

- *Unofficial translation* -

Having regard to the provisions of the Order of the Minister for Communications and Information Technology no. 225/2003 approving the Policy and strategy paper on the universal service implementation in the postal sector and the propositions of the Commission evaluating the requests for the designation as a universal service provider,

on grounds of the provisions of Article 10 paragraph (2) item 30, Article 11 paragraph (1) and Article 12 paragraphs (1) and (3) of Government Emergency Ordinance no. 22/2009 on the establishment of the National Authority for Management and Regulation in Communications, of Article 6 paragraphs (2) and (3), Article 7, Article 8, Article 9 paragraph (1), Articles 11, 12, 22, 23, Article 24 paragraph (1), Article 27, Article 30 and Article 32 paragraph (2) of Government Ordinance no. 31/2002 on postal services, approved with amendments and completions by Law no. 642/2002, with the subsequent amendments and completions, as well as of Article 10 letter c), Article 11 paragraph (1) and Article 12 of the Decision of the president of the National Regulatory Authority for Communications and Information Technology no. 3442/2007 regarding the conditions and procedure for the designation of the universal service providers in the field of postal services,

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

issues this:

**DECISION
DESIGNATING THE UNIVERSAL SERVICE PROVIDER
IN THE FIELD OF POSTAL SERVICES**

**CHAPTER I
General provisions**

Art. 1. – (1) By this decision, Compania Nationala Posta Romana - S.A., headquartered in Bucharest, 140 Dacia Boulevard, sector 2, registered with the Trade

Register Office of Bucharest, unique registration code 427410, hereinafter *CNPR*, is designated from 26 April 2009 to 31 December 2012 as a universal service provider in the field of postal services, as defined in Article 2 letter q) of Government Ordinance no. 31/2002 on postal services, approved with amendments and completions by Law no. 642/2002, with the subsequent amendments and completions, hereinafter *Ordinance on postal services*, for the services within the scope of universal service itemised in paragraph (2).

(2) CNPR shall provide on the entire national territory, under the conditions established by the legislation in the field of postal services and by the present decision, the following postal services within the scope of universal service:

a) clearance, sorting, transport and delivery of the following categories of postal items, weighing up to including 2 kg:

1. domestic and cross-border correspondence items;
2. domestic and cross-border printed matter items;
3. domestic direct mail items;

b) clearance, sorting, transport and delivery of domestic and cross-border postal parcels weighing up to including 10 kg;

c) distribution of postal parcels weighing between 10 and including 20 kg sent from outside Romania to an address located in Romania;

d) service for registered postal items dealing with:

1. the postal items referred to in letter a) weighing up to including 2 kg;
2. domestic and cross-border postal parcels weighing up to including 10 kg;
3. postal parcels weighing between 10 and including 20 kg sent from outside Romania

to an address located in Romania;

e) service for insured items dealing with:

1. the postal items referred to in letter a) weighing up to including 2 kg;
2. domestic and cross-border postal parcels weighing up to including 10 kg;
3. postal parcels weighing between 10 and including 20 kg sent from outside Romania

to an address on its territory.

Art. 2. – Within the text of the present decision, the definitions under Article 2 of the Ordinance on postal services and under item 1.1 of Annex 1 to the Decision of the President of the National Regulatory Authority for Communications and Information Technology no.2858/2007 on the general authorisation regime for the provision of postal services shall apply.

Art. 3. – In view of providing the universal service throughout the Romanian territory, CNPR shall hold the specific rights and obligations under this decision, in addition to those set out by the general authorisation regime.

