

# **DECISION no.658 of November 28, 2005 on the procedure of requesting and granting the licences for the use of radio frequencies**

On grounds of Articles 10(2), 13, 15(1) and 21 of the Government Emergency Ordinance no. [79/2002](#) on the general regulatory framework for communications, approved with amendments and completions by Law no. [591/2002](#), with the subsequent amendments and completions,

Having regard to the provisions of Law no. [510/2004](#) on the reorganisation of the Inspectorate General for Communications and Information Technology,

## **The President of the Inspectorate General for Communications and Information Technology**

issues the present decision:

### **CHAPTER I: General provisions**

#### **Art. 1**

**(1)** The present decision regulates the procedure of requesting and granting the licences for the use of radio frequencies.

**(2)** The present decision shall apply to:

**a)** the radio frequencies in the bands allotted for non-governmental use, according to the National Table for Frequency Band Allocation, used for the provision of electronic communications networks and/or services;

**b)** the radio frequencies in the bands allotted for shared governmental/non-governmental use, according to the National Table for Frequency Band Allocation, used for the provision of civil electronic communications networks and/or provision of electronic communications services.

**(3)** The provisions of the present decision shall not apply to:

**a)** the categories of frequencies whose use is free, for certain types of applications designated by the decision of the President of the Inspectorate General for Communications and Information Technology, in compliance with the radio interface technical specifications, established by the Inspectorate General for Communications and Information Technology;

**b)** the radio frequency bands allotted according to the National Table for Frequency Band Allocation to the amateur service, when these are used for applications in the amateur service;

**c)** the radio frequencies allotted to the embassies and diplomatic missions on Romania's territory; the use of radio frequencies by embassies and diplomatic missions on Romania's territory shall observe the procedure and the harmonised conditions at European level, as well as the provisions of the international agreements in which Romania is a party.

#### **Art. 2**

**(1)** Abbreviations within the present decision have the following meaning:

**a)** IGCTI - Inspectorate General for Communications and Information Technology;

**b)** ANRC – National Regulatory Authority for Communications and Information Technology;

**c)** TNABF – National Table for Frequency Band Allocation;

**d)** OUG no.79/2002 - Government Emergency Ordinance no. [79/2002](#) on the general regulatory framework for communications, approved with amendments and completions by Law no. [591/2002](#), with the subsequent amendments and completions;

**e)** OG no.34/2002 – Government Ordinance no. [34/2002](#) on the access to the electronic communications networks and to the associated infrastructure, as well as their interconnection, approved with amendments and completions by Law no. [527/2002](#).

**(2)** Within the text of the present decision, the following terms shall be defined as follows:

**a)** licence for the use of radio frequencies - the administrative act whereby IGCTI grants, for a limited period, the right to use one or several radio frequencies/frequency bands, in accordance with the TNABF, while observing certain technical and operational terms, to a person, legally authorised by ANRC to provide electronic communications networks or services;

**b)** radio frequency assignment authorisation – the administrative act, annexed to the licence for the use of radio frequencies, whereby IGCTI assigns radiofrequencies/frequency bands, under the conditions established by the licence for the use of radio frequencies.

**(3)** Within the text of the present decision the definitions under Article 2(1) of OUG no.79/2002, Article 2 of OG no.34/2002 and Article 2(1) of Law no. [510/2004](#) on the reorganisation of the Inspectorate General for Communications and Information Technology shall also apply.

#### **Art. 3**

**(1)** IGCTI grants the licences for the use of radio frequencies through direct awarding or through the competitive or comparative selection procedure, complying with the principles of objectivity, transparency, non-discrimination and proportionality.

**(2)** The licences for the use of radio frequencies within the direct awarding procedure shall be granted within 6 weeks from the date of receiving a request submitted in compliance with the provisions of the present decision.

**(3)** The licences for the use of radio frequencies granted through the competitive or comparative selection procedures shall be granted within 8 months from the date of initiating the procedure.

