

*Disclaimer: This is a Romanian to English translation meant to facilitate the understanding of this Decision. Should discrepancies occur between the Romanian version and the English version, following translation, the Romanian version shall prevail.*

On grounds of the provisions under Article 3 letter b) indents 3 and 4, Article 10 (2) indents 4, 5 and 10, Article 11 (1) and Article 12 paragraphs (1) and (3) of the Government Emergency Ordinance no. 22/2009 on the establishment of the National Authority for Management and Regulation in Communications, approved by Law no. 113/2010, with the subsequent amendments and completions, respectively under Article 14, Article 38 paragraphs (1)-(3), Articles 39-41, Article 42 paragraphs (1) and (3), as well as of Article 44 of the Government Emergency Ordinance no.111/2011 on electronic communications, approved with amendments and completions by Law no. 140/2012,

**THE PRESIDENT OF THE NATIONAL AUTHORITY FOR MANAGEMENT AND REGULATION  
IN COMMUNICATIONS**

issues this:

**DECISION**

**on the procedure of requesting and awarding licences for the use of numbering resources**

**CHAPTER I**

**General provisions**

**Article 1.** – (1) This decision establishes the conditions in which a provider of electronic communications networks or of publicly available electronic communications services is awarded and can exercise – for a limited period - its right to use the numbering resources in the National Numbering Plan, adopted by Decision of the President of the National Authority for Management and regulation in Communications no. 375/2013.

(2) The National Authority for Management and Regulation in Communications, hereinafter referred to as *ANCOM*, may grant the right to use certain numbering resources provided in the National Numbering Plan, hereinafter referred to as the *NNP*, to a provider of electronic communications

networks or of publicly available electronic communications services that proves to be registered in Romania, under the legal provisions.

(3) A provider of public electronic communications networks may acquire the usage right only for the following numbering resources provided in the NNP:

- a) geographic numbers;
- b) location-independent numbers;
- c) non-geographic numbers for electronic communications services provided at mobile locations.

(4) This decision will not apply to numbers of special economic value, established by ANCOM. These are to be awarded by a comparative or a competitive selection procedure.

**Article 2.** – (1) For the purpose of this decision, the following terms are hereunder defined:

a) *allocation* – ANRCTI's primary allotting certain numbers, numbering blocks or carrier selection codes to the providers of public electronic communications networks or of publicly available electronic communications services, by means of a licence for the use of numbering resources, hereinafter referred to as the *LUNR*;

b) *assignment* – secondary allotting of individual numbers to subscribers by the providers of publicly available electronic communications services, who were allocated numbering resources by ANCOM or to whom numbering resources were transferred;

c) *activation* – start of service provision to a subscriber to whom a number was assigned, so as to enable call origination or termination at the respective number, or starting of the services provision through an allotted number;

d) *quarantine* – timeframe during which, following the cessation of the service provision through an activated number, the respective number cannot be assigned to another subscriber than to one to whom services had been provided by means of the respective number.

(2) Within the text of this decision, the relevant definitions under Article 4 paragraph (1) of the Government Emergency Ordinance no. 111/2011 on electronic communications, approved with amendments and completions by Law no. 140/2012, under Article 2 paragraph (1) of the Decision of the President of the National Regulatory Authority for Communications no. 144/EN/2006 on the implementation of number portability, with the subsequent amendments and completions, as well as under Article 2 (1) of the Decision of the President of the National Authority for Management and Regulation in Communications no. 375/2013 will also apply.

**Art.3.** – (1) A provider of public electronic communications networks or of publicly available electronic communications services gains the right to use the numbering resources in the NNP only by a LUNR issued by ANCOM, except for the cases of numbering resource transfer.

(2) The providers of public electronic communications networks who are also providers of publicly available electronic communications services or who ensure the provision of electronic communication services by means of adequately authorised third parties, who acquired – by LUNR – the right to use certain numbering resources in the OZ = 02, OZ = 03, OZ = 06, OZ = 07 domains of the NNP, have the right to use the numbering resources provided in the NNP as internal national short numbers, under the conditions established by specific regulations.

(3) The numbering resources that may be allocated through a LUNR are the following:

a) blocks of 10,000 geographic numbers comprising 9 digits, for fixed electronic communications services, provided in the NNP in the OZ = 02 and OZ = 03 domains;

b) blocks of 10 geographic numbers comprising 6 digits, for general interest services at local level, provided in the NNP in the OZ = 02 and OZ = 03 domains;

c) blocks of 10,000 or 100,000 location-independent numbers for electronic communications services mainly provided at fixed locations, provided in the NNP in the OZ = 03 domain;

d) blocks of 100,000 or 1,000,000 non-geographic numbers for mobile electronic communications services, provided in the NNP in the OZ = 06 and OZ = 07 domains, except for those provided in the OZA = 070 sub-domain;

e) blocks of 100,000 non-geographic numbers for mobile electronic communications services for the mobile virtual network operators, provided in the NNP in the OZA = 070 sub-domain;

f) blocks of 1,000 non-geographic numbers, provided in the NNP in the OZ = 08 and OZ = 09 domains;

g) blocks resulted following the transfer of the usage right for some numbering resources, in accordance with the provisions of Article 17 (4);

h) 10xy and 16xy individual carrier selection codes;

i) other categories of resources in the NNP, based on special regulations.

