

**ACTIVITY REPORT  
FOR 2018**

**ANRCETI 2018**

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## **Objectives of 2018**

In 2018, the strategic objectives of ANRCETI's activity were focused on the development of broadband electronic communications networks, ensuring the transparency of the conditions of access to public property and shared use of the infrastructure associated with electronic communications networks, on developing and improving the regulatory framework in accordance with the new provisions of the Law on Electronic Communications no. 241/2007, establishing new technical requirements to ensure a high quality of terrestrial cell mobile electronic communications services, promotion of competition on the electronic communications and postal service market, monitoring the distribution of costs, revenues and capital of the universal postal service provider state-owned company Posta Moldovei, as well as end-users protection.

### **1. Regulatory framework development**

In 2018, ANRCETI continued to regulate the activities in the field of electronic and postal communications, under the provisions of Law on Electronic Communications no. 241/2007 (hereinafter Law no. 241/2007) and, accordingly, Law on Postal Communications no. 36 of March 17, 2016 (hereinafter Law No. 36/2016), ensuring the implementation of state policy in the development of the mentioned sectors, by promoting competition on these markets and protecting the legitimate rights and interests of the end-users of those services.

#### ***1.1 Electronic and postal communications***

For the purpose of accomplishing the sub action provided in section 6 (6.2) of the Action Plan to Promote Internet Safety for Children and Teenagers for the years 2017-2020, approved by Government Decision no. 212 of April 05, 2017, by Administrative Board Decision no. 15 of May 4, 2018, ANRCETI approved the Guidelines on Self-Regulation of Filtering Service of Internet Content with Negative Effects on Children, offered by Internet service providers. By this normative act, ANRCETI recommends Internet service providers to develop and publish on their web pages Guidelines for Users, in which to advise on a number of tools and specific methods of filtering the Internet information with negative impact on children..

According to art. 17 of Law no. 60/2012 on the Social Inclusion of Persons with Disabilities, based on art. 8 h) of Law no. 121/2012 on Equality and pursuant to its powers, ANRCETI adopted Administrative Board Decision no. 58 of December 14, 2018,

by which established the requirements and measures to ensure that disabled users have access to qualitative and affordable electronic communications services, tailored to their particular needs, under conditions equivalent to those offered to other end-users. Those measures are intended to encourage providers to offer these users specific terminal equipment with functions adapted to their particular needs.

At the same time, Administrative Board Decision no. 11 of March 23, 2018, amended Administrative Board Decision no. 31 of December 22, 2016 regarding the Approval of the Technical Conditions for Transmitting Information on Primary Location for 112 Emergency Calls. This amendment created the regulatory framework necessary for the implementation in the Republic of Moldova of a technical solution for advanced localization of terminal equipment, where 112 emergency calls are made via mobile networks, establishing the method of implementing the legal provisions necessary for the proper functioning of the 112 National Emergency Call Service.

With the view of strengthening the regulatory framework intended to ensure the quality of services for end-users, in 2018 ANRCETI launched the development of two draft decisions: a) on quality indicators for publicly available electronic communications services; and b) on approving the Methodology for measuring and evaluating the quality parameters of publicly available electronic communications services provided via GSM, UMTS and LTE public terrestrial cell mobile networks in 800, 900, 1800, 2100 and 2600 MHz frequency bands. ANRCETI proposed that the draft decision on quality indicators for publicly available electronic communications services should stipulate the obligation of the providers to measure, present to ANRCETI and publish two categories of quality indicators: **administrative quality indicators** (supply time for initial network connection, the frequency of end-users' complaints, including frequency of reported faults and repair time, frequency of complaints about billing, etc.) and **technical quality indicators**:

- a) Indicators for mobile voice services - unsuccessful call ratio, dropped call ratio, call setup time, voice service coverage rate and SMS delivery rate;
- b) Indicators for broadband mobile services - data transfer speed, full web download time, packet data transfer delay, population coverage with data services, etc.;
- c) Indicators for fixed broadband services - data transfer speed, packet transfer delay, packet loss ratio.

The methodology for measure and evaluation of quality parameters provides for the organizational and methodological framework of the process for mobile voice services, SMS and data transfer services, provided via GSM, UTMS and LTE public terrestrial cell mobile networks.

The document provides for the P.E. National Radio Frequency Management Service to use this methodology in order to provide the necessary technical assistance to ANRCETI for:

- a) monitoring and control of compliance with the obligations set out in the license conditions and other normative acts, regarding the quality and coverage of mobile electronic communications services;
- b) analysis, from end-users' perspective, of the quality and performance of mobile electronic communications networks and services by means of automated on-site tests.

The document also provides for the possibility of mobile service providers to use the methodology for measuring and evaluating the quality of mobile services, in order to report this information to ANRCETI, as required by Electronic Communications Law no. 241/2007.

One of the goals pursued by the document is to maximize the accuracy of measurements and to offer the possibility to make a comparative analysis of the measurement results among providers.

According to Art. 76 of Law no. 100/2017 on Normative Acts, ANRCETI revised a number of normative acts included in the Program of Regulatory Acts for the year 2018. The modification and approval of those regulatory acts was aimed at harmonizing them with Law no. 241/2007, modified by Law no. 135/2017 for Amending Law no. 241/2007 and Law no. 185/2017 for Amending some Legislative Acts.

Thus, among the regulatory acts amended and approved by ANRCETI in 2018 are Administrative Board Decision no. 58 of 21 December 2010 on Approving the Procedure for the Administration of Telephone Numbering Resources (hereinafter - Procedure). This act was amended by HCA no. 64 of 28 December 2018, in order to bring the terms used in the Procedure in line with the terms of Law no. 241/2007, and also to clarify the application of certain rules on number portability provided by ANRCETI regulations.

Another regulatory act that was amended during the reporting period was Administrative Board Decision no. 08 of February 25, 2010 on Approving the Procedure for Transfer of Licenses for use of Scarce Resources for Providing Public Electronic Communications Networks and Services. Thus, through HCA no. 38 of 23 November 2018, ANRCETI

established the mechanism, whereby suppliers will be able not only to transfer licenses for the use of limited resources, but also to rent the right to use such resources for a specified timeframe.

Changes have also been made to Administrative Board Decision no. 48 of September 10, 2013 for the Approval of Regulation on Provision of Public Electronic Communications Services (hereinafter Regulation). This Regulation was amended by Administrative Board Decision no. 57 of December 14, 2018, being conditioned by certain aspects of end-user rights for the choice and use of electronic communications services, the conclusion and termination of a contract, the obligation of providers to make publicly available transparent and comparable information on prices and tariffs, and the standard conditions for access to and use of publicly available electronic communications services provided to end users.

Administrative Board Decision nr.126 of June 2, 2009 on Establishing Categories of Radio Frequencies not Subject to the General Authorization and allowed without license for radio channels/frequencies or technical permit has been modified by the Administrative Board Decision no. 65 of 28 December 2018. The introduced modifications gave the possibility to use the 5 GHz band by local access networks (Wi Fi). In addition, adjustment was made to the bands and radio equipment that can be used without a general authorization, a license or a technical permit, as provided in the recent amendments to CEPT Recommendation 70-03.

The revision of Administrative Board Decision no. 16 of September 23, 2008 on Regulating the Procedure for Technical Permit Issuance for the Use of Radio Communication Stations, identified the need of its abrogation - by Administrative Board Decision no.10 of 23 March 2018 and, also by approving new standard application forms for the issuance of technical permits for radio communication stations.

### ***Analysis of relevant markets and ex-ante regulatory measures***

According to Law no. 241/2007, ANRCETI identifies and analyzes the relevant markets in order to: determine whether those markets are sufficiently competitive and impose, maintain, modify or withdraw the special ex-ante obligations imposed on providers with SMP. ANRCETI performs this work pursuant to the Regulation on Identification and Analysis of Relevant Electronic Communications Markets and Designation of SMP Providers, approved by the Administrative Board Decision no. 55 of 29.12.2008 (hereafter - Regulation 55/2008). The Regulation was brought into line with the amendments made to Law no. 241/2007, by means of approving Administrative Board Decision no. 39 of November 23, 2018, also taking into account the principles provided by the competition legislation (Competition Law No. 183/2012).

During the reporting period, ANRCETI conducted the 5th round of market analysis for Market 9 - traffic transit on public telephone networks. As a result, ANRCETI concluded that the definition of the market for traffic transit in public telephone networks does not differ from the previous one in terms of market boundaries. Also, the geographical boundaries of this market were determined as national territory, and the three-criteria test proved that this market is still susceptible to ex-ante regulation.