**(4)** IGCTI may amend the terms set in paragraphs (2) and (3) regarding the use of the radio frequency spectrum, if this is necessary in order to observe an international agreement to which Romania is a party.

#### **Art. 4**

**(1)** The licence for the use of frequencies is not required when the radio spectrum is used via certain reception radiocommunications equipments, except for the followings:

**a)** equipments operating within certain networks in the following services: mobile maritime, mobile-satellite maritime, mobile aeronautical, mobile-satellite aeronautical, meteorological auxiliary (including by satellite), active or passive scientific satellite services (exploring Earth, space research, space exploitation), radioastronomy;

**b)** radiodetermination equipment (including by satellite), if these are located on shore/land and operate in association with craft/aircraft.

**(2)** The frequency assignment authorisation is not required when the radio spectrum is used via certain reception radiocommunications equipments, except for the followings:

**a)** equipments which are part of the networks that include broadcasting stations (namely that electronic communications services cannot be provided through the respective networks without the respective reception equipments);

**b)** equipments of the radiodetermination service (including by satellite), if these are located on shore/land and operate in association with craft/aircraft.

**(3)** The licence for the use of frequencies is not required when the radio spectrum is used via certain broadcasting telecommunications terminals, controlled by an electronic communications network using the radio spectrum, except for the terminals operating in a network within the communications services through satellite for which the licence for the use of frequencies whereby to provide services in Romania is not required.

**(4)** The frequency assignment authorisation is not required when the radio spectrum is used via certain broadcasting telecommunications terminals, controlled by an electronic communications network using the radio spectrum, with the following exceptions:

**a)** terminals operating under the control of certain networks within the following services: maritime mobile, maritime mobile by satellite, aeronautical mobile, aeronautical mobile by satellite, fixed by satellite;

**b)** equipments of the radiodetermination service (including by satellite), if these are located on board of ships/aircrafts or operate in association with these on shore/land.

#### **Art. 5**

**(1)** The competitive or comparative selection procedure shall apply to the following cases:

**a)** when the radio frequency spectrum available for a publicly available application or the electronic communications market restrict competition;

**b)** when there is no possibility to satisfy all the requests existing at a given moment for the same type of application, within the same geographic area, which uses the radio frequency spectrum;

**c)** whenever the strategy for developing the electronic communications and the spectrum management policy impose such measure.

**(2)** The Annex to the present decision provides the frequency bands for which competitive or comparative selection is applied.

**(3)** The stages, terms and conditions for the granting of the licences for the use of radio frequencies within the competitive or comparative selection shall be established individually for each frequency band under the selection procedure, by Decision of the President of IGCTI.

**(4)** For all the cases which fall outside paragraph (1), IGCTI shall grant the licences for the use of radio frequencies through direct awarding.

#### **Art. 6**

Depending on the type of electronic communications networks or required services and on the radiocommunications service these fall within, considering the strategy for the development of the electronic communications and the spectrum management policy, the right to use the spectrum, under the licence, may be materialised in allotments of radio channels/frequency bands in a certain geographic area or in the assignment of frequencies/frequency bands.

#### **Art. 7**

(1) As regards the licences for the use of radio frequencies which include allotments in the terrestrial mobile and fixed services, the radio frequency assignment authorisations shall be granted and amended in accordance with the provisions of Article 12.

(2) The change of the technical and operational terms of the licences mentioned in paragraph (1) is possible in accordance with Articles 17 or 18.

(3) As regards the licences for the use of radio frequencies which include allotments in other radiocommunications services than the terrestrial mobile service or fixed service, as well as those which include assignments, the radio frequency assignment authorisations shall be granted pursuant to Articles 9-11, 13 and 14.

#### **Art. 8**

(1) The licence for the use of radio frequencies sets the technical and operational terms under which the holder may exercise the right to use the radio spectrum granted by the licence; these conditions shall be objectively justified in relation to the type of network or service, non-discriminatory, proportional and transparent.

