

LAW no.304/2003
on the universal service and users' rights relating to the electronic
communications networks and services, with subsequent amendments and
completions¹

(unofficially consolidated text, comprising the legal provisions in force as of May 27, 2007)²

CHAPTER I
General Provisions

Art. 1. – (1) This Law establishes the regulatory framework for the relations between the providers of electronic communications networks and services, on one hand, and the end-users, on the other hand.

(2) This Law establishes rules concerning:

- a) the universal service;
- b) the rights of end-users;
- c) the obligations of the providers of electronic communications networks and services with significant market power;
- d) the obligations of the providers of public communications networks and of the providers of publicly available electronic communications services.

(3) In the exercise of its attributions set out in this Law, the National Regulatory Authority for Communications, hereinafter referred to as ANRC, shall ensure the promotion of competition as well as the protection of the rights and interests of end-users so that they obtain maximum benefits under the conditions of a competitive market, inasmuch as diversity of the offers, tariffs and quality of services are concerned.

Art. 2. – (1) For the purposes of this Law, the following definitions shall apply:

a) *public pay telephone* – a telephone available to the public, the payment being carried out in cash, by credit or debit cards, by pre-paid cards, including cards for use with dialling codes;

b) *public telephone network* – an electronic communications network used to provide publicly available telephone services, allowing voice communication or other form of communication, such as facsimile or data, between network termination points;

c) *publicly available telephone service* – a service made available to the public by an electronic communications services provider, for the origination and receipt of national and international calls and access to emergency services through a number or numbers within the National numbering plan or within an international numbering plan. It may also include, where relevant, one or more of the following services: customer service, directory enquiry service, directories of subscribers, public pay telephones, services provided under

¹ According to art.10 of the Government Emergency Ordinance no.134/2006 on the establishment of the National Regulatory Authority for Communications and Information Technology, in the normative acts in force the denominations "National Regulatory Authority for Communications" and "ANRC" shall be correspondingly replaced with "National Regulatory Authority for Communications and Information Technology" and "ANRCTI", whereas the wording "electronic communications" is replaced with "electronic communications and information technology".

² Including the corrigendum published in the Romanian Official Journal, Part I, no.899 as of November 6, 2006.

special conditions, facilities for customers with disabilities or with special social needs, or non-geographic services;

d) *geographic number* – a number set out according to the national numbering plan, comprising one or more digits used to identify the network termination point from a geographical point of view;

e) *non-geographic number* – a number set out according to the national numbering plan, which is not a geographic number; inter alia, the numbers allocated to mobile telephone services, freephone and premium rate numbers constitute non-geographic numbers;

f) *network termination point* – the physical point at which a subscriber is provided with access to a public communications network; in the case of networks using switching or routing, the termination point is identified by means of a specific network address, which may be linked to a subscriber number or name;

g) *universal service provider* – the provider of electronic communications networks or services designated by ANRC to provide one or more of the services which are within the scope of the universal service.

(2) For the purposes of this Law, the relevant definitions provided for in Article 1 of Government Ordinance no.18/2002 on the functioning of the National single system for emergency calls, approved with amendments and completions by Law no.398/2002, with subsequent amendments, in Article 2 of Government Ordinance no.34/2002 on the access to public electronic communications networks and the associated infrastructure, as well as their interconnection, approved with amendments and completions by Law no.527/2002, hereinafter referred to as the Access Ordinance, and in Article 2 paragraph (1) of the Emergency Government Ordinance no.79/2002 on the general regulatory framework for communications, approved with amendments and completions by Law no.591/2002, with subsequent amendments and completions, hereinafter referred to as Framework Ordinance, as well as in Article 2 of Law no.506/2004 concerning the processing of personal data and the protection of privacy in the electronic communications sector, with subsequent completions, shall also apply.

CHAPTER II **Universal Service**

Art. 3. – (1) The right of access to the universal service represents the right of all end-users in the Romanian territory to benefit from the provision of services which are within the scope of the universal service, at a certain quality level, irrespective of geographical location and at affordable prices.

(2) The services which are within the scope of the universal service are the following:

- a) provision of access to the public telephone network, at a fixed location;
- b) directory enquiry services and making available of directories of subscribers;
- c) access to public pay telephones.

Art. 4. – (1) The Ministry of Communications and Information Technology shall establish the policy and the strategy for the implementation of universal service, whilst

observing the principles of transparency, objectivity, proportionality and non-discrimination.

(2) In establishing the policy and strategy regarding the implementation of universal service, the Ministry of Communications and Information Technology shall act in order to minimise the possible negative effects on competition, determined mainly by the provision of the services at tariffs or under conditions that are different from those used under normal commercial conditions, whilst safeguarding the public interest.

(3) Based on the policy and strategy established according to paragraphs (1) and (2), ANRC shall have the obligation to ensure the right of access to the universal service on the entire territory of Romania. For this purpose, ANRC shall designate one or more universal service providers to provide one or more of the services which are within the scope of the universal service, within certain areas or on the entire territory of Romania.

(4) ANRC shall set out the conditions and the procedure for the designation of the universal service providers, whilst observing the principles of efficiency, objectivity, transparency and non-discrimination, no electronic communications networks or services provider being *a priori* excluded.

