

**Monitoring compliance with the  
provisions of Regulation (EU) 2015/2120  
on open internet access  
(01 May 2024 - 30 April 2025)**

JUNE 2025

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The [National Authority for Management and Regulation in Communications](#) (ANCOM) is the institution that promotes the interests of users of electronic communications services, postal services, and digital services, in the transition to the Gigabit society, making full and effective use of the administrative and regulatory tools available to the Authority. Further information on ANCOM's activity is available on [www.ancom.ro](http://www.ancom.ro), [infocentru.ancom.ro](http://infocentru.ancom.ro), [www.portabilitate.ro](http://www.portabilitate.ro) and [www.veritel.ro](http://www.veritel.ro). One can test and monitor internet service quality using [www.netograf.ro](http://www.netograf.ro). Mobile signal coverage across Romanian localities and along national and county roads can be viewed at [www.aisemnal.ro](http://www.aisemnal.ro).

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# 1. General overview

## 1.1 Legislative framework

During the reporting period, no changes occurred in the legislative framework relevant to ensuring open internet access in Romania, which consists of Regulation (EU) 2015/2120<sup>1</sup> (hereinafter referred to as *the Regulation*), and of the secondary legislation issued by ANCOM concerning the quality indicators for the provision of internet access services and the publication of associated parameters<sup>2</sup>, as well as the transparency of certain information that providers are required to make available to end-users, established by ANCOM Decision no. 73/2023<sup>3</sup>.

The Romanian legal framework in the field is also complemented by the provisions of Government Emergency Ordinance no. 111/2011<sup>4</sup> on electronic communications, approved, with amendments and completions, by Law no. 140/2012, with the subsequent amendments and completions, as amended by Law no. 198/2022 for amending and supplementing certain normative acts in the field of electronic communications and for setting measures to facilitate the development of electronic communications networks, which transposed into the national legislation the Directive (EU) no. 2018/1972 establishing the European Electronic Communications Code.

To support internet access service providers, ANCOM also published a Guidelines on how to implement requirements regarding contractual information on fixed and mobile internet access speeds into contracts. While these provisions are non-binding, and failure to comply with them does not trigger the Authority's applying sanctions<sup>5</sup>, they have been taken into account by providers in drafting contractual clauses related to Article 4(1) a)-e) of the Regulation.

During the reporting period, ANCOM continued to monitor the proper functioning of publicly available electronic communications networks and services and the quality of internet access services, including through measurements performed by users via the Netograf platform<sup>6</sup>.

In line with Article 5(1) of the Regulation, ANCOM "*shall closely monitor and ensure compliance with Articles 3 and 4*" and "*shall publish annual reports regarding their monitoring and findings*". This report covers the period 01.05.2024–30.04.2025.

## 1.2 Institutional implications of Regulation (EU) 2015/2120

In Romania, several national authorities ensure the monitoring and supervision as regards the application of the Regulation.

ANCOM is the primary authority responsible for monitoring compliance and ensuring the implementation of the Regulation provisions, being empowered to verify the internet access service providers' (hereinafter referred to as *ISPs*) observance of most of these provisions.

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<sup>1</sup> Regulation (EU) 2015/2120 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union;

<sup>2</sup> ANCOM President's Decision no. 1112/2017 on setting quality indicators for the provision of the internet access service and the publication of the related parameters, with the subsequent amendments and completions, available, in Romanian, here: [https://www.ancom.ro/uploads/forms\\_files/Decizia\\_2017\\_1112\\_2017\\_consolidata\\_4\\_septembrie\\_20181536158949.pdf](https://www.ancom.ro/uploads/forms_files/Decizia_2017_1112_2017_consolidata_4_septembrie_20181536158949.pdf);

<sup>3</sup> ANCOM Decision no. 73/2023 on the obligations to inform end users and other measures for their protection - available, in Romanian, here: [https://www.ancom.ro/uploads/forms\\_files/Decizia\\_aNCOM\\_73\\_2023\\_privind\\_IUF1677596088.pdf](https://www.ancom.ro/uploads/forms_files/Decizia_aNCOM_73_2023_privind_IUF1677596088.pdf);

<sup>4</sup> The text of the Government Emergency Ordinance no. 111/2011 on electronic communications is available, in Romanian, here: [http://www.ancom.org.ro/uploads/links\\_files/O\\_U\\_G\\_Nr\\_111\\_2011.pdf](http://www.ancom.org.ro/uploads/links_files/O_U_G_Nr_111_2011.pdf);

<sup>5</sup> The Guidelines are available, in Romanian, here: [https://www.ancom.ro/uploads/links\\_files/2019-10-09\\_Ghid\\_masurare\\_viteze\\_bun.pdf](https://www.ancom.ro/uploads/links_files/2019-10-09_Ghid_masurare_viteze_bun.pdf).