The detailed analysis, which looked into a number of criteria that ANRCETI considered appropriate for the given market, showed that JSC Moldtelecom continues to be SMP provider on the Market 9, and the special ex-ante obligations previously imposed on JSC Moldtelecom on this market were further maintained. Taking into account the aforementioned, ANRCETI approved Administrative Board Decision no. 63 of December 28, 2018 on Ex-Ante Measures for Market 9, by which:

- identified Market 9 as susceptible to ex-ante regulation;
- designated JSC Moldtelecom as SMP provider on Market 9;
- maintained the special ex-ante obligations imposed on JSC Moldtelecom by Administrative Board Decision no. 28 of November 01, 2011.

In 2018, amendments were made to Law no. 36/2016 by Law no. 160/2018 for Amending Certain Legislative Acts (hereinafter - Law No. 160/2018). At the same time, Law no. 160/2018 modified Law No.308 of 22.12.2017 on Prevention and Combating Money Laundering and Terrorism Financing (hereinafter - Law No 308/2017). Thus, as a result of the amendment of these legislative acts, ANRCETI took over, besides postal communications regulation, the function of monitoring and verification of the enforcement of legislation in the field of prevention and combating money laundering and terrorism financing in the activity of postal service providers.

In order to comply with the amendments introduced by Law no. 36/2016 and Law no. 308/2017, ANRCETI developed and approved by its Administrative Board Decision 26 of September 24, 2018, the Recommendation on Prevention and Combating of Money Laundering and Terrorism Financing in the Activity of Postal Service Providers (hereinafter - Recommendation). This recommendation governs all providers authorized under the general authorization regime, provided for by Law no. 36/2016 and whose money transfer activities do not fall under Law on Payment Services and Electronic Money no. 114/2012.

## **2. General authorization and licensing**

ANRCETI applies the general authorization regime for activities in electronic communications sector, according to the provisions of Law no. 241/2007 and in postal communications sector, according to the Law no. 36/2016.

For both sectors, the general authorization regime is free of charge and offers entrepreneurs, based on their notifications submitted to ANRCETI, the right to provide public electronic communications networks and/or publicly available electronic communications services, as well as postal services for an unlimited timeframe.

The provider of public electronic communications networks and/or publicly available electronic communications services is also entitled to seek and obtain licenses for the use of scarce resources (radio channels, radio frequencies, numbering resources) for the purpose of providing public electronic communications networks and/or publicly available electronic communications services.

### ***2.1 General authorization for the provision of public electronic communications networks and/or publicly available services and authorization of postal service provision***

During 2018, based on submitted applications, ANRCETI authorized 18 applicants to run activities in the field of electronic communications, registering them in the Public Register of Electronic Communications Providers.

Thus, out of a total of 18 new entrants to the electronic communications market - 15 applied to provide both public electronic communications networks and services, 2 - only networks and one - only services. The most demanding types of networks and services were the same as in previous years: land-based public access networks, Internet access services and audiovisual retransmission services.

By the end of December 2018, 492 suppliers were registered in the Public Register of Providers, of which: 363 - have the right to provide electronic communications networks and services, 58 - only networks and 71 - only services.

It is noted that during 2018, 13 providers updated their initial notifications, as they extended their activity, additionally adding other types of electronic communications networks and/or services, or changed the identification data. During that period, 75 providers gave up, for various reasons, the right to provide electronic communications networks and/or services and were radiated from the Public Register of Electronic Communications Providers.



In 2018, ANRCETI authorized, based on submitted notifications, two applicants for postal service activity, which were included in the Public Register of Postal Service Providers.

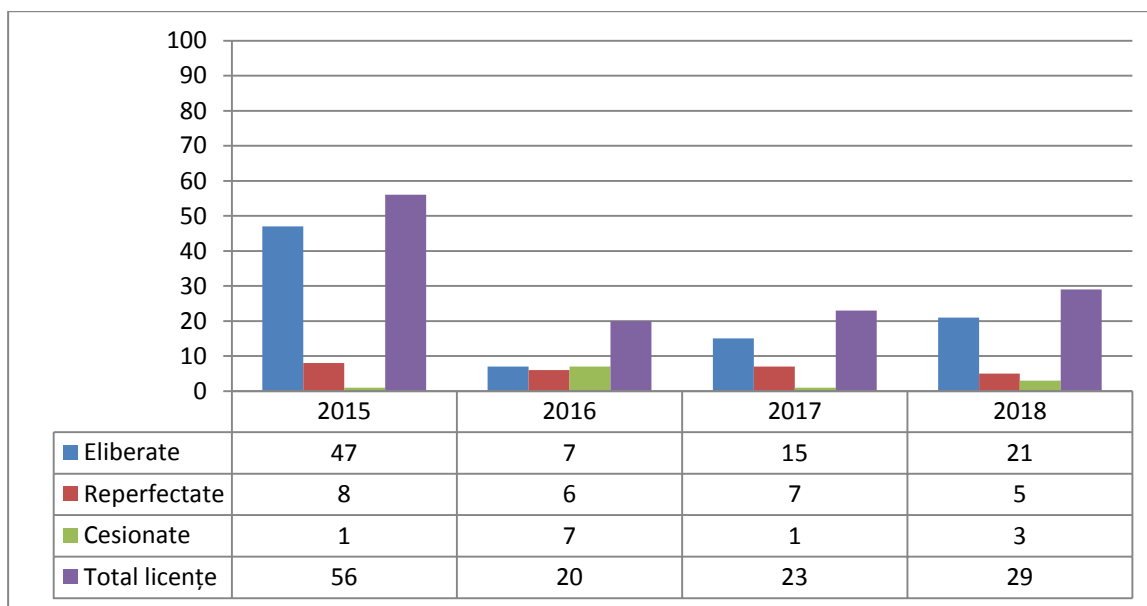
Both new providers entering the postal service market chose to provide services both within and outside the scope universal postal service. Of the total of 39 providers registered by December 31, 2018 in the Public Register of Postal Service Providers, 26 provide postal services both within and outside the scope universal service, 13 providers chose to offer only services outside the universal postal service. At the same time, 4 providers decided to terminate the postal service activity, being excluded from the Public Register of Postal Service Providers.

## ***2.2 License issuance for the right to use radio channels/frequencies***

In 2018 ANRCETI, based on submitted applications, issued 21 licenses for the use of radio channels/frequencies for the purpose of providing public electronic communications networks and services and updated 5 previously issued licenses in order to extend the area of service provision. Also, ANRCETI transferred 3 licenses for the use of radio channels and 6 licenses were declared void.

Of the total of 21 licenses issued in 2018, 19 were issued for the broadcasting of radio and television programs (13 - for radio broadcasting and 6 - for television) and 2 licenses were granted to the SE "Radio Communications" for temporary use of television channels 56 and 58 for testing of digital terrestrial television networks and services (DVB-T/T2).

The dynamics of license issuance for the use of radio channels/frequencies, in 2015-2018 is shown in the Chart below.



Issued  
Updated  
Transferred  
Total licenses

**Chart 1.** Number of licenses for the use of radio channels/frequencies issued and updated by ANRCETI in 2015-2018.

### 2.3 License issuance for the right to use numbering resources

In 2018, ANRCETI issued 35 licenses for the use of numbering resources, on basis of applications submitted by licensed providers, for the purpose of providing public electronic communications networks and publicly available electronic communications services. At the same time, ANRCETI updated 20 previously issued licenses, extended 4 licenses on request, accepted the transfer of one license to use the numbering resources and declared 31 licenses void.

Based on these licenses, providers were assigned 236.1 thousand numbers - 220 thousand for public electronic communications networks and publicly available services provided at mobile locations, 11.6 thousand numbers for services provided at fixed locations and about 2.5 thousand other categories of numbers.