(2) The licence for the use of radio frequencies includes the holder's identification data, the designation of the type of electronic communications network or service, the validity term, the frequency or frequencies/frequency bands assigned or allotted, area where the electronic communications network or service are provided, associated technical and operational terms, the term for rendering operational the network, any of the conditions under Article 14(2) of OUG no.79/2002, obligations in force on tariff payment, as well as other obligations deriving from the legislation in force in the relevant field, as the case may be.

(3) The radio frequency assignment authorisation, annex to and part of the licence for the use of radio frequencies, includes the holder's identification data, the frequency or frequencies/frequency bands assigned, the associated technical data, technical and operational parameters defining the working area and the radioelectric protection area, for the radiocommunications stations within the network, as well as other relevant data.

(4) The validity term of the licence for the use of radio frequencies is 5 years from the date it was granted, except for:

a) the licence for the use of radio frequencies granted to the networks intended for experiments or temporary transmissions, which are valid at most 6 months from the granting date;

b) the licence for the use of radio frequencies granted by means of competitive or comparative selection;

c) the licence for the use of radio frequencies granted in radio frequency bands for which the technical regulations in force impose a shorter term.

## **CHAPTER II: Granting and amending the licence for the use of radio frequencies**

### **SECTION 1: Granting the licence for the use of radio frequencies**

#### **Art. 9**

(1) In view of being granted the licence for the use of radio frequencies, the requester shall submit a request to IGCTI as provided on IGCTI's website.

(2) The legal persons shall necessarily attach to the request under paragraph (1) the following documents:

a) original registration certificate, issued by the National Trade Office within 30 calendar days before the date of submitting the request which includes at least mentions regarding: identification (name, number of registration with the National Trade Office, Unique Registration Code, social headquarters), activity object, functioning time, shareholders and bankruptcy state;

b) standard-certificate, issued under the law, whereby ANRC endorses the holder's right to provide electronic communications public networks or services;

c) technical documentation to uphold the solution proposed for building an electronic communications network based on the minimal technical conditions set out by IGCTI, in accordance with the applicable technical regulations and considering the radiocommunications service within which the required application falls. The content of the technical documentation shall be available on IGCTI's website.

(3) The authorised natural persons and the associations and foundations functioning pursuant to Government Ordinance no. 26/2000 on associations and foundations, approved with amendments and completions by Law no. 246/2005, shall necessarily attach to the request under paragraph (1) the following:

a) authorisation for the authorised natural persons; certificate of registration within the Registry of associations and foundations;

b) certificate of fiscal registration;

**c)** original registry extras, for the authorised natural persons, issued by the National Trade Office within 30 calendar days prior to the date of submitting the request which should include at least mentions relating to: attributes of legal identification, identification data of the natural person carrying out independent economic activities, main activity, validity of the functioning authorisation, mentions on the completion, amendment, suspension or annulment of the authorisation, existence of mentions regarding the starting of legal reorganisation or bankruptcy, according to Law no. [64/1995](#), republished, with the subsequent amendments and completions;

**d)** standard-certificate, issued under the law, whereby ANRC endorses the holder's right to provide electronic communications public networks or services;

**e)** technical documentation to uphold the solution proposed for building an electronic communications network based on the minimal technical conditions set out by IGCTI, in accordance with the applicable technical regulations and considering the radiocommunications service within which the required application falls. The content of the technical documentation shall be available on IGCTI's website.

**(4)** The natural persons shall necessarily attach to the request under paragraph (1) the following:

**a)** copy of the identity act;

**b)** standard-certificate, issued under the law, whereby ANRC endorses the holder's right to provide electronic communications public networks or services;

**c)** technical documentation to uphold the solution proposed for building an electronic communications network based on the minimal technical conditions set out by IGCTI, in accordance with the applicable technical regulations and considering the radiocommunications service within which the required application falls. The content of the technical documentation shall be available on IGCTI's website.

**(5)** The copies of the documents under paragraphs (2) letter b), (3) letters a), b) and d) and paragraph (4) letter b) shall be legally authenticated or accompanied by originals for conformity.

