ANCOM
National Authority for Management and Regulation in Communications of Romania

2 Delea Noua Street, Bucharest 3, Romania
Phone: +40 372 845 400 / +40 372 845 454. Fax: +40 372 845 402
E-mail: ancom@ancom.org.ro. Website: www.ancom.org.ro

On grounds of the provisions of Article 10 paragraph (2) indent 1, Article 11 paragraph (1) and Article 12 paragraphs (1) and (3) of Government Emergency Ordinance no.22/2009 on the establishment of the National Authority for Management and Regulation in Communications, approved by Law no.113/2010, with the subsequent amendments and completions, as well as of Article 6 paragraph (3), Article 7 paragraph (4), Article 8, Article 9 paragraph (1) letter b), respectively of Article 154 of Government Emergency Ordinance no.111/2011 on electronic communications, approved with amendments and completions by Law no.140/2012,

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

issues this

DECISION
on the general authorisation regime for the provision of electronic communications networks and services

CHAPTER I
Object of the decision

Art.1. – (1) This decision establishes the general authorisation procedure for the persons intending to provide electronic communications networks or services, as well as the conditions under which the providers of electronic communications networks or services are subject to the general authorisation regime.

(2) The general authorisation comprises the specific legal rules applicable to the provision of electronic communications networks and services, and is set forth in Annex no.1.

CHAPTER II
Obligation to notify

Art.2. – (1) Any person who intends to provide public electronic communications networks or publicly available electronic communications services, hereinafter referred to as *requester*, has the obligation to send the National Authority for Management and Regulation in Communications, hereinafter referred to as *ANCOM*, a notification regarding this intention, in accordance with the provisions of this decision, on the day of starting the activity at the latest.

(2) The notification shall only be made by using the standard form set forth in Annex no.2 and by

sending it to ANCOM.

(3) The public electronic communications networks and the publicly available electronic communications services mentioned under paragraph (1) are comprised, not exhaustively, in the description file for networks and services set forth in Annex no.3.

(4) This decision shall not apply to the service providers that carry out designing activities, deploy construction works and maintain the electronic communications networks and install, maintain or connect the electronic communications equipment.

(5) This decision shall not apply to the persons providing services consisting exclusively of the provision of content sent by means of the electronic communications networks or services, or whereby the editorial control over this content is exercised, or which allow the storage and subsequent accessing of the content sent.

Art. 3. – (1) The persons intending to provide electronic communications networks by means of the radio frequencies allotted for experimental or occasional transmissions shall not have the obligation to send the notification under Article 2 paragraph (1).

(2) The foreign persons with main headquarters in other Member States of the European Union or of the European Economic Area who intend to provide mobile electronic communications services onboard ships and aircraft, registered in the aforementioned states, shall not have the obligation to send the notification under Article 2 paragraph (1).

(3) The persons who may request to be awarded the right to use these limited resources, as a result of the international agreements in which Romania is a party concerning the coordination of the destination of certain frequencies for ensuring cross-border electronic communications services, shall not have the obligation to send the notification under Article 2 paragraph (1) to the extent they do not intend to provide on their own behalf and account electronic communications services to the end-users established on the Romanian territory.

(4) The persons mentioned in paragraphs (1) to (3) shall be appropriately applied the specific rights and obligations under the general authorisation regime.

Art. 4. – (1) The persons who provide electronic communications networks or services exclusively for their own needs shall not have the obligation to send the notification under Article 2 paragraph (1).

(2) The persons under paragraph (1) shall be deemed providers of private electronic communications services and shall gain the specific rights and obligations under the general authorisation regime from the date of effectively starting to provide the private electronic communications networks and services.

(3) The provisions related to the suspension, cessation or withdrawal of the right to provide electronic communications networks or services or of the right to use radio frequencies shall apply as appropriate.

CHAPTER III

Documents attached to the standard notification form

Art.5. – (1) The requester shall attach to the standard notification form the following documents, which are part thereof:

a) a copy of the registration certificate issued by the Trade Register to the legal person or to the authorised natural person, to the individual enterprise or to the family association, as the case may be, or copy of the fiscal registration certificate, as well as copy of the certificate of registration with the Register of Associations and Foundations or with the Register of Federations, as appropriate, in the case of a legal person that does not have the capacity of an undertaking;

b) a copy of the proof of the capacity as a representative of the requester for the person signing the standard notification form or a copy of the identity act of the requester, if an authorised natural person;

c) the description file for networks and services.

(2) The requester - foreign person with headquarters in one of the Member States of the European Union or of the European Economic Area, who is not established in Romania, shall attach documents issued in accordance with the legislation of the native Member State comprising equivalent information, in copy, instead of the documents referred to in paragraph (1) letters a) and b). The requester may designate a contact address in Romania for receiving the correspondence as well as a person mandated to engage the requester's liability in relation with ANCOM, case in which the respective requester shall send ANCOM the identification documents of the mandated person, in copy.

(3) The requester - foreign person, established in Romania upon setting up a unit without legal personality, shall send copies of the identification documents corresponding to the parent-company, in addition to the documents referred to in paragraph (1) belonging to the secondary headquarters.

(4) The requester may indicate in the standard notification form the estimated date for starting the provision of each type of electronic communications networks or services. The estimated date is the date from which the requester gains, in accordance with Article 7 paragraph (1), the rights and obligations under the general authorisation regime for each type of electronic communications networks or services.

(5) If the requester has not indicated any estimated date or has indicated an estimated date which precedes the notification date, the requester gains the rights and obligations under the general authorisation regime for the types of electronic communications networks or services indicated in the notification from the date of submitting the notification as specified in Article 7 paragraph (1).

(6) All documents in a foreign language sent by a requester to ANCOM shall be accompanied by an authorised translation into Romanian.

CHAPTER IV

Filling in the description file for networks and services

Art.6. – The requester has the obligation to fill in and send ANCOM, as an annex to the notification, the relevant sections of the description file for networks and services, depending on the types of electronic communications networks or services it intends to provide.

CHAPTER V

Notification requirements

Art.7. – (1) The notification shall be deemed completed only if all the legal requirements related to the submission, form and content are met. The requester shall not have the right to provide electronic communications networks or services until the notification is completed.

(2) If the requirements under paragraph (1) are not observed, within 7 days from the notification date, ANCOM shall ask the requester, in writing, to fulfil them.

(3) In the case presented under paragraph (2), the notification shall be deemed completed on the date of sending ANCOM the documents which certify the compliance with the respective requirements, the provisions of Article 5 paragraphs (4) and (5) being applied as appropriate.

CHAPTER VI

Notification effects

Art.8. – (1) The requester who made the notification within the term and under the conditions of this decision shall be deemed to be a provider of electronic communications networks or services for the types of electronic communications networks or services mentioned in the notification, hereinafter referred to as the *provider*, and shall gain the specific rights and obligations provided under the general authorisation for the types of electronic communications networks or services mentioned in the notification from the date shown under Article 5 paragraphs (4) or (5), as the case may be.

(2) The right to provide a certain type of electronic communications network shall not entail the right to provide another type of electronic communications network, nor the right to provide electronic communications services.

(3) The right to provide a certain type of electronic communications service shall not entail the right to provide another type of electronic communications service, nor the right to provide electronic communications networks.

(4) The right to provide electronic communications networks and/or services under the general authorisation regime shall not entail the right to use radio frequencies, numbering resources or technical resources, when these are necessary for the network or service provision, without undergoing the procedures for gaining the right to use such resources, in accordance with the specific legislation.

(5) Not starting to effectively provide the electronic communications networks or services shall not postpone the born of the rights and obligations under the general authorisation regime.

(6) The rights under the general authorisation regime may not be transmitted to third parties under a particular title.

