



Unofficial Translation

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_____ **V. PIRLOG**

ADMINISTRATIVE BOARD

DECISION

No. 10

August 28, 2008

On Approving the Regulations on General Authorization and License Issuance Regime for the Use of Limited Resources for the Provision of Public electronic Communications Networks and Services

Pursuant to the provisions of Art. 26 section (2) of the Electronic Communications Act no. 241-XVI of November 15, 2007 (Official Gazette of the Republic of Moldova, 2008, no. 51-54, art.155), the Administrative Board

Hereby DECIDES:

1. To approve the Regulations on General Authorization and License Issuance Regime for the Use of Limited Resources for the Provision of Public electronic Communications Networks and Services (attached).
2. To repeal the Regulations on License Issuance in Telecommunications and Informatics approved by decision no. 05 of April 30, 2002 of the Administrative Board of the National regulatory Agency for Telecommunications and Informatics (Official Gazette of the Republic of Moldova, 2002, no. 103-105, art. 236), registered with the Ministry of Justice no. 279, of July 12, 2002.
3. The Decision herein shall enter in force on September 15th, 2008.

Chairman of the Administrative Board

Sergiu SITNIC

Administrative Board Member

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REGULATIONS

On General Authorisation Regime and License Issuance for the Use of Limited Resources in the Provision of Electronic Communications Networks and Services

These Regulations are based on the provisions of Art. 26 of the Law on Electronic Communications no.241-XVI of 15.11.2007 (Official Gazette of the Republic of Moldova, 2008, no.51-54, art.155) and identifies the types of electronic communications networks and services, terms of their provision, sets forth the general authorisations and licensing procedure, the standard notification applications and informative declaration.

I. TYPES OF PUBLIC ELECTRONIC COMMUNICATIONS SERVICES AND NETWORKS

1. The following types of public electronic communications networks shall be subject to general authorisation regime:

- 1) Public fixed terrestrial networks:
 - a) Public fixed networks.
- 2) Public mobile terrestrial networks:
 - a) Cell radio networks;
 - b) Public access mobile radio networks (PAMR, TETRA);
 - c) Radio networks of maritime mobile service;
 - d) Radio paging;
 - e) Radio networks in aeronautic mobile service;
 - f) Networks in radio determination service.
- 3) Public satellite transmission networks:
 - a) Fixed satellite networks (VSAT terminals);
 - b) Mobile networks (S-PCS, GMPCS, LOS etc.).

2. The following types of public electronic communications services shall be subject to general authorisation regime:

- 1) Telephony services:
 - a) Telephony services provided via fixed public networks;
 - b) Telephony services provided via public terrestrial mobile networks;
 - c) Telephony services provided via provided via public satellite transmission networks;
 - d) Data transport services.
- 2) Leased line services.
- 3) Other electronic communications services:
 - a) Data transmission services;
 - b) Internet access service provision;

- c) Professional mobile radio communications service;
- d) Radio paging services;
- e) Audiovisual program services.

II. TERMS FOR ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICE PROVISION

3. The general authorisation confers the following specific rights, applicable to activities of public electronic communications networks or service provision:

- 1) the right of public electronic communications providers to make the network available only to third parties authorised to provide electronic communications networks or services under the Law on Electronic Communications and these Regulations and under the Code of Audiovisuals of the Republic of Moldova, Law no.260-XVI of 27.07.2006 (Official Gazette of the Republic of Moldova, 2006, no.131-133, art.679), other audiovisual regulations governing broadcasting, re-broadcasting or re-transmission of audiovisual programs and only provided that the roll-out of the given network enables service provision;
- 2) the right of private electronic communications providers to get connected, as end-users, to a public electronic communications network, by a type of connection, jointly agreed upon with the public electronic communications service provider, only provided that there is a written consent of the given public network provider;
- 3) the right of electronic communications networks and service providers to negotiate and conclude access or interconnection agreements under the Law on Electronic Communications and Regulations on Interconnection, approved by ANRCETI Administrative Board Decision no. 12 of January 31, 2009 (Official Gazette of the Republic of Moldova, 2009, no. 53-54, Art. 213);
- 4) the right of public electronic communications networks and service providers to be designated as provider of any universal service components on the entire territory of the Republic of Moldova or in some of its areas, pursuant to the provisions of the Law on Electronic Communications and Universal Service Regulations;
- 5) the right of public electronic communications service providers to make publicly available directories of subscribers, comprising their identification data and telephone numbers, written, electronic or any other form, having regard to the provisions of the Law on Private Data Protection no.17-XVI of 15.02.2007 (Official Gazette of the Republic of Moldova, 2007, nr.107-111, art.468);
- 6) the right of public electronic communications service providers to provide directory enquiry service and user relations service in compliance with the provisions of the Law on Private Data Protection.