**(6)** Within 6 weeks from the reception of the documents specified in paragraphs (1) to (4), IGCTI shall analyse the technical documentation and, if the technical and legal conditions are met, shall grant the licence for the use of radio frequencies accompanied by the radio frequency assignment authorisation/authorisations, according to the frame-content on IGCTI's website.

**(7)** If, following the analysis of the request and of the technical documentation, the request is deemed inaccurate or incomplete or the solution proposed does not comply with the minimal technical conditions established by IGCTI in accordance with the applicable technical regulations, IGCTI shall communicate to the requester its comments in this regard, within the term indicated in paragraph (6).

#### **Art. 10**

**(1)** The licence for the use of radio frequencies shall not be granted in the following cases:

**a)** there are no radio frequencies available under the conditions required;

**b)** the technical or legal conditions in the electronic communications field are not met;

**c)** the requester did not fully pay the tariffs and the due penalties owed to IGCTI for other rights for the use of the radio frequency spectrum, gained prior to the submission of the request, on grounds of the special legislation in the field.

**(2)** If one of the abovementioned cases in paragraph (1) is revealed, IGCTI shall inform the requester in this regard.

#### **Art. 11**

**(1)** The effective use of radio frequencies shall be allowed only after gaining a licence for the use of radio frequencies, respectively of the radio frequency assignment authorisation/authorisations.

**(2)** Within at least 7 calendar days prior to the effective use of the radio frequencies and with the observance of the term for rendering operational the network, the holder of the licence for the use of radio frequencies shall submit to IGCTI a notification on rendering operational the electronic communications network, drawn up in accordance with the model provided for on IGCTI's website.

**(3)** The provisions of paragraph (2) shall not apply to the craft stations in the maritime mobile service (including by satellite) and to the aircraft stations in the aeronautical mobile service (including by satellite).

**(4)** If, subsequently to rendering operational the network, the data in the notification under paragraph (2) are amended, the holder of the licence for the use of radio frequencies has the obligation to communicate IGCTI a new notification with the amended data.

#### **Art. 12**

As regards the licences for the use of radio frequencies that include allotments of channels/frequency bands in a certain geographic area, in the terrestrial mobile service and in the fixed service, the requester shall undergo the following stages in order to gain the radio frequency assignment authorisations or amend the existing ones:

**a)** its holder shall propose the effective assignments for each radiocommunications station in its own electronic communications network, within the limits of allotments and under the technical and operational terms under the licence, by directly notifying IGCTI, within at least 15 calendar days prior to rendering operational the radiocommunications stations; the abovementioned notifications shall be grounded on the technical study of electromagnetic compatibility between the stations of the network, achieved according to the regulations in force;

**b)** IGCTI assesses the notifications under letter a) and, if the electromagnetic compatibility with the existing assignments is ensured, grants radio frequency assignment authorisations;

**c)** if the proposed parameters hinder the functioning of other electronic communications networks, IGCTI requires the holder to make certain changes in view of ensuring the electromagnetic compatibility with the existing assignments;

**d)** in the cases specified in letter c) the radio frequency assignment authorisations shall be granted following the holder's notification on the changed parameters, in accordance with the requirements expressed by IGCTI.

#### **Art. 13**

**(1)** After the granting of the licence for the use of radio frequencies, if the holder develops its electronic communications network by including new radiocommunications stations and, complying with the technical and operational terms under the licence, he/she shall correspondingly require the granting of the radio frequency assignment authorisations.

**(2)** The request under paragraph (1) shall be necessarily accompanied by the technical documentation justifying the respective developments.

**(3)** In order to grant the radio frequency assignment authorisations, the provisions of Article 19(3)-(5) shall correspondingly apply.

#### **Art. 14**

**(1)** The requester shall address IGCTI with a view to establish the legal and technical possibilities of granting the licence for the use of radio frequencies prior to the submission of the request and of the documentation specified in Article 9, in the following services: fixed, radiodetermination (radionavigation and radiolocation), terrestrial mobile (exclusively for the national or regional networks requiring a prior planning of the radio frequencies), maritime mobile (exclusively for the on shore stations), aeronautical mobile (exclusively for the inland stations).

**(2)** IGCTI shall communicate to the requester the result of the analysis on the possibility of granting the licence for the use of radio frequencies, within 30 calendar days from the date of submitting the request.

## **SECTION 2: Amending the licence for the use of radio frequencies**

#### **Art. 15**

**(1)** If the identification data of the holder of the licence for the use of radio frequencies change, the licence shall be amended upon a request submitted to IGCTI within 15 calendar days from the date of amending the respective data.

**(2)** The request under paragraph (1) shall be necessarily accompanied by the copies of all documents certifying the change of the identification data.

**(3)** The copies of all documents provided in paragraph (2) shall be legally authenticated or accompanied by originals for conformity.

**(4)** IGCTI shall amend the licence for the use of radio frequencies within 30 calendar days from the submission of the request under paragraph (1).

#### **Art. 16**

If the standard-certificate issued by ANRC is amended subsequently to the request, the requester shall submit to IGCTI its copy, observing the provisions of Article 9(5), within 15 days from the inclusion of the respective changes.

#### **Art. 17**

**(1)** The technical and operational terms encompassed in the licence for the use of radio frequencies granted through direct awarding shall be amended at the holder's request.

**(2)** The request mentioned in paragraph (1) shall be submitted to IGCTI and shall be accompanied by the explanatory memorandum and, as the case may be, copies of all documents upholding the respective amendments.

**(3)** The licence for the use of radio frequencies shall be amended according to the provisions of Article 9-11, which shall correspondingly apply.

**(4)** The use of radio frequencies under the amended technical and operational terms is allowed only after correspondingly amending the licence for the use of radio frequencies.

**(5)** The provisions of Article 11(2) and (3) shall apply correspondingly.

#### **Art. 18**

(1) The technical and operational terms encompassed in the licence for the use of radio frequencies which include allotments in the terrestrial mobile service or in the fixed service and which were not granted through direct awarding shall be amended only with the observance of all requirements considered at the initial granting of the licence.

(2) The provisions of Article 17(2) to (5) shall correspondingly apply.

#### **Art. 19**

(1) The technical and operational parameters under the radio frequencies assignment authorisation shall be amended at the holders request for amendment, submitted to IGCTI.

(2) The technical documentation grounding the respective amendments shall necessarily be attached to the request mentioned in paragraph (1).

(3) IGCTI shall analyse the technical documentation and, if the technical and legal terms are met, shall issue the radio frequencies assignment authorisation.

(4) The use of radio frequencies under the amended technical and operational parameters is allowed only after correspondingly amending the radio frequencies assignment authorisation.

(5) The provisions of Article 9(7) and Article 11(2) and (3) shall apply correspondingly.

#### **Art. 20**

(1) The licence for the use of radio frequencies, respectively the radio frequencies assignment authorisation may be amended at IGCTI's initiative, according to its competences under the legislation in force, in the cases imposed by:

a) observance of the conditions on effective, rational and efficient use of the radio frequencies;

b) avoidance of the prejudicial interferences;

c) fulfilment of the objectives of harmonisation at European level and international cooperation on the use of radio frequencies;

d) compliance with the international agreements to which Romania is a party, relating to the use of radio frequencies;

e) settle the radio frequency crisis cases, in certain geographic areas, in the radio frequency bands allotted for the provision of the network subject to the licence;

f) implement the strategy for the development of the electronic communications and the spectrum management policy;

g) amend the TNABF.

(2) IGCTI shall inform the holder of the licence on the amendments that must be operated within the electronic communications network/radiocommunications station, within a term reasonable and proportional to their qualitative and quantitative nature.

#### **Art. 21**

(1) The validity of the licence for the use of radio frequencies may be successively extended for a period at least equal to the period for which it was initially granted according to the provisions of the present decision.