<sup>6</sup> [www.netograf.ro](http://www.netograf.ro)



## 2. Compliance monitoring

ANCOM focused on analysing complaints received from end users concerning compliance with the Regulation and, where appropriate, requested information from the internet access service providers. During the reporting period, ANCOM received approximately 50 complaints regarding the performance of fixed and mobile internet access services. Most of these were resolved directly by providers or were clarified by ANCOM through explanations on the applicable contract and legal provisions, without the need for formal control actions. In some cases, to amicably settle the complaints, the providers even agreed to terminate end-user contracts without early termination penalties, for subscribers who were still within their initial contractual period.

### 2.1 Commercial practices

#### 2.1.1 General monitoring of the public electronic communications market in Romania

Between 01.05.2024 and 30.04.2025, ANCOM continued to monitor commercial practices in the Romanian electronic communications market, including in light of the September 2021 CJEU rulings concerning zero-rating services. During this period, providers completed the process of aligning their commercial offers to the updated interpretation of the Regulation. Consequently, by the end of the reporting period, no commercial offers including zero-rating services remained on the market. End users were migrated to new offers no longer containing such zero-rating services.

As of 30.04.2025, the only offer considered by ANCOM to be in breach of the Regulation is the *Net Nelimitat* Bonus offered by Telekom Romania Mobile Communications S.A. (*Telekom Mobile*), which has been under judicial review since 2018.

Zero-rating services that fall within the scope of allowed exceptions under the Regulation continue to operate – e.g., free and unlimited traffic to and from ANCOM’s certified national measurement tool for monitoring the quality of the internet access service (Netograf), pursuant to ANCOM President’s Decision No. 1112/2017.

#### 2.1.2 Monitoring the “*Net Nelimitat*” Bonus offered by Telekom Mobile

Upon concluding a new contract or renewing the existing one for a period of 12 or 24 months, Telekom Romania Mobile Communications S.A. (Telekom Mobile) offers unlimited internet access as a bonus, capped at speeds up to 1.5 Mbps for video content and up to 150 Mbps for other content categories. Thus, the quality of video content is limited to a maximum of 480p. Video quality is therefore limited to a maximum of 480p. At the time of ANCOM’s 2018 analysis, no contractual arrangements existed between Telekom Mobile and content/application providers. Customers could easily activate or deactivate the bonus at any time (in which case the tariff plan would revert to a classic plan with a specific included data allowance) as many times as they want during the contractual period. With the bonus activated, data traffic is free nationwide and in the EEA (subject to fair use policy), available both directly on the device and via tethering.

Following an in-depth investigation of the above-mentioned Telekom Mobile practices, ANCOM found that this provider breached Article 3(3), paragraphs 1 and 3 of Regulation (EU) 2015/2120 and – by ANCOM President’s Decision No. 669/08.08.2018 – ordered the elimination of discriminatory traffic treatment applied to video-streaming content compared to the other traffic categories. The provider challenged ANCOM’s decision in Court, seeking both suspension and annulment. In the first instance, the Bucharest Court of Appeal suspended the decision pending a ruling on the annulment request. ANCOM appealed the suspension, but the High Court of Cassation and Justice - Administrative and Fiscal Contentious Section rejected the appeal on 12.12.2019 by decision, making the suspension

final. In the annulment case regarding ANCOM President's Decision No. 669/08.08.2018, which was to be judged on the merits at the Bucharest Court of Appeal, Section VIII - Administrative and Fiscal Contentious, after several postponements, the court decided to annul the above-mentioned decision on, 26.05.2021. ANCOM appealed against this sentence at the High Court of Cassation and Justice (HCCJ), the last instance of appeal in this case. During the trial, following Telekom Mobile's request, in April 2024, the HCCJ decided to refer a preliminary question to the Court of Justice of the European Union (CJEU), worded as follows: *"Must Article 3 of Regulation (EU) 2015/2120 be interpreted as meaning that a tariff option offered by a telecommunications undertaking which allows final customers who have accepted it to use all video-streaming services free of charge, independently of the service provider and regardless of whether or not they have the status of content partner of the telecommunications undertaking, is compatible with the obligations arising from that provision, without the data volume consumed by using those services being included in the monthly data allowance guaranteed by the mobile communications tariff, but with a limitation of the bandwidth for that type of content?"*. The case has been registered with CJEU under no. C-367/24, the Court's deliberation is ongoing and ANCOM has submitted written observations as a party to the proceedings.

## 2.2 Traffic management

For the purpose of monitoring the traffic management practices used/applied by providers of internet access services, ANCOM primarily takes into account complaints received from end-users that may be attributable to specific practices; however, during the reporting period, no such complaints were received. ANCOM will continue to monitor the application of the Regulation's provisions.

## 2.3 Transparency in contracts concluded with the end-users

During the reference period, following subscribers' complaints, ANCOM continued to analyse the contracts concluded by the ISPs with the end-users, with a view to assessing compliance with Art. 4(1) para. 1 points a)-e) of the Regulation.

Having analysed the complainants' contracts, ANCOM found that information relating to speeds, the procedure for measuring them, and the remedies available to consumers in the event of a significant, continuous or regularly recurring discrepancy between the actual performance of the internet access service with regard to speed or other quality of service parameters and the performance indicated by the provider of internet access services was included in the contracts concluded with the complainants, the transparency obligations regarding the quality of the internet access service laid down in the Regulation being fulfilled.