(5) The designation procedure shall ensure that the services which are within the scope of the universal service are provided in a cost-effective manner.

Art. 5. – (1) ANRC shall take all the necessary measures and shall establish the conditions so that the end-users' reasonable requests for access and connection at a fixed location to the public telephone networks and for access to publicly available telephone services at a fixed location are met by at least one provider of electronic communications networks or services.

(2) The universal service providers designated to provide the services specified in Article 3 paragraph (2) letter a) shall have the obligation to solve the requests of all end-users, within a specified term, under the conditions imposed by ANRC.

(3) The connection provided shall ensure to end-users the possibility to make and receive local, national and international telephone calls, facsimile communications and data communications, at data rate that is sufficient to allow functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility.

Art. 6. – (1) The universal service providers designated to provide the services specified in Article 3 paragraph (2) letter b) shall have the obligation to make available to end-users at least one comprehensive directory of subscribers, whether printed or electronic, or both. The directory shall be updated on a regular basis, at least once a year, and its format shall be previously approved by ANRC.

(2) The universal service providers designated to provide the services specified in Article 3 paragraph (2) letter b) shall have the obligation to make available to end-users, including to users of public pay telephones, at least one directory enquiry service.

(3) The directory of subscribers referred to in paragraph (1) and the directory enquiry service referred to in paragraph (2) shall comprise information related to the telephone numbers and personal data of all subscribers of publicly available telephone services, in compliance with Article 11 of Law no.506/2004, with subsequent completions.

(4) The universal service providers making available to end-users the directories of subscribers or directory enquiry services under the conditions set out in paragraphs (1) to (3) shall have the obligation to apply the principle of non-discrimination to the treatment of information that has been provided to them.

Art. 7. – (1) ANRC may impose on the universal service providers designated to provide the services specified in Article 3 paragraph (2) letter c) obligations to ensure a sufficient number of public pay telephones, an adequate geographic coverage, accessibility of these telephones to people with disabilities, and a certain quality level of services, in order to meet the reasonable needs of end-users.

(2) ANRC may decide not to impose the obligations provided for in paragraph (1) in all or part of the national territory if it considers that the services provided for in Article 3 paragraph (2) letter c) or other comparable services are widely accessible. When taking such measure, ANRC shall observe the consultation procedure referred to in Article 50 of the Framework Ordinance.

(3) The universal service providers designated to provide the services specified in Article 3 paragraph (2) letter c) shall have the obligation to ensure to end-users the possibility to initiate emergency calls from public pay telephones using the single emergency call number or other national emergency numbers, free of charge and without having to use any means of payment.

Art. 8. – (1) ANRC shall take, where appropriate, specific measures in order to ensure that end-user with disabilities have access to and benefit from the publicly available telephone services, including the emergency services, the directory enquiry services and the subscribers directories services, under equivalent conditions to those enjoyed by other end-users.

(2) ANRC may take specific measures in order to ensure that disabled end-users may benefit from the same offer of services available to the majority of end-users.

Art. 9. – (1) ANRC shall monitor the evolution and level of tariffs of the services which are within the scope of the universal service, provided by the universal service providers, in particular in relation to the general level of prices and consumer incomes.

(2) ANRC may oblige the universal service providers to apply common tariffs, including geographical averaging, throughout the national territory, in the light of the specific conditions, or to comply with certain tariff ceilings or tariff increase control formulae.

(3) ANRCTI may oblige the universal service providers to provide certain tariff options or packages to consumers which depart from those provided under normal commercial conditions, in particular in order to ensure the possibility of persons with low incomes or special social needs to access and use the publicly available telephone services, the provisions of Article 13 being correspondingly applicable. The Ministry for Communications and Information Technology may establish the categories of persons benefiting from the tariff options or packages offered.

(4) The conditions under which end-users benefit from the tariffs provided for in paragraphs (2) and (3) shall be transparent and shall be made public and shall be applied

in a non-discriminatory manner by the universal service providers having the obligation to offer such tariffs.

(5) ANRC may impose modification or withdrawal of certain tariffs or tariff schemes, whilst observing the consultation procedure referred to in Article 50 of the Framework Ordinance.

Art. 10. – (1) The provision by the universal service providers of the services under the conditions provided for in Articles 5 to 8 or Article 9 paragraph (3) may not be conditioned by the provision of additional facilities or services that are not necessary for the provision of the requested service.

(2) The provisions of paragraph (1) shall not apply where the additional services or facilities have been expressly requested by the subscribers.

(3) The universal service providers shall have the obligation to provide the following facilities, in order that the subscribers can monitor and control the expenditures and avoid unwarranted disconnection:

- a) itemised billing, upon request, free of charge or upon payment;
- b) selective call barring for outgoing calls of defined type or to defined types of numbers, upon request, free of charge;
- c) pre-payment systems;
- d) phased payment of fees for connection to the public telephone network;
- e) specific measures to be applied in case of non-payment of telephone bills.

