



**ADMINISTRATIVE BOARD**

**DECISION**  
**Chisinau mun.**

**December 23, 2010**

**No. 79**

**On imposing special ex-ante obligations  
on JSC "Moldtelecom" due to its significant power on the market for voice call termination in its  
individual mobile telephone network**

Pursuant to the provisions of art. 9 para. (1) subs c), n) and u) and of art. 43 para. (1), subs. a)-c), subs. f)-h), art. 44, art. 45, art. 47, art. 48, art. 53 para. (3), (4) of the Electronic Communications Law no. 241-XVI of 15.11.2007,

Considering Administrative Board Decision no. 20 of 15.07.2010, of the National Regulatory Agency for Electronic Communications and Information Technology (hereinafter *the Agency*) regarding the identification of the market for voice call termination in individual mobile telephone network,

Considering Administrative Board Decision no. 56 of 18.11.2010, of the Agency regarding the designation of JSC "Moldtelecom" as a provider with significant power on the market for voice call termination in the individual mobile telephone network,

In accordance with section 14 and section 15 subs. b) of the Agency Regulation, approved by Government Decision no. 905 of July 28, 2008, the Administrative Board hereby **DECIDES**:

1. The special ex-ante obligations that are imposed on JSC „Moldtelecom” (IDNO 1002600048836), as a provider with significant market power on the market for voice call termination in individual mobile telephone networks shall be approved, according to the Annex.
2. This decision may be supplemented with other regulations issued by ANRCETI in this regard.
3. The provisions of this Decision do not affect the possibility of the Agency to establish other conditions or obligations, or to withdraw or amend all or part of those imposed by this Decision.
4. This Decision shall enter into force on the date of approval and shall be notified to JSC Moldtelecom” within 3 working days.
5. The operative part of this Decision shall be published in the Official Gazette of the Republic of Moldova.

**Chairman**

**Sergiu SITNIC**

**Board Members**

**Ion POCHIN**

**Iurie URSU**

## **Special ex-ante obligations to be imposed on JSC Moldtelecom**

### **I. Obligation to ensure access to specific individual network elements, including interconnection for call termination, to associated infrastructure, and their use**

**1.** JSC Moldtelecom, hereinafter "the incumbent", shall have the obligation, within the terms and conditions specified in the Regulation on Interconnection, approved by the Decision of the Agency Administrative Board no. 12 of 31.01.2009, hereinafter "the Regulation", and according to these obligations, to offer direct interconnection to any provider who requests it, based on the direct interconnection capacities with the fixed network.

**2.** By means of the interconnection service for the purpose of call termination in its own mobile network, the incumbent shall ensure the transmission of signal from the point of interconnection with the requesting provider's network to any terminal point within its own mobile network, if the termination at the called terminal is technically feasible. In cases where the terminal is outside the network and the call is terminated in a voicemail service or carried to a roaming network, the termination in such cases shall be provided to the requesting provider on terms no less favorable than for call termination at terminals inside the network.

**3.** The incumbent shall provide the requesting provider with the service of call termination within its own mobile network for calls initiated within the network of the requesting provider. Additionally, the incumbent shall offer the service of call termination within its own mobile network for national voice calls initiated within the network of another provider and transited by the requesting provider, in the case of indirect interconnection in accordance with the provisions of the Interconnection Regulation.

*[Section 3 modified by ANRCETI Board Decision no. 43 of 12.08.2015]*

**3<sup>1</sup>.** The incumbent has the obligation to provide the termination service in his own mobile network for calls originating from numbers of the European Union member states, European Economic Area member states, as well as from a state or states with whom the Republic of Moldova has concluded an international agreement on reciprocal application of the provisions of the *Commission Delegated Regulation (EU) 2021/654 of 18 December 2020, supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate (hereinafter referred to as Delegated Regulation No. 654/2021)*, for the calls originating at numbers of that state or those states, and accordingly, for the calls originating at numbers of the Republic of Moldova. This obligation arises where applicant has the status of a provider or where it is an operator as defined by Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code, established in any of the European Union member states, or European Economic Area member states, or the state or states with which such an agreement is concluded.

*[Section 3<sup>1</sup> modified by ANRCETI Board Decision no. 39 of 06.04.2023]*

*[Section 3<sup>1</sup> amended by ANRCETI Board Decision no. 10 of 31.03.2022]*

**4.** The incumbent shall provide the termination service without conditioning its provision on the simultaneous acquisition by the requesting provider of products or services that the requesting provider does not consider necessary for the use of the requested type of access, nor the acquisition of a volume of products or services that exceeds the requested volume, nor imposing any commercial, technical, or other conditions that are unnecessary for the provision of the requested access type.

**5.** The incumbent shall not condition the provision of call termination services in its own mobile network by requiring the requesting provider to ask for, provide, lease, or install separate or additional interconnection capacities, unless such a requirement derives from the load on the capacities either in

operation or requested. The incumbent shall not impose requirements on the configuration of interconnection links that could lead to a limitation of interconnection capacities compared to a configuration that could function without these limitations.

**5<sup>1</sup>.** Where the requesting provider is an operator mentioned at Section 3<sup>1</sup>, the technical and operational conditions of interconnection shall be established between the incumbent și requestor through negotiations in good faith.