Following the introduction of new legal obligations concerning the minimum clauses that providers of electronic communications services are required to include in contracts, arising from the transposition of the European Electronic Communications Code into Romanian legislation, ANCOM has initiated, during the reference period, a verification campaign regarding the manner in which these information obligations are reflected in the contracts concluded by the main providers with consumers. The analysis also covers, inter alia, potential breaches of Article 4(1), para. 1, points a)-e) of the Regulation. The targeted providers are the main providers of internet access, cable TV and number-based interpersonal communications services in Romania.

Preliminary findings based on the complaints received from users and ANCOM's analysis indicate that providers remedied the issues identified in the Authority's first campaign regarding the inclusion in contracts of the information provided for in Article 4(1), para. 1 points a)-e) of the Regulation, carried out after the entry into force of the Open Internet Regulation in the period 2018-2019, and contracts now contain most of the required information. Nevertheless, within the framework of the subsequent campaign, the Authority will further analyse contract provisions and assess potential updates or omissions introduced since.

### 3. Transparency measures for ensuring open internet access

The obligation to ensure transparency regarding the quality of the internet access service laid down in Article 4(2) of Regulation (EU) 2015/2120 is detailed in the secondary legislation adopted by ANCOM, namely ANCOM President's Decision no. 73/2023, and ANCOM President's Decision no. 1112/2017. ANCOM President's Decision no. 73/2023 sets out the steps required for making publicly available information regarding the quality of the internet access service. ANCOM President's Decision no. 1112/2017 establishes the (technical and administrative) quality indicators for the provision of the internet access service that are relevant from the end-users' perspective, as well as the definitions and measurement methods applicable to this set of indicators, and imposes on providers the obligation to publish the quality parameters and to include them in the contracts concluded with end-users. The Decision does not impose target-values for these parameters. The value of the parameters (quality level) to be ensured by the ISPs is stipulated in the contract for the provision of the internet access service concluded with end-users, irrespective of the payment method (pre-paid/prepaid cards or post-paid/subscription).

The *administrative quality indicators* established under ANCOM President's Decision no. 1112/2017 are as follows:

- time limit for the provision of the internet access service;
- frequency of end-user complaints;
- frequency of fault-related complaints;
- frequency of complaints regarding billing accuracy;
- time limit for fault repair;
- time limit for resolving complaints received from end-users, other than those relating to faults.

The *technical quality indicators* laid down in the same Decision are the following:

- data transfer speed
- packet transfer delay (latency)
- variation in packet transfer delay (jitter)
- packet loss rate.

Within the Decision, ANCOM defined the technical quality parameters provided for in Regulation (EU) 2015/2120, without intervening in other aspects relating to those parameters. The parameters were defined in broad terms precisely in order not to limit or condition providers. In order to ensure the possibility of assessing the quality of the service provided, ANCOM President's Decision no. 1112/2017 also establishes the information that must accompany the technical quality parameters. ANCOM thus aims to closely monitor providers' implementation of the provisions of the Regulation and to intervene subsequently, where appropriate.

In order to ensure as uniform an application as possible of Article 4 (1) point d) of Regulation (EU) 2015/2120, ANCOM has developed and published a Guidelines document on the implementation of the requirements concerning the inclusion in contracts of information on internet access speeds over fixed and mobile networks. The ANCOM Guidelines are addressed to providers of electronic communications networks and services and provide clarifications and examples of good practices regarding the legal requirements to be implemented by providers in relation to the inclusion in contracts of information on internet access speeds over fixed and mobile networks, such as:

- the manner in which speed values must be expressed;

- the factors that may influence the achievement of speeds, so that users understand the aspects that may affect measurement results;
- the conditions under which users are recommended to carry out measurements in order to obtain the contractual internet access speeds (for example, conditions relating to the terminal equipment used for measurements);
- the aspects that must be included in contracts in order to establish the existence of significant, continuous or regularly recurring discrepancies between the actual performance of the service and the performance indicated in the contract (for example, the number of days over which measurements must be carried out, the number of measurements per day and the time intervals between them);
- the manner in which a user may lodge a complaint regarding non-compliance with contractual clauses, in order to benefit from remedies.

### 3.1 Data transfer speed

According to ANCOM President's Decision no. 1112/2017, **data transfer speed** is the data transmission rate, measured in Megabits/second (Mbps), calculated separately for the transfer of test files specified for download (downstream) and upload (upstream), between the end-user's terminal equipment and a designated test server.

The data transfer speed is determined based on the useful information contained within the transport-layer protocol.

For **fixed internet access services**, the following parameters have been defined:

- *Minimum data transfer speed* – the lowest data transmission rate an end-user may experience according to the contract or general terms of service. In principle, the actual speed, experienced by the end-users, should not fall below this minimum, except in cases of service interruption.
- *Normally available data transfer speed* – the data transmission rate an end-user can experience for most of the service usage time over a defined period.
- *Maximum data transfer speed* – the highest data transmission rate a user can experience at least once within a defined period.
- *Advertised data transfer speed* – the data transmission rate used by a provider in commercial communications, for promoting commercial offers. This value must not exceed the maximum data transfer speed.