CHAPTER VII
Standard certificate

Art.9. – Within 7 days from the date when the notification was made according to Article 7, ANCOM shall issue and send the requester a standard certificate stating that the latter has sent the notification provided by this decision and that it holds the right to provide the types of electronic communications networks or services mentioned in the notification from the date shown, as the case may be, under Article 5 paragraphs (4) or (5), and also setting the conditions under which the requester is able to exercise the rights of way and the right to negotiate access or interconnection agreements.

CHAPTER VIII
Obligation to communicate modifications

Art.10. – (1) Any modification of the data mentioned in the standard notification form shall be communicated to ANCOM within 10 days from the date of its occurrence, respectively from the date of its registration with the competent institutions, as the case may be, by means of a notice accompanied by copies of the justifying documents, if necessary.

(2) The person established in Romania under any title after making the notification according to Article 5 paragraph (2) shall inform ANCOM thereon under the conditions of paragraph (1). If appropriate, ANCOM may request the transmission of certain documents from among those indicated at Article 5 paragraph (1) corresponding to the secondary headquarters.

(3) A new notification shall be required, under the terms of Article 2, if the modification concerns either the provision of other types of electronic communications networks or services, additional to those mentioned in the previous notification, or the estimated date for starting provision.

(4) In the case under paragraph (3), as well as if the modification is related to waiving the right to provide a certain type of electronic communications network or service, respectively to the requester's or the provider's identification data mentioned in the standard certificate, ANCOM shall issue a new standard certificate including all these changes.

(5) Any modification of the data in the description file for networks and services shall be communicated to ANCOM within 10 days from the date of its occurrence, by sending a notice in this regard.

(6) The persons who gain the right to provide electronic communications networks or services as universal successors or successors under universal title of a provider of public electronic communications networks or of publicly available electronic communications services which thus ceases its activity, by merger

or any other manner, have the obligation to send ANCOM a notice, under the terms of paragraph (1).

CHAPTER IX

Cessation of the right to provide electronic communications networks or services

Art.11. – (1) The right to provide electronic communications networks or services, as well as the other rights and obligations provided in the general authorisation shall cease in the following cases:

a) upon the provider's request;

b) from the date of declaring the bankruptcy under the terms of Law no.85/2006 on the insolvency procedure, with the subsequent amendments and completions;

c) in case of enforcing the sanction of withdrawal of such right;

d) on the date of registering the dissolution decision with the trade register or cessation, in any other way, of the provider's existence;

e) if the communication of documents by ANCOM to the address indicated by the provider in the notification is repeatedly impossible. The ANCOM representative shall post the document that must be communicated, except for the fiscal administrative acts, at the address indicated by the provider in the notification, drawing up a statement-of-facts on the impossibility of communicating the respective documents.

(2) The right to provide all the types of electronic communications or services shall be waived by sending the standard request provided in Annex no.4.

(3) The request mentioned in paragraph (2) shall become effective from the date of its transmission to ANCOM or from a subsequent date, provided therein, and ANCOM shall confirm in writing to the provider the cessation of the right to provide all the types of electronic communications networks or services.

(4) The cessation of the right to provide electronic communications networks and services pursuant to paragraph (1) letter e) shall be established by decision of the ANCOM president, setting also the cessation date. The decision shall be published on the ANCOM website.

(5) The right to use the numbering resources, the radio frequencies and the technical resources shall cease once with the cessation of the right to provide the types of electronic communications networks or services for which these were granted, including the self-supply of electronic communications networks or services, where applicable.

(6) By way of derogation from the provisions of paragraph (1) letter a), during their designation, the providers of electronic communications networks or services designated as universal service providers may not waive the right to provide the services for which they were designated as such.

CHAPTER X

Suspension of the right to provide electronic communications networks or services

Art.12. – (1) The right to provide all or certain types of electronic communications networks or services shall be suspended in the following cases:

a) temporary inactivity, assessed by ANCOM or upon the provider's request, alongside a copy of the relevant documents issued by the National Trade Register Office or of the irrevocable court decision, as the case may be;

b) enforcement of the sanction of suspension of such right, by decision of the ANCOM president, communicated to the provider and published on the ANCOM website.

(2) During the suspension of the right to provide electronic communications networks or services according to paragraph (1) letter a), all the provider's rights and obligations in connection to the provision of electronic communications networks and services, in relation with ANCOM, as well as with other legal or natural persons, shall be suspended, except for the rights to use numbering resources, radio frequencies and technical resources, which cease on the suspension date.

(3) The cessation of the provider's temporary inactivity shall effect in regaining the rights and obligations provided by the general authorisation regime, except for the rights to use numbering resources, radio frequencies and technical resources, only following the provider's submission to ANCOM of a copy of all relevant documents issued by the National Trade Register Office or of the irrevocable court decision, as the case may be, on the recommencement of the provider's activity.

(4) ANCOM shall sanction the provider with suspending its right to provide electronic communications networks or services for 6 months, at most.

(5) During the suspension of the right to provide electronic communications networks or services according to paragraph (1) letter b), the provider of electronic communications networks or services has in relation with ANCOM the obligations laid down in the general authorisation and in other legal provisions, connected to the provision of electronic communications networks or services.

(6) The cessation of the sanction referring to the suspension of the right to provide electronic communications networks or services shall result in regaining the rights provided by the general authorisation regime. If, upon the expiration of the suspension period, the provider of electronic communications networks or services fails to remove the causes which led to suspension, ANCOM may decide the withdrawal of the right to provide electronic communications networks or services.

CHAPTER XI

Withdrawal of the right to provide electronic communications networks or services

Art.13. – (1) The person who was sanctioned with the withdrawal of the right to provide electronic communications networks or services shall be revoked the right to provide use radio frequencies, numbering resources or other types of technical resources, where applicable, and shall not be able to gain the right to provide electronic communications networks or services for a 3-year period from withdrawal.

(2) The withdrawal of the right to provide electronic communications networks or services shall be established by decision of the ANCOM president, under the law, shall be communicated to the provider of electronic communications networks or services and published on the ANCOM website.

CHAPTER XII

Public record of the providers of electronic communications networks or services

Art.14. – (1) For the purpose of maintaining an official record of the providers, ANCOM shall create and update the Public Record of the Providers of Electronic Communications Networks or Services, available on the ANCOM website.

(2) The following data are included in the Record mentioned in paragraph (1) for each provider:

a) the identification data;

b) the types of electronic communications networks or services it has the right to provide;

c) the date when the right to provide each type of electronic communications network or service was obtained;

d) mentions regarding the suspension or cessation of the right to provide electronic communications networks or services.

CHAPTER XII

Document transmission

Art.15. – (1) In cases when this decision imposes on the requester/provider the obligation to transmit certain documents to ANCOM, these shall be signed and sealed by its representative, and sent either to the ANCOM headquarters in Bucharest or to its territorial structure within the area where the requester's/provider's domicile or headquarters are located, only in one of the following ways:

a) by submission, personally or through a mandated representative of the requester or of the provider, upon signature;

b) by mail;

c) in electronic format, by e-mail, having included, attached or logically associated an extended electronic signature based upon a qualified certificate that has not been invalidated or revoked at the respective moment, generated using a secured device for creating electronic signature.

(2) As the case may be, the transmission date of the notification shall be considered to be the date when the notification is registered in the incoming-outgoing correspondence register of ANCOM, the confirmation date of the receipt if sent by registered mail or the date of receipt confirmation if sent in electronic format.

(3) In cases when this decision imposes on the requester/provider the obligation to transmit copies of certain documents to ANCOM, such transmission may be made to the ANCOM headquarters or to its territorial structure within the area where the requester's/provider's domicile or headquarters are located, in one of the ways specified in paragraph (1), or by electronic mail or fax.

(4) The forms of the documents provided in Article 2 paragraphs (2) and (3) and Article 11 paragraph (2) may be obtained from the ANCOM headquarters, any of its territorial structures or its website.

CHAPTER XIV
Transitory provisions

Art.16. – (1) Until 31 December 2013, all the providers ensuring electronic communications services which allow voice services, respectively access to content services, by means of numbering resources granted under licence, shall appropriately fill in and send the description file for networks and services (Annex no.3).

(2) Failure to send the description file for networks and services (Annex no.3) within the term and under the conditions set in paragraph (1) shall result in the cessation of the right to provide electronic communications services which allow voice services, respectively of the right to provide electronic communications services which allow access to content services.

(3) Without prejudice to the provisions of paragraphs (1) and (2), the notification made according to the Decision of the President of the National Authority for Management and Regulation in Communications no.338/2010 on the general authorisation regime for the provision of electronic communications networks and services shall further produce effects while the rights and obligations laid down in this decision shall also apply.

CHAPTER XV
Final provisions

Art.17. – Annexes no.1 to 4 are part of the present decision.

Art.18. – (1) This decision shall be published in the Romanian Official Journal, Part One, and shall become effective within 3 days after publication.

(2) The Decision of the President of the National Authority for Management and Regulation in Communications no.338/2010 on the general authorisation regime for the provision of electronic communications networks and services, published in the Romanian Official Journal, Part One, no.347 of 26 May 2010, shall be repealed.

for the President of the National Authority for Management and Regulation in Communications,
Cristin Nicolae Popa

Bucharest, 6 December 2012
No. 987

ANNEX 1

GENERAL AUTHORISATION
for the provision of electronic communications networks and services

1. General provisions

1.1. Object of the general authorisation

This general authorisation sets out the conditions for the provision of electronic communications networks and services.

1.2. Definitions

1.2.1. *Private electronic communications network* – the electronic communications network which fulfils at least one of the following conditions:

a) it is exclusively provided for the provider's own needs, respectively for achieving communications among the provider's agents;

b) it is exclusively provided for achieving communications necessary for its own activity, the network provision being auxiliary to the respective activity;

1.2.2. *Provision of an electronic communications network* – the establishment, operation, control or making available of an electronic communications network:

- *establishment of an electronic communications network* – deploying an electronic communications network, directly or by means of a third party's services, until rendering it operational, for the purpose of operating, controlling or making it available;

- *operation of an electronic communications network* – the configuration of the network equipment, as well as functioning monitoring, diagnosis and maintenance of an electronic communications network;

- *control of an electronic communications network* – the monitoring, surveillance or verification of the physical access to the network and of the communications within the network, as well as management of the information transmitted on the network;

- *making available of an electronic communications network* – granting to a third party non-exclusive access to the network for the purpose of providing electronic communications services over this network.

1.2.3. *Publicly available electronic communications service* – the electronic communications service normally provided for remuneration exclusively or mainly to a third person.

1.2.4. *Leased line service* – the publicly available electronic communications service providing a transparent and permanent transmission capacity between two network points and not allowing the possibility of switching upon the users' request.

1.2.5. Within the text of this Annex:

- the Government Emergency Ordinance no.111/2011 on electronic communications, approved with amendments and completions by Law no.140/2012, shall be hereinafter referred to as the *Ordinance*;

- the Law no.506/2004 concerning the processing of personal data and the protection of privacy in the electronic communications sector, with the subsequent amendments and completions, shall be hereinafter referred to as the *Law on Personal Data.*

1.2.6. Within the meaning of this general authorisation, the definitions under the Ordinance are also applicable.

2. Providers' rights

2.1. Provision of electronic communications networks

2.1.1. The provider of public electronic communications networks has the right to make its network available only to a third party that is authorised to provide electronic communications networks or services, or to a third party authorised according to the specific legislation in the audiovisual field.

2.1.2. The provider of private electronic communications networks has the right to connect as an end-user to a public electronic communications network, using a connection means agreed upon together with the provider of the public electronic communications network.

2.2. Provision of electronic communications services

The provider of publicly available electronic communications services may use therefor a network of a third party who is a provider of public electronic communications networks, upon the approval of the latter, if the respective network allows for the provision of the electronic communications service, from a technical point of view.

2.3. Right of way

The provider of electronic communications networks may establish, maintain, replace, or move any element of the network, including stands and other facilities necessary for their support, as well as the termination points used for the provision of electronic communications services on, over, in or under immovables which are public or private property, as the case may be, in accordance with the legal provisions regulating the right of way.

2.4. Access and interconnection

The provider of public electronic communications networks or of publicly available electronic communications services may negotiate and conclude access or interconnection agreements under the conditions set out by the Ordinance.

2.5. Designation as a universal service provider

The provider of public electronic communications networks or of publicly available electronic communications services has the right to be designated for providing services within the scope of universal service on the entire national territory or in regions of the national territory, in accordance with the provisions under Chapter VI of the Ordinance.

2.6. Adjacent rights

2.6.1. The provider of publicly available electronic communications services has the right to publish subscriber directories containing the identification data and telephone numbers of the subscribers, in written, electronic or in any other form, with the observance of the provisions under the Law on Personal Data.

2.6.2. The provider of publicly available electronic communications services has the right to provide the directory enquiry service and the customer service.

3. Provider's obligations

3.1. Contribution to funding the universal service

3.1.1. The National Authority for Management and Regulation in Communications, hereinafter *ANCOM*, may require the providers of electronic communications networks or services to pay a financial contribution for funding the universal service, in accordance with the conditions of Chapter VI of the Ordinance.

3.1.2. The providers of electronic communications networks or services have the right to choose whether to take into consideration the turnover or the revenues achieved exclusively from the provision of electronic communications networks or services in view of determining the existence of the obligation to pay the contribution for compensating the net cost of the provision of services within the scope of universal service, as well as its amount.

3.2. Annual monitoring traffic

3.2.1. The provider of public electronic communications networks or of publicly available electronic communications services has the obligation to submit ANCOM an original copy of the annual financial statements or of the annual financial reports on the obtained revenues, as appropriate, within 7 days from the expiration of the legal term for their submission to the competent bodies, under the law.

3.2.2. The provider of public electronic communications networks or of publicly available electronic communications services with a turnover exceeding the equivalent in RON of EUR 100,000 has the obligation to pay to ANCOM an annual monitoring tariff, in the amount and under the conditions of the Ordinance.

3.2.3. The providers of public electronic communications networks or of publicly available electronic communications services have the right to choose whether to take into consideration the turnover or the revenues achieved exclusively from the provision of electronic communications networks or services in view of determining the annual monitoring traffic.

3.2.4. With a view to determining the financial obligations towards ANCOM, the foreign persons with main headquarters in the Member States of the European Union or European Economic Area who are not established in Romania have the obligation to keep separate financial accounts for the activities of manufacturing, trade or service supply carried out in Romania, respectively for the provision of electronic communications networks or services in Romania, depending on the chosen calculation basis.

3.3. Access and interconnection

3.3.1. The provider of public electronic communications networks has the obligation, upon the request of a third provider of public electronic communications networks, to negotiate an interconnection agreement with such third provider for the purpose of providing publicly available electronic communications services, including electronic communications services available to users over another public communications network interconnected with the network of either provider.

3.3.2. The negotiations referred to in item 3.3.1. above shall be carried based on the principle of good faith in a reasonable timeframe, established on a case-by-case basis, and the parties shall be required to provide arguments for the forwarded proposals, respectively the reasons for refusing the proposal of the other party. The providers shall take all diligences to conclude the interconnection agreement, showing reasonableness, availability and promptness.

3.3.3. The provider of public electronic communications networks or of publicly available electronic communications services has the obligation to observe all the measures taken by ANCOM in order to encourage and, as the case may be, ensure access and interconnection under adequate conditions and interoperability of services, with the observance of the principles of economic efficiency, fostering competition efficient investments and innovation, and maximising the end user benefits, in accordance with the provisions under the Ordinance.

3.3.4. In order to terminate calls on a public electronic communications network, the provider of public electronic communications networks has the obligation to conclude interconnection agreements with the provider of the respective network or with the provider of another public electronic communications network interconnected with the network of the provider concerned, as the case may be, under the conditions set out by the Ordinance.

3.3.5. As for the interconnection of the public electronic communications networks, the providers have the obligation to send the identity of the calling line to the interface of the networks involved, without altering, changing or erasing it.

3.4. Shared use of facilities

ANCOM may require the provider of electronic communications networks to allow a third provider of electronic communications networks to use its stands and other facilities destined to support the elements of the networks, installed, built or arranged by the respective provider, for the purpose of establishing, maintaining, replacing or moving any of the elements of that third provider's network. In case of imposing such an obligation, ANCOM shall also establish the conditions for the sharing of facilities.

3.5. Environment protection, urban planning and territory arrangement

3.5.1. The provider of electronic communications networks has the obligation to obtain all necessary authorisation documents provided by the law on environment protection, building quality, execution authorisation, and by other applicable legal provisions. The capacity as a provider of public electronic communications networks does not replace any of these documents.

3.5.2. The provider of electronic communications networks has the obligation to require ANCOM to issue the endorsement needed for obtaining the authorisation for building stands and immovables which may affect the functioning of the ANCOM monitoring systems. The list of localities where such endorsement is necessary is published on the ANCOM website.

3.5.3. The provider of electronic communications networks is bound to observe the urban planning and the territory arrangement planning during the entire duration of its activity.

3.6. Processing of personal data

3.6.1. The provider of public electronic communications networks or of publicly available electronic communications services has the obligation to observe the provisions regarding the processing of personal data under the Law on Personal Data related to the provision of publicly available electronic communications

services over the public electronic communications networks, including the public electronic communications networks which involve data gathering and identification devices.

3.6.2. The provider of public electronic communications networks or of publicly available electronic communications services is forbidden to change the identity of the calling party, hide the latter's identity or inform the called party on the identity of the calling party without the approval of the latter.

3.6.3. The provider of public electronic communications networks or of publicly available electronic communications services has the obligation to contribute to the identification of the electronic communications networks from which the calls were originated or through which the calls were transmitted, as well as to the identification of the call origin, at the request of the competent authorities, in accordance with the legal provisions.

3.7. Security and integrity of electronic communications networks and services

3.7.1. The provider of public electronic communications networks or of publicly available electronic communications services has the obligation to take all necessary technical and organisational measures to appropriately manage the risks posed to security of networks and services so as to ensure a level of security appropriate to the risk presented and to prevent or minimise the impact of security incidents on users and interconnected networks, considering the newest technologies and, where appropriate, to collaborate with other providers for implementing these measures.

3.7.2. The provider of public electronic communications networks shall take all appropriate measures to guarantee the integrity of networks and to ensure the continuity of supply of services provided over these networks and, where appropriate, to collaborate with other providers for implementing these measures.

3.7.3. The provider of public electronic communications networks or of publicly available electronic communications services shall notify ANCOM in the shortest time possible of any breach of security or loss of integrity which has had a significant impact on the provision of networks or services.

3.7.4. At the request and in the way ANCOM indicates, the provider of public electronic communications networks or of publicly available electronic communications services has the obligation to ensure that the public is informed on the occurrence of the situation referred to in item 3.7.3.

3.7.5. The provider of public electronic communications networks or of publicly available electronic communications services has the obligation to take all measures imposed by ANCOM in view of ensuring the security and integrity of the electronic communications networks and services, in accordance with the provisions of Chapter IV under the Ordinance.

3.8. Interception of communications

3.8.1. The provider of electronic communications networks or services has the obligation to allow the competent public authorities, including from a technical point of view, to intercept the communications carried out as well as the obligation to bear the costs corresponding to the interface for interception, in accordance with the legal provisions.

3.8.2. The provider of electronic communications networks or services has the obligation to ensure the confidentiality of interception operations through its own system of organisational, technical and procedural measures, accredited under the specific legislation in the field of protection of classified information.

3.8.3. The provider of electronic communications networks or services shall place at the disposal of competent public authorities all technical data regarding the interception operations, in the format established by such authorities, considering the technological stage in the field.

3.8.4. The provider of electronic communications networks or services shall place at the disposal of the national authority competent in the communications interception, designated under the law, the interception management servers and the administration and operation consoles it holds, in view of ensuring the legal interception of communications.

3.8.5. The provider of electronic communications networks or services has the obligation to grant technical support to the national authority in charge with the interception of communications, in view of fulfilling its attributions in the field, and shall cooperate with such authority to enforce the criteria of protecting and auditing the national communications interception system, elaborated by this authority.

3.8.6. The provider of electronic communications networks or services has the obligation to take all necessary technical measures in view of immediately enforcing the communications interceptions authorisations or mandates issued according to the law.

3.9. Providing the electronic communications networks and services under special circumstances

3.9.1. During the circumstances generated by a natural calamity or by an extremely serious disaster, the providers of electronic communications networks and the providers of electronic communications services have the obligation to take all measures in order to ensure the integrity of networks and the continuous provision of electronic communications services, as well as to allow the communication between the public authorities responsible for organising defence against disasters, in accordance with the applicable legal provisions.

3.9.2. The providers of publicly available telephone services supplied on public fixed and mobile electronic communications networks have the obligation to take all measures required to ensure the maximum availability of these services, in case of serious disruption of the network functioning or in case of force majeure.

3.9.3. The providers of public electronic communications networks and the providers of publicly available telephone services have the obligation to ensure the receiving and retransmission of emergency calls from any equipment they operate, irrespective of the technology used, pursuant to the conditions on the establishment of communications to the Unique National System For Emergency Calls, hereinafter referred to as the *SNUAU*, established by ANCOM.

3.9.4. The providers of publicly available telephone services and the providers of public electronic communications networks have the obligation to take all measures in order to ensure uninterruptedly the possibility of initiating calls to the 112 emergency call service.

3.9.5. The providers of electronic communications services ensuring call origination to at least one number in the National Numbering Plan and the providers of public electronic communications networks have the obligation to make available free of charge to the SNUAU information on the caller's location for all the categories of calls to the 112 emergency call service, under the conditions set out by ANCOM related to the establishment of communications to the SNUAU.

3.9.6. The providers of public electronic communications networks and the providers of electronic communications services ensuring call origination to at least one number in the National Numbering Plan have the obligation to ensure with priority the connections with the SNUAU centres and dispatchers, under emergency circumstances which affect or may affect the infrastructure or/and services of these categories of providers.

3.10. Use of radio frequencies

3.10.1. Should the support for transmitting signals through the network be radio channels, the provider of electronic communications networks or services shall not have the right to use the radio frequencies submitted to the licensing regime under the Ordinance unless having obtained the license for the use of radio frequencies.

3.10.2. As regards the use of the radio frequencies submitted to the licensing regime, the provider of electronic communications networks or services has the following obligations:

a) to exercise the rights deriving from the licence only under conditions which would ensure the effective, rational and efficient use of the allotted/assigned radio frequencies;

b) to ensure the exercise of all rights and fully compliance with the obligations imposed by the licence for the use of radio frequencies, as well as with the technical and/or operational requirements for the use of radio frequencies imposed by ANCOM, including those related to the technical requirements under the radio interfaces specifications regulated by ANCOM in accordance with the legislation in force in view of avoiding or removing harmful interferences, or any other public interest requirements.

3.10.3. Should the support for transmitting signals through the network be radio channels in frequency bands whose use is submitted exclusively to the general authorisation regime, in accordance with the provisions of the Ordinance, the provider of electronic communications networks has the obligation to use such radio frequencies without causing harmful interferences to other existing electronic communications networks, while observing the technical requirements provided in the technical requirements under the radio interfaces specifications regulated by ANCOM in accordance with the legislation in force.

3.10.4. The providers of electronic communications networks using radio frequencies submitted exclusively to the general authorisation regime do not benefit from radio protection, regardless of whether the harmful interferences are caused by similar users or by radiocommunication stations employing radio

frequencies which require the gaining of a licence for the use of radio frequencies and, if applicable, they shall take all measures, necessary or imposed by ANCOM, to remove the harmful interferences.

3.10.5. When choosing the sites of the radiocommunication stations, the provider shall assess the compatibility with the radiocommunication systems existing on the respective site or on a neighbouring site which takes into account the characteristics of such stations and shall adopt those technical solutions which are required so as to maintain the existing compatibility status. If the incompatibility status cannot be established *a priori* and if, once a radiocommunication station is rendered functional, interference with one or several existing radiocommunication stations or degradation of the provided service are assessed, the provider which caused the incompatibility shall bear the cost for all required technical measures in view of re-establishing the initial situation.

3.10.6. If case requires, the provider of electronic communications networks or services shall take, on its own expense, the necessary measures in order to remove the harmful interferences it caused or which may be attributed to it, including, but not exhaustively, repairs, additional filters, the correction of errors caused by improper or faulty installation of the network or inadequate operation of the items of equipment within its own network.

3.10.7. Should there be an incompatibility between radiocommunication stations from one site, for which either there are no technical solutions to re-establish the initial situation without damaging the quality of service, or the necessary technical solutions have a cost which is not assumed by the provider which caused the incompatibility, the latter shall be applied the *"last arrived on the site – first left from the respective site"* rule.

3.11. Use of numbering resources

3.11.1. Where the provision of publicly available electronic communications services requires numbering resources, the provider of publicly available electronic communications services shall have the right to use such resources upon having obtained the licence for the use of numbering resources. The provider of public electronic communications networks has the right to use only certain categories of numbering resources established by ANCOM and only upon obtaining a licence for the use of numbering resources.

3.11.2. In order to gain the licence for the use of numbering resources, the providers of publicly available electronic communications services or the providers of public electronic communications networks must meet certain additional requirements, established under the special regulations adopted by ANCOM.

3.11.3. The providers of publicly available electronic communications services and the providers of public electronic communications networks have the obligation to ensure compliance with the usage requirements for each category of numbering resources, in accordance with the regulations issued by ANCOM in the numbering resources field and with the National Numbering Plan.

3.11.4. The providers of publicly available electronic communications services, holders of licences for the use of numbering resources, have the obligation to offer their subscribers, upon request, the portability of the geographic or non-geographic numbers, as the case may be, according to the ANCOM regulations on number portability. Following the porting, the provider has the obligation not to change the destination of the number provided in the National Numbering Plan.

3.11.5. At the request of ANCOM, the providers of public electronic communications networks and the holders of licences for the use of numbering resources have the obligation to block, on a case by case basis, the end-users' access to certain numbering resources, including those used to provide content services, in case of fraud or abuse. In such circumstances, at the express request of ANCOM, the providers have the obligation to withhold the relevant revenues obtained from ensuring interconnection or other services, until the legal destination of these amounts is clarified by the competent public authorities.

3.12. Consumer protection and quality of service

3.12.1. The provider of publicly available electronic communications services has the obligation to observe in its activity the legal provisions on consumer protection and the special legal provisions regarding the rights of the users of electronic communications services.

3.12.2. The provider of publicly available electronic communications services has the obligation to conclude contracts with the end-users, in writing or on a durable, visible and easy-to-read support or, if the end-users agree, in electronic form or, as the case may be, by distance communication means, with the observance of the conditions under the law.

3.12.3. In order to improve the service interoperability and enlarge the users' range of choice, ANCOM recommends the providers of electronic communications networks and services to observe the harmonised standards and specifications for electronic communications networks and services, as well as for the infrastructure and associated services, harmonised, established by decisions of the European Commission and published in the European Union's Official Journal. The List of standards and/or specifications for electronic communications networks and services, as well as for the infrastructure and associated services, is also published on the ANCOM website.

3.13. Ensuring non-discriminatory access

3.13.1. If the provider of publicly available electronic communications services had launched a public offer and established standard conditions for the conclusion of the contract for providing electronic communications services, it has the obligation to ensure the non-discriminatory access of end-users to the respective service. The provider of publicly available electronic communications services may not deny the end-users' access to the electronic communications service unless for objective, thoroughly justified reasons.

3.13.2. The providers of public electronic communications networks and the providers of publicly available electronic communications services have the obligation to observe the measures imposed by ANCOM to ensure that disabled end-users can access and enjoy publicly available electronic communications services adjusted to their needs and under conditions equivalent to those of the other end-users.

3.14. Service billing

3.14.1. Based upon the traffic measurements carried out by the provider with its own equipment, whose conformity was certified under the law, the provider of publicly available electronic communications services or of public electronic communications networks has the obligation to provide free of charge an un-itemised bill to every subscriber, in order to allow the subscriber to verify the correspondence between his payment obligation and the services effectively provided.

3.14.2. The provider of publicly available electronic communications services has the obligation to issue itemised bills, upon the request of any subscriber, a natural or a legal person, with the observance of the minimum categories of information established by the ANCOM regulations on the end-users' information.

3.15. Obligations to inform ANCOM

3.15.1. The provider of electronic communications networks or services has the following obligations toward ANCOM:

a) submit to ANCOM a copy of the contract on the rights of way, concluded with the holder of the ownership or administration right over the public buildings, within 30 days from the conclusion date of such contract; should any decision of a Court of Law be issued and replace the said contract, the provider shall submit a copy of such decision within 30 days after receiving it;

b) submit to ANCOM a copy of each of the access and interconnection agreements it had concluded, within 10 days from their conclusion date; as well, the provider shall send ANCOM, within 10 days after the occurrence of the change or cessation, all necessary information regarding the amendment or termination of these agreements together with written proof, as the case may be;

c) submit to ANCOM, within 30 days from conclusion, a copy of each agreement on access to the spatial segment concluded with the operators of the respective satellites;

d) send periodically to ANCOM the statistical data necessary for the elaboration of reports, studies, analyses and other such documents in the electronic communications field, under the regulations in force;

e) send to ANCOM any requested information, under the law.

3.15.2. The provider of terrestrial public networks at a fixed location or with limited mobility, on a physical support (twisted metallic pairs, coaxial cable, UTP/FTP cable or fibre optic), respectively on a radio-terrestrial support, as well as the provider of publicly available electronic communications services provided on these supports, has the obligation to report to ANCOM, every semester, in an accurate and comprehensive manner, the localities where it effectively provides networks and services, as follows:

a) until 10 August, the localities where it effectively provided networks or services between 1 January and 30 June of the ongoing year;

b) until 10 February, the localities where it effectively provided networks or services between 1 July and 31 December of the previous year.

3.15.3. The information under item 3.15.2. shall be sent to ANCOM by filling in the table in Annex 1 to this general authorisation, which is part hereof. From a date to be established by decision of the ANCOM president, Annex 1 shall be exclusively sent by using an application available on the ANCOM website, in the way specified in Article 15 paragraph (1) letter c) of this decision.

3.15.4. If the provider of electronic communications networks or services deems the information sent to ANCOM is confidential, it has the obligation to justify the confidential character of the information sent and transmit a non-confidential version, when possible.

3.15.5. ANCOM may decide, upon analysing the request under item 3.15.4., that the information sent is not confidential, making it available to third parties after the expiry of a 3-working day term from communicating to the respective provider its intention and reasons justifying such intention, within the purpose of exercising the legal attributions.

3.16. Obligations to inform the public

3.16.1. The provider of public electronic communications networks or of publicly available electronic communications services has the obligation to make available to the public transparent, comparable, adequate, accessible and updated information on its prices and tariffs, on the amounts charged at the termination of the contract, where appropriate, as well as on the other conditions for the access to, and use of, the services provided, in order to enable the end-users to make informed choices, in accordance with the regulations adopted by ANCOM.