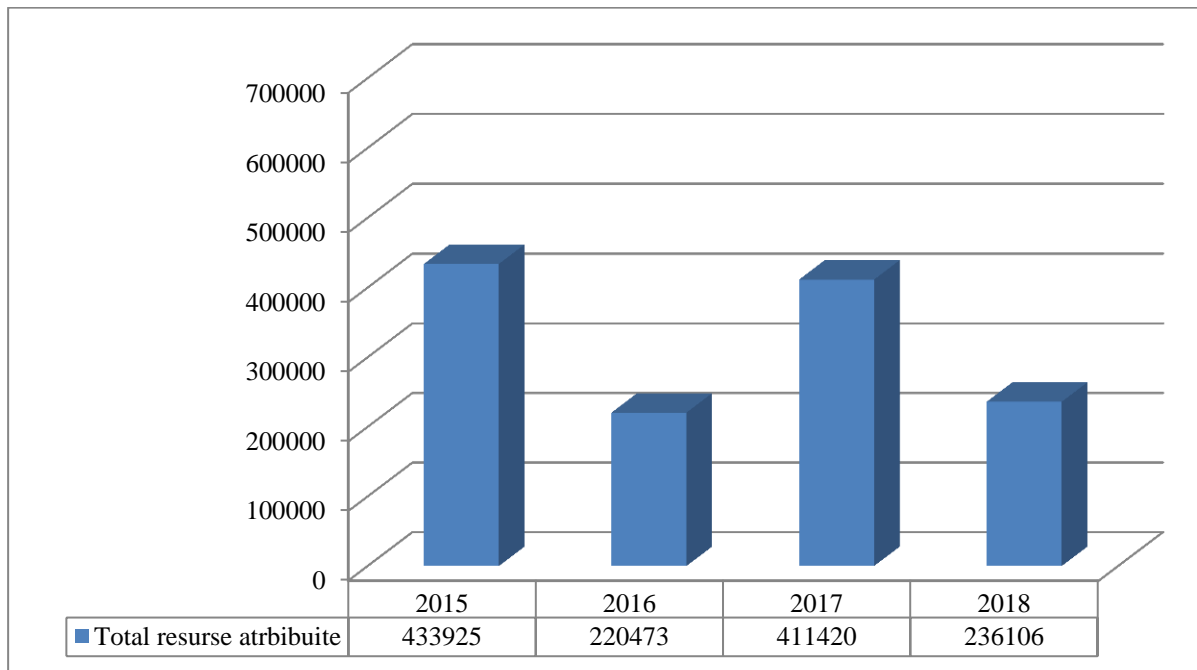
At the same time, at providers' request, 4.5 thousand numbers were withdrawn, of which 4.4 thousand fixed numbers, 0.1 thousand premium rate numbers and 11 numbers from other categories of numbering resources.

According to ANRCETI data, by December 31, 2018, 7 million 895,092 thousand numbers had been allocated to providers.

The largest share of numbers - about 6 mil.180 thousand were allocated for public electronic communications networks and publicly available services provided at mobile

locations. Numbers for public electronic communications networks and publicly available electronic communications services at fixed locations make over 1 million.685,160 thousand numbers. For other types of numbering resources the share is smaller - about 29,932 thousand numbers.

The data on the numbering of resources allocated by ANRCETI to providers over the last four years are shown in Chart below.



Total allocated resources

**Chart 2.** *Volume of numbering resources allocated by ANRCETI in 2015 – 2018.*

In 2018, at providers’ request, ANRCETI also allocated: 2.5 thousand numbers independent of location, 70 premium rate numbers and 10 short national numbers from range "1".

#### ***2.4 Issuance of technical permits for radio communications stations***

Under Art. 43, par. (1) of Law no. 241/2007, ANRCETI issues technical permits for the use of radio communication stations, which are not subject to licensing for the use of radio frequencies and channels. In 2018, 109 technical permits were issued for radio communication stations and 318 technical permits for other types of radio communication stations.

On December 31, 2018, 179 technical permits for radio amateur radio communication stations and 924 technical permits for other types of radio communication stations were registered in the ANRCETI Technical Permits Register.

Also, with the amendments to Law no. 241/2007, ANRCETI was entitled to issue examination certificates for the radio amateur service. In this regard, the common Order no. 476/41 of 08.10.2018 of the Ministry of Economy and Infrastructure and ANRCETI, on setting up the Examination Commission for obtaining certificates for radio amateur service (hereinafter referred to as Commission). The Commission drafted and approved the Procedure for Organizing Examinations for Obtaining Radio Amateur Certificates. Thus, ANRCETI organized the examination, which was taken by 12 candidates, 11 of which successfully passed the tests and obtained radio amateur certificates.

### **3. Implementation and monitoring the compliance with normative and legislative acts**

In the activity of implementation and monitoring the compliance with normative and legislative acts, ANRCETI analyzed the information regarding the execution of the relevant acts by electronic and postal communications providers (reports, interconnection agreements, reference offers, access contracts, etc.). In order to carry out this action, ANRCETI focused on verifying the enforcement of the provisions of the Law on Access to Properties and Shared Use of Infrastructure Associated with Public Electronic Communications Networks no. 28 of 10.03.2016 (hereinafter - Law No. 28/2016), regarding the fulfillment of special ex-ante obligations imposed on SMP providers, the providers' observance of the rules for using the numbering resources, the obligations to measure and publish quality parameters of electronic communications services, reporting of statistical data on the evolution of the electronic and postal communications markets, as well as revenues derived from the activity of the providers operating in the areas under ANRCETI regulation.

#### ***3.1. Ensuring the right of access to properties and shared use of infrastructure associated to electronic communications networks***

The rules and conditions for the access to physical properties and infrastructure, suitable for the construction, installation, maintenance, removal, replacement, transfer or retooling of public electronic communications networks or infrastructure elements necessary for their support, are established by Law no. 28/2016. The legal relations between the providers of public electronic communications networks and the public entities of different levels must be fully compliant with the provisions of the mentioned law, being corroborated with the provisions of the Law on State Budget 2018 no. 289 of 15 December 2017.

The implementation of the legal framework for the access to public/private property and shared use of associated infrastructure contributes to the effective reduction of the costs for installing electronic communications networks, as well as to the reduction of the

administrative barriers in relation to the state through the transparency of the access to properties and shared use of physical infrastructure.

Thus, ANRCETI, within the limits of its powers granted by Law no. 28/2016, and also by Law no. 241/2007, ensures the enforcement and observance of the legal provisions by the holders of ownership and/or administration right and the providers of public electronic communications networks, in order to obtain and exercise the right of access to properties and shared use of the physical infrastructure.

In 2018, ANRCETI continued the implementation and enforcement of Law no. 28/2016 by requiring public entities of different levels to establish and publish conditions for access to public property. In this regard, in order to more extensively inform the holders of ownership and/or administration right, about their obligations under the law, ANRCETI performed a broad information campaign by: calling or sending to local public authorities informative materials, developed by ANRCETI, by organizing meetings at the request of the local authorities, etc. All these actions aimed at explaining the content of the legal norms for the correct application of the legislation in force. As a result, the public entities property rights sent ANRCETI about 73 conditions for access to public property. Thus, at the end of 2018, 157 conditions for public property access were published on the official website of ANRCETI.

The practical implementation of Law no. 28/2016 is a specific process, as it involves the application of a new mechanism for exercising the right of access to properties and shared use of the infrastructure. ANRCETI considers that the provisions of Law no. 28/2016 have been fulfilled, the essential operating conditions of this mechanism being in place. To confirm this, by the end of 2018, more than 804 access contracts for public or private property had been concluded between providers of public electronic communications networks and various entities. Of these, 366 contracts are concluded free of charge, and 438 – against a fee. Also, out of the total number of contracts concluded, 734 are valid for the entire duration of the electronic communications networks, and 70 contracts were signed for specified periods, 12 of which were valid until the electronic communications provider purchased the land specified in the contract.

At the same time, in order to make the access transparent and in order to avoid litigations, as well as to ensure their fast settlement, ANRCETI issued 27 enforceable Administrative Board Decisions, requiring the concerned public entities to set up and publish the conditions of access to property, under relevant legal provisions.

Also, during 2018, ANRCETI examined 176 letters and/or inquiries on the application of Law no. 28/2016, sent by electronic communications providers, public institutions and central/local public authorities. The subjects raised in those letters refer to: refusal of

public entities to sign access contracts, the dismantling of the equipment/networks within some buildings, request for clarifications regarding the access tariff and procedure of concluding contracts for access.

Also in order to apply Law no. 28/2016, ANRCETI started the process of transfer/retooling of aerial cable networks (on pillars), installed in a defective way in Chisinau. In co-operation with the local public authorities in Chisinau, as well as owners of the pillar infrastructure: enterprises "Gas Natural Fenosa", "Regia Transport Electric" and "Lumteh", 97 aerial cable segments non-compliant with technical installation standards were identified. Following on-the-spot verification of these cables, ANRCETI required that electronic communications providers take steps to remove the detected non-compliance, as well as to examine the technical possibilities of placing these cables in the underground ducts. Thus, by the end of 2018, approximately 97% of the faulty cables had been remedied, for the other cables the owners/providers were not identified.

### ***3.2. Verification of fulfillment of obligations imposed on SMP providers***

During the reporting period, ANRCETI continued to monitor the compliance with the regulatory framework in the relations between providers of electronic communications networks and/or services regarding access to public electronic communications networks, associated infrastructure and services, their interconnection and interoperability. Thus, ANRCETI verified the fulfillment of the special ex-ante obligations imposed on SMP providers, in particular the obligations regarding the observance of terms, technical and commercial conditions, including pricing, and other information pertaining interconnection and access, contained in reference offers and access/interconnection agreements, presented by concerned providers. In this regard, ANRCETI reviewed and made a number of changes in reference offer for local access, bitstream, ducts infrastructure and pillar infrastructure of JSC Moldtelecom, which were subsequently taken into consideration and published on the provider's official website.

At the same time, in terms of the obligations imposed, the SMP providers - JSC Moldtelecom, JSC Orange Moldova and JSC Moldcell - updated the valid interconnection and access agreements. As a result, during 2018, the providers presented about 22 additional agreements to the interconnection agreements, 16 direct interconnection agreements and 14 indirect interconnection agreements, 1 additional agreement to the agreement on the use of physical duct infrastructure, 1 agreement in addition to the indirect interconnection agreement, 2 interconnection service acquisition contracts and 1 additional agreement for the 112 service, 17 terminated and 2 transferred interconnection agreements. The verification of these agreements proved that the providers operate in full transparency and in strict compliance with ANRCETI normative acts.

In the field of postal communications, ANRCETI continued to monitor the method of calculation and approval of tariffs for postal services within the scope of the universal postal service, as well as the tariffs applied for the use of the public postal network of the universal postal provider Posta Moldovei by other postal service providers, as well as the reports on the allocation of costs, revenues and employed capital, according to Administrative Board Decisions no. 24 and 25 of 29.09.2016 and, with regard to the net cost of providing postal services within the scope of the universal postal service, in accordance with Government Decision no. 1237 of 11.11.2016.

### ***3.3 Measuring and reporting the quality parameters of electronic communications services***

In 2018, ANRCETI continued to monitor the compliance with the provisions of HCA no. 278 of 17.11.2009, with subsequent amendments regarding the establishment of quality parameters for public electronic communications services.

The providers of electronic communications networks and/or services are liable to measure and submit to ANRCETI, on quarterly basis, information on the measured values of the quality parameters for the following types of services, as specified in Annexes to Administrative Board Decision no. 278/2009:

- 1) public fixed telephone service,
- 2) public Internet access service,
- 3) public mobile telephone service,
- 4) public television service.

The quality parameters for the four types of services refer mainly to the supply time for initial network connection, the data transfer speed, network faults repair time, frequency of end-users' complaints and complaint solving terms, etc.

ANRCETI notes that in 2018, the level of reporting by providers who measured and presented the information regarding the quality parameters remains relatively constant and represents on average about 94% of the total number of providers liable to this obligation.

Depending on the type of services provided, this obligation was met by all mobile network/service providers, by 96.7% fixed network/service providers, by 93.8% of Internet access service providers and by 96.5% of the providers of pay TV services.

Based on the information provided by the electronic communications providers on quality parameters, ANRCETI develops and publishes, on a quarterly basis, the Report on Results of Monitoring this information, which contains a more detailed analysis of the

quality parameters. All this information is available on ANRCETI web site in section <http://anrceti.md/fileupload/77>.

Also, during the reporting period, ANRCETI continued to process and publish on its Internet site the quarterly information on quality parameters as presented by providers and the information submitted by them according to the standard forms. This information is available in section [http://anrceti.md/parametri\\_calitate\\_trimestrial](http://anrceti.md/parametri_calitate_trimestrial).

The publication of these data is intended to raise the end-users' awareness regarding the level of quality of electronic communications services that they are using or intend to use.

### *3.4. Use of numbering resources*

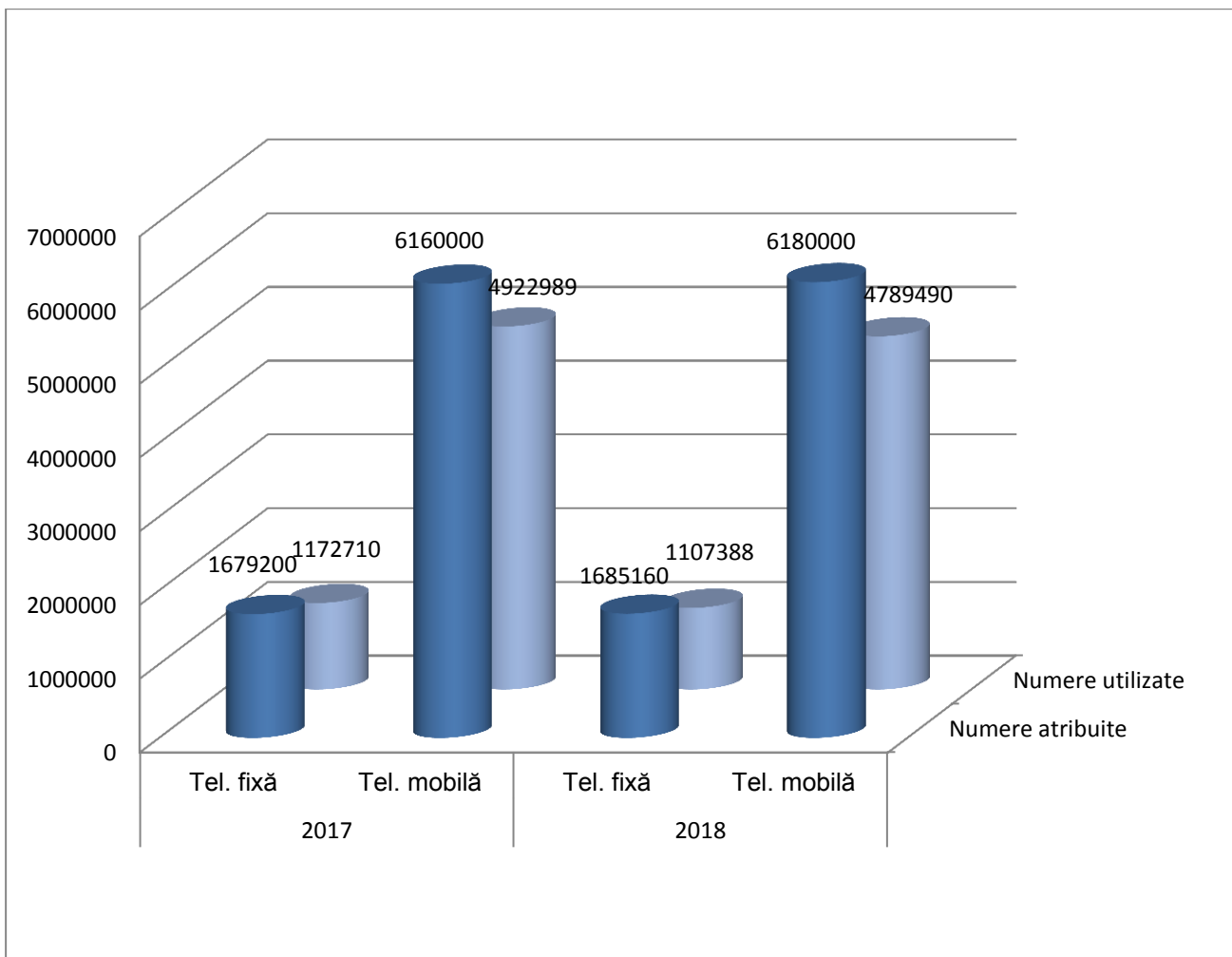
In 2018, ANRCETI monitored the use of the numbering resources allocated to providers of electronic communications networks and/or services, in particular by ensuring that they comply with the conditions and rules for the use of the resources, as set out in the Procedure for Administration of Telephone Numbering Resources, approved by HCA no. 58/2010.

ANRCETI data show that from the 35 providers liable to submit, pursuant to Law no. 241/2007, reports on the use of the numbering resources for 2018, 32 – complied to this requirement, three - neglected it, for which due measures have been taken, as provided by the legislation and regulations in force.

The analysis of the reports shows that the 32 suppliers who submitted the reports for 2018, duly observed the conditions for the use of numbering resources and the provisions of the Procedure, except for one provider who did not use 4 short national numbers in accordance with the National Numbering Plan. Currently, the necessary measures are being taken to ensure the provider's compliance with the provisions of the regulations in force.

The analysis revealed that from the total of 6,180,000 numbers assigned to the providers of electronic communications networks and services provided at mobile locations, about 4,789,490 numbers were effectively used, out of 1,685,160 numbers assigned to the providers of electronic communications networks and services provided at fixed locations, about 1,107,388 numbers were effectively used, and for other networks and services - from 29,932 allocated numbers, 13,078 numbers were under use. The data on the use of the numbering resources over the past two years are represented in Chart 3.





Fixed voice  
 Mobile voice  
 Used numbers  
 Allocated numbers

**Chart 3.** Degree of use of numbering resources allocated for electronic communications networks and services provided at fixed and mobile locations, in 2017 – 2018.

These data show that in 2018 the degree of use of the numbering resources d for electronic communications networks and services provided at fixed and mobile locations is decreasing compared to 2017.

#### 4. Supervision and control

In 2018, ANRCETI performed the supervision and control activity, as regards the compliance of providers of public electronic communications networks and/or services and postal services to the provisions of the legislative and normative acts governing the sectors under its regulation.

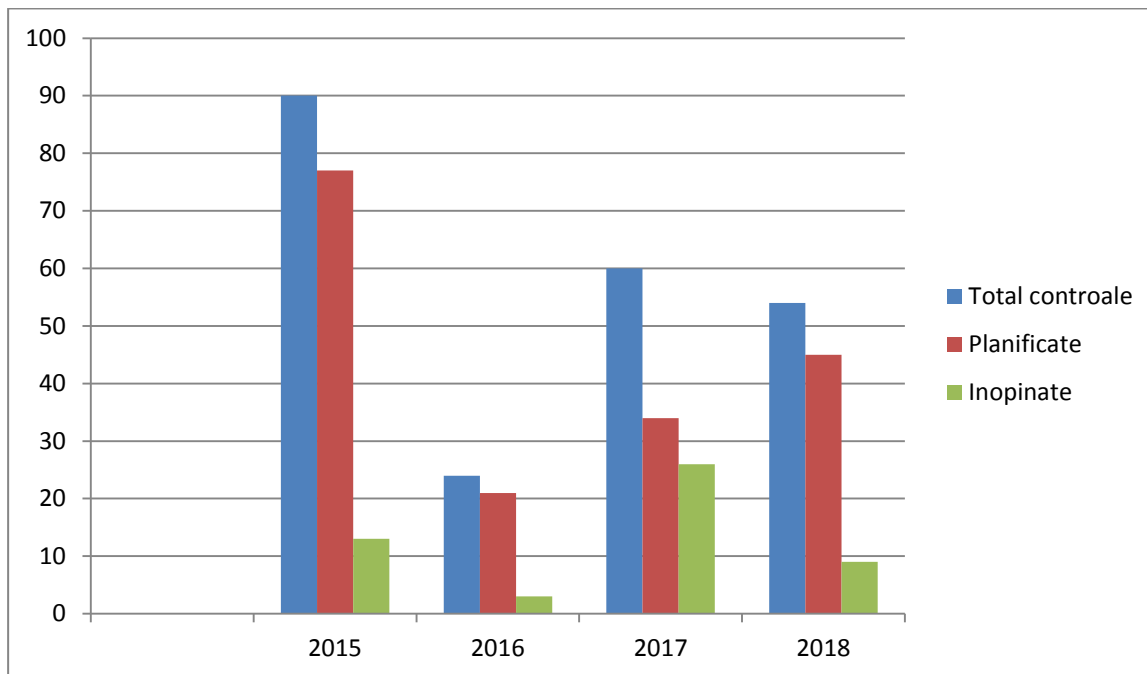
The aim of this activity is to prevent deviation from the legal and regulatory requirements relevant to the electronic and postal communications market, as well as to comply with the obligations related to the protection of end-users' rights.

#### ***4.1 Verification of compliance with the legislation and regulations in the field of electronic communications and postal services***

In order to ensure the compliance with the normative and legislative acts in the areas of its competence, ANRCETI performed 54 verifications in 2018, out of which - 45 were planned and 9 unplanned.

The planned verifications revealed a number of violations of the legislation in the field of electronic communications. The most frequent violations were: non-compliance with the general authorization and licensing conditions, deviations of occupational safety, presentation of erroneous data in statistical reports, failure to submit statistical and revenue reports within the set deadlines, etc.

As a result of these verifications, ANRCETI issued 18 prescriptions. Some of the providers managed to remove the breaches during the process of verification; others complied with ANRCETI's prescriptions to remedy the detected irregularities in the established timeframes. The dynamics of the number of controls performed by ANRCETI in the timeframe 2015-2018 is shown in Chart 4.



Total verifications  
Planned  
Unplanned

**Chart 4.** *Number of verifications performed by ANRCETI in 2015-2018.*

## ***4.2 Analysis of contraventions***

In 2018, ANRCETI, as an entity enabled to ascertain contraventions in the field of electronic communications and postal services, found 140 contraventions which were reflected in 140 reports, prepared pursuant to the Contravention Code of the Republic of Moldova. 218-XVI from 24.10.2008 (hereinafter - CC No. 218/2008).

The contravention cases, initiated by ANRCETI, concerned 134 legal entities and 5 natural persons, including 1 person in managerial positions. The following served as basis for contravention cases:

- 116 self-notifications by ANRCETI;
- 19 notifications from providers of electronic communications networks and/or services;
- three notifications from the National Radio Frequency Management Service;
- two notifications from Audiovisual Coordinating Council

The reports on contravention prepared by ANRCETI refer to the illegal acts, sanctioned according to the articles of Chapter XIV of CC No. 218/2008, as follows:

- non-compliance with the conditions of the general authorization by providers of electronic communications networks and/or services (art. 247 (1) of CC No. 218/2008) – 114 reports;
  - works related to electronic communications, carried out without the consent of the land owner or immovable property owner or in the absence of a court ruling on execution of such works (art. 254 of CC No. 218/2008) – 9 reports;
  - violation of protection rules for electronic communications lines and installations (art. 250 (6) of CC No. 218/2008) – 8 reports;
  - non-compliance with the prescription to remove breach of obligations set out in the general authorization conditions (Article 247 (2) of CC No 218/2008) – 3 reports;
  - use of radio frequencies/channels without license or technical permit (art. 248 (1) of CC No. 218/2008) – 3 reports;
  - unauthorized connections or admitting of unauthorized connection to electronic communications networks (art. 252 of CC No. 218/2008) – 2 reports;
  - unauthorized provision of electronic communications networks and services (art. 246 (1) of CC No. 218/ 2008) – one report;
  - non-compliance with regulations and technical norms in the field of information technology (art. 250 (1) of CC No. 218/2008) - one report;
  - construction works related to electronic communications within the protection zones of electronic communications lines, cables and installations, without an authorization from owner of these facilities (art. 250 (7) CC No. 218/2008) - one report.
- 
- Installation or use of radio communication stations, including broadcasting antennas, without coordination with the authorized body and without authorization (Article 250 paragraph (8) of CC No 218/2008) - 1 process- verbal.

All the 140 reports on contraventions were examined by ANRCETI management. As a result of the examination of the contravention cases, according to ANRCETI management decisions, the offenders were subject to total fines 1 272 000 lei.

At the same time, ANRCETI representatives participated, as investigating agents, in the examination (review) of appeals against decisions in 66 hearings held at the Chisinau Centre Court of Law and the Chisinau Court of Appeal.

## **5. Ensuring the protection of end users' rights**

During the reporting period, within the limits of its competencies, ANRCETI continued its activity in terms of ensuring the protection of the legitimate rights and interests of end-users of electronic communications and postal services, in particular by the following:

- monitoring and control of the activities carried out by the providers in the areas of ANRCETI competence, as well as of their observance of the end-users' requirements;
- the examination and settlement of petitions received from individuals and legal entities.

### ***5.1. Observance of end users' rights by providers***

The monitoring of the activities carried out by the providers operating on the electronic communications market, as regards meeting the end-users' needs, takes place in terms of their observance of the rules for the protection of the users' rights established by the Regulation on Electronic Communications Service Provision no. 48/2013, as subsequently amended.