For **mobile internet access services**, the following parameters have been defined:

- *Estimated maximum data transfer speed* – the data transmission rate a user may experience under real conditions, specified separately for each network technology.
- *Advertised data transfer speed* – the data transmission rate used by a provider in commercial communications, for promoting commercial offers. This value must not exceed the maximum data transfer speed.

To ensure the possibility to assess the quality of the service provided, the technical quality parameters will be accompanied by the following information – according to the provisions of ANCOM President's Decision no. 1112/2017:

- a description of the conditions under which the minimum, normally available and maximum speeds can be achieved, for fixed internet access services.

- a description of the methodology used to measure the estimated maximum speed and of the factors influencing speed levels, for mobile internet access services.

For both fixed and mobile internet access services, the data transfer speed measured through ANCOM's application – *Netograf* –, is calculated in real time by dividing the size of the test file by the time required to complete an error-free transmission. The result is displayed to the user after the measurement is completed. The measurement is carried out at the edge of the network through which the internet access service is provided (for example, at the user's location in the case of fixed access or via the radio access network in the case of mobile access). The test server is located outside the network through which the internet access service is provided, being placed in a public internet interexchange node. The measurement uses multiple TCP connections to saturate the measured path.

The quality of an internet access service should not be assessed solely based on data transmission speed. Packet transfer delay (latency), delay variation (jitter) and packet loss are parameters which, besides data transmission speed, can provide a complete and accurate picture of the quality of the internet access service. ANCOM has not imposed on providers the obligation to publish these three quality parameters or to include them in contracts concluded with end-users; this obligation arises under the provisions of Government Emergency Ordinance no. 111/2011, insofar as these parameters are offered by internet access service providers. However, ANCOM President's Decision no. 1112/2017 defines these parameters, and they can be measured through ANCOM's application. Thus, the end-users can obtain relevant, complete, comparable and easily accessible information regarding the quality of the internet access services.

### **3.2 The certified monitoring tool – Netograf**

In 2014, ANCOM launched the web application Netograf, through which users of internet access services can measure service quality in terms of technical parameters. In 2019, ANCOM expanded the Netograf platform, making available to the public a series of applications (a web application and applications dedicated to fixed and mobile terminals) through which users of internet access services can test, monitor, and evaluate the performance delivered by providers, as well as its evolution over time, namely the improvement or degradation of the quality of the service offered.

During 2020, the Netograf platform was improved, with new versions of the web app, the desktop and mobile apps (for Android and iOS). being published. Additionally, in order to enhance platform performance, the methodology for locating the device from which the measurement is performed was improved. The platform allows the test location to be identified, where the user permits location access on their device; this type of information is used by ANCOM for statistics published by location, as well as for populating the map with tests carried out by Netograf platform users.

During the reference period, the Netograf platform software was migrated to new equipment, and the technologies used in implementing the platform were updated. Certain sections of the platform (for example, the section displaying periodic statistics) were also optimized to provide users with relevant, accurate, and complete information about measurements and, implicitly, about the quality of internet access services.

Using this application, users of internet access services can measure the following parameters: data transfer speed, transfer delay, delay variation, and packet loss rate, and can compare the obtained values with the nominal values of these parameters assumed by providers in contracts. Measuring the quality parameters of internet access services does not require creating a user account. However, if a user chooses to create an account, Netograf provides additional functions, such as access to graphs and tables with historical values of performed tests, as well as the ability to schedule tests to run at periodic intervals over one or several days. Netograf tests the quality of the connection

between the end user's terminal equipment and a test server connected to two national public internet interexchange nodes. The measurements indicate parameter values close to the user's real experience in accessing the internet, since the measured path includes the provider's network and, in the case of very small providers, other networks interconnected with their own network. Through Netograf, users of internet access services have access to relevant, detailed, and easily accessible information regarding the quality of contracted services from a technical parameters' perspective, based on which they can make informed decisions. First and foremost, Netograf is an information tool for end users. Informing end users about service quality represents a fundamental component in a competitive market. Secondly, Netograf is a tool through which users can identify potential discrepancies between the actual/measured performance of the service and the performance indicated by providers in contracts.

This issue was detailed in ANCOM's Guidelines on implementing requirements regarding the inclusion in contracts of information on internet access speeds via fixed and mobile networks.

Thus, for fixed internet access services, ANCOM established, through the Guidelines, the conditions that need to be met and the procedure that a user must follow in order to identify, on the one hand, **significant discrepancies** and, on the other hand, **permanent or regularly recurring discrepancies**.

In order to ascertain **significant discrepancies**, the user must perform, under certain conditions, at least 6 measurements within 24 hours, at least one of which must be carried out between 23:00 and 07:00. Measurements must be performed at least one hour apart. A discrepancy is deemed significant if at least one of the following conditions is met:

- the user does not reach the minimum data transfer speed value in at least two measurements.
- at least half of the measurements performed by the user record speed values that do not exceed 50% of the normally available speed indicated in the contract.