3.16.2. The providers of public electronic communications networks or of publicly available electronic communications services have the obligation to observe the measures imposed by ANCOM in order to inform the disabled users regularly, comprehensively and in an accessible manner on the services or equipment intended for them.

3.16.3. The provider of public electronic communications networks or of publicly available electronic communications services has the obligation to elaborate and present the information under item 3.16.1 in such manner as to allow the users to follow it effortless. The conditions or terms affecting certain offers shall be presented under the same format and with the same graphic characters used at the offer drawing up.

3.16.4. The provider of publicly available telephone services has the obligation to inform periodically its subscribers using location-independent services on the limits of the transmission of primary location information to the National Unique System for Emergency Calls, as emergency calls are concerned, under the conditions established by ANCOM.

3.16.5. The provider of publicly available electronic communications services has the obligation to inform its subscribers on any change concerning the access to the single emergency call number or the ensuring of caller's location information within the services to which they are subscribed.

3.17. Connection, transit and routing

3.17.1. The provider of private electronic communications networks has the obligation not to connect its network to another private electronic communications network, be it directly or through another private electronic communications network.

3.17.2. The provider of private electronic communications networks shall not convey through its own network neither the traffic generated by a public electronic communications network towards another public or private electronic communications network nor the traffic generated by a private public electronic communications network towards a public electronic communications network.

3.17.3. The providers of publicly available electronic communications services which originate calls have the obligation to ensure call routing to the ported numbers.

3.18. Specific obligations

3.18.1. The provider of electronic communications networks or services designated as a provider with significant market power shall have the specific obligations imposed by ANCOM under the conditions set out by the Ordinance.

3.18.2. The provider of electronic communications networks or services designated as a universal service provider shall have the specific obligations imposed by ANCOM in accordance with the provisions of Chapter VI of the Ordinance.

3.19. Technical conditions for the provision of networks

3.19.1. If receiving justified requests, the provider of public electronic communications networks has the obligation to communicate to all interested persons the technical standards, adopted in the European Union or by the European and international standardization bodies, that it uses for the operation of the networks, as well as all types of interfaces used for interconnection or for the end-users' access to its network, and to observe the standards declared to be mandatory by the law.

3.19.2. The provider of electronic communications networks and services using the electronic communications network for the retransmission of audiovisual programme services and/or for data transmission or Internet access services has the obligation to observe the technical and electromagnetic compatibility conditions under Annex 2 to this general authorisation, which is part hereof.

3.19.3. The provider of public electronic communications networks has the obligation to ensure the conditions necessary for the provision of electronic communications services through the network, at the quality standards imposed in relation to the provision of these services, if such activities are ensured by a third party.

3.19.4. The provider of public electronic communications networks has the obligation to permanently provide the technical conditions necessary for the provision of non-discriminatory access of the end-users to the electronic communications services provided through the network.

3.19.5. The provider of public electronic communications networks has the obligation to use for interconnection at a national and international level only the technical resources allotted by ANCOM, under the conditions set out by decision of the ANCOM president.

3.19.6. The provider of public electronic communications networks has the obligation to transmit the originating number through the signalling systems between networks, in all cases when it is technically possible.

3.19.7. The provider of electronic communications networks has the obligation to create, keep and update, annually, a technical register of the network (electronic or hardcopy), to include the following information, depending on the types of networks provided:

a) network design, transmission lines and systems, switching systems and signalling systems etc.;

b) plans and size of the transport and access/distribution networks, including general information on the routing of the traffic;

c) bulletins with the measurements of the signal levels, mitigations, error rates, as well as other relevant technical parameters in its own network or in the networks of authorised third parties, if such is the case;

d) modality of ensuring the electric protection of the transmission lines and equipment in the network;

e) description of the network management system, respectively traffic measurement and management system;

f) statistics on failures/damages itemised by causes (types of damages, type of equipment more often damaged etc.), including at the level of the access network;

g) measures related to ensuring the emergency calls;

h) measures related to ensuring the provision of the network under special conditions (traffic jam, damage of equipment etc.);

i) measures related to ensuring the security of communications and the users' privacy protection;

j) authorisations and approvals necessary for building the network;

k) addresses of the provider's working stations, as well as the names of its representatives.

ANNEX 1
(to the general authorisation)

LIST OF LOCALITIES
where public terrestrial networks at a fixed location or with limited mobility or publicly available electronic communications services over these networks are effectively provided*)

Name of the provider: ……
Domicile/Headquarters:
County..... , city/commune ....., locality (village, town, municipality)……
Full address ……
Telephone ……
Fax ……
E-mail ……
Website ……

Signature of the representative and seal of the provider

County/ Sector	City/Commune	Locality (village, town or municipality)	Type of access support	A1 Public terrestrial networks at a fixed location or with limited mobility	B1 Publicly available telephone services	B2 Leased line services	B3 Data transmission services	B4 Internet access services	B5 Retransmission of linear audiovisual media programmes to the end-users	B6 Other electronic communications services
Sector 1	Bucharest	Bucharest								
Sector 2	Bucharest	Bucharest								
Sector 3	Bucharest	Bucharest								
Sector 4	Bucharest	Bucharest								
Sector 5	Bucharest	Bucharest								
Sector 6	Bucharest	Bucharest								
Alba										
.....	.....	.....								
Arad										
Arges										
Bacau										
Bihor										
Bistrita-										

Nasaud										
Botosani										
Brasov										
Braila										
Buzau										
Caras-Severin										
Calarasi										
Cluj										
Constanta										
Covasna										
Dambovita										
Dolj										
Galati										
Giurgiu										
Gorj										
Harghita										
Hunedoara										
Ialomita										
Iasi										
Ilfov										
Maramures										
Mehedinti										
Mureş										
Neamt										
Olt										
Prahova										
Satu Mare										
Sibiu										
Suceava										
Teleorman										
Timis										
Tulcea										
Valcea										
Vaslui										
Vrancea										

[*)] From the date established by decision of the ANCOM president, it shall be transmitted only in electronic format.

ANNEX 2
(to general authorisation)

Technical and electromagnetic compatibility conditions imposed on the electronic communications networks totally or partially built up from coaxial cable, intended for the retransmission of the audiovisual programme services and/or data transmission and Internet access services

1. General conditions of security and electromagnetic compatibility

1.1. The systems of distribution through electronic communications networks must be conceived, built and installed in accordance with the provisions of the relevant standards of security and electromagnetic compatibility adopted by the national standardization body.

1.2. The equipment and devices used for the reception, processing and distribution of signals in distribution systems over the electronic communications networks must meet the requirements under the Government Decision no.982/2007 on electromagnetic compatibility.