## **CHAPTER II**

### **LUNR awarding**

**Art.4.** – (1) With a view to being awarded a LUNR, requesters must submit an application to ANCOM, by necessarily filling in the standard-form provided in Annex no.1 to this decision.

(2) The standard-form is available at ANCOM's headquarters or at its territorial branches, as well as on ANCOM's website.

(3) The request may be submitted at ANCOM's headquarters or its territorial branch in the area where the requester's residence or headquarters are located, only in the following cases:

a) personally or through a representative, upon signature;

b) by mail;

c) as a written document, in electronic format, having an included, attached or logically associated extended electronic signature based upon a qualified certificate that has not been invalidated or revoked at the respective moment, generated using a secured device for generating electronic signature.

(4) The transmission date is considered the date of registering the documents within ANCOM's general registry of correspondence, the date of confirming document receipt at ANCOM's headquarters through a postal service with confirmation receipt or the date of confirming the documents' receipt in electronic format, as the case may be.

**Art.5.** – (1) The standard-form must be accompanied, in annex, by the following information and documents, which are part of the LUNR request:

a) the implementation specification for each category of numbering resources requested, according to Annex no.2, for the first application for numbering resources within a certain category;

b) a copy of the certificate of registration with the National Office of Trade Registry of the legal person or - as the case may be – of the authorised legal person, of the authorised family association, of the individual enterprise or of the family enterprise, or – for private legal persons without patrimonial purposes – a copy of the fiscal registration certificate and the certificate or registration in the Registry of Associations or Foundations or in the Registry of Federations, as applicable, where such documents have not been transmitted to ANCOM within the general authorisation procedure;

c) the forecasts regarding the increase of the usage degree of the numbering resources in the next 12 months, together with the justifications of these forecasts (growth pace registered in the recent period, launch of new services, enlargement of the service distribution area etc.), only where an initial request has envisaged numbering resources exceeding the quantities provided under Article 7(5) indent a);

d) the requester's manner of use of the previously awarded numbering resources and their usage degree - when subsequently requesting additional numbering blocks (in the case of geographic numbers for the same geographic area of use);

e) with a view to allocating certain blocks of numbers for general interest services at local level within the 0Z = 02 and 0Z = 03 domains, the description of services to be provided by means of these number; the requester shall transmit copies of the pre-contracts or agreements concluded for the provision of services within this category, for at least one of the numbers of the requested 10 number block, as well as information regarding the capacity allotted in the network for the provision of such services;

f) the proof of starting relevant negotiations with a mobile public networks provider related to the provision of access to the latter's network – in case of requests for allocation of numbering resources to mobile virtual network operators;

g) other information and documents the requester deems relevant for the request analysis.

(2) The information regarding the manner in which the requester used the numbering resources previously allocated, provided under paragraph (1) indent d), will include:

a) activated numbering resources, including ported numbers, in the case of introducing number portability;

b) assigned and non-activated numbering resources;

c) numbering resources in quarantine;

d) technical numbering resources (numbers used in the process of routing calls to non-geographic numbers, numbers used for tests and measurements etc.);

e) in case of numbering resources in the 0Z = 06 and 0Z = 07 domains, the numbering resources that have not been assigned, but for which SIM cards have been ordered;

f) transferred numbering resources.

(3) The usage degree (UD) of the numbering resources provided in paragraph (1) indent d) will be calculated based on the following formula:

$$UD = \frac{N_1}{N_2} \times 100 [\%],$$

where  $N_1$  is the total amount of numbering resources used within one category, provided under paragraph (2), and  $N_2$  is the total amount of numbering resources in the same category allotted to the requester by the LUNR; in the case of geographic numbers, the formula will apply for the numbering resources within the same geographic usage area.

(4) The requester may specify, in the LUNR request, a certain format of the numbering resources. If ANCOM cannot allocate the requested numbering resources, it will inform the requester, proposing an alternative solution, where available, based on which the requester may change or withdraw its request.

**Art.6.** – (1) In soundly justified cases, upon a LUNR holder's request, ANCOM can amend the format of numbering resources previously allocated through LUNR.

(2) With a view to enforcing the provisions of paragraph (1), a LUNR holder will send ANCOM a request – by filling in the standard form provided in Annex no. 1, specifying the format of the newly requested numbering resources – along with the following documents:

- a) justification of the need to amend the format of the already allocated numbering resources;
- b) format of the numbering resources in the LUNR for which amendment is requested;
- c) further information and documents the requester deems relevant in analysing the request;

(3) Under this article, a LUNR holder cannot request numbering resources with a destination – according to the NNