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## ADMINISTRATIVE BOARD

### DECISION

mun. Chișinău

of April 6<sup>th</sup>, 2023

Nr. 37

#### **On *ex-ante* measures for the regulation of the market for voice call termination on the individual mobile telephone network of JSC Orange Moldova**

In accordance with the provisions of Article 9 paragraph (1) letters l), m), n), and w), Article 58 paragraph (1) and (3), and Article 61 paragraph (1), (3), and (4) of the Electronic Communications Law No. 241/2007, (re-published in the Official Gazette of the Republic of Moldova, 2017, No. 399 - 410, article 679), with subsequent amendments;

Considering the provisions of the *Regulation on the Identification and Analysis of Relevant Electronic Communications Markets and Designation of Electronic Communications Networks and/or Service Providers with Significant Market Power in These Markets*, approved by ANRCETI Administrative Board Decision No. 55 of December 29, 2008 (Official Gazette of the Republic of Moldova, 2009, No. 34-36, article 117), with subsequent amendments;

Taking into account the conclusions of the *Analysis of Voice Call Termination Market on Individual Mobile Telephony Networks, 6<sup>th</sup> Cycle* (2023), the Administrative Board hereby decides:

1. The market of voice call termination on the individual mobile telephone network of JSC Orange Moldova shall be identified as relevant for *ex-ante* regulation.

2. JSC Orange Moldova (IDNO 1003600106115) shall be designated as a provider with significant market power in the market for voice call termination on its own mobile telephone network.

3. The special *ex-ante* obligations previously imposed on JSC Orange Moldova by ANRCETI Administrative Board Decision No. 77 of December 23, 2010, with subsequent amendments, shall be maintained, with certain amendments attached to present Decision.

4. This Decision may be supplemented with other regulations issued by ANRCETI in this regard.

5. This decision shall enter into force on the date of approval and shall be notified to JSC Orange Moldova and the Competition Council within 3 working days from the date of approval.

6. The operative part of this decision shall be published in the Official Gazette of the Republic of Moldova.

Signed:

**Silvia BOJOGA,**  
Board Member

**Marian POCAZNOI**  
Board Member

**The special *ex-ante* obligations imposed on JSC Orange Moldova by Administrative Board Decision No. 77 of December 23, 2010, with subsequent amendments, shall be modified as follows:**

1) Section 3<sup>1</sup> shall be modified and is presented in the following wording:

"3<sup>1</sup> The Provider<sup>1</sup> has the obligation to provide the termination service on its own mobile network of calls originating at 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), to calls originating from numbers of that state or those states, and accordingly, to calls originating from numbers of the Republic of Moldova. This obligation occurs towards applicants that have the status of providers<sup>2</sup> or operators, 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 member states of the European Union or of the European Economic Area , or in any state or states with which such an agreement has been concluded.";

2) Two new sections, 36<sup>2</sup> and 36<sup>3</sup>, shall be added, with the following text:

"36<sup>2</sup>. With regard to service of termination of calls originating from numbers of member states of the European Union and the European Economic Area, carried by operators of the European Union and European Economic Area member states, the obligation to comply with the maximum rates established in section 36<sup>1</sup>, shall enter into force on January 1, 2024, except for the termination of calls originating from numbers within a state for which the rates have already been aligned with the provisions of Delegated Regulation No. 654/2021 by the time of entry into force of this obligation.

36<sup>3</sup> To eliminate any uncertainty while applying the obligation at section 36<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. "

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<sup>1</sup> JSC Orange Moldova – *Translator's Note*

<sup>2</sup> An undertaking registered in the Republic of Moldova as a provider of ECSN under the General authorization – *Translator's note*