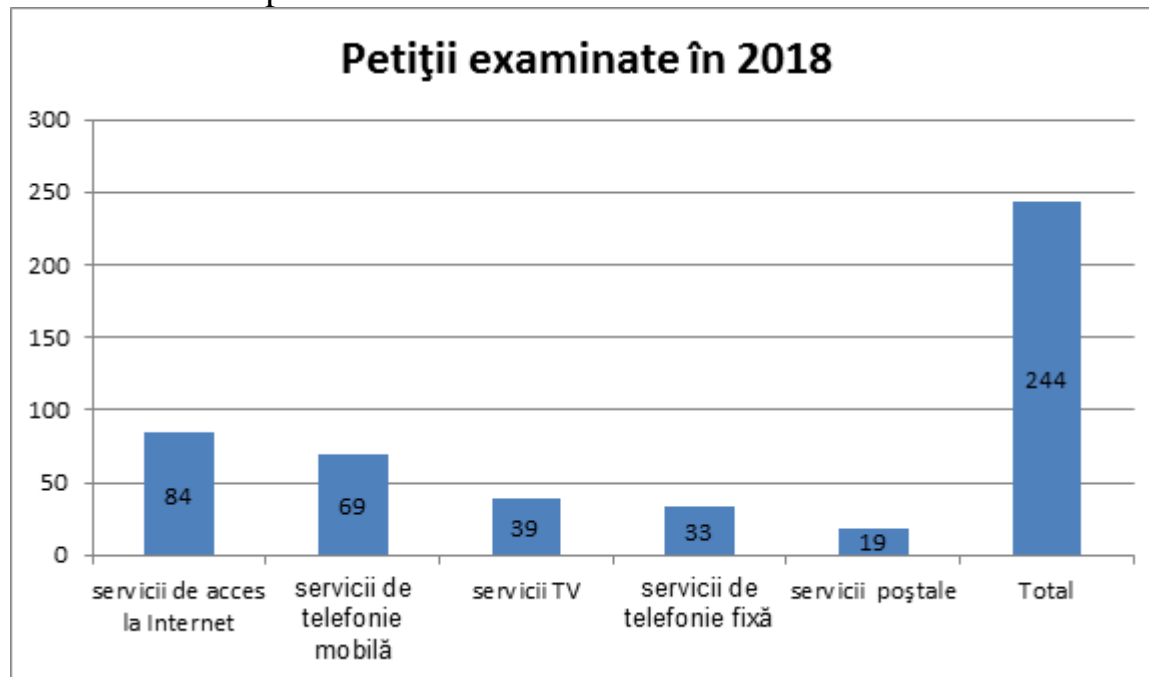
The monitoring, in fact, is a process involving specific operational actions and consists of a systemic and complex analysis of the data and information about the activity of the providers providing services in the areas regulated by ANRCETI. Following this process, the regulatory authority, where appropriate, produces reports containing proposals on the need to take measures in order to avoid possible deviations or measures required to remove them. Where inadmissible deviations are likely to happen, ANRCETI makes on-site verifications.

Thus, during the verifications (both planned and unplanned), ANRCETI staff, duly authorized in this regards, continued the activity of informing the providers about the provisions of the normative and regulatory acts in force, including for end-users protection. Special emphasis was placed on the need to improve the conditions for working with users, to organize hearings, ensure the quality of services according to the standards and technical regulations in force, ensure the necessary minimum level of legal certainty and transparency of information guaranteed by law, in terms of concluding contracts with users in written form and exclusion of abusive clauses.

## 5.2. Inquiries and petitions

The petitions received by ANRCETI from users of publicly available electronic communications services and postal services were examined and settled under Law no. 190/1994 on Petitioning.

During the reporting period, ANRCETI examined 244 petitions (complaints, notifications, requests). Most petitions referred to Internet access (84) and mobile voice services (69). Audiovisual issues were tackled in 39 petitions, fixed voice services - in 33 petitions, and postal services - in 19 complaints. The data on petitions examined by ANRCETI are represented in the Chart below.



### Petitions examined in 2018

Internet access services

Mobile voice services

Fixed voice services

Postal services

Total

**Chart 5.** *Petitions examined in 2018, depending on areas of interest*

ANRCETI specialists promptly reacted to every request and took appropriate steps to solve the issues objectively and impartially. All petitions were investigated within the deadlines and in the manner established by the legislation in force.

Also, during the reference period, ANRCETI offered responses to 28 inquiries received via ANRCETI institutional telephone line. During the discussions, ANRCETI specialists offered different solutions to the problems raised by the callers. As a rule, these solutions represent legal consultations, recommendations, providing of relevant information that is

an efficient support for decision-making, but also for the further actions taken by users in specific situations.

The analysis of the issues addressed in petitions shows that in most cases their signatories claimed the following:

- electromagnetic fields effects - 2 petitions;
- lack of response to petitions from providers - 3 petitions;
- debt established after porting the number to another network – 4 petitions;
- exceeding the credit limit – 4 petitions;
- transfer of service provision address – 6 petitions;
- loss/ damage of postal items – 6 petitions;
- fault repair time - 9 petitions;
- tariff increase – 10 petitions;
- inclusion of abusive clauses in signed contracts - 12 petitions;
- conditions of using electronic communications services in roaming -13 petitions;
- conditions for the provision of postal services – 14 petitions;
- contract termination fee - 15 petitions;
- conditions of service suspension - 21 petitions;
- pricing for electronic communications services - 33 petitions;
- unsatisfactory quality of electronic communications services - 43 petitions;
- contract terms - 47 petitions;
- billing amounts -75 petitions;
- various other subjects in the field of electronic communications (initial connection timing, invoices sent to the wrong address, disagreement with penalties, provider exceeding the term of electronic communications service provision, warranty term of the technical equipment) - 108 petitions;
- • Other - 25 petitions.

The majority of petitions – 232, were addressed by individuals, 10 petitions by legal entities, and 2 were collective petitions. At the same time, 206 petitions - were addressed in writing, and 38 - by e-mail. At the same time, 28 inquiries were registered by ANRCETI through the telephone line.

The statistics of petitions submitted to ANRCETI show that from the total of registered petitions - 151 were sent directly to ANRCETI, and 93 - via other state institutions, including:

- Consumer Protection and Market Supervision Agency - 63 petitions;
- State Chancellery of the Republic of Moldova - 18 petitions;
- Ministry of Economy and Infrastructure – 6 petitions;
- Parliament of the Republic of Moldova - 3 petitions;

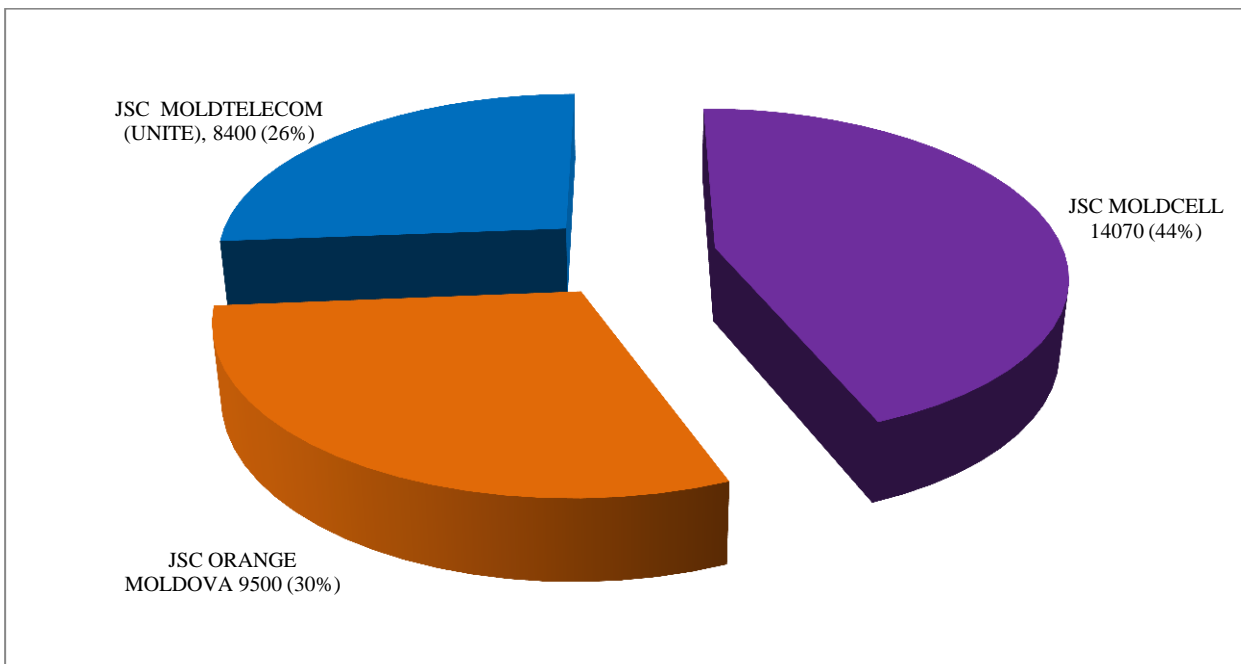
- Ministry of Labor and Social Protection – 2 petitions;
- Ministry of Internal Affairs – 1 petition;

### 5.3 Evolution of telephone number portability

Telephone number portability is a service available to end-users, which allows them to keep their phone number when switching their mobile or fixed-line service provider, thus offering them choice and benefits from a competitive telephony market.