(2) The validity of the licence, irrespective of the procedure whereby it was granted, is extended upon the holder's request. The request shall be submitted to IGCTI within at least 30 calendar days, but no sooner than 6 months, prior to the expiry of the licence validity term.

(3) Within 30 calendar days from the submission of the request under paragraph (2), if the legal conditions are met, IGCTI shall extend the validity of the licence for the use of radio frequencies.

(4) IGCTI shall not extend the validity of the licence until the requester fully pays the tariffs and the penalties due to IGCTI on grounds of the special legislation in the field and of the licence whose extension is required.

### **CHAPTER III: Cession, suspension and withdrawal of the licence for the use of radio frequencies**

#### **SECTION 1: Cession of the licence for the use of radio frequencies**

#### **Art. 22**

(1) The licence for the use of radio frequencies granted through direct awarding may be transferred, observing in a mandatory manner the following cumulative conditions:

a) conform to the conditions specified in the licence on its transfer;

b) the assignee should be legally authorised by ANRC;

c) the assignee should assume all the obligations under the licence for the use of radio frequencies;

- d)** prior agreement of IGCTI.
- (2)** The prior agreement of IGCTI shall be granted upon the assignee of the licence for the use of radio frequencies submits a request in this regard.
- (3)** The following documents shall be attached to the request under paragraph (2):
  - a)** agreement of the holder-assignor on the cession of the licence;
  - b)** assignor's engagement to accept all the obligations under the licence for the use of radio frequencies;
  - c)** standard-certificate (authenticated copy or copy accompanied by the original, for conformity) granted to the assignee by ANRC, under the law;
  - d)** original assignee's certificate issued by the National Trade Register Office within at most 30 calendar days before submitting the request, which must include at least mentions regarding: identification data (name, number of registration with the National Trade Register Office, Unique Registration Code, social headquarters), activity object, functioning time, shareholders and bankruptcy state/fiscal registration certificate.
- (4)** The authorised natural persons, associations and foundations functioning pursuant to the provisions of Government Ordinance no. **26/2000**, approved with amendments and completions by Law no. **246/2005**, shall attach to the request under paragraph (2), additionally to the documents specified in paragraph (3) letters a)-c), the register extras, respectively the certificate of registration with the Register of associations and foundations.
- (5)** IGCTI shall analyse the documents provided in paragraphs (2)-(4) and, if all conditions under the law are met, shall grant the prior agreement on the possibility to transfer the licence for the use of radio frequencies, within 30 calendar days from submitting the request under paragraph (2).

#### **Art. 23**

The licence for the use of radio frequencies granted through the competitive or comparative selection procedure may be transferred, in compliance with the provisions and procedure under Article 22, as well as with all the conditions considered at the initial granting of the licence.

#### **Art. 24**

**(1)** In accordance with the provisions of Article 20(3) of OUG no.79/2002, IGCTI shall not grant the approval on the transfer of the licence for the use of radio frequencies, if this legal operation would restrict, prevent or denaturise competition, as well as change the destination of use of frequencies subject to the licence for the use of radio frequencies.

**(2)** The prior approval is conditioned by the full payment to IGCTI of the tariffs for the use of spectrum, as well as of the delay penalties, for the respective licence, due by the assignor and remained unpaid.

#### **Art. 25**

**(1)** After concluding the cession contract, within 5 calendar days, the assignee shall submit to IGCTI a request for amending the licence for the use of radio frequencies, necessarily accompanied by a copy of the authentic cession contract.

**(2)** Within 30 calendar days from the date of submitting the request under paragraph (1), IGCTI shall analyse the submitted documents and, if all legal conditions are met, shall amend the licence.

**(3)** The assignor shall be able to use the frequencies only after IGCTI correspondingly amends the licence for the use of radio frequencies.

#### **Art. 26**

The transfer of the licences for the use of radio frequencies in view of providing the electronic communications public networks and services shall be made public on IGCTI's website.

