Division will send ANCOM, within 5 working days, the request for waiving the right to use the radio frequencies. The request will become valid at the date of sending it to ANCOM, calculated according to Article 7(4), except for the case where the holder of the rights specifies a later date.

(4) In the cases provided in paragraph (1) letters a) and c), ANCOM will issue a decision assessing the occurrence of the situation that triggered the cessation of the usage right.

Chapter VI – Final provisions

Article 16. – (1) ANCOM makes available to the diplomatic missions, consular offices and to the representative offices of international organisations accredited in Romania, on its website, information regarding the issuance of a LUF, the content of the technical documentation with a view to obtaining or amending the LUF and/or the AAF, as well as the standard forms referred to within this decision.

(2) Upon the entry into force of this decision, the Ministry of Foreign Affairs – Protocol Division will inform the diplomatic missions, consular offices and the representative offices of international organisations accredited in Romania on the procedure for granting the rights of use of the radio frequencies.

Article 17. – The Annex is part of this decision.

Article 18. – This decision is published in the Romanian Official Journal, Part I.

PRESIDENT

MARIUS CĂTĂLIN MARINESCU

Bucharest, 19 June 2015
No. 512

**Technical and operational data required for the approval
of the use of radio frequencies on an occasional basis,
for radio stations in the land mobile service**

- 1) Zona de acoperire radio (aria utilizării)/ *The radio coverage area (area of use)*;
- 2) Perioada de utilizare a frecvențelor/ *The period of use for the radio frequencies*;
- 3) Tipul și numărul echipamentelor radio care se intenționează a fi utilizate/ *The type and number of pieces of radio equipment intended to be used*;
- 4) Frecvențe solicitate/ Banda de frecvențe/ *Requested frequencies/Frequency band*:
 - a) gama de frecvențe în care funcționează echipamentele radio/ *the frequency range of the equipment (in which the equipment operate)*;
 - b) ecartul de frecvențe programabil între canalele adiacente/ *channel spacing*;
 - c) frecvențele de lucru preferate și o listă alternativă a frecvențelor de lucru acceptabile/ *the primary desired frequencies and an alternative list of acceptable frequencies*.
- 5) configurația rețelei radio/ *the radio network configuration*:
 - a) cu stație fixă (de bază) și stații mobile și/sau portabile/ *with base station and mobile and/or portable stations*;
 - b) numai cu stații mobile/portabile/ *only with mobile and/or portable stations*.
- 6) modul de operare/ *the operation mode*:
 - a) simplex/ *simplex*;
 - b) semiduplex sau duplex/ *halfduplex or duplex*.
- 7) amplasamentele stațiilor fixe/ *the locations of the fixed stations*;
- 8) înălțimea antenei de la sol (pentru stațiile fixe)/ *height of the antenna above ground level (for the fixed stations)*;
- 9) caracteristicile emisiilor radio/ *the particularities of the emission*:
 - a) lărgimea de bandă ocupată / *the occupied bandwidth*;
 - b) puterea efectiv radiată maximă a stațiilor fixe/mobile/ *the maximum effective radiated power of the fixed /mobile stations*;
 - c) puterea de emisie a stațiilor portabile/ *transmission power of the portable stations*.