To establish **permanent or regularly recurring discrepancies** between the contractual speeds and the actual performance of the fixed internet access service, the user is required to perform measurements, under certain conditions, for at least 5 days (out of which at least one should be a weekend day), during a maximum of 30 consecutive days, performing a minimum of 6 measurements per day, out of which at least one daily measurement should be carried out between 23:00 and 07:00. Measurements must be made at least one hour apart. A discrepancy is deemed permanent or regularly recurring if at least one of the following conditions is met:

- the user does not reach the minimum data transfer speed value in at least two measurements.
- at least half of the measurements do not reach the normally available data transfer speed.
- no measurement reaches the maximum data transfer speed.

For mobile internet access service, ANCOM has established the procedure that a user must follow in order to identify **significant, permanent, or regularly recurring discrepancies** between contractual speeds and the actual performance of the internet access service. Thus, the user must perform measurements, under certain conditions, on at least 5 days (including at least one weekend day) within a maximum of 30 consecutive days, carrying out at least 6 measurements per day, at least one of which each day must be between 23:00 and 07:00. Measurements must be made at least one hour apart. A discrepancy is considered significant, permanent, or regularly recurring if at least half of the performed measurements are below certain values assumed by providers in contracts.

Netograf also provides users of internet access services with statistics on the quality of internet access services offered by various providers. In the “Technical parameters” section, average measurement results are presented based on tests performed by users through the Netograf applications. At the same time, test results can be viewed graphically on the map of Romania. These statistics are for informational purposes only and do not guarantee that a particular user will experience the same connection quality. According to ANCOM President’s Decision no. 1112/2017 on establishing quality indicators for the provision of internet access services and publishing the related parameters, providers are required not to charge for, deduct from the tariff plan traffic, limit, or block the data traffic consumed by end users to and from the Netograf application. The accuracy of test results may be influenced by several factors. Thus, users are provided with recommendations in order to obtain results that are as accurate as possible (<https://www.netograf.ro/#/about>).

### 3.3 Monitoring signal coverage of mobile telephony networks

ANCOM has been conducting periodic campaigns to measure national territory coverage with mobile voice signal since 2019. The results of these measurement campaigns have been transposed into a map that can be consulted by end-users at: <https://aisemnal.ro/home>.

The map shows the mobile signal coverage of localities, national and county roads in Romania, and was fully developed by ANCOM following its annual monitoring campaigns. Users can also track the evolution of signal coverage from one year to another. The platform reflects mobile signal coverage for technologies available at the time of measurement (2G/3G/4G) for each mobile operator active on the Romanian market, aggregated signal level at national level, maximum measured level for signals originating from operators in neighbouring countries, and, starting with 2022, the mobile voice signal coverage map of the Bucharest metro network.

During the monitoring campaign carried out between April and November 2024, measurements were performed in 13,283 localities, covering over 240,000 km of national, county, urban, and communal roads.

In defining the signal levels represented in the National Mobile Signal Coverage Map, ANCOM considered the circumstances in which users may need to find out the level of mobile signal offered by operators.

Thus, through [aisemnal.ro](https://aisemnal.ro), ANCOM informs and answers users’ questions:

- Where is the best signal?
- Is there outdoor signal?
- Which areas have weak signal?
- Which areas have no signal?
- Where is there signal from neighbouring countries and a risk of accidentally entering international roaming?
- Where is there mobile coverage?

### 3.4 Means of ensuring transparency of information regarding the quality of internet access services

ANCOM Decision no. 73/2023 establishes transparency obligations for providers of electronic communications services regarding the services provided, in terms of tariffs, conditions of use, and service quality, relevant for enabling end-users to make informed decisions. The decision also sets

specific obligations regarding the means by which transparency of information on the quality of internet access services is ensured.

Thus, regarding internet access services, for each tariff plan published on their website, internet access service providers are required to make available to the public, upon first access and within the first description of the respective tariff plan, information on the values of technical quality parameters (minimum data transfer speed, normally available data transfer speed, maximum data transfer speed, advertised data transfer speed for fixed internet access services; respectively estimated maximum data transfer speed and advertised data transfer speed for mobile internet access services). Where offered, providers must also publish minimum levels for other parameters, such as packet transfer delay, delay variation, and packet loss.

Providers that have reported to ANCOM at least 1,000 subscribers/connections for internet access services are required to create their own website, in accordance with Article 5(1) of ANCOM Decision no. 73/2023.

Furthermore, pursuant to Annex no. 1 to ANCOM Decision no. 73/2023, in the same location or at most one click away from the first description of each tariff plan, the following information must be available:

1. information associated with the aforementioned technical quality parameters, under the conditions set out in the secondary legislation on establishing quality indicators for the provision of internet access services and publishing related parameters, namely ANCOM President's Decision no. 1112/2017;
2. a clear and comprehensible explanation of the remedies available to consumers under national legislation in the event of any permanent or regularly recurring difference between the actual performance of the internet access service in terms of speed or other quality parameters and the performance indicated in the contract;
3. the procedure that end-users may follow to measure the actual performance of the internet access service and to identify any significant, permanent, or regularly recurring differences between the actual performance of the service in terms of speed or other technical quality parameters and the performance indicated in their contract.