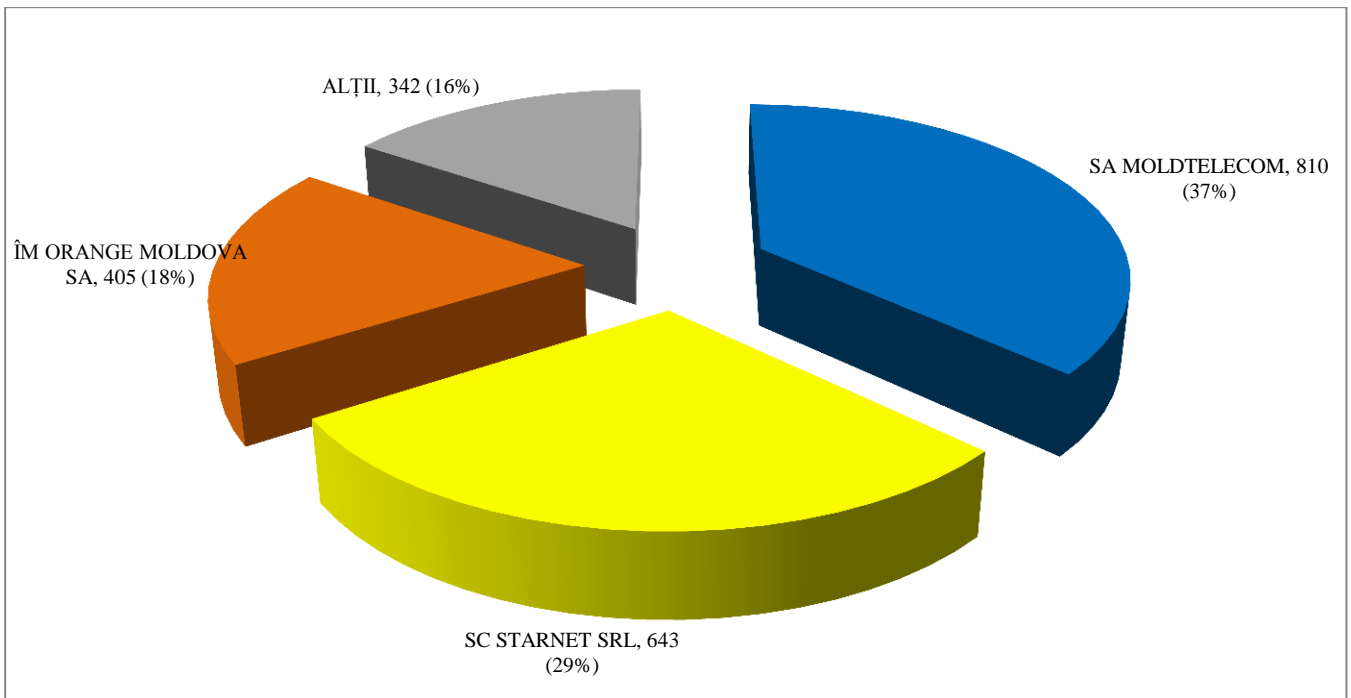
In 2018, 34.2 thousand people used the number portability service, of which 32 thousand were mobile users and 2.2 thousand - fixed users. There was an increase in the total quantity of ported numbers, by about 2.9 thousand, compared to 2017, whereas the average number of monthly ported numbers increased from 2.6 thousand in 2017, 2.9 thousand in 2018.

Thus, out of the 32,000 mobile numbers ported in 2018, over 14,000 – were transferred to JSC Moldcell network. More than 9,500 numbers were ported to the JSC Orange Moldova network, and about 8.4 thousand to the network of JSC Moldtelecom (Unite).



**Chart 6. Mobile number portability in 2018.**

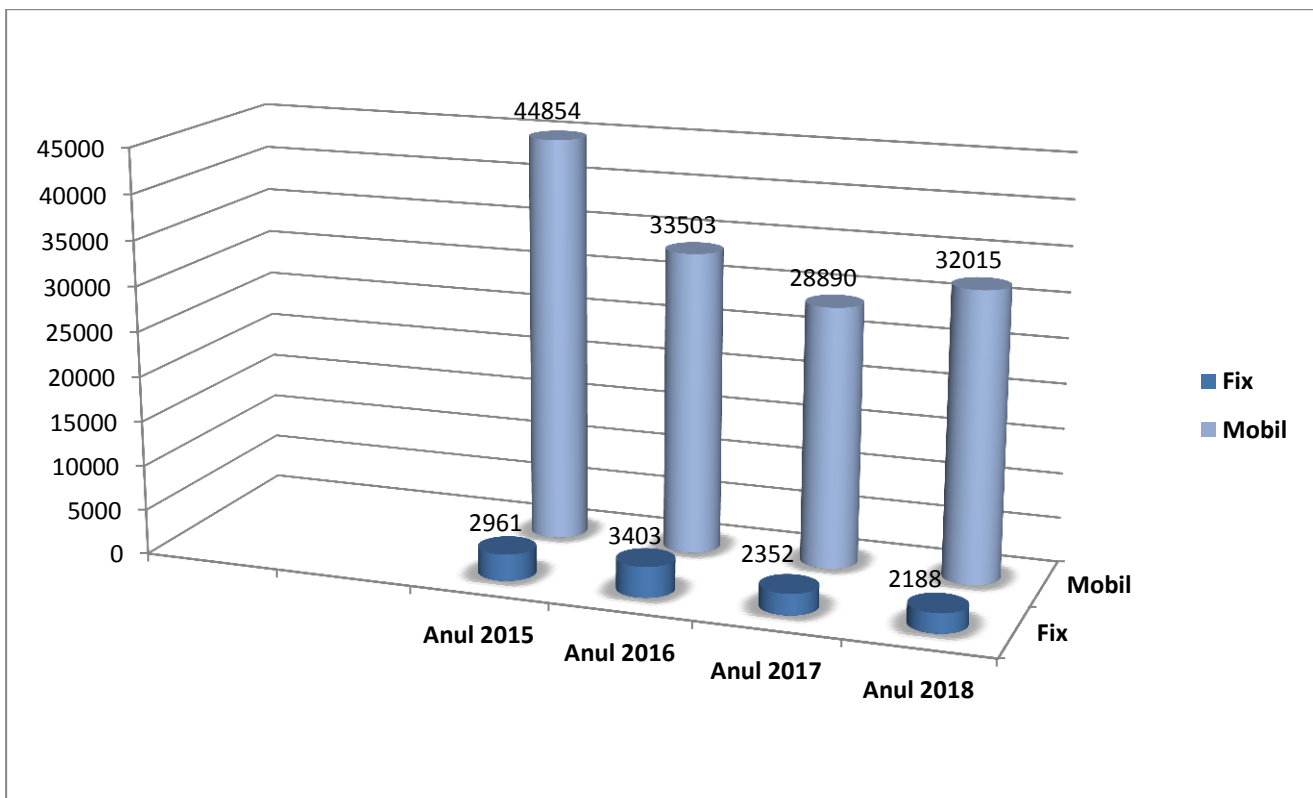
From the 2.2 thousand ported fixed telephony numbers, most of the numbers migrated to JSC Moldtelecom fixed network - 810 numbers, Starnet Solutions - 634 numbers and Orange Moldova - 405 numbers.



**Chart 7.** *Fixed number portability in 2018.*

Since the launch of number portability (July 2013) and by the end of 2018, about 216 thousand telephone numbers have been ported, of which 199 thousand are mobile numbers and 17.4 thousand are fixed numbers. Most numbers - 47.8 thousand were ported in 2015. Chart 5 shows the evolution of the process of porting mobile and fixed telephony numbers between 2015 and 2018.





**Chart 8.** *Evolution of mobile and fixed number portability 2015 – 2018.*

During the reporting period, ANRCETI monitored the evolution of telephone number portability and offered the necessary support to the providers and users of the telephone services in the process of number porting, according to the regulations in force. With reference to the functionality of the number porting service, ANRCETI informs that no malfunctions of this service were reported in 2018.

## 6. Public relations

ANRCETI permanently maintains a direct dialogue and an open communication with the representatives of the electronic and postal communications industry, with the civil society, with regulatory authorities from abroad, as well as with international bodies - activity that takes place through the participation in the organized events. Within these events, ANRCETI specialists participate in consultation and development of common documents relevant to the field of electronic communications and postal services. Within these and other events organized by regional, European and international bodies, ANRCETI representatives made thematic presentations, participated in debates and roundtables, studying and adopting best practices in the regulation of the electronic communications and postal services.

ANRCETI's main directions of communication consisted in: media coverage of process of public consultation and approval of draft Administrative Board Decisions, informing the civil society and industry on developments and events of public interest in the

regulated sectors, actions and measures taken by institution for the smooth functioning of the electronic and postal communications markets. The communication takes place through ANRCETI official web site, press releases sent electronically to the press representatives, as well as through the answers to inquiries and requests for access to information.