CHAPTER II

Rights of CNPR

Art. 4. – In order to ensure the users' right of access to the universal service, CNPR shall benefit from the following rights:

- a) the right of priority access to customs points and customs offices;
- b) the right to install, maintain, replace and remove, cost free, postal boxes on the immovables, including the communications ways, which are public property of the state or of its administrative territorial bodies;
- c) the right to function in international relationships as a universal service provider and to conclude operational agreements under this quality;
- d) the right to use the specific international forms, provided for in the international agreements in which Romania is a party;
- e) the right to benefit from the amounts or advantages of any other kind to which it is entitled on grounds of a mechanism for the compensation of the costs incurred by the provision of postal services within the scope of universal service, under the conditions established by the law and by the National Authority for Management and Regulation in Communications, hereinafter *ANCOM*;
- f) the exclusive right to provide the reserved services established by ANCOM.

Art. 5. – (1) CNPR shall benefit until 31 December 2012 from the exclusive right to provide postal services dealing with correspondence items, whether of accelerated delivery or not, weighing less than 50 g and costing less than RON 2, consisting of:

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

(2) Where CNPR changes its tariffs, in accordance with Article 17 paragraph (3), ANCOM may adjust the tariff ceiling provided for for in paragraph (1), whereas the adjusted

value shall not exceed by 2.5 times the public tariff for a correspondence item in the first weight step of the fastest standard category of the CNPR offer of postal services.

(3) The direct mail service shall not be subject to the reserved rights set under this Article.

(4) The postal service providers may provide the services referred to in paragraph (1), within the weight limits laid down in paragraph (1), provided a tariff at least equal to the one set by ANCOM in accordance with paragraph (1) or (2), as appropriate, is applied.

(5) The adjustment referred to in paragraph (2) shall be made when, in its absence, the obligations to ensure the universal service laid down in Chapter III can no longer be fulfilled appropriately. The decision of the ANCOM president adjusting the tariff limit which determines the scope of the exclusive right of CNPR shall also set the date from which the postal service providers shall be obliged to charge tariffs at least equal to this limit.

CHAPTER III

Obligations of CNPR

Art. 6. – (1) CNPR shall ensure in every locality on the Romanian territory at least one clearance from every access point and at least one delivery to the home and premises of every natural and legal person, every working day and not less than 5 days a week.

(2) By way of derogation from the provisions of paragraph (1), CNPR shall ensure every week at least two clearances from every access point and at least two deliveries to the home and premises of every natural and legal person located in the building area, in circumstances or geographical conditions deemed exceptional.

(3) As for the homes or premises located outside of the building area, CNPR shall make the delivery at its contact points in the respective localities or may establish special delivery methods, with the consent of ANCOM.

(4) Based on the CNPR propositions, ANCOM shall determine the localities found in circumstances or geographical conditions deemed exceptional, referred to in paragraph (2), within 60 days from the entry into force of this decision.

(5) The list of the localities specified in paragraph (4) may be reviewed by ANCOM at the request of CNPR or ex officio.

Art. 7. – (1) CNPR shall cumulatively meet the following general requirements in fulfilling the obligations to provide the services referred to in Article 1 paragraph (2):

a) it shall guarantee compliance with the essential requirements, as defined in Article 2 letter v) of the Ordinance on postal services;

b) it shall offer identical services to users under comparable conditions;

c) the services shall be made available to all users without any form of discrimination;

d) it shall provide the service uninterruptedly, except in cases of force majeure;

e) it shall ensure that its services evolve in response to the technical, economic and social environment and to the users' needs.

(2) CNPR shall take all measures to ensure postal security, as regards in particular:

a) the security of the public postal network;

b) the security of the postal installations;

c) the security of the personnel;

d) the security and integrity of the postal items.

Art. 8. – CNPR shall accept and deliver to addressees the postal items generated by senders in compliance with the legal provisions, albeit they do not have inscribed the postal code.

Art. 9. – (1) In order to fulfil the obligations laid down in Article 6 paragraphs (1) to (3), CNPR shall deliver to the addressee's home or premises or to its contact points, as the case may be, all postal items up to maximum 500 g, in one of the following ways:

a) to any recipient where the addressee agrees to submit the postal items which are addressed to her/him;

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

(2) The postal items weighing more than 500 g, as well as the registered postal items which could not be delivered to the person considered authorised to receive them shall be delivered to the contact points of CNPR, but only after the addressee has been notified under the conditions of paragraph (1) on the arrival of these postal items.