## **SECTION 2: Suspension and withdrawal of the licence for the use of radio frequencies**

#### **Art. 27**

IGCTI may withdraw the licence for the use of radio frequencies in the following cases:

- a)** ANRC revoked the general authorisation to the holder;
- b)** holder's repeated breaches of conditions or obligations under the licence;
- c)** following the holder's failure to pay within 90 days from the due fall date of the tariff for the use of spectrum and of the delay penalties;
- d)** if the holder amends the destination of use of the frequencies subject to the licence;
- e)** for breaching the legal provisions in the electronic communications field, if such a breach seriously prejudiced the public interest;
- f)** upon the holder's request.

#### **Art. 28**

In the cases under Article 27 letters b)-e), IGCTI may either withdraw the licence for the use of radio frequencies or suspend it until the licence holder shall comply with the measures imposed by the legislation in force in the electronic communications field.

## **CHAPTER IV: Granting the licences for the use of radio frequencies for electronic communications networks intended for experiments or temporary transmissions**

### **Art. 29**

(1) In view of being granted the licences for the use of radio frequencies for the electronic communications networks dedicated to experimental or temporary transmissions, the requester shall submit to IGCTI the request provided in Article 9(1), as well as the necessary documents provided in the relevant paragraphs within Article 9.

(2) The documents under Article 9(2) letters a) and b) are not required if the requester is a foreign legal person.

(3) Within 30 calendar days from receiving the documents mentioned in paragraph (1), IGCTI shall analyse the technical documentation and, if the technical and legal terms are met, shall grant the licence for the use of radio frequencies.

(4) The term mentioned in paragraph (3) may be reduced for the requests for emergency temporary transmissions.

(5) The validity term of the licences for the use of radio frequencies for the electronic communications networks dedicated to experiments is provided in Article 8(4).

### **Art. 30**

(1) The licences for the use of radio frequencies for the electronic communications networks dedicated to experimental or temporary transmissions shall not be granted in the cases provided in Article 10(1).

(2) If the existence of one of the cases within Article 10(1) is revealed, IGCTI shall inform the requester in this regard.

## **CHAPTER V: Final provisions**

### **Art. 31**

(1) The provisions of the present article shall apply to the rights to use the radio spectrum of the holders of licences, operation authorisations or functioning technical authorisations, issued in accordance with the Telecommunications Law no. [74/1996](#), with the subsequent amendments and completions, and according to the special legislation in force, associated and valid according to the term under the respective administrative act and to the provisions of the regulations in force on reviewing the rights to use the radio spectrum, rights granted by the abovementioned administrative documents.

(2) Within the process of reviewing the rights for the use of spectrum mentioned in paragraph (1), the provisions of Article 9(6) and (7) Articles 10-13 shall correspondingly apply, by way of derogation from the stipulated terms.

### **Art. 32**

IGCTI shall refuse to review the provisions referring to the rights to use radio frequencies and related obligations under the licences, authorisations and agreements granted on grounds of Law no. [74/1996](#), with the subsequent amendments and completions, and according to the provisions of its associated special legislation, if their requesters did not fully pay the tariffs for the use of spectrum, as well as the related obligations, due to IGCTI for the right to use the radio frequency spectrum.

### **Art. 33**

(1) The provisions of the present decision shall also apply to the electronic communications networks used for the retransmission or broadcasting of the audiovisual programme services, according to the Audiovisual Law no. [504/2002](#), with the subsequent amendments and completions, which include systems that use frequency bands not allotted to the radiobroadcasting service, according to TNABF.

(2) The systems using the radio spectrum provided in paragraph (1) intended for achieving the links to end-users or to other users, as these are defined in OG no.34/2002 (MMD systems and other point-multipoint distribution systems, fixed-satellite or mobile-satellite communications stations), shall be authorised in compliance with the provisions of the present decision and, as the case may be, with the provisions of other normative acts in the field.