(4) ANRC may establish, whilst observing the provisions of Article 6 of Law no.506/2004, with subsequent completions, the minimum information to be included in the itemised bill which is to be provided by the universal service providers free of charge, in order that the subscribers be able to:

- a) check and control the tariffs incurred in using the public telephone network and of the publicly available telephone services provided;
- b) adequately monitor the usage and expenditures, a reasonable control over the due amounts being ensured.

(5) Where appropriate, additional information to that specified in paragraph (4) may be provided to subscribers, free of charge or at a reasonable tariff, previously approved by ANRC. Calls which are free of charge for the subscriber, including the emergency calls, shall not be included in the itemised bill.

(6) ANRC may require the universal service providers to provide means for consumers to pay the tariff for use of the public telephone network and of the publicly available telephone services on pre-paid terms.

(7) ANRC may require the universal service providers to provide means for consumers to pay for connection to the public telephone network on the basis of payment phased over time.

(8) ANRC shall approve the specific measures which may be taken by the universal service providers in case of non-payment of telephone bill for use of the public telephone network at a fixed location. These measures shall be published, shall be proportionate and shall be applied in a non-discriminatory manner.

(9) To the extent that it is technically possible, the measures provided for in paragraph (8) shall ensure that any service interruption is confined to the service

concerned, except in cases of fraud, repeated late payments, or persistent non-payment of the telephone bill.

(10) The Ministry for Communications and Information Technology may establish certain categories of persons who, due to their low incomes or special social needs, need additional protection. In this case, ANRC may impose on the universal service providers the obligation to offer to these persons the facilities listed below, applicable in case of non-payment of the telephone bill, which shall be expressly provided for in the contracts concluded with the end-users falling within these categories:

a) the amounts due by the subscriber shall not bear interest, increases or penalties;
b) disconnection from the public telephone network shall not take place earlier than the expiry date of the term previously established by ANRC, calculated from the service suspension;

c) during the entire period of service suspension, the subscriber shall be able to make or receive calls that do not incur a charge to him/her and shall not owe any tariffs to the provider;

d) re-establishment of service provision, irrespective of whether it is done after the suspension or after the disconnection, shall be free of charge, after the subscriber has paid the bill the non-payment of which has caused the service suspension.

(11) In all cases, the suspension of the provision of the publicly available telephone service at a fixed location or the disconnection from the public telephone network for non-payment of the telephone bill shall only take place after the subscriber is being notified by the provider. The disconnection from the public telephone network shall not take place earlier than 60 days after the service suspension, only calls that do not incur a charge to the subscriber being permitted during this period.

(12) ANRC may impose on all electronic communications networks or services providers the obligation to take the measures provided for in paragraphs (8) or (11) as regards disconnection.

(13) ANRC may withdraw the obligations provided for in paragraphs (3) or (10) in all or part of the national territory, in case these facilities are widely available.

Art. 11. – (1) ANRC shall set out the quality parameters for the provision of the services within the scope of the universal service and the methods for assessing the compliance with these parameters.

(2) ANRC may set out additional quality parameters for the provision of the services within the scope of the universal service to disabled people.

(3) Universal service providers shall have the obligation to transmit to ANRC and to publish adequate and up-to-date information concerning the compliance with the quality parameters for the provision of the services within the scope of the universal service which they are obliged to provide.

(4) ANRC shall establish the content, form and manner of transmission and publication of the information provided for in paragraph (3) in order to ensure that the end-users benefit from comprehensive, comparable and easily accessible information.

(5) ANRC may impose on the universal service providers the obligation to meet certain performance targets concerning the quality of the services within the scope of universal service which they are obliged to provide. When establishing these targets, ANRC

shall observe the consultation procedure referred to in Article 50 of the Framework Ordinance.

(6) ANRC shall monitor the compliance with the objectives referred to in paragraph (5) by the universal service providers. In this regard, ANRC may order verification of data concerning compliance with the performance objectives by an independent audit, paid for by the universal service provider concerned, in order to ensure the accuracy and comparability of the data made available by this provider.

Art. 12. – (1) Where ANRC estimates that the provision of the services within the scope of the universal service, under the conditions specified in Articles 5 to 11, may represent an unfair burden on the universal service providers, it shall determine the net cost of the provision of these services.

(2) For this purpose, ANRC may resort to the following methods:

a) calculate the net cost of fulfilling the obligations to provide the services within the scope of the universal service, in accordance with the procedure established by ANRC, taking into account any market benefits which may be realised by the universal service provider in relation to the services within the scope of the universal service which it is obliged to provide;

b) make use of the net cost resulted from the application of the procedure for the designation of the universal service provider.

(3) The accounting information and any other information used for the calculation of the net cost of the provision of the services within the scope of the universal service in conformity with paragraph (2) letter a) shall be verified by ANRC or by an independent auditor, the audit being approved by ANRC. The results of the cost calculation and the conclusions of the audit shall be made available to the public by ANRC.

Art. 13. – (1) Where, on the basis of the net cost determination in accordance with the provisions of Article 12, ANRC finds that the provision of the services within the scope of the universal service represents an unfair burden on the universal service provider, it shall decide, upon request from the universal service provider concerned, to compensate the net cost thus determined.