According to the same decision, information regarding minimum data transfer speed, normally available data transfer speed, maximum data transfer speed, advertised data transfer speed (for fixed internet access services), and estimated maximum data transfer speed and advertised data transfer speed (for mobile internet access services) must be archived by providers together with tariff plans that are no longer part of the commercial offer, which must exist on their website in an easily accessible location.

## 4. Quality of the internet access service

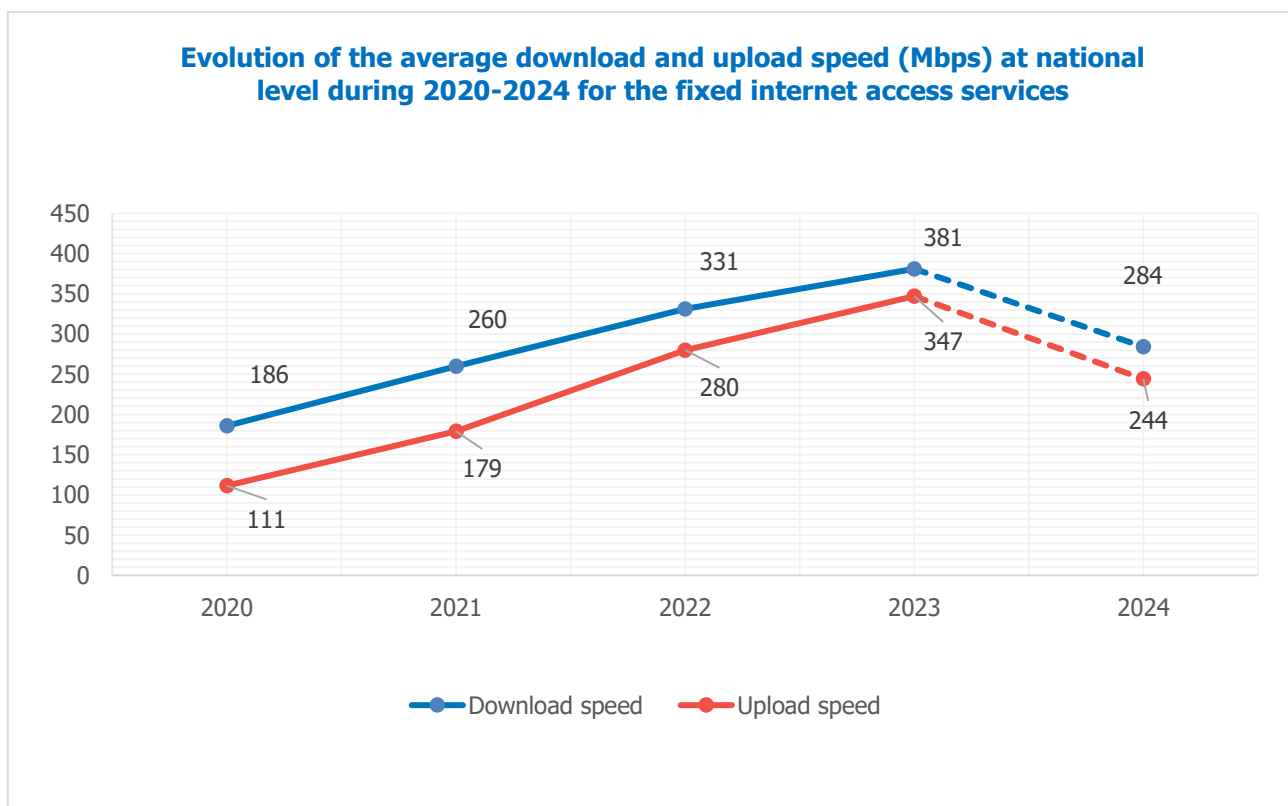
Annually, ANCOM prepares a report on the quality of internet access services, based on measurements performed by users through the Netograf IT platform. The most recent report presents the evolution of quality parameter values and comparative statistics on the quality of internet access services for 2024, as well as analyses regarding service quality evolution in recent years. In 2024, statistics were calculated based on 104,474 valid tests. Of the total valid tests, 68% were conducted via fixed connections and 32% via mobile connections.

Given that fixed and mobile access technologies have different characteristics in terms of service provision and, consequently, lead to very different quality parameter values, ANCOM's analysis was conducted separately for fixed and mobile internet access service providers.

### 4.1 Quality of the fixed internet access service

According to Netograf test results during 2024, the national average download speed recorded a value of 284 Mbps, while the national average upload speed reached 244 Mbps for fixed internet access services. Comparing 2024 data with 2023, a decrease in national average download speed for fixed connections of approximately 25% is observed. As regards upload speed for the same type of connections, a decrease of approximately 30% compared to the 2023 average can be observed.

The evolution of the national average download speed during 2020–2024 for fixed internet access services is presented in the figure below.