2. Electromagnetic compatibility requirements

No.	Parameter	Value
0	1	2
1.	Limits of interfering radiations in the 5 MHz – 862 MHz frequency range	
	5 – 30 MHz	Maximum 34 – 27 dB(μV/m) [1), 2)] [1)]Decrease linear with the frequency logarithm [2)] 9 kHz measurement band
	30 – 862 MHz	Maximum 27 dB(μV/m) [1)] [1)] 120 kHz measurement band
	Note: The values are measured 3m away from the source. When the system interferes with other authorised radiocommunication systems, the provider of electronic communications networks has the obligation to reduce the level of the interference until total removal.	
2.	Limits of interfering tensions injected by the equipment in the electric power network in the 150 kHz – 30 MHz frequency range	
	150 kHz – 500 kHz	quasi-peak: 66 – 56 dB(μV) [1)] average value: 56 – 46 dB(μV) [1)] [1)]Decrease linear with the frequency logarithm
	500 kHz – 5 MHz	quasi-peak: 56 dB(μV) average value: 46 dB(μV)
	5 MHz – 30 MHz	quasi-peak: 60 dB(μV) average value: 50 dB(μV)

3. Technical requirements for the retransmission of FM radio broadcasting programme services on the coaxial cable segments/sections

No.	Parameter	Value			
0	1	2			
1.	The employable spectrum for radio broadcasting in frequency modulation	87.5-108 MHz			
2.	Maximum level of the signal in the network	110 dB(μV)			
3.	Tolerance of the frequency of signal carriers in relation to the nominal frequency at the user socket and at the emission equipment from the network end for audio FM radio broadcasting.	Max.12 kHz			
4.	Levels of the signal carriers for audio radio broadcasting at the user socket.	Mono – min. 40 dBμV; max. 70 dBμV			
		Stereo - min. 50 dBμV; max. 70 dBμV			
5.	Minimum carriers/noise ratio at the user socket for audio radio broadcasting.	Standard	Modulation	C/N dB	Equivalent noise band MHz

		Mono	FM	38	0.2
		Stereo	FM	48	0.2

4. Technical requirements for the retransmission of analogue television programmes on the coaxial cable segments/sections

No.	Parameter	Value
0	1	2
1.	The employable spectrum and television system Notes: 1. The intercalary use of norms D and B within each sub-band A, B, C and D is not allowed. 2. The use of the image-sound frequency deviation of 6.5 MHz in the channels of 8 MHz for retransmission over conversion from FIF norm D is allowed. 3. The use of the image-sound frequency deviation of 5.5 MHz in the channels of 8MHz for retransmission over conversion from UIF norm G is allowed.	FIF Norm D Channels of 8 MHz / Norm B Channels of 7 MHz A: 1 — 48.5–-56.5MHz A: 2 — 58–-66 MHz; B: 2 — 47–-54 MHz A: 3 — 76–-84 MHz; B: 3 — 54–-61 MHz A: 4 — 84–-92 MHz; B: 4 — 61–-68 MHz A: 5 — 92–-100 MHz B: S1-S9 — 102–-174 MHz; S1-S10 — 104–-174 MHz C: 6-12 — 174–-230 MHz; 5-12 — 174–-230 MHz D: S10-S18 — 230–-302 MHz; S11-S20 — 230–-300 MHz UIF Norm G Channels of 8 MHz S21-S33, S36-S38, S41 — 302–-406 MHz, 422–-446 MHz, 462–-470 MHz 21–-69 — 470–-862 MHz
2.	Maximum level of the signal in the network	110 dB(µV)
3.	Frequency tolerance of the carriers distributed (sound and image) in relation to the nominal frequency at the user socket and at the emission equipment from the network end for television broadcasting	Max. 75 kHz
4.	Levels of video carriers for television broadcasting at the user socket	Standard: PAL/SECAM; Modulation: AM-VSB; Frequency band: FIF/UIF; Minimum level dBµV: 60[a]; Maximum level dBµV: 80[b] [a] 57 dBµV for systems using channels of 8 MHz [b] 77 dBµV for systems using more than 20 channels
5.	Maximum difference between the levels of the video carriers at the user socket Level difference between the video carrier and	Standard: PAL/SECAM; Modulation: AM-VSB; Frequency band: 47MHz–-862 MHz; Maximum level difference dB: 12 PAL/SECAM; AM-VSB; In any band of 60 MHz in FIF; 6 PAL/SECAM; AM-VSB; Adjacent channels; 3 –- first audio carrier 7–16 dB –- second audio carrier 17–23 dB
6.	Minimum carrier / noise ratio at the user socket for television broadcasting	Standard: B,G; Modulation: AM-VSB; C/N dB: 44; Equivalent noise band MHz: 4.75 D,K; AM-VSB; 44; 4.75
7.	Noise per carrier determined by the electrical supply source (50Hz and harmonics below 1kHz). It is expressed as the difference between the level of the video carrier and the peak-peak value of the network noise voltage.	Min. 46dB

5. Technical requirements for the retransmission of digital television programmes on the coaxial cable segments/sections

No.	Parameter	Value				
0	1	2				
1.	The employable spectrum and television system Note: The use of the channels of 6 MHz, 7 MHz and 8 MHz for the distribution of digital television signals is allowed.	The employable television spectrum for digital television is the same as the one for analogue television (see parameter 1 in the table under indent 4)				
2.	Maximum level of the signal in the network	110 dB(µV)				
3.	Maximum difference between carriers at the user socket	Standard	Modulation	Frequency band	Maximum level difference (dB)	
		DVB-C	64QAM	47MHz-862 MHz	12	
		DVB-C	64QAM	Adjacent channels	3	
		DVB-C	64QAM	Adjacent channel AM-VSB	10	
		DVB-C	256QAM	47MHz-862 MHz	12	
		DVB-C	256QAM	Adjacent channels	3	
		DVB-C	256QAM	Adjacent channel AM-VSB	6	
		Level of QAM signal must be inferior to the level of adjacent AM signal				
4.	Minimum carrier /noise ratio at the user socket for television broadcasting	Standard	Modulation	C/N dB	Equivalent noise band MHz	
		DVB-C	16QAM	20 [b]	Independent from the band	
		DVB-C	64QAM	26 [b]	Independent from the band	
		DVB-C	256QAM	32 [b]	Independent from the band	
		[b)] These values take into consideration the simultaneous transmission of analogue and digital channels. These values assume that the intermodulation noise is not present or may be neglected and the BER determined before Reed Solomon decoder is better than 10^{-4}.				
5.	Levels of signal carriers for television broadcasting at the user socket	Standard	Modulation	Frequency band	Minimum level dBµV	Maximum level dBµV
		DVB-C	16QAM	FIF/UIF	41	61
		DVB-C	64QAM	FIF/UIF	47	67
		DVB-C	256QAM	FIF/UIF	54	74
6.	Bit Error Rate (BER) and Modulation Error Rate (MER) of the digital television channels at the user socket	Standard	Modulation	BER	MER dB	
		DVB-C	16QAM	$\leq 10^{-4}$	20	
		DVB-C	64QAM	$\leq 10^{-4}$	26	
		DVB-C	256QAM	$\leq 10^{-4}$	32	

6. Technical requirements for the data transmission and Internet access services on the coaxial cable segments/sections

No.	Parameter	Value
0	1	2
1.	Level of the signal for data transmissions at the entry of the network interface	42-75 dB(µV)
2.	Band allowed for the return path of the signal for data transmissions	5-65 MHz [1)] [1)] Recommended, but not mandatory. If another band than the one recommended is used, the spectrum employable for directly sent data transmissions will be observed.
3.	Band allowed for the direct path of the signal	108-406 MHz ± 30 kHz

	for data transmissions (transmissions outside the band)	422-446 MHz ± 30 kHz 462-862 MHz ± 30 kHz

General notes:
1. The use in the cable distribution channels of channels/frequencies totally or partly overlapped with those serving the terrestrial area will be avoided.
2. The values for the signal levels in dB(µV) displayed in the tables above are valid for a impedance of 75 ohms.

ANNEX 2

NOTIFICATION
on the provision of electronic communications networks and services

I. Data necessary for identifying and efficiently communicating with the requester*

Name of the requester:**

Headquarters/Domicile of the requester - address and contact data:

County/Sector** City/Commune**

Village** (if such is the case)

Full address**

Telephone** Fax E-mail

Website

The requester is registered with the Trade Register:

County/Sector Unique registration code**

Bank account

Representative of the requester – identification data and contact data:

Name** First name**

Personal numerical code**

County/Sector City/Commune

Village

Full address

Telephone Fax E-mail

Requester's correspondence address:

County/Sector City/Commune

Village

Full address

Telephone Fax E-mail

Requester's contact person:

Name First name

Telephone Fax E-mail

* Requesters-foreign persons with headquarters in the Member States of the European Union or of the European Economic Area who did not establish in Romania will submit the equivalent identification data.
** The filling in of these fields is mandatory.