(2) ANRC shall determine the mechanism to compensate the net cost of the provision of the services within the scope of the universal service, whilst observing the principles of transparency, least competition distortion, non-discrimination and proportionality. For this purpose, ANRC shall identify the providers of electronic communications networks and the providers of electronic communications services having the obligation to contribute to compensation, the amount of the contributions due, the manner and due date of payment, as well as any other elements necessary for the functioning of this mechanism.

Art. 14. – (1) ANRC shall make public and shall communicate to the European Commission the mechanism for the compensation of the net cost established in accordance with the provisions of Article 13.

(2) Where the compensation of the net cost of the provision of the services within the scope of the universal service has been carried out, ANRC shall publish an annual report concerning this cost, the contributions made by the providers of electronic

communications networks and services identified according to Article 13 paragraph (2), as well as the commercial benefits that may have been obtained by the universal service provider in relation to the services within the scope of the universal service which it is obliged to provide.

CHAPTER III

Obligations imposed on the providers of electronic communications networks and services with significant market power

Art. 15. – (1) Where, as a result of a market analysis carried out in accordance with the provisions of chapter V of the Framework Ordinance, ANRC establishes that a given retail market is not effectively competitive and the obligations imposed in accordance with the provisions of Article 8 of the Access Ordinance or of Article 18 of this Law are not sufficient to achieve the objectives provided for in Article 45 of the Framework Ordinance, it may impose on the providers of electronic communications networks or services with significant power on the market concerned, accordingly, one or more of the obligations provided for in paragraphs (2) and (3), in order to protect the interest of end-users and promote effective competition.

(2) The obligations imposed by ANRC may include:

- a) the interdiction of charging excessive prices compared to the costs of the provision of services;
- b) the interdiction of setting predatory prices, that might result in limiting market entry or restricting competition;
- c) the interdiction to show undue preference to specific end-users;
- d) the interdiction of conditioning the provision of services by accepting by the end-users of additional services that are not related to the requested service.

(3) Also, ANRC may impose:

- a) tariff ceilings or tariff increase control formulae regarding the tariffs for the provision of retail services;
- b) control measures of individual tariffs;
- c) measures to orient tariffs towards costs or towards prices or tariffs charged on comparable markets.

(4) The obligations referred to in paragraphs (2) and (3) shall be in concordance with the nature of the problem identified, shall be proportionate and necessary for the achievement of the objectives set out in Article 45 of the Framework Ordinance.

(5) ANRC shall impose on the providers whose tariffs are subject to the control of ANRC the obligation to implement a cost accounting system in order to carry out the control. ANRC may establish the format and the accounting methodology to be used.

(6) The providers referred to in paragraph (5) shall have the obligation to submit to an independent auditor in order to be verified the manner of implementation of the cost accounting system specified in paragraph (5), under the conditions established by ANRC.

(7) Also, the providers specified in paragraph (5) shall publish, on an annual basis and under the conditions established by ANRC, a statement on their own responsibility concerning compliance with the cost accounting system referred to in paragraph (5).

(8) ANRC shall transmit, upon the request of the European Commission, information regarding the obligations imposed in compliance with the provisions of paragraphs (1) to (4), as well as, if necessary, the cost accounting systems used by the providers with significant market power.

Art. 16. – (1) Where, as a result of a market analysis carried out in accordance with the provisions of chapter V of the Framework Ordinance, ANRC establishes that there is no effective competition with regard to the provision of part or all of the minimum set of leased lines specified in the standards list published in the Official Journal of the European Community in accordance with Article 17 of Directive 2002/21/EC of the European Parliament and of the Council as of March 7, 2002 on the common regulatory framework for electronic communications networks and services, it shall designate the providers with significant power in the market concerned and shall impose on them obligations related to non-discrimination, cost orientation of tariffs and transparency, in compliance with paragraphs (2) to (8).

(2) Where appropriate, ANRC shall impose on the providers identified as having significant market power, in accordance with paragraph (1), the obligation to apply similar conditions under similar circumstances to the providers offering similar services and to provide leased lines to third parties under the same conditions and of the same quality as for their own services, or for their subsidiaries or other companies from the same group, as the case may be.

(3) Where appropriate, ANRC shall impose on the providers identified as having significant market power, in accordance with paragraph (1), the obligation to implement a suitable cost accounting system. Based on the information transmitted by the providers with significant market power, ANRC shall have available detailed information on the accounting system applied and, on request, it shall transmit them to the European Commission.

(4) ANRC shall impose on the providers identified as having significant market power, in accordance with paragraph (1), the obligation to publish in an easily accessible form the following information related to the provision of leased lines, establishing also the conditions for the publication of this information:

a) technical characteristics, including the physical and electrical characteristics, as well as the detailed technical and performance specifications which apply at the network termination point;

b) tariffs charged, including the initial connection charges, usage tariffs and other tariffs, mentioning if the tariffs are differentiated, as the case may be;

c) supply conditions.

(5) Information regarding the leased lines supply conditions shall include at least the following elements:

a) the ordering procedure;

b) the typical delivery period, representing the period in which 95% of the leased lines of the same type have been made available to consumers, calculated from the date when the user had made a firm request;

c) the duration of the contract, including the period which is typically laid down in the contract, as well as the minimum period which the users are obliged to accept;

d) the typical repair time, which is the period in which 80% of the defaults occurred at the leased lines of the same type have been repaired, calculated from the moment the default has been notified to the department in charge with default remedy until the default has been repaired and, where it is the case, a notification regarding the repair has been sent to the user. Where repair services of different quality are offered for the same type of leased lines, the different repair times shall be published;

e) the cases and the procedure for compensating the damages or for refunding to the users any due amounts.

(6) The typical delivery period referred to in paragraph (5) letter b) shall be established by taking into consideration the periods in which the leased lines have been made available to the users, during a reasonable time interval, close to the moment when such determination is being made. The establishment of the typical delivery period shall not take into account the cases where longer delivery periods were requested by the users.

(7) Where, in a particular case, a provider identified as having significant market power in accordance with paragraph (1) considers that the provision of a leased line from the minimum set specified in Article 16 paragraph (1) under the tariffs and conditions published in accordance with paragraphs (4) and (5) is unreasonable, it may request the agreement of ANRC to modify the tariffs or conditions in that particular case.

(8) Where ANRC considers that the performances achieved in providing of the minimum set of leased lines do not meet users' needs, it may impose on the providers identified as having significant market power in accordance with paragraph (1) the obligation to meet defined performance targets for the supply conditions referred to in paragraphs (5) and (6).

Art. 17. – Where, as a result of a market analysis carried out in accordance with the provisions of chapter V of the Framework Ordinance, ANRC establishes that the market for the provision of part or all of the minimum set of leased lines provided for in Article 16 paragraph (1) is effectively competitive, it shall withdraw the obligations imposed in accordance with Article 16 paragraphs (2) to (8).

Art. 18. – (1) Where as a result of a market analysis carried out in accordance with the provisions of chapter V of the Framework Ordinance, a provider of electronic communications networks or services is designated as having significant power in the market for the provision of connection to and use of the public telephone network at a fixed location, ANRC shall impose on that provider the obligation to enable its subscribers to access the services of any interconnected provider of publicly available telephone services, in the following ways:

a) on a call-by-call basis by dialling a selection code of the service provider that will transport the signal, without affecting the content of the information, from the network where the signal is originated to the destination network;

b) by means of pre-selection, with the possibility to override the pre-selected choice on a call-by-call basis, by dialling a selection code of the service provider referred to in letter a).

(2) User's requirement for the facilities provided for in paragraph (1) to be also implemented on other networks or in other ways shall be assessed by ANRC based on a

market analysis carried out in accordance with the provisions of chapter V of the Framework Ordinance, and the obligations necessary for satisfying these request shall be imposed in accordance with the provisions of Article 12 of the Access Ordinance.

(3) ANRC shall ensure, by imposing specific obligations, that access and interconnection tariffs related to the provision of the facilities referred to in paragraph (1) are cost oriented and that the charges paid by subscribers, if any, do not act as a disincentive for the use of these facilities.

CHAPTER IV End Users' Rights

Art. 19. – (1) The contracts between end-users and providers of publicly available electronic communications services shall contain the following minimum clauses regarding:

- a) the identification data of the provider;
- b) the services provided, the service quality levels offered, as well as the term for the initial connection;
- c) the types of maintenance and repair services offered;
- d) the prices and tariffs for each product or service covered by the contract, the way in which they are applied, as well as the means by which updated information on the tariffs for the provision of the electronic communications services and of the maintenance and repair services may be obtained;
- e) the duration of the contract, the conditions for renewal and termination of the contract, as well as the conditions under which service suspension operates;
- f) the applicable compensations for damages and the procedure for granting them in case the contracted service quality levels or other contractual clauses are not met;
- g) the method of initiating the procedure for the disputes settlement.

(1¹) Contracts between end-users and providers of publicly available electronic communications services, except for the contracts regarding the services provided by means of prepaid cards or by other associated payment means, shall be concluded in writing or, as the case may be, in electronic format, in compliance with the conditions required by the law concerning their validity.

(1²) When purchasing the services provided by means of prepaid cards or of other associated payment means, the providers of publicly available electronic communications services shall have the obligation to make available for end-users the general conditions regarding their provision, which shall contain the information corresponding to the minimum clauses provided for in paragraph (1).

(2) Where the concluded contract provides for the provider the possibility to unilaterally modify the contract, the provider shall have the obligation to notify this intention to the end-user at least 30 days prior to operating the modification. Any subscriber is entitled to unilaterally withdraw from the contract, without paying any compensation for damages, in case he/she does not agree with the proposed modifications.

(3) The notification shall expressly specify the right of the subscriber to unilaterally withdraw from the contract under the conditions provided for in paragraph (2).

Art. 20. – (1) The providers of public telephone networks and the providers of publicly available telephone services shall have the obligation to make available to the public clear, detailed and up-to-date information on the applicable prices and tariffs, as well as on the other conditions concerning the possibility of access to and use of publicly available telephone services, in order to ensure that end-users are able to make informed choices.

(2) The information referred to in paragraph (1) shall refer to:

- a) the identification data of the provider;
- b) the publicly available telephone services offered by the provider;
- c) the procedure for dealing with end-users' complaints and the procedure for disputes settlement between providers and end-users;
- d) the rights related to the provision of the services within the scope of the universal service, including the facilities referred to in Article 10 paragraphs (3) to (11).

(3) The information referred to in paragraph (2) letter b) shall include details on:

- a) the description of the services provided, indicating the services for which the tariff for initial connection is paid and the services for which the periodic usage tariff is paid;
- b) standard tariffs for connection, usage, maintenance and repair, as well as the standard tariff facilities and the tariffs imposed in accordance with Article 9 paragraphs (2) or (3);
- c) the cases and the procedure for granting compensations for damages or for refunding to the users any due amounts;
- d) types of maintenance and repair services offered;
- e) standard contractual conditions, including the minimum duration of the contract, if relevant.

(4) ANRC shall establish the manner in which the information provided for in paragraphs (1) to (3) shall be made available to the public.

(5) ANRC shall provide, by means of its website or by other means, comparative information on tariffs and conditions offered by various providers of electronic communications networks and services, in order to ensure the possibility of end-users to make independent evaluations.

Art. 21. – (1) ANRC may impose on the providers of publicly available electronic communications services, after fulfilling the consultation procedure referred to in Article 50 of the Framework Ordinance, the obligation to publish comparable, adequate and up-to-date information on the quality of the services they provide. On request, such information shall be supplied to ANRC in advance of its publication.

(2) ANRC may establish the quality of service parameters to be measured and any other elements necessary for assessing the quality of the services offered, as well as the content, form and manner in which the information specified under paragraph (1) shall be published, in order to ensure that end-users benefit from comprehensive, comparable and easily accessible information.

Art. 22. – (1) The providers of public telephone networks and the providers of publicly available telephone services shall have the obligation to take all necessary measures in order to ensure the integrity of the public telephone network of which the

terminal points are found at fixed locations and, in the event of serious perturbation of the functioning of the network or in cases of force majeure, the availability of the public telephone network and of the publicly available telephone services provided at fixed locations.

(2) The providers of publicly available telephone services provided at terminal points found at fixed locations shall have the obligation to take all necessary measures to ensure the uninterrupted possibility of making emergency calls.

(3) ANRC may impose on the providers of public telephone networks and to the providers of publicly available telephone services the minimum set of measures that they must take for the adequate fulfilment of the obligations which are incumbent to them pursuant to paragraphs (1) and (2).

Art. 23. – (1) All subscribers to publicly available telephone services shall have the right to have an entry in the directory of subscribers referred to in Article 6 paragraph (1).

(2) The providers of electronic communications services that assign telephone numbers to subscribers shall have the obligation to make available for the providers of directory enquiry services and directories services, upon reasonable request, all relevant information in a format agreed with the applicant, and on terms which are fair, objective, cost oriented and non-discriminatory.

(3) All end-users provided with a connection to the public telephone network shall have the right to access the directory enquiry services, in accordance with the provisions of Article 6 paragraph (2), as well as to the customer services.

(4) The provisions of this article are without prejudice to the provisions of Article 11 of Law no.506/2004, with subsequent completions.

Art. 24. – (1) The end-users of the publicly available telephone services, including the users of public pay telephones, shall have the right to make free of charge calls towards the single emergency call number 112, irrespective of the type of network or of terminal equipment used.

(2) The providers of public electronic communications networks are obliged to make available for the National Single System for emergency calls information regarding caller location, to the extent that it is technically possible, for all calls made towards the single emergency call number 112.

(3) ANRC shall take all necessary measures in order to adequately inform the public about the existence and use in the public telephone networks of the single emergency call number 112.

Art. 25. – (1) The standard international access code is "00". Calls between adjacent geographic locations across the Romanian state border may be made based on special agreements and the providers of electronic communications services offering services based on such agreements shall have the obligation to promptly and fully inform the end-users on the existence and content of these agreements.

(2) The providers of public telephone networks shall have the obligation to convey to the destination all calls made towards the European Telephony Numbering Space (ETNS), without prejudice to their rights to recover the costs of conveyance of calls through their own networks.

Art. 26. – Where technologically and economically feasible, the providers of public telephone networks and of publicly available telephone services shall ensure the receipt of international calls made to non-geographic numbers within the Romanian territory, except where a called subscriber has chosen, for commercial reasons, to limit access by calling parties located in specific geographical points.

Art. 27. – (1) ANRC may impose on the providers of public telephone networks the obligation to make available for end-users, where technically and economically feasible, the following:

a) dual-tone multi-frequency (DTMF) signalling services, according to the European and national standards implementing in the European Union's Member States such standard;

b) calling-line identification services, under the conditions specified in Article 7 of Law no.506/2004, with subsequent completions.

(1¹) Where technically feasible, the providers of public telephone networks shall provide data and signals in order to facilitate the provision of the services set out in paragraph (1) between the Member States of the European Union.

(2) ANRC may withdraw the obligations imposed in accordance with paragraph (1), related to the entire or part of the national territory, after fulfilling the consultation procedure set out in Article 50 of the Framework Ordinance, should it consider that there is a satisfactory level of availability of these services.

Art. 28. – (1) ANRC shall impose on the providers of publicly available telephone services, including on the providers of publicly available mobile telephone services, the obligation to offer to their subscribers, on request, the possibility to retain their telephone number, independently of the service provider, as follows:

a) in case of geographic numbers, at a specific location;

b) in case of non-geographic numbers, at any location.

(2) The provisions of paragraph (1) do not apply to the transfer of numbers between the electronic communications networks used for the provision of telephone services at a fixed location and the mobile telephone networks.

(3) ANRC shall impose specific obligations in order to ensure that interconnection tariffs related to the provision of number portability service are cost oriented and that charges due by subscribers for this service are affordable.

(4) ANRC may impose on the providers of publicly available telephone services the obligation to publish detailed information regarding the tariffs for the number portability service.

(5) ANRC shall not impose retail tariffs for the number portability service in a manner that would affect competition, such as specific or common tariffs.

Art. 29. – repealed.

Art. 30. – The provisions of Government Ordinance no.21/1992 on consumer protection, republished, with subsequent amendments and completions, of Law no.193/2000 on the abusive clauses in the contracts concluded between traders and

consumers, with subsequent amendments and completions, of Government Ordinance no.130/2000 on the legal regime of distance contracts, with subsequent amendments and completions, as well as the provisions of the other normative acts relevant for this field shall apply accordingly.

CHAPTER V

Sanctions

- Art. 31.** – (1) The followings deeds shall constitute contraventions:
1. breach of the obligations set out in Article 5;
 2. breach of the obligations set out in Article 6;
 3. breach of the obligations set out in Article 7 paragraph (1);
 4. failure to ensure the possibility to made emergency calls, under the conditions set out in Article 7 paragraph (3);
 5. failure to implement the specific measures set out in Article 8;
 6. failure to apply the common tariffs or to comply with the tariff ceilings or tariff increase control formulae set out pursuant to Article 9 paragraph (2);
 7. failure to provide the tariff options or special tariff packages, under the conditions set out in Article 9 paragraph (3);
 8. failure to comply with the provisions of Article 9 paragraph (4);
 9. failure to modify or withdraw certain tariffs or tariff schemes, under the conditions set out in Article 9 paragraph (5);
 10. failure to comply with the provisions of Article 10 paragraph (1);
 11. breach of the obligations set out in Article 10 paragraph (3);
 12. free of charge issue of itemised bills that do not contain all information set out under the conditions of Article 10 paragraph (4) or charging of a tariff for the issue of itemised bills that contain only the information established in compliance with Article 10 paragraph (4);
 13. failure to comply with the provisions of Article 10 paragraph (5);
 14. failure to provide means for consumers to pay in advance the tariff for the use of the public telephone network and of the publicly available telephone services under the conditions set out in Article 10 paragraph (6);
 15. failure to provide means for consumers to pay for the connection to the public telephone network based on phased payments under the conditions set out in Article 10 paragraph (7);
 16. failure to comply with the provisions of Article 10 paragraphs (8) and (9);
 17. failure to include in the contracts concluded with end-users the facilities applicable in case of non-payment of the telephone bill under the conditions set out in Article 10 paragraph (10);
 18. failure to comply with the provisions of Article 10 paragraph (11);
 19. breach by a provider of electronic communications networks or services of the obligation set out in Article 10 paragraph (12);
 20. breach of the obligations to transmit to ANRC and to publish the information specified in Article 11 paragraph (3) under the conditions set out in Article 11 paragraph (4);

21. failure to meet the performance objectives referred to in Article 11 paragraph (5);
22. refusal to submit to the audit concerning compliance with the performance objectives under the conditions set out in Article 11 paragraph (6);
23. breach of the obligations set out in Article 15 paragraphs (2), (3) or (5);
24. refusal to submit to the audit referred to in Article 15 paragraph (6);
25. failure to publish the statement on the own responsibility under the conditions set out in Article 15 paragraph (7);
26. breach of the obligations set out in Article 16 paragraphs (1) to (6) or (8);
27. breach of the obligations set out in Article 18 paragraphs (1) or (3);
28. failure to comply with the provisions of Article 19;
29. breach of the obligation to make available to the public the information specified in Article 20 paragraphs (1) to (3) under the conditions set out in Article 20 paragraph (4);
30. failure to publish, under the conditions set out in Article 21, the information on the quality of the services provided;
31. failure to comply with the provisions of Article 22 paragraphs (1) and (2) and of Article 24 paragraph (2);
32. failure to comply with the provisions of Article 23 paragraph (1);
33. failure to comply with the provisions of Article 23 paragraph (2);
34. failure to comply with the provisions of Article 23 paragraph (3);
35. breach of the obligations set out in Article 25 paragraph (1);
36. breach of the obligations set out in Article 25 paragraph (2);
37. failure to comply with the provisions of Article 26;
38. breach of the obligations set out in Article 27 paragraph (1);
39. breach of the obligations set out in Article 28 paragraph (1);
40. breach of the obligations set out in Article 28 paragraph (3);
41. breach of the obligation set out in Article 28 paragraph (4);
42. repealed.