Art. 10. – CNPR shall take all measures to ensure the confidentiality of the operations undertaken at the staffed access points.

Art. 11. – (1) CNPR shall establish and submit for approval to ANCOM the rules applicable to the postal services mentioned in Article 1 paragraph (2), in compliance with the minimum mandatory rules under Articles 8 to 10.

(2) If ANCOM deems that the proposed rules are unsatisfactory from a technical point of view or as far as the user protection is concerned or that they contravene the legal provisions, the international agreements in which Romania is a party or the minimum mandatory rules referred to in Articles 8 to 10, ANCOM may request the appropriate amendment of these rules and CNPR has the obligation to operate the required amendments.

(3) CNPR shall send ANCOM, for approval, the framework agreement for the provision of the services within the scope of universal service it was designated to provide.

(4) Any amendment of the rules applicable to the postal services under Article 1 paragraph (2) or of the clauses of the framework agreement for the provision of these services shall be transmitted to ANCOM, the provisions of paragraph (2) or (3) being applied appropriately.

Art. 12. – (1) CNPR shall ensure the delivery to addressees of the domestic correspondence items up to 2 kg of the fastest standard category, in compliance with the following quality objectives:

a) 85% of the total number of these postal items shall be delivered in maximum one working day from their submission to the access points;

b) 97% of the total number of these postal items shall be delivered in maximum two working days from their submission to the access points.

(2) CNPR shall ensure the delivery to addressees of the intra-Community correspondence items weighing up to 2 kg of the fastest standard category, in compliance with the following quality objectives:

a) 85% of the total number of these postal items shall be delivered in maximum 3 working days from their submission to the access points;

b) 97% of the total number of these postal items shall be delivered in maximum 5 working days from their submission to the access points.

(3) The quality objectives under paragraph (2) shall be achieved in relation to every Member State of the European Union.

(4) In order to assess the level of achievement of the quality objectives under paragraph (1), CNPR has the obligation to observe the conditions and procedure established by the regulatory authority.

(5) The quality standards referred to in paragraphs (1) and (2) shall be published on the websites of the universal service provider and of the regulatory authority.

(6) Within the meaning of this Article, the *date of submission of the postal item* is considered the day on which the postal item was deposited at the access point in the public postal network, provided that deposit occurs before the last collection time set for the respective access point. When the deposit takes place after this time limit, the *date of submission of the postal item* is considered the day following the day when the postal item was submitted to the access point in the public postal network.

(7) CNPR shall indicate at every access point, including on every postal box, the clearance days and hours.

Art. 13 – (1) The extent to which CNPR observes the quality standards imposed shall be annually subject to assessment by an independent body, under the terms and according to the procedure established by decision of the ANCOM president.

(2) The report resulted following the assessment provided for in paragraph (1) shall be published annually on the CNPR website and on the ANCOM website, within 10 days since its approval.

(3) CNPR shall publish on its website, together with the report provided for in paragraph (2), information on the statistics of the complaints received, itemised by the postal service it refers to, the complaint object, the manner in which the complaint was settled, whether compensations were granted or not.

Art. 14 – (1) CNPR shall ensure an 8-hour daily customer service at each staffed access point.

(2) By way of derogation from the provisions of paragraph (1), CNPR may ensure a daily customer service restricted to certain staffed access points, in cases where the postal traffic does not require a daily working programme of 8 hours.

Art. 15 – (1) CNPR shall make available to the users at least one mail box or some other permanent access point, as well as at least one contact point of its own in each locality on the territory of Romania.

(2) CNPR shall maintain a minimum number of mail boxes in place, so that there should be:

- a) minimum one mail box per 1,500 inhabitants in the rural area;
- b) minimum one mail box per 3,000 inhabitants in the urban area; and
- c) minimum one mail box per 20,000 inhabitants in Bucharest.