*[Section 5<sup>1</sup> amended by ANRCETI Board Decision no. 10 of 31.03.2022]*

## **II. Obligation to ensure transparency, including the publication of the Reference Interconnection Offer**

**6.** The incumbent, within the terms established for the publication and modification of the reference interconnection offer (RIO), which the incumbent must publish in accordance with the obligations set by the Board Decision no. 60 of 23.12.2010, regarding the imposition of special ex-ante obligations on the JSC "Moldtelecom", in relation to its significant market power in the voice call termination market in the individual fixed telephone network, shall include in the RIO the prices and any other conditions related to the provision of call termination services in its own mobile network.

**7.** The standard interconnection agreement, which the incumbent is obliged to publish in accordance with the obligations established by the Board Decision of the Agency no. 60 of 23.10.2010 regarding the imposition of special preventive obligations on S.A. "Moldtelecom" in connection with its significant market power in the voice call termination market in the individual fixed telephone network, shall include the prices and any other conditions related to the provision of call termination services in its own mobile network.

**8.** The incumbent shall submit to the Agency copies of any interconnection agreements pertaining to call termination in the offering provider's network and any amendments to them within 10 working days from their conclusion. Additionally, the incumbent shall provide quarterly relevant information regarding the prices for termination services offered to any foreign provider.

**9.** The incumbent shall notify its interconnection partners of the necessity to amend interconnection agreements whenever such amendments are necessary, providing advance notice to the Agency and publishing the proposals for amendments on its website 30 days before their implementation. The amendment of the interconnection agreement must be justified.

## **III. Obligation of non-discrimination**

**10.** The obligation to admit no discrimination as regards the interconnection of the mobile network operated by the incumbent for the purpose of terminating national voice calls shall be met under the following conditions:

1) The incumbent shall provide equivalent terms, under equivalent circumstances, to all providers requesting or already using the interconnection for the purpose of terminating calls on the mobile network that the incumbent operates.

2) The incumbent shall make available to the requesting provider the necessary services and information related to call termination in the mobile telephone network it operates, under conditions, including but not limited to deadlines, terms, quality, and prices, no less favorable than those available to any affiliated persons, subsidiaries, or partners.

3) The incumbent shall not discriminate, in terms of the conditions for providing the termination service in its own mobile network, including discrimination based on price, quality, and/or volume, between national calls originated on the network of the requesting provider and those originated on the electronic communications network of any other provider.

*[Section 10 modified by ANRCETI Board Decision no.43 of 12.08.2015]*

**11.** The incumbent, where it offers its subsidiaries, affiliated persons, or partners termination conditions on its own mobile network more favorable than those specified in the RIO, then the

incumbent shall offer these conditions to all requesting providers on a non-discriminatory basis, and the RIO shall be modified to reflect these conditions as part of the public offer.

#### **IV. Obligation of investment recovery, price control, including the obligation to cost-based pricing**

**12.** The incumbent has the obligation to set prices for the provision of national call termination service in its own mobile network based on Long Run Incremental Cost (LRIC). Calls are considered national in origin if they originate at numbers within the National Numbering Plan.

*[Section 12 modified by ANRCETI Board Decision no.43 of 12.08.2015]*

**13.** Starting from April 1, 2022, the maximum price that the incumbent can charged for the provision of national call termination service in its own mobile network cannot exceed 0,002 EUR/min (excluding VAT).

*[Section 13 modified by ANRCETI Board Decision no. 10 of 31.03.2022]*

*[Section 13 modified by ANRCETI Board Decision no.40 of 17.07.2020]*

*[Section 13 modified by ANRCETI Board Decision no.37 of 29.12.2016]*

*[Section 13 modified by ANRCETI Board Decision no. 43 of 12.08.2015]*

*[Section 14-16<sup>4</sup> excluded by ANRCETI Board Decision no.43 of 12.08.2015]*

**13<sup>1</sup>.** For the termination of calls mentioned in paragraph 3<sup>1</sup> in its own mobile network, the incumbent shall apply prices that do not exceed the level of the corresponding rate derived from Article 4 of Delegated Regulation no. 654/2021.

*[Section 13<sup>1</sup> amended by ANRCETI Board Decision no. 10 of 31.03.2022]*

**13<sup>2</sup>.** The obligation regarding the compliance with maximum rates, as established in paragraph 13<sup>1</sup>, in relation to the termination of calls originating at numbers of Member States of the European Union and the European Economic Area, carried by operators of Member States of the European Union and the European Economic Area, shall come into effect on January 1, 2024, except the termination of calls originating at numbers of a Member State for which, at the time this obligation enters into force, the rates have already been aligned with the provisions of Delegated Regulation no. 654/2021.

*[Section 13<sup>2</sup> amended by ANRCETI Board Decision no. 39 of 06.04.2023]*

**13<sup>3</sup>.** In order to avoid doubts, for the application of the obligation at Section 13<sup>1</sup>, the following categories of calls shall be considered as originating from numbers of the European Union and European Economic Area member states:

a) calls from numbers belonging to the numbering plans of the European Union and the European Economic Area member states;

b) calls from numbers of the Republic of Moldova, while roaming on the territory of the European Union and the European Economic Area member states.

*[Section 13<sup>3</sup> amended by ANRCETI Board Decision no. 39 of 06.04.2023]*

**14.** For the call termination service in the network operated by the incumbent, it shall invoice only the talk time for calls that have been successfully established and answered. Talk time begins with the response signal and ends up with the first signal of line release, generated either by the called party or the calling party. The discretization unit shall be the second.

**15.** The incumbent shall publish the established interconnection prices, including in the RIO.

*[Section 17-18 become Section 14-15 according to ANRCETI Board Decision no.43 of 12.08.2015]*