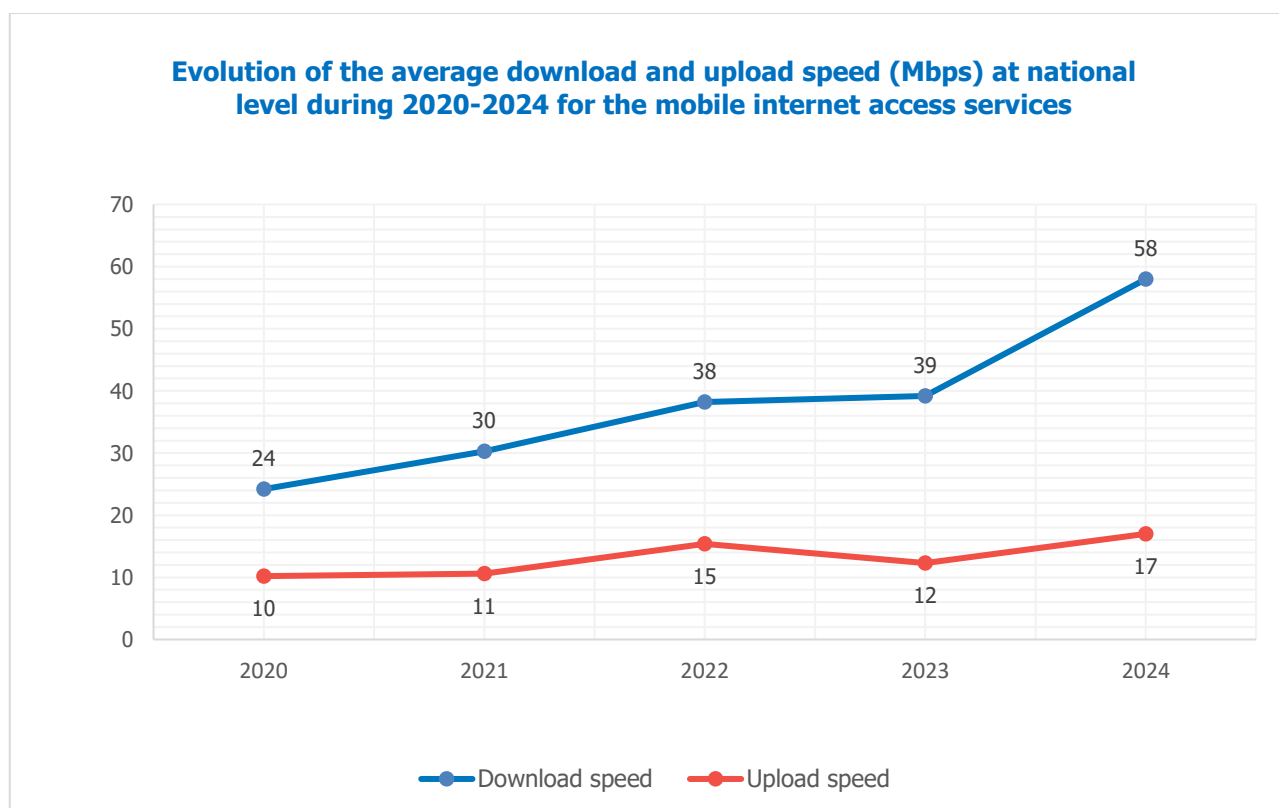
The explanation for the relative decrease in average download and upload speeds for fixed internet lies in the adjustment of the methodology used to calculate these averages. Analysis of measurements recorded in 2024 led to the identification of a significant number of repetitive measurements showing high measured speeds, permitted by the measurement procedure but likely

not resulting from usual actions of fixed internet users. In view of these aspects, the Authority decided to remove them from the calculation of 2024 averages and to adjust the measurement procedure. Therefore, the decrease in average download speed for fixed cable internet in 2024 should be viewed in correlation with the above.

## 4.2 Quality of the mobile internet access service

According to the results of the tests performed on the Netograf online platform, in 2024 Romanian users of mobile internet access services experienced national average download speeds of 58 Mbps and national average upload speeds of 17 Mbps. Comparing 2024 data with 2023, a significant increase in national average download speed for mobile connections of approximately 50% is observed. Regarding upload speed for the same type of connections, a significant increase of 42% compared to the 2023 average can be observed.

The evolution of the national average download speed during 2020–2024 for mobile internet access services is presented in the figure below:



Data recorded through the Netograf platform regarding transfer speeds correlate with the general trend resulting from providers' statistical data reporting on assumed transfer speeds and on the development of fixed communications networks and infrastructure. Thus, at the end of 2024, connections of at least 100 Mbps represented 95% of the total number of fixed internet connections, over 93% of total addressable administrative addresses being covered by fiber-optic technologies (FTTH/FTTB), according to the latest data published by the Authority. Regarding mobile internet access connections, the number of 4G and/or 5G connections increased by approximately 9% compared to the previous year, representing about 86% of total mobile internet connections at the end of 2024. The number of 5G connections increased by 53% in 2024, reaching 3.5 million (16% of the total).