4. For the provision of public electronic communications services, the public electronic communications service provider can use his own network or a network under the property of a another public electronic communications service provider, with the latter's consent, provided that the given network technically allows electronic communications service provision.

5. A public electronic communications service provider can install, maintain, re-place or move any network elements, including supporting elements and other facilities for their maintenance, as well as terminal points used for electronic communications service provision over, in or under immovable public or private property, as necessary, pursuant to the provisions of the Law on Electronic Communications and Land code no.828-XII of 25.12.91, other normative documents and regulations in force.

6. A public electronic communications network or service provider shall do prospecting works in order to project, re-construct or liquidate (put out of operation and dismantle) electronic communications networks or specific facilities, as well as exploitation and maintenance works, where electronic communications networks cross the border-line or are deployed in the border-line area of the Republic of Moldova, pursuant to the Regulations on Activities of Installation, Operation, Management, Maintenance, and/or Liquidation of Electronic Communications Networks in the state borderline area of the Republic of Moldova, approved by Government Decree no.974 of 12.08.08 (Official Gazette of the Republic of Moldova, 2008, no.157-159, art.979).

7. The National Regulatory Agency for Electronic Communications and Information Technology,(hereinafter the Agency), can impose on public electronic communications service or network providers financial contributions to universal service, pursuant to the provisions of the Law on Electronic Communications and the Regulations on Universal Service.

8. The general authorisation sets the following specific obligations of a public electronic communications network or service provider, applicable to activities of public electronic communications network or service provision:

1) to submit to the Agency, pursuant to the regulations in force, quarterly and annual reports containing technical and financial statistical data with reference to public electronic communications network or service provision;

2) to pay regulatory and monitoring fees quarterly, before the 15th of the month immediately following the current month, under the law on Electronic Communications and Agency decisions;

3) to negotiate, upon the request of an authorised public electronic communications network provider, under terms and conditions stipulated by the Law on Electronic Communications and the Regulations on Interconnection, an interconnection agreement with the requestor, for public electronic communications service provision, including electronic communications services available to users by means of another public electronic communications network interconnected with the network of any of the parties;

4) to abide by all Agency decisions in order to encourage and, where necessary, to ensure access and interconnection under adequate conditions, as well as interoperability of services, applying the principles of economic efficiency, competition promotion and

maximum benefit for the end-user, pursuant to the Law on Electronic Communications and the regulations on Interconnection;

5) to conclude, if necessary, interconnection or access agreements with the network provider concerned, pursuant to the Law on Electronic Communications and the Regulations on Interconnection where he intends to terminate calls in a public electronic communications network;

6) to obtain all the necessary authorisation documents, as required by the legislation on environment protection and on constructions authorisation and quality. Being a public electronic communications network or service provider does not substitute any of such documents;

7) to abide, for as long as running the activity, by urban planning and territorial development, in accordance with the Law on Principles of Urban and Territorial Development no.835-XIII of 17.05.96 (Official Gazette of the Republic of Moldova, 1997, no.1-2, art.2), other regulations in force;

8) to abide by the provisions on personal data processing, contained in the Law on Personal Data Protection no.17-XVI of 15.02.2007 (Official Gazette of the Republic of Moldova, 2007, no.107-111, art.468);

9) not to change the identity of the caller and not to conceal his identity without his prior consent;

10) to contribute to the identification of the electronic communications networks where calls originated or by means of which calls were carried, as well as the identification of call origin, if so required by competent authorities, under the law;

11) To take adequate technical and organisational actions intended to guarantee service and network security against unauthorised access, including actions meant to ensure confidentiality of communications within his own network;

12) to inform subscribers and the Agency, under circumstances of becoming aware of a special risk of network security violation, about such a risk. The information shall also make reference to possible remedies and costs of their application.