(3) CNPR shall ensure staffed access points where postal parcels, printed matter items and correspondence items of non-standard sizes, as well as registered postal items may be deposited, in all the basic administrative-territorial units (communes or towns) with at least 1,500 inhabitants.

Art. 16 – (1) CNPR shall ensure the users' access to the public postal network it operates, on a transparent, objective and non-discriminatory basis.

(2) CNPR shall take due diligence to adapt the buildings where customer services are ensured so as to allow the unconfined access of disabled users.

Art. 17 – (1) The tariffs charged by CNPR for the supply of the postal services provided for in Article 1 paragraph (2) shall be affordable, transparent, non-discriminatory and cost-oriented.

(2) The tariffs charged by CNPR for the supply of each of the postal services provided for in Article 1 paragraph (2) shall be uniform throughout the Romanian territory.

(3) The tariffs under paragraph (1) may be amended at the CNPR proposal, upon the ANCOM approval.

(4) The tariffs established pursuant to paragraph (3) shall be made publicly available at all the staffed access points of CNPR, on the CNPR website, as well as in two newspapers with national coverage and large circulation.

(5) The tariffs established pursuant to paragraph (3) may be charged by CNPR no sooner than 30 days since their publication according to paragraph (4).

Art. 18 – (1) CNPR may grant cost-oriented special tariffs in the case of a large volume of items that are subject to the postal services provided for in Article 1 paragraph (2).

(2) The special tariffs provided for in paragraph (1) shall be determined and charged according to the following cumulative conditions:

a) the special tariffs must be established taking into account the costs avoided due to the large volume of postal items, compared to the situation when the service, including the whole range of activities provided for clearance, sorting, transport and delivery, comprised a single postal item;

b) the special tariffs and the associated terms shall apply in the same manner both in respect of various providers of postal services, as well as in respect of the equivalent services supplied by the universal service providers;

c) the special tariffs shall be charged on a non-discriminatory basis to all the postal users under similar conditions.

(3) Within 60 days from the entry into force of this decision, CNPR shall send ANCOM, for approval, the criteria and conditions based on which special tariffs are granted, so that the provisions of paragraph (2) could be observed.

(4) All the amendments to the criteria and conditions provided for in paragraph (3) shall be sent to ANCOM, for approval, accordingly.

(5) CNPR shall publish on its website and shall post at its staffed access points information regarding the special tariffs, the postal service for which they are granted, the number and category of postal items for which they are granted, the deposit of the items and the area where the delivery is to take place, as well as any other issues relevant for the granting of special tariffs.

(6) All the amendments to the information provided for in paragraph (5) shall be made publicly available, in the ways provided for in paragraph (5), and shall be notified in written form to all the persons with whom CNPR concluded contracts in view of granting special tariffs, at least 30 days prior to the date of enforcing the amendment.

(7) CNPR shall apply the principles of transparency and non-discrimination as regards both the tariffs and their associated conditions.

Art. 19 – (1) CNPR shall observe, while concluding agreements on the terminal dues for the intra-Community postal items sent from the territory of another Member State of the European Union to an address located on the Romanian territory, the following principles:

a) terminal dues shall be fixed in relation to the costs of processing and delivering cross-border postal items;

b) levels of remuneration shall be in accordance with the quality of service achieved;

c) terminal dues shall be transparent and non-discriminatory.

(2) Where no such agreements have been signed, CNPR shall apply the provisions of the international agreements in the field, in which Romania is a party.

Art. 20 – (1) CNPR shall implement and develop an internal cost accounting system to such a level of detail as to be capable of identifying the cost of the provision of each of the postal services within the scope of universal service.

(2) Based on the system provided for in paragraph (1), CNPR shall keep separate accounts within its internal accounting system for the services outside the scope of universal

service on the one hand and for those within the scope of universal service on the other, as well as for the reserved services and the non-reserved services.

