

**Monitoring compliance with the
provisions of Regulation (EU) 2015/2120 on
open internet access
(01 May 2025 – 30 April 2026)**

JUNE 2026

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, infocentru.ancom.ro, www.portabilitate.ro and www.veritel.ro. One can test and monitor internet service quality using www.netograf.ro. Mobile signal coverage across Romanian localities and along national and county roads can be viewed at 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) 2015/2120¹ (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 parameters², as well as the transparency of certain information that providers are required to make available to end users, established by ANCOM Decision no. 73/2023³.

The Romanian legal framework in the field is also complemented by the provisions of Government Emergency Ordinance no. 111/2011⁴ on electronic communications, approved, with amendments and completions, by Law no. 140/2012, with the subsequent amendments and completions.

To support internet access service providers, ANCOM also developed *Guidelines on the Implementation of Requirements Regarding the Inclusion in Contracts of Information on Internet Access Speeds over Fixed and Mobile Networks*⁵. Although these Guidelines are non-binding and non-compliance does not expose providers to sanctions by the Authority, providers have taken them into account when drafting contractual clauses under 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 platform⁶.

According to 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 01.05.2025–30.04.2026.

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.

However, it should be noted that ANCOM is the primary authority responsible for monitoring and ensuring the implementation of the Regulation, as it is empowered to verify the internet access service providers’ (hereinafter, *providers*) compliance with most of its provisions.

No legislative amendments were required to enable ANCOM to exercise these responsibilities, as national legislation already included the necessary provisions.

¹ 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;

² 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;

³ 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;

⁴ 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;

⁵ The Guidelines are available, in Romanian, here: https://www.ancom.ro/uploads/links_files/2019-10-09_Ghid_masurare_viteze_bun.pdf.

⁶ 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 100 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 to complainants concerning the applicable contractual and legal provisions, making formal inspections unnecessary. In some cases, to resolve complaints amicably, providers terminated contracts with end users without charging early termination fees, 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 01.05.2025 and 30.04.2026, 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.

Zero-rating services that fall within the scope of allowed exceptions under the Regulation remain in operation. For example, traffic to and from Netograf, ANCOM's certified national monitoring tool for the quality of internet access services, is free of charge and unlimited, 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) offered 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. Video quality was thus 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 have reverted to a classic plan with a specific included data allowance) as many times as they wanted during the contractual period. With the bonus activated, data traffic was free nationwide and in the European Economic Area (subject to fair use rules), 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 ANCOM 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, with ANCOM submitting written observations to the Court as a party to the proceedings.

On 10 July 2025, in its judgment in Case C-367/24, the CJEU ruled that Article 3 of *Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015, 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*, must be interpreted as precluding an unlimited internet access option, offered by an internet access service provider to its customers at no additional cost, which, when activated, allows customers to use video-streaming services without the associated data consumed being deducted from the data allowance included in their basic monthly subscription, while limiting the bandwidth available for such content, irrespective of the broadcasters or providers concerned.

2.2 Traffic management

For the purpose of monitoring traffic management practices used or applied by internet access service providers, ANCOM pays particular attention to complaints received from end users that may have been caused by specific practices. During the reporting period, one complaint was received concerning traffic management measures applied in exceptional and temporary network-congestion situations. The analysis did not identify any breaches of the Regulation.

2.3 Transparency in contracts concluded with the end users

Following complaints from subscribers, ANCOM reviewed the contracts they had concluded with internet access service providers to assess compliance with Article 4(1), para. 1, points (a)–(e) of the Regulation. The review found that the contracts concluded with the complainants contained information on speeds, the procedure for measuring them, and the remedies available to consumers where a significant discrepancy - whether continuous or regularly recurring - is found between the actual performance of the internet access service in terms of speed or other quality-of-service parameters and the performance indicated by the internet access service provider. Accordingly, the transparency obligations concerning the quality of internet access services laid down in the Regulation had been met.

In addition, following the introduction of new legal requirements concerning the minimum contractual terms that electronic communications service providers must include in their contracts as a result of the transposition of the European Electronic Communications Code into Romanian law, ANCOM conducted a compliance review to assess how these information requirements were reflected in the contracts concluded between major providers and consumers. The review also examined potential infringements of Article 4(1), para. 1, points (a)–(e) of the Regulation. The providers covered by the review were the main providers of internet access, cable television and number-based interpersonal communications services in Romania.

Following the compliance review, ANCOM found that, with some exceptions, providers had included the information required under Article 4(1), para. 1, points (a)–(e) of the Regulation in the contracts concluded with end users who are consumers.

The exceptions concerned cases in which certain contracts did not contain the information required under Article 4(1), para. 1, points (b), (d) and (e) of the Regulation. In these cases, the Authority imposed the appropriate administrative fines on the providers concerned. More specifically, ANCOM found that one provider of fixed-location internet access services had failed to include in its contracts with end users who are consumers information on the advertised download and upload speeds of the internet access service. In addition, in the case of another provider offering internet access services via a 4G modem, ANCOM found that the contracts concluded with end users who are consumers and covering such services did not contain information on the threshold at which download and upload speeds are reduced once the included data allowance has been exhausted. The contracts also lacked a clear and intelligible explanation of the estimated maximum download and upload speeds available under the internet access service, a clear and intelligible explanation of the remedies available to consumers under national law, and an explanation of the possibility of terminating the contract in the event of any continuous or regularly recurring discrepancy between the actual performance of the internet access service provided over mobile networks - in terms of speed or other quality-of-service parameters - and the performance specified in the contract. ANCOM also ordered the providers concerned to implement corrective measures to remedy these shortcomings. These measures involved amending the contracts that had formed the basis for the sanctioning decisions, insofar as they remained in force and had been concluded with end users acting as consumers, to ensure that the relevant contractual clauses were appropriately revised to comply with Article 4(1), para. 1, points (b), (d) and (e) of the Regulation.

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 *Guidelines 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 intended for providers of electronic communications networks and services and offers clarifications and examples of good practices concerning the legal requirements that providers must implement with regard to including information on internet access speeds over fixed and mobile networks in their contracts, 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 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 estimated 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, if the user allows 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, several updates to the application for mobile devices running the Android operating system were released, incorporating improvements to ensure proper and efficient operation across all mobile devices and on the latest versions of the operating system.

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.

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. Transparent, simple and efficient complaint handling procedures

Regulation (EU) 2015/2120 on open internet access grants end users the right to access the internet without discrimination, restrictions or unjustified interference. In this context, users may lodge complaints where they consider that the internet access service provided does not meet the contracted specifications or comply with open internet requirements, for example, where there is an unjustified reduction in transfer speeds or the blocking or throttling of access to certain applications, services or categories of traffic. According to the secondary legislation issued by ANCOM¹³, 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 users¹⁴. 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.

4.1 Principles governing the complaint-handling procedure

Transparency means ensuring that end users have access to complete, clear, up-to-date and easily accessible information on how to submit complaints, the required documentation, complaint handling deadlines, available remedies, applicable compensation and available avenues of redress. Users must be able to understand the status of their complaint and how it is being handled at any time.

¹³ ANCOM Decision no. 73/2023 (https://www.ancom.ro/uploads/forms_files/Decizia_anCOM_73_2023_privind_IUF1677596088.pdf)

¹⁴ According to the provisions of GEO 111/2011 (<https://legislatie.just.ro/Public/DetaliiDocument/134098>).

Simplicity means having procedures that allow users to submit and track complaints without excessive formalities. Users must be able to lodge complaints through accessible communication channels and receive prompt and straightforward confirmation of their registration.

Efficiency means having mechanisms in place to ensure that complaints are investigated and resolved within a reasonable timeframe and that identified issues are effectively remedied. The procedure must lead to the identification of the cause of the complaint and the adoption of appropriate measures, including the payment of compensation where justified.

4.2 Methods for submitting complaints

In order to ensure compliance with the above-mentioned principles, providers may provide users with several communication channels, allowing them to report issues such as:

- download or upload speeds significantly lower than contracted;
- persistent degradation of service performance;
- inability to access certain apps or services.
- unjustifiably blocking, slowing down or prioritising traffic;
- application of traffic management measures considered discriminatory.

Depending on the communication channel preferred by the end user, filing a complaint, regardless of the subject concerned, involves going through several steps:

Filing a complaint in physical format (e.g. via a postal service or directly at the provider's premises):

- consulting the information published by the provider on the complaints' procedure, the required documents and the applicable deadlines.
- filling in the form provided by the provider or drafting a written complaint describing the problem encountered and, where appropriate, including the results of speed measurements or other relevant evidence.
- registering the complaint and assigning it a unique registration number.
- verifying the service parameters, available technical data and information provided by the complainant.
- sending a reply including the conclusions of the analysis, the measures ordered, the possible deadlines for remediation and information on further appeals.

Filing a complaint through digital channels (which may include dedicated online platforms, web forms, mobile applications, email addresses and virtual assistants or chatbots).

- accessing the digital channel provided by the service provider.
- describing the issue encountered and, where applicable, uploading supporting documents, screenshots, speed test results or other relevant information.
- in the case of virtual assistants, providing initial troubleshooting steps.
- issuing an acknowledgement of receipt and generating a unique complaint reference number.
- conducting a technical assessment of the complaint and carrying out the necessary checks.
- informing the user of the outcome of the investigation and the measures taken by email, through the online platform or via another electronic channel.