9. Pursuant to the Law on Electronic Communications, the Agency may impose on a public electronic communications network provider the obligation to allow another electronic communications network provider to use facilities designed to support network elements installed, built or deployed, for the purpose of deployment, maintenance, replacement or movement of any of his network elements. Where such an obligation is imposed, the Agency shall also set forth the conditions for shared use of facilities, pursuant to the Law on Electronic Communications and Regulations on Interconnection.

10. A public electronic communications service provider shall ensure, for the users of his services and by means of the network under his operation, free access to the following services:

1) calls to emergency services or to centres of emergency message distribution, created or authorised by a public authority in order to inform the concerned organisation about

an emergency. The emergency calls shall be processed without using the Subscriber Identification Module;

2) calls to Customer Service, by dialling a single telephone number, intended to register complaints, network or service derangements, to provide information on tariffs and services offered by the given provider.

11. Where radio channels or frequencies, falling only under authorisation regime, are used for signal conveyance, in accordance with the provisions of the Law on Electronic Communications, a public electronic communications service provider shall use such channels or frequencies without causing interference or perturbation to other electronic communications networks operated in that area.

12. The operation of radio communications stations that do not correspond to emission rules, to technical parameters specified in the license for the use of radio frequencies and channels or which perturb the operation of other radio communications stations and networks, shall be forbidden.

13. Having been assigned number blocks, the provider of public electronic networks or services shall apply the principle of non-discrimination in relation to other public electronic communications service providers, in terms of number series used for access to his services and obligations on availability of numbering resources for end-users.

14. A public electronic communications network or service provider shall pay to the Agency fees for the numbering resources, assigned to and used in his own network.

15. A public electronic communications service provider shall notify the interested parties, before selling the service, on the quality indicators he is bound to comply with and shall charge for service provision tariffs co-related with such indicators.

16. A public electronic communications service provider, where he has launched a public offer and has set standard terms for concluding service provision contracts, shall ensure non-discriminatory access of end users to such a service.

17. A public electronic communications service provider shall offer, upon request and free of charge, once a month to every requesting subscriber, an itemised bill, enabling the subscriber to verify correspondence between his payment obligations and effectively provided services.

18. A public electronic communications service provider shall abide by the Regulations issued by the Agency on types of information to be included in itemised bills.

19. A public electronic communications network or service provider shall provide the Agency with the following information:

- 1) a copy of every concluded agreement on access and interconnection, within 10 days from the date it is signed and all the information with reference to modifications and termination of such agreements, supported by evidence documents, if necessary, within 10 days from the date the modification or termination was applied;
- 2) a copy of every agreement on access to special segment, concluded with satellite operators, within 30 days from the date such agreements are signed;
- 3) any information required under the Law on Electronic Communications.

20. Public electronic communications network or service providers shall:

- 1) Ensure the access of his subscribers to directory enquiry services of the interconnected networks, as well as the access of the subscribers of interconnected network to the directory enquiry services of his network;
- 2) ensure the provision of information by the Directory Service of the provider, with reference to telephone numbers of contractual subscribers, unless provision of such information was forbidden by the subscriber;
- 3) not use the information related to subscribers for other purposes than the ones it was collected for.

21. The general authorisation establishes the following specific obligations of the electronic communications network providers related to the technical terms for the provision of electronic communications networks:

- 1) to use only his own equipment in his network, duly certified and market by the Certification Authority of Telecommunications and Post Products and situated on the territory of the Republic of Moldova, including the billing system;
- 2) to inform a public network provider requesting interconnection, upon his request, of the types of standards and interfaces used for interconnection or access, and to abide by the standards declared obligatory according to the law;
- 3) to ensure the terms necessary for the provision of electronic communications services by means of the network, at due quality standards required for the provision of those services, as well as terms necessary for broadcasting, re-broadcasting or re-transmission, by means of the network, of audiovisual program services, at due quality standards required for that, where such activities are conducted by a third party;
- 4) to use for national interconnection only the codes of the signalling points assigned by the network or service provider designated by the Agency to be in charge of signalling code allocation;
- 5) to convey the call origination number, by means of the systems of inter-network signalling, in all cases where such an action is technically feasible. Where the call origination number is impossible to convey, the public electronic communications service provider shall differentiate the traffic introduced into the network of a third party, upon his request, depending on national or international traffic origin;
- 6) to draw up, keep and update a network technical dossier, which will incorporate the following:
 - a) information on transmission lines and systems, switching and signalling systems;
 - b) plans of network dimensioning and traffic routing;

- c) signal levels, attenuations, error rate and other technical parameters;
- d) electric protection of transmission lines and network equipment;
- e) technical conditions, including standards used, with reference to interconnection and service interoperability;
- f) information on network management and traffic measuring systems;
- g) statistics of defects;
- h) measures meant to ensure the possibility of making emergency calls;
- i) measures meant to ensure network provision under specific conditions;
- j) measures meant to ensure communications security and users' private lives protection;
- k) data referring to the software used;
- l) authorisations and approvals necessary for network construction;
- m) measurement bulletins;
- n) addresses of the provider's working premises, names of his representatives.

22. An electronic communications network or service provider shall ensure free access of the Agency personnel to his premises and territory, as well as to his documents and information in order to be able to monitor and exercise control, to the extent of its competence, in the manner and in terms established by the legislation in force, over service quality and compliance with these general authorisation conditions, provisions of normative documents with reference to activities in the field of electronic communications.

III. GENERAL AUTHORISATION AND LICENSING PROCEDURE

23. A legal or natural person intending to provide public electronic communications networks or services, hereinafter the applicant, shall file to the Agency a notification attesting his intention at least 7 days before launching his activity.

24. The notification shall take effect after the applicant fills in a Standard Notification Form, given in Annex 1.

25. The notification shall also contain the Form of Public Electronic Communications Network or Service Description, developed and approved by the Agency.

26. Electronic communications networks or services that do not require the use of radio frequencies, channels or numbering resources, shall be provided, including for own needs, freely and shall not be subject to the provisions of these Regulations.

27. The types of public electronic communications networks and services are comprised under exemplified titles in the form of network and service description.

28. Within the contents of Standard Notification Form only persons authorised under the Law on Entrepreneurial Activity and Enterprises no.845-XII of 03.01.92 (Official

Gazette, 1994, no.2, art.33) are entitled to indicate public electronic communications networks or service provision.

29. The applicant shall fill in and submit to the Agency the relevant sections of the Form of Public Electronic Communications Network or Service Description, as required in 25, depending on the types of networks or services he intends to provide.

30. The applicant can receive the Standard Notification Form, the Form of Public Electronic Communications Network or Service Description and the general authorization conditions at the Agency premises or download them from its Web page.

31. The notification and the general authorisation documents or the license application and documents shall be submitted to the Agency in one of the following ways:

- 1) by submitting personally or having them submitted by the applicant's or provider's representative in charge, under signature;
- 2) by means of registered mail with advice of delivery;
- 3) by means of an electronic entry, with an affixed authenticated digital signature, based on a public key certificate, unsuspending or unrecalled at that given point of time.

32. The submission date shall be considered, accordingly, the date when the person in charge from the Agency applies the signature confirming the submission of the notification or the application, or the date of the advice of delivery via registered mail or the date confirming receipt of the electronic entry.

33. The notification shall not be considered as successfully performed unless all the legal requirements in terms of submission form and contents have been accomplished.

34. Where the requirements of section 33 fail to be met, the Agency, within 7 days from submission of notification, shall demand, in written form, that the applicant fulfil them.

35. The applicant who submitted the notification in due time and in conformity with these Regulations shall be considered a provider of public electronic communications networks or services for those particular types of networks and services he indicated in the notification, being granted the rights and assuming the specific obligations, set forth in the general authorisation for the particular types of electronic communications networks or services, indicated in the notification, only after 7 days from performing the notification.

36. The right granted for the provision of a particular type of electronic communications network, indicated in the notification, does not imply the right to provide another type of electronic communications network, nor the right to provide electronic communications services.

37. The right granted for the provision of a particular type of electronic communications service, indicated in the notification, does not imply the right to provide another type of electronic communications service, nor the right to provide electronic communications networks.

38. The provider of public electronic communications networks, hereinafter the provider, shall have the right to use those networks for broadcasting or re-broadcasting of audiovisual programs only after he has followed the authorisation procedures, as required by audiovisual legislation.