(3) The systems using the radio spectrum provided in paragraph (1) intended for achieving the connection between the studio where the final audiovisual programme to be broadcasted and the



sender that actually broadcasts the respective audiovisual programme service, shall be authorised in compliance with the provisions of the present decision. In such case, the requester must prove the existence of the audiovisual licence and of the broadcasting licence for the programme service to be broadcasted.

(4) The systems using the radio spectrum provided in paragraph (1) exclusively intended for conveying audiovisual programmes between various points of their own electronic communications networks (MMD systems, fixed-satellite or mobile-satellite communications stations) shall be authorised pursuant to the provisions of the present decision; in such case the requester must make proof of the existence of the documents specified in Law no.504/2002, with the subsequent amendments and completions – audiovisual licence, retransmission authorisation, retransmission approval, as the case may be – corresponding to the areas where the programme services are to be provided.

(5) The procedure for achieving the technical functioning authorisation for the network components that broadcast or retransmit audiovisual programme services shall be initiated, according to IGCTI President's Decision no.385/2005 on the procedure of authorising the broadcasting and retransmission of audiovisual programme services, only after achieving the licence for the use of radio frequencies in accordance with the provisions of paragraph (2), (3) and (4).

#### **Art. 34**

IGCTI shall publish on its website the necessary information for the persons intending to gain the licence for the use of radio frequencies.

#### **Art. 35**

The Annex is part of the present decision.

#### **Art. 36**

With the entry into force of the present decision, on grounds of Article 16(2) of Law no. 510/2004 on the reorganisation of the Inspectorate General for Communications and Information Technology, the provisions of the Order of the Minister of Communications and Information Technology no.403/2003 on the procedure of requesting and granting of the licences for the use of radioelectrical frequencies, published in the Romanian Official Journal, Part I, no.100 of February 3, 2004, with the subsequent amendments and completions shall be repealed.

#### **Art. 37**

The present decision shall be published in the Romanian official Journal, Part I.

President of the General Inspectorate for Communications and Information Technology,  
**Marius Catalin Marinescu**

## **ANNEX: FREQUENCY BANDS for which licences for the use of radio frequencies through the competitive or comparative selection are awarded for various categories of networks**

The licences for the use of radio frequencies granted in view of providing public electronic communications networks from the categories below shall be granted through the competitive or comparative selection.

Frequency band	Categories of networks	Comments
<b>A. Terrestrial mobile service</b>		
146-174 MHz	Public access mobile radiocommunications (PAMR)	Shared, by 2010, with the professional mobile radiocommunications for private use (PMR)
415-420 MHz/425-430 MHz	Public access mobile radiocommunications (PAMR)	Shared with the professional mobile radiocommunications for private use (PMR)
453-457, 5 MHz/463-467, 5 MHz	CDMA 450 digital cellular mobile telephone	
870-876 MHz/915-921 MHz	Public access mobile radiocommunications (PAMR)	
890-915 MHz/935-960 MHz	GSM 900 digital cellular mobile telephone	
880-890 MHz/925-935 MHz	GSM 900 digital cellular mobile telephone	
1710-1785 MHz/1805-1880 MHz	Digital cellular mobile telephone DCS 1800	E-GSM (extended GSM 900)
1900-1920 MHz and 2010-2025 MHz	UMTS/IMT-2000 third generation mobile networks	The TDD terrestrial component of the UMTS/IMT-2000 systems
1920-1980 MHz/2110-2170 MHz	UMTS/IMT-2000 third generation mobile networks	The FDD terrestrial component of the UMTS/IMT-2000 systems
<b>B. Fixed service </b>		
Frequency band	Categories of networks	Comments
3410-3500/3510-3600 MHz	Point-multipoint with fixed wireless access (FWA)	Channel arrangement according to the Recommendation CEPT/ERC/REC 14-03, Annex B
24, 5-25, 5/25, 5-26, 5 GHz	Point-multipoint with fixed wireless access (FWA)	Channel arrangement according to the Recommendation CEPT T/R 13-02, Annex B

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