II. Types of electronic communications networks or services which the requester intends to provide and estimated date for starting the provision (the date when the right to provide the respective types of networks or services will be born)

Types of electronic communications networks or services which the requester intends to provide		**Estimated date (|d.d.|m.m.|y.y.y.y.|)**
A. Public electronic communications networks	☐ A1 Public terrestrial networks with access to a fixed location or with limited mobility	
	☐ A2 Public cellular mobile radio networks	
	☐ A3 Public access mobile radio networks	
	☐ A4 Public satellite networks	
B. Publicly available electronic communications services	☐ B1 Publicly available telephone services	
	☐ B2 Leased line services	
	☐ B3 Data transmission services	
	☐ B4 Internet access services	
	☐ B5 Retransmission of linear audiovisual media programme services to the end-users	
	☐ B6 Other electronic communications services	

III. The requester attaches the following documents which are part of the notification:

☐ copy of the registration certificate issued by the Trade Register of the legal person or of the authorised natural person, of the individual enterprise or of the family association, as the case may be*;

☐ copy of the fiscal registration certificate, and copy of the certificate of registration in the Register of Associations and Foundations or in the Register of Federations, for private legal persons who are not undertakings*;

☐ in addition, where appropriate, copies of documents issued in accordance with the legislation of the native state comprising equivalent information, for adequately identifying the parent-company;

☐ copy of the document that certifies the capacity as a representative of the requester for the person signing the standard notification form, or copy of the identity act of the requester-authorised natural person*;

☐ only where necessary, the designation of a contact address in Romania where the correspondence in relation to ANCOM may be received;

☐ only where necessary, the designation of a person mandated to engage the requester's liability in relation with ANCOM as well as copy of the identity act or of the registration certificate issued by the Trade Register to the legal person, or to the authorised natural person, to the individual enterprise or to the family association, mandated to engage the requester's liability in relation with ANCOM, as the case may be, or copies of documents issued in accordance with the legislation of the native state comprising equivalent information;

☐ description file for networks and services.

IV. The requester consents to publishing the contact address in the Public Register of providers of electronic communications networks or services:

☐ Yes

Signature of the representative and seal of the requester

.....

***** Requesters-foreign persons with headquarters in Member States of the European Union or of the European Economic Area who did not establish in Romania will attach copies of documents issued in accordance with the legislation of the native state comprising equivalent information.

DESCRIPTION FILE FOR NETWORKS AND SERVICES

Name/Company name: .....
Domicile/Headquarters: County..... City/Commune..... Locality (village, city or town) .....
Full address .....
Telephone: .....
Fax: ..... *Signature of the representative and seal*
E-mail: .....
Website: .....

A. Public electronic communications networks

A1 ☐ Public terrestrial networks with access to a fixed location or with limited mobility	Destination:	☐ Retransmission of audiovisual media programme services	☐ CATV, DVB-T-C/Mx, IPTV etc. ☐ T-DAB/DVB-T
		☐ Terrestrial conveyance of audiovisual media programmes	
		☐ Telephone services provided at fixed locations or other electronic communications services allowing voice services	☐ DECT
		☐ Leased line services	
		☐ Internet access services	☐ WiMAX ☐ FTTx ☐ Wi-Fi
		☐ Data transmission services	

A2 ☐ Public cellular mobile radio networks	Generations:	☐ **GSM** ☐ **CDMA** ☐ **IMT 2000/UMTS** ☐ **IMT Advanced** ☐ **Other: .....**

A3 ☐ Public access mobile radio networks (PAMR)	Generations/ Destination:	☐ Analogue (e.g. via conventional repeaters or analogue radio-trunking systems)
		☐ Digital (e.g. TETRA systems)
		☐ Radio mail (e.g. radio-paging)

A4 ☐ Public satellite networks	Destination:	☐ Retransmission of audiovisual media programme services	☐ DTH ☐ S-DAB/DVB-S
		☐ Lease of space segment	
		☐ Telephone services at fixed locations or other electronic communications services allowing voice services	☐ at a fixed location ☐ mobile (S-PCS)
		☐ Data transmission services	☐ at a fixed location ☐ mobile (S-PCS)
		☐ Internet access services	☐ at a fixed location ☐ mobile (S-PCS)

B. Publicly available electronic communications services

B1. Publicly available telephone services

B1.1 ☐Telephone services provided over fixed or limited mobility public networks	Means for accessing the service:	☐ Telephone posts per subscriber ☐ Public pay telephones

B1.2 ☐ Telephone services provided over public terrestrial mobile networks	Means for providing the service:	☐ On own networks ☐ MVNO

B1.3 ☐ Telephone services provided over public satellite networks	Means for accessing the service:	☐ Subscriber terminals ☐ Public pay telephones

		☐ National traffic transit

	services:	☐ International traffic transit	☐ incoming ☐ outgoing
		☐ Call conveyance to destination networks	☐ selection ☐ pre-selection

B2. Leased line services

B2 ☐ Leased line services	Type of access connections:	☐ Analogue ☐ Digital

B3. Data transmission services

B3 ☐ Data transmission services (including VPN)	Types of access:	☐ At fixed locations ☐ With limited mobility ☐ SMS (only for cellular networks) ☐ Mobile (including MVNO)

B4. Internet access services

B4 ☐ Internet access services	☐ Broadband (>=144 kbit/s)	
	Means for connecting the users:	☐ Dial-up (only for local loop) ☐ Permanent connections at a fixed location ☐ Mobile radio connections (including MVNO)

B5. Retransmission of linear audiovisual media programme services to end-users

B5 ☐ Retransmission of linear audiovisual media programme services	Networks on which the services will be provided:	☐ Fixed satellite access (DTH) ☐ Mobile satellite access (S-DAB/DVB-S) ☐ Fixed terrestrial access such as CATV, DVB-C/Mx, IPTV etc. ☐ T-DAB/DVB-T dedicated terrestrial ☐ Public Cellular Radio (Mobile TV)

B6. Other electronic communications services

B6.1 ☐ Professional mobile radiocommunication services	Types of services:	☐ Voice communications ☐ Radio mail ☐ Data transmission, telex ☐ Location, position
	Usage:	☐ Terrestrial public access (PAMR) ☐ Other: .....

B6.2 ☐ Other types of services	☐ Electronic communications services allowing voice services	
	☐ Electronic communications services allowing access to content services	
	☐ Other types of services than the above	Description/Other relevant information

ANNEX 4

To

National Authority for Management and Regulation in Communications

REQUEST FOR WAIVING THE RIGHT TO PROVIDE PUBLIC ELECTRONIC COMMUNICATIONS NETWORKS OR PUBLICLY AVAILABLE ELECTRONIC COMMUNICATIONS SERVICES

The provider ……., located/domiciled in ……, street ……, no. ……, block ……., entrance ……, floor ……, apartment ……., city/commune ……., county/sector ……, fiscal code/ unique registration code ……., represented by ……., domiciled in ……, street ……, no. ……, block ……., entrance ……, floor ……, apartment ……., city/commune ……., county/sector ……, holder of the identity card series ....., no. ....., personal numerical code ....., waives the right to provide all the types of public electronic communications networks or of publicly available electronic communications services mentioned in the standard certificate no. _____, starting.....

Annotations (if such is the case):
……
……
……

We are fully aware that, where an annual monitoring tariff is owed for the year in progress, failure to send the documents under art.126(2) of Government Emergency Ordinance no. 111/2011 on electronic communications, approved with amendments and completions by Law no. 140/2012, within 15 days from the cessation of the capacity as a provider, effects in determining the payment obligations by taking into consideration the last turnover available to ANCOM, multiplied by 1/12 and by the number of months of the year when we had this capacity, without being established the monitoring tariff, excluding the month when the capacity ended, and the last percentage of the turnover set by ANCOM in view of calculating the monitoring tariff prior to the cessation.

Signature of the representative and seal of the provider
……