(2) The contraventions set out in paragraph (1) shall be sanctioned as follows:

- a) with a fine from RON 500 to RON 50,000, in case of the deeds referred to in points 13 and 30 to 41;
- b) with a fine from RON 10,000 to RON 100,000, in case of the deeds referred to in points 1 to 12 and 14 to 29, for the providers with a turnover up to RON 5,000,000;
- c) by way of derogation from the provisions of Article 8 paragraph 2) letter a) of Government Ordinance no.2/2001 on the legal regime of contraventions, approved with amendments and completions by Law no.180/2002, with subsequent amendments and completions, with a fine amounting up to 2% of the turnover and, in case of repeated breaches, with a fine amounting up to 5% of the turnover, for the providers with a turnover exceeding RON 5,000,000.

Art. 32. – (1) The contributions due by the providers of electronic communications networks and services for the compensation of the net cost of the provision of services within the scope of the universal service shall constitute budgetary duties, according to the provisions of Government Ordinance no.61/2002 on the collection of budgetary duties, approved with amendments and completions by Law no.79/2003, with subsequent amendments, being subject to the provisions therein.

(2) In case the provider fails to pay the due contribution and its accessories within 90 days from the due date, ANRC may suspend or withdraw its right to provide electronic communications networks or services based on the general authorisation.

Art. 33. – (1) The control personnel of ANRC empowered for such purpose shall ascertain the contraventions set out in Article 31 paragraph (1).

(2) The sanctions for the contraventions provided for in Article 31 paragraph (1) points 1 to 27 shall be applied by decision of the president of ANRC.

(3) The sanctions for the contraventions provided for in Article 31 paragraph (1) points 28 to 41 shall be applied by written resolution of the president of ANRC, according to the provisions of Article 21 paragraph (2) of Government Ordinance no.2/2001 on the legal regime of contraventions, approved with amendments and completions by Law no.180/2002, with subsequent amendments and completions.

(4) The sanctions provided for in Article 32 paragraph 2 shall be applied by the president of ANRC.

(5) To the extent that this Law does not provide otherwise, the contraventions set out in Article 31 shall be subject to Government Ordinance no.2/2001, approved, with amendments and completions, by Law no.180/2002, with subsequent amendments and completions, except for the provisions of Article 28.

Art. 34. – The legal regime of sanctions set out in this chapter shall be correspondingly completed with the provisions of Articles 59 and 59¹ of the Framework Ordinance.

CHAPTER VI

Final and Transitory Provisions

Art. 35. – (1) ANRC shall take into account, whilst observing the consultation procedure set out in Article 50 of the Framework Ordinance, the views of end-users, including the disabled users, of their associations, of the National Authority for Consumer Protection, manufacturers and providers of electronic communications networks and services on issues related to end-user rights concerning the publicly available electronic communications services, in particular where these issues have a significant impact on the market.

(2) The interested parties may develop, with the support of ANRC, mechanisms that may involve consumers, groups of users and providers of services, in order to improve the general quality of services by drafting codes of conduct and operating standards, as well as by monitoring their application.

Art. 36. – ANRC shall establish a transparent, simple and inexpensive procedure in order to accurately and promptly settle the disputes between end-users and providers of electronic communications services, occasioned by the enforcement of this Law, that have not been settled amiable by involving the bodies representing the end-users' interests, as well as other relevant entities in the consumer protection field. ANRC may establish a system, applicable in justified cases, for the reimbursement of the expenses made by the

end-users or for compensating the damages undergone by them in their relations with the providers of electronic communications services.

Art. 36¹. – (1) ANRC shall promptly notify the European Commission the universal service providers designated to provide the services provided for in Article 3 paragraph (2).

(2) ANRC shall notify to the European Commission the providers of electronic communications networks or services designated as having significant power on the relevant retail markets in the electronic communications sector and the obligations imposed on them in compliance with the provisions under chapter III, as well as, within the shortest term possible, any modification of the obligations imposed or related to the concerned providers.

Art. 37. – The general conditions regarding the interoperability of the consumers' digital television equipment shall be established by Government Decision.

Art. 38. – (1) The tariffs charged on the relevant retail markets by the providers of electronic communications networks or services identified as having significant power on these markets shall not be subject to the prior approval of ANRCTI.

(2) ANRCTI may oblige the providers of electronic communications networks or services identified as having significant power on the relevant retail markets to notify to ANRCTI the tariffs charged on these markets at the same moment when these tariffs are notified to the customers, in order for ANRCTI to control that the legal obligations related to them are met.

(3) ANRCTI shall have the obligation to express its point of view over the notified tariffs, prior to their entry into force.

Art. 39. – On the date when this Law enters into force, 5th indent "Basic telephone services", 6th indent "Basic postal services" and 7th indent "Radio-communications and telecommunications services" of the Annex to the Government Emergency Ordinance no.36/2001 on the legal regime of regulated prices and tariffs, which are established with the approval of the Competition Office, published in the Romanian Official Journal, Part I, no.115 as of March 7, 2001, approved, with amendments and completions, by Law no.205/2002, with subsequent amendments, shall be repealed.

This Law transposes the Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002, on the universal service and users' rights relating to the electronic communications networks and services (Universal Service Directive), published in the Official Journal of the European Communities no.L 108 as of April 24, 2002.