39. Within a maximum of 7 days from the submission of notification, the Agency shall issue a standard informative declaration (Annex 2), confirming the notification and its being entered in the Public Register of Electronic Communications Networks and Service Providers and, upon request, the general authorisation conditions specifying the rights with reference to public electronic communications networks and service provision, in particular with reference to the deployment of equipment, negotiations on interconnection, obtaining interconnection and access and the corresponding obligations of a public network or service provider.

40. The provider shall notify the Agency on any modification of the data contained in the notification, in a 10-day timeframe from the date such a modification was made, by submitting due information and, if necessary, documents to prove the modification.

41. A new notification shall be performed where the modification concerns the provision of other types of public electronic communications networks or services, in addition to the ones of the previous notification.

42. Where the modification concerns the provider's identification data, comprised in the standard informative declaration, the Agency shall issue another standard informative declaration to contain the newly-modified provider identification data.

43. Where, as a result of applying the provisions of sections 41 and 42 a new standard informative declaration is necessary, it shall be issued, only after the original of the previous standard informative declaration has been returned.

44. The provider shall notify the Agency on any modification of the data comprised in the Form of Public Electronic Communications Network or Service Description within a 10-day timeframe from the date such a modification was made, by submitting a new form, pursuant to section 30, along with the identification data of the applicant or provider.

45. The person that failed to perform the notification within the due term and according to the conditions provided for in these Regulations shall not be considered provider of

public electronic communications networks or services and shall not have the right to provide such networks or services.

46. This procedure shall be applied radio channels and frequencies from frequency bands for non-governmental use, according to the National Frequency Allocation Chart, used for the provision of public electronic communications networks or services.

47. The use of radio channels or frequencies shall be allowed only provided that a license has been issued for the use of radio frequencies and channels under conditions meant to ensure their efficient use, unless the Agency has decided that that the particular category of of radio frequencies and channels can be used without a license.

48. The Agency shall issue licenses for the use of radio frequencies and channels (hereinafter licenses) to public electronic communications network and service providers, authorised under the Law on Electronic Communications and these Regulations.

49. In order to be granted a license, the provider shall submit to the Agency an application/declaration of his intent.

50. The application shall obligatorily mean filling in a form which shall contain the following information:

- 1) name, legal organizational form, premises, state identification number (IDNO) of the legal person or the name, address and IDNP of a natural person;
- 2) the limited resource applied for;
- 3) the applicant's assumption of personal responsibility for compliance with license conditions and for the plausibility of the submitted documents.

51. The application shall not be considered as successfully submitted, unless all the legal requirements in terms of submission, form and content have been met.

52. Where the number of licenses is limited, the Agency shall issue such licenses to legal persons from the Republic of Moldova by direct accordance, if the granted right is a successful evolution for the network already in place and provided under authorisation, or by means of a tender, organised and conducted according to objective, transparent, non-discriminatory and proportionate criteria, established by the Agency.

53. The Agency shall issue licenses, the number of which are limited, by direct accordance, based on an application submitted by the provider, having attached, in necessary, the form of public service and/or network description, the quality parameters and the conditions for the public service provision, the technical and financial capacity of the provider to implement the proposed project and accomplish license conditions.

54. The Agency shall issue licenses, the number of which are limited, by means of a tender (a competitive or comparative selection procedure), based on an application submitted by the provider, with the documents listed in section 53 and other documents and information, required by the Tender Terms of Reference.

55. The Agency shall issue licenses authorising the provision of radio or television networks and/or stations, for broadcasting, re-broadcasting or re-transmission of audiovisual programs based on an application, with an attached copy of the broadcasting license or re-transmission authorisation and the approval from the National Radio Frequency Centre (NRFC), which shall contain the result of selection, calculation and coordination of the particular radio frequency or channel applied for.

56. The Agency shall take decisions concerning license issuance and made them publicly available before the expiry of 6 weeks from the date the fully completed application was received, an exception being the licenses issued by means of a tender, a competitive or comparative selection procedure, for which the term shall be a maximum of 8 months.