(3) While implementing the separated accounting system and elaborating the separate accounts based on this system, the following principles shall be observed:

a) the principle of causality, according to which the costs and revenues, assets and liabilities shall be allocated by cost elements, services and business segments (categories of services), depending on the activities or services that generate the respective revenues or costs, the asset acquisition or the occurrence of liabilities;

b) the principle of objectivity, according to which the cost allocation by services and business segments (service categories) shall be objective and shall not pursue any advantages for CNPR or for a third party, for a product or service or for a category of products or services;

c) the consistency principle, according to which, to the extent that the accounting principles, the cost allocation methodology or the accounting policies are amended in such a way that this could have a significant impact on the information reported in the current financial statements elaborated based on the separate accounting system, the separate financial statements of the previous year shall be treated in accordance with the respective amendments. The impact of the above-mentioned amendments on the information reported in the separate financial statements is considered to be significant, if any misrepresentation and omission of material fact of such amendments could influence the users' economic decisions, made taking into consideration the financial statements elaborated based on the separate accounting system;

d) the principle of transparency, according to which the principles, the accounting policies and the cost allocation methodology shall allow a clear understanding of these principles, policies and methodologies and of their effects on the separate financial statements.

Art. 21 – (1) For the purpose of implementing the separate accounting system provided for in Article 20 paragraph (1), CNPR shall use a methodology that should describe in detail the principles, hypotheses and methods used in developing the separate accounting system and in elaborating the financial statements based on this system, and this methodology must observe the above-mentioned principles.

(2) The methodology provided for in paragraph (1) shall be elaborated on a yearly basis and shall be sent to ANCOM at least 3 months prior to the due date for the separate financial statements.

(3) If the methodology provided for in paragraph (1) breaches the legal provisions or the principles stipulated in Article 20 paragraph (3), ANCOM may require its amendment.

(4) CNPR shall provide separate financial statements based on the separate accounting system provided for in Article 20 paragraph (1) by 30 November each year for the previous year, in compliance with the terms for auditing and preparing separate financial statements established by the regulatory authority.

(5) CNPR's elaboration of separate financial statements, in accordance with the legal provisions and with the methodology provided for in paragraph (1), shall be annually assessed by an independent body, under the terms and according to the procedure established by ANCOM's president decision.

Art. 22 – (1) CNPR shall make available to the users, on a regular basis, accurate, detailed and up-to-date information regarding the characteristics of the postal services provided for in Article 1 paragraph (2), in particular information regarding the general conditions for access to such services, as well as the tariffs and the level of quality of service standards.

(2) CNPR shall make publicly available the number of clearances, respectively of deliveries, determined pursuant to Article 6, which it is committed to making from each access point, respectively to each contact point.

(3) CNPR shall publish the information provided for in paragraphs (1) and (2), as well as the provisions of the framework agreement provided for in Article 11 paragraph (3) on its website and shall make them publicly available at all the staffed access points, by posting or by other means.

(4) Any amendment of the information provided for in paragraphs (1) and (2) or of the clauses of the framework agreement shall be made publicly available, in the ways provided for in paragraph (3), prior to their application.

CHAPTER IV

Final Provisions

Art. 23 – The capacity as a universal service provider of CNPR shall cease in the cases provided for in Article 14 of the Decision of the president of the National Regulatory Authority for Communications and Information Technology no.3442/2007 regarding the conditions and procedure for the designation of the universal service providers in the field of postal services.

Art. 24 – Alongside the rights and obligations under this decision, CNPR shall also have the rights and obligations deriving from its capacity as a universal service provider stipulated in the Convention of the Universal Postal Union, in its enforcement regulations, as well as in other international agreements in which Romania is a party.

Art. 25 – This decision shall be published in the Romanian Official Journal, Part One.

**PRESIDENT,
MARIUS CATALIN MARINESCU**

Bucharest, April 17th, 2009

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