### ***6.1 Transparency of the decision-making process***

According to the provisions of the Law on Transparency in Decision Making no. 239-XVI of 03.11.2008 and Government Decision no. 967 of 09.08.2016 on Mechanism of Public Consultation with Civil Society in Decision-Making Process, ANRCETI provided the opportunity to all stakeholders to participate in drafting of regulations. In this regard, ANRCETI provided access to draft decisions and related materials, publishing them for public consultations on its official web page, in order to receive recommendations and proposals as appropriate. These projects were developed by ANRCETI in accordance with the provisions of Law on Legislative Acts no.780-XV of 27.12.2001 and of Law on Normative Acts no. 100 of 22.12.2017. Thus, in 2018, ANRCETI submitted 11 draft decisions to public consultations, all of which were examined and approved during five public Administrative Board sessions. In the public consultations process, ANRCETI received 135 recommendations from stakeholders on the projects submitted for consultation, which, where appropriate contributed to the modification of the concerned acts.

### ***6.2 Communication and mass-media***

In order to raise the awareness of the civil society and industry of the activity and evolution of the regulated sectors, ANRCETI constantly cooperates with the media institutions. During 2018, ANRCETI submitted 46 press releases to media representatives, of which 34 on topics related to the evolution of the electronic communications and postal services market. The subjects and facts outlined in the 46 press releases were reflected in 198 publications.

### ***6.3 External activity***

In order to fulfill the commitments according to the Action Plan on the Implementation of the RM-EU Association Agreement, ANRCETI specialists were involved in the activity of the Network of Electronic Communications Regulators in the Eastern Partnership countries (PaE) (EaPeReg), which brings together regulatory authorities in the field of electronic communications from the six countries of the PaE and has the mission to ensure the exchange of information and experience between the regulators of these countries and EU Member States, the harmonization of the national legal framework with

EU standards and the application European best practices. The EaPeReg Network is acting within the EU4Digital Initiative of the European Commission.

Thus, in 2018, according to the EaPeReg Work Plan, there were a number of expert meetings on roaming, spectrum and comparative/broadband analysis, workshops on topics of common interest and Plenary sessions, in which the speakers presented the activity reports and finalized the Group's medium-term objectives and priorities.

Among the main achievements of the EaPeReg Network activity in 2018, the following is notable:

- development by the Roaming Expert Working Group of the Roadmap towards a Roaming Agreement, between the Eastern Partnership countries and its approval at the Plenary Session;
- cooperation between the Broadband/Benchmarking Expert Working Group with the World Bank Experts to achieve Pillar 5 of the Action Plan - Developing Broadband Services in PaE Countries;
- approval of the Protocol on Cooperation - working closely with the European Regulators Group for Electronic Communications (BEREC) on the exchange of experience. It is worth mentioning the permanent support from BEREC experts in regulating electronic communications through their active participation in all EaPeReg activities.

In 2018, ANRCETI representatives participated in events related to the regulation of the postal sector, in particular those organized by ERGP, where the ANRCETI holds the observer status as of July 2016. ANRCETI delegates took part in the works of the ERGP plenary sessions and at two workshops, to discuss aspects regarding the regulation of postal communications in future.

Among the most important international events that ANRCETI attended were the World Congress of Mobile Technologies, held in February 2018 in Barcelona, Spain, under the aegis of the GSM Association (GSMA) and the World Regulatory Symposium (GSR 2018) held in July in Geneva, Switzerland.

Also, last year ANRCETI hosted foreign experts who delivered TAIEX Missions, focusing on issues related to property access and shared use of the electronic communications infrastructure, licensing conditions, and the quality of mobile and broadband Internet services.

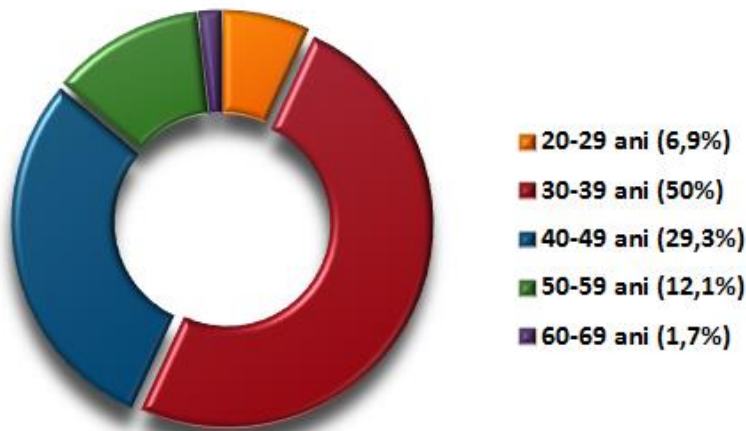
## **7. Human Resources**

Human resources are an important factor in ensuring ANRCETI functionality and efficiency. In 2017, ANRCETI's management promoted measures to strengthen the institutional capacities of the Agency, to efficiently manage the activity of regulating the

sectors under its competence, focusing on the selection and promotion of employees, as well as structural reorganization of ANRCETI subdivisions, and succeeded in maintaining a working climate favorable for obtaining high professional performance.

### ***7.1 Management of human resources***

The measures for human resources management, undertaken by ANRCETI during the reporting period, were targeted at reorganization and optimization of the structure of Agency's subdivisions. Thus, on 31.12.2018, ANRCETI had 58 employees, of which 29 men and 29 women. 50% of the total number of employees are aged 30-39, 29% - aged 40-49, 12% - aged between 50-59, 7% - aged 20-29, and 2% - aged 60-69. The average age of employees is 40.



**Chart 9.** *Structure of ANRCETI human resources by age*

A significant contribution to ensuring an adequate institutional capacity of ANRCETI is provided by the staff, the highest share being employees with higher education degrees (93%), capable of meeting the requirements of the field of electronic and postal communications, ready to respond to the existing challenges, in compliance with the requirements and principles of the legislation in force.

Thus, the structure of ANRCETI human resources, according to the level of education, is as follows: 30 (40%) with technical degrees, 17 (23%) – legal degrees, 14 (19%) – economic degrees, other areas - 14 employees (18%). 13 employees have two university degrees, which is 20%, 24 employees have postgraduate degrees - 36%, 2 employees

have scientific degree of Doctor in Law and 7 employees are currently studying for a second degree and doctoral degree.

## **8. ANRCETI priorities for 2019**

Establishing quality indicators for publicly available electronic communications services, measuring and evaluating the quality of electronic communications services provided through GSM, UTMS and LTE terrestrial mobile public networks in 800, 900, 1800, 2100, and 2600 MHz frequency bands - are just a few of the planned ANRCETI actions for 2019.

During the next year, ANRCETI will take due measures for the development and implementation of the Interactive Map of Electronic Communications Services and will launch the process of establishing the degree of mapping for the provided technologies and services, as well as of the transmission of the specific information by the providers for the identification of public electronic communications networks.

In order to increase the level of users' awareness, ANRCETI plans to launch in 2019 an extensive information campaign as regards the rights of users of electronic and postal communications services. The purpose of the campaign is to inform consumers about their legitimate rights, when facing issues related to the provision and use of the services, to prevent possible breaches by providers providing such services, as well as to increase the decision-making capacity of users in choosing quality services.

In order to increase the competitiveness of access to the public electronic communications networks, in 2019, ANRCETI will continue the analysis of the relevant markets by reviewing the ex-ante regulation measures for the voice call termination market in individual fixed and mobile voice networks (Market 3 and Market 7) . Thus, ANRCETI will continue the 5th round of market analysis, launched in 2018, to establish the existence of effective competition, determine whether the markets are sufficiently competitive and will decide on the need to impose, maintain, amend or revoke previously imposed obligations on SMP providers. All of these projects will result in increased coverage of electronic communications services and the introduction of new technologies - all for the benefit of end-users

In the reporting year, ANRCETI will also establish the minimum security measures to be taken by providers to ensure the security and integrity of publicly available electronic communications services and the reporting of incidents with significant impact on them. Other important projects for 2019 include the actions intended for the implementation of Law no. 28/2016, in order to optimize support infrastructures for the access to broadband

electronic communications services, but also to reduce the cost of deployment of electronic communications networks in the Republic of Moldova.

In order to supervise and control providers' compliance with the imposed obligations, ANRCETI will verify the way the providers of publicly available electronic communications services implement the regulations on quality of electronic communications services, but also with relevant legislation in the areas of ANRCETI competence.

At the same time, ANRCETI will update a set of regulatory acts relevant to the electronic communications market in order to bring them in line with the amendments to the Law no. 241/2007. Thus, the special license conditions for some types of numbering resources will be revised, including: 116 (xxx) national short numbers for European harmonized services, premium rate services, freephone numbers, location-independent numbers, etc. In the field of postal services, in 2019, ANRCETI plans to establish the principles and rules for the use of the public postal network of the universal postal service provider, according to the provisions of Law no. 36/2016.