Measurements carried out in 2024 through the Netograf platform highlighted different levels of user Quality of Experience (QoE) for various types of applications, for fixed internet (cable and WiFi connections) and mobile internet. Thus, from the standpoint of user experience quality:

- for **e-mail** applications, 98% of measurements were rated good or excellent for fixed internet via WiFi connections and 93% for mobile internet services;
- for **VoIP** applications, 95% of measurements were rated good or excellent for fixed internet via WiFi and 84% for mobile internet;
- for **social media and file transfer** applications, 94% of measurements were rated good or excellent for fixed internet via WiFi and 70% for mobile internet;
- for **video-streaming** applications, 94% of measurements were rated good or excellent for fixed internet via WiFi and 80% for mobile internet;
- for **web browsing** applications, 94% of measurements were rated good or excellent for fixed internet via WiFi and 81% for mobile internet;
- for **online gaming** applications, 92% of measurements were rated good or excellent for fixed internet via WiFi and 68% for mobile internet.

## 5. Transparent, simple and efficient complaint handling procedures

According to the secondary legislation issued by ANCOM<sup>12</sup>, internet access service providers are required to make available to end users, including by publishing on their websites, complaint handling policies detailing the steps users must follow to submit a complaint regarding electronic communications services. The same information must also be included in contracts concluded with end users<sup>13</sup>. This is a generally applicable policy, also covering complaints regarding the application of the Regulation, and is used by internet access service providers in their relationship with end users to resolve complaints concerning internet access services, their quality, and their open character.

Regarding the minimum information that the policy must contain, ANCOM Decision no. 73/2023 establishes that internet access service providers must include and transparently ensure the following information:

- how an end-user can submit a complaint.
- working hours for receiving and registering complaints;
- the maximum deadline for submitting a complaint, where applicable;
- the maximum time limit for resolving complaints;
- the maximum time limit for remedying service disruptions;
- applicable compensation if the provider exceeds the deadline for resolving the complaint or remedying the disruption;
- the timeframe and means by which the end user is informed about the outcome of the provider's actions to resolve the complaint;
- information stating that the end user may submit a complaint to ANCOM or use an alternative dispute resolution procedure if dissatisfied with the way their complaint was handled by the provider.

All providers of electronic communications services have implemented this policy, as it is mandatory, and failure to implement it under the conditions set out in ANCOM Decision no. 73/2023 is subject to sanctions.

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<sup>12</sup> ANCOM Decision no. 73/2023 ([https://www.ancom.ro/uploads/forms\\_files/Decizia\\_aNCOM\\_73\\_2023\\_privind\\_IUF1677596088.pdf](https://www.ancom.ro/uploads/forms_files/Decizia_aNCOM_73_2023_privind_IUF1677596088.pdf))

<sup>13</sup> According to the provisions of GEO 111/2011 (<https://legislatie.just.ro/Public/DetaliiDocument/134098>).

## 6. Sanctions

Regarding the sanctioning regime applicable in case of non-compliance with the Regulation, there has been no change compared to the previous reporting period. According to Article 142 point 55 of Government Emergency Ordinance no. 111/2011, failure to comply with obligations arising from directly applicable European Union legislation in the field of electronic communications, where monitoring and enforcement fall within the competence of the national regulatory authority, constitutes a contravention that may be established and sanctioned by ANCOM. Therefore, ANCOM may sanction breaches of the Regulation, except for those falling under the competence of ANPC and ANSPDCP, as mentioned in Chapter 1.2 above.

Government Emergency Ordinance no. 111/2011 also provides the applicable sanctions for the contravention set out in Article 142 point 55 of the same act, resulting from breaches of Articles 3, 4, and 5 of the Regulation.

There have been no changes compared to the previous reporting period; the maximum fine thresholds applicable to providers with a turnover exceeding 3,000,000 RON remain up to 5% of turnover and up to 10% of turnover in the case of repeated breaches.

Thus, pursuant to Article 143 of Government Emergency Ordinance no. 111/2011, the contravention consisting in providers' failure to comply with obligations under the Regulation is sanctioned by ANCOM as follows:

- by fine - ranging from 5,000 RON to 60,000 RON and, in case of repeated breach, up to 100,000 RON.
- by fine of up to 5% of the turnover, or - in case of repeated breach - up to 10% of the turnover, for the providers with a turnover exceeding 3,000,000 RON.

Additionally, for the same acts, the sanction of a warning may also be applied, pursuant to Government Ordinance no. 2/2001 on the legal regime of contraventions, as subsequently amended and supplemented.

The finding of the contravention and the application of the corresponding sanction are made by decision issued by the President of ANCOM, which constitutes an enforceable title and may be challenged in administrative litigation before the Bucharest Court of Appeal within 30 days of notification.

According to Article 149(1) (a) of Government Emergency Ordinance no. 111/2011, upon establishing a contravention, ANCOM may also order the cessation of the breach either immediately or within a reasonable time, as well as any measures deemed necessary to ensure cessation of the breach and remedy the situation created. The measures must be appropriate and proportionate to the breach committed and must set a deadline by which the provider must comply. Failure to comply with measures ordered by ANCOM is, in turn, sanctionable under Article 151 of Government Emergency Ordinance no. 111/2011 with an administrative fine of up to 30,000 RON for each day of delay.

During the reporting period, no sanctions were applied for breaches of the Regulation's provisions concerning transparency of information in contracts concluded with users who submitted complaints to ANCOM.



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