57. The Agency can modify the conditions and obligations set forth in the general authorisation or on the license on its own initiative or upon a request of the provider or license holder, in the following circumstances:

- 1) it is necessary to fulfil the obligations of the Republic of Moldova set in international agreements;
- 2) It is necessary to ensure national security, national defence or public order;
- 3) The legal framework, under which the general authorisation or license was issued, has been modified;
- 4) The provider has renounced the right to provide certain networks or services.

58. Any modification of the license holder's identification data, indicated in the license, shall be a reason for license update.

59. Where there is a reason for license update, the license holder shall, within 10 days from the date the modification was applied, apply to the agency for license update by submitting the corresponding application, together with the original of the previous license, and documents to prove the modification.

60. The Agency, within 10 days from the date the duly filled-in application was submitted, shall adopt a decision with reference to license update and notify it to the applicant. The updated license shall be issued on the same form or, if necessary, on a new form, having regard to the modifications, as specified in the application; simultaneously, the copies of this license are issued.

61. The validity period of the updated license shall not exceed the validity period of the previous license.

62. When a license is updated on a new license form, the Agency shall adopt a decision declaring the previous license as invalid.

63. Loss or deterioration of the license or standard informative declaration shall serve as basis for issuance of their duplicates.

64. Should the license or standard informative declaration be lost, the license holder shall submit to the Agency an application requesting issuance of a duplicate, followed by the information, published in the Official Gazette and notifying the public on loss of license.

65. Should a license or a standard informative declaration be deteriorated, the license holder shall submit to the Agency an application requesting issuance of a duplicate and the deteriorated original.

66. The Agency shall issue the license or standard informative declaration duplicate in 3 business days from the date the application for a duplicate was submitted.

67. The validity period of the license duplicate shall not exceed the validity period of the lost or deteriorated license.

Annex no.1

NOTIFICATION

On Public Electronic Communications Network and Service Provision

Data Required for Identification of the Applicant and Efficient Communications

Name/ Name of the Applicant:

The applicant is registered in the Register of Enterprises and Organisations

Number: dated: State Identification Number / Fiscal code:

Legal Representative of the Applicant:

Name: Surname:

IDNP: Tel.:

e-mail: Fax:

Applicant's Address:

Street: No. Bl. App.

Locality: Postal Code:

Municipality/ Rayon: Telephone number: Fax:

Contact person:

Name: Surname:

Telephone number: Fax: E-mail:

Description of the types of networks or services the applicant intends to provide and the date estimated for launching the provision:

1. Public Electronic Communications Networks:

Date: |.|.|.|.|.|

2. Public Electronic Communications Services:

Date: |.|.|.|.|.|

Needs the use of radio frequencies or channels for the provision of electronic communications networks and services

Yes

No

The applicant has agreed to publish his contact address in the Public Register of electronic Communications service and Network Providers:

Yes

No

The applicant has attached the following documents as an integral part of the notification:

- a) copy of identity document of the applicant's legal representative;
- b) form of network and service description.

The applicant has assumed personal responsibility for compliance with the conditions and obligations set forth in the general authorisation in the provision of the networks and services for which he has notified and for the plausibility of presented data and documents.

Signature of Representative and applicant's stamp

**NATIONAL REGULATORY AGENCY FOR ELECTRONIC
COMMUNICATIONS AND INFORMATION TECHNOLOGY**

STANDARD INFORMATIVE DECLARATION

- made by a public electronic communications network or service provider, issued pursuant to the law on Electronic Communications no. 241-XVI of 15.11.2007 (Official Gazette, 2008, no.51-54, art.155.).
- registered in the Public Register Electronic Communications Networks and Service Providers, under no. _____ dated _____.

1. Provider

Registered in the Register of Enterprises and Organisations, under no. _____ dated _____
State identification number/fiscal code

Benefits from the right to provide the following types of public electronic communications networks or services on basis of a general authorisation:

- Public Electronic Communications Networks:

Starting from |_.|_.|_.|

- Public Electronic Communications Services:

Starting from |_.|_.|_.|

2. The provider benefits from rights of way:

No.

Yes, under the following conditions:

3. The provider benefits from the right to negotiate and conclude interconnection agreements:

No.

Yes, under the following conditions:

4. The provider benefits from the right to negotiate and conclude access agreements:

No.

Yes, under the following conditions:

The declaration was issued following the registration of the notification, under no. _____ dated ____ .

ANRCETI Director

Sergiu SÎTNIC