Filing a complaint by telephone

- contacting the customer service department using the published telephone numbers.
- identifying the issue through interaction with a virtual assistant.
- logging the complaint in the provider's internal system.
- carrying out the necessary technical checks.
- communicating the response to the user by telephone, SMS, email or other agreed means.

For complaints regarding the existence of significant, permanent or recurring differences at regular intervals between the speeds of the internet access service and the contractually stipulated values, given the particularities of such a complaint, the Romanian providers have developed specific procedures¹⁵ regarding the submission and validation of notifications, with a view to granting remedies according to the provisions of art. 4 paragraph (2) of Regulation 2015/2120. These instructions are integrated into the procedures regarding the measurement through the Netograf platform.

In this regard, the end user must carry out the measurements in accordance with the methodology indicated by the provider, submit the complaint in written form and attach the supporting documents provided for by the procedure, as well as the minimum information necessary to identify and analyse the complaint. For example, the procedures of by the main providers of internet access services¹⁶ in Romania provide for the transmission of complaints regarding the speeds of the internet access service by e-mail and, alternatively, by submitting a written request at the points of work or shopping centres. The requirement to formulate the complaint in writing is justified by the need to transmit to the provider the results of the measurements carried out, respectively to export the tests carried out in the complained interval, downloaded from the Netograf user account in CSV or PDF format, as well as other supporting documents, as the case may be. This does not preclude the possibility of using other means of contact made available to customers by suppliers (interaction with an AI agent, call centre) to obtain information prior to the filing of complaints or on the status of the resolution of complaints.

The Netograf platform provides users with a series of functionalities designed to facilitate the performance of tests and the identification of factors that may influence the results of the measurements. For example, the Netograf application for mobile terminals detects and displays a series of factors that could have affected the measurement, for example situations in which the signal strength level and the signal quality level are below a predetermined minimum threshold. Also, the applications dedicated to Netograf fixed and mobile terminals allow the automatic scheduling of tests, a functionality implemented in accordance with the measurement requirements specified in the procedures related to the measurements. In order to carry out the scheduled tests, it is sufficient for the user to choose the monitoring period and the number of measurements performed daily.

The procedures dedicated to complaints about the speed of the internet access service regulate in particular the technical conditions and documents necessary to verify the existence of significant, permanent or recurring differences at regular intervals between the actual performance of the service and the contractual parameters.

However, with regard to the general framework for the resolution of complaints (including those regarding the obligations incumbent on suppliers under Article 3 of the Regulation), respectively the methods of receiving and registering them, the working hours, the deadlines for resolution and remediation, as well as the method of communicating the result to the end user, the provisions of the provider's general complaint resolution policy, developed in accordance with ANCOM Decision no. 73/2023.

Therefore, the special procedure for complaints concerning internet access service speeds must be interpreted and applied in conjunction with the general complaint-handling policy, the two documents together forming the complete procedural framework for handling those complaints.

¹⁵ According to the provisions of Article 4 paragraph (2) of Regulation (EU) 2015/2120

¹⁶ **Digi** – The complaint will be submitted at the DIGI Romania points of presence (www.digi.ro/asistenta/ points-of-presence) or by e-mail to clienti@digiro.ro

Vodafone – Registration of the complaint within a maximum of 30 days from the date of the last measurement in electronic format at the persoanefizice.fix&tv@vodafone.com email address or in physical format, at the Vodafone contact address;

Orange – Customers shall submit to Orange Romania, attached to the complaint, in writing, by the means specified in the complaint resolution procedure

ANCOM aims both to comply with the specific provisions of Regulation (EU) 2015/2120, including the transparency obligations established by art. 4 para. (2), and to comply with the provisions of ANCOM Decision no. 73/2023 on the information to be found in the End-User Complaint Resolution Policy. In this context, ANCOM has the task of verifying whether providers ensure adequate information to users, by providing them with transparent, accessible and efficient procedures for filing, managing and resolving complaints.

5. 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 breaches, 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.

As specified in chapter 2.3, ANCOM carried out, during the reference period, a campaign to verify how information requirements were reflected in the contracts concluded by the main providers with consumers. The review also covered potential breaches of Article 4(1) para. 1 letter a)-e) of the Regulation. Following the analysis of the contracts issued, ANCOM found that a provider of electronic communications services had infringed the provisions of Article 4(1) para. 1 letter d) of the Regulation, while another electronic communications service provider had infringed the provisions of Article 4(1) para. 1 letter b), d) and e) of the Regulation. ANCOM imposed fines on the

two providers in the total amount of 50,000 lei. Furthermore, ANCOM ordered both providers to amend the contracts examined, insofar as they remained in force, to ensure that they included the information required under the relevant provisions of the Regulation that had been omitted.



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