

The regime of interconnection (according to the National Regulatory Authority for Communications and Information Technology)

Interconnection is a specific form of access that stimulates the market entry of new operators, ensuring their access to the public fixed and mobile infrastructure of electronic communications. In order to promote competition, ensure the interoperability of electronic communications services and protect the users' rights and interests, ANRCTI adopted a series of measures in order to prevent abuse from the providers with significant market power.

ANRCTI designated the providers with significant market power, imposing on them a series of obligations regarding access to certain facilities in terms of interconnection, cost-orientation of tariffs, separate accounts as well as obligations regarding transparency and non-discrimination as to the other players on the market. These obligations have been provided in the ANRCTI issued decisions regarding:

- the regime of interconnection with the public fixed telephone network
- the regime of interconnection with the public mobile telephone network

By imposing these obligations on the providers with significant market power, ANRCTI succeeded removing the main market entry barriers encountered by the new operators.

The regime of interconnection with the public fixed telephone network

In February 2003, upon the designation of **S.C. RomTelecom S.A.** as an operator with significant power on the market of access to the public fixed telephone networks for call origination, termination and transit and on the market of leased lines-terminal segments services, the company published on its Internet page the Reference Interconnection Offer (RIO). This document contains the minimal set of services of interconnection with the public fixed telephone network as well as the conditions, including tariffs, under which the respective services will be offered to the alternative providers.

The regime of interconnection with the public fixed telephone network with a view to call origination, termination and transit

At present, a provider who intends to conclude an interconnection agreement with the public telephone network of S.C. RomTelecom S.A., may consult, on the company's Internet page, a reference offer for interconnection with the public fixed telephone network including at least:

- the minimal set of interconnection services with a view to call termination at a fixed location, the interconnection service with a view to call origination at a fixed location by means of the carrier selection procedure
- the minimal set of interconnection services with a view to commuted transit, together with the terms, including those regarding the tariffs for the provided services.

S.C. RomTelecom S.A. has the obligation to make available for any operator requesting interconnection services detailed information on the network they operate, so that the respective operator could choose the best solutions for the development of its own networks or services. Such information refers to the technical specifications of the Operator's access points, to the relevant standards, to the interconnection links, to the default remedy manners.

An operator intending to conclude an interconnection agreement with the public fixed telephone network may send S.C. RomTelecom S.A. a request therefore.

ANRCTI also regulated the terms and conditions of the agreements of interconnection between operators. Thus, the maximum negotiation term with a view to concluding an interconnection agreement based on the Reference Interconnection Offer shall not exceed two months from the date when RomTelecom receives the respective request.

S.C. RomTelecom S.A. has the obligation to ensure the implementation of the provisions of the interconnection agreement so that the provision of interconnection services could start within 3 months from the date of concluding the agreement. Should the agreement not be concluded within the above mentioned term, or the negotiations exceed the period of implementing the agreement provisions, any of the two parties may notify ANRCTI within 15 days from the expiry date of the above mentioned terms. The duration of the interconnection agreement shall be established by the parties, provided it may not span less than three years.

The regime of interconnection with the public mobile telephone networks

Based on the regulations on identifying the relevant markets in the electronic communications sector, ANRCTI identified 4 operators with significant power on the market of access to its own mobile telephony network for call termination: S.C. Cosmorom S.A., S.C. Mobifon S.A., S.C. Telemobil S.A. and S.C. Orange Romania S.A.

Upon the designation of the above mentioned companies as providers with significant market power, ANRCTI imposed on them the following obligations:

- transparency – all the operators have the obligation to make publicly available the tariffs for all the services that are necessary for interconnection to the public mobile telephone network they operate, for the purpose of call termination;
- the provision of certain services and ensuring access to certain facilities

In addition to the above mentioned obligations, **S.C. Mobifon S.A** and **S.C. Orange Romania S.A.** have the following obligations: non-discrimination, keeping separate accounts, as well as the cost-orientation of the tariffs.

The non-discrimination obligation imposed on the two operators is meant to prevent abuse of market power and entails the provision of equivalent agreement conditions.

The obligation of cost-orientation of the interconnection tariffs aims to prevent the use of the market power for charging excessive tariffs. This obligation was imposed in order to avoid the possible negative effects on the users of the other electronic communications networks, in case the higher interconnection tariffs paid by the operator they subscribed with were reflected in higher tariffs for the services purchased by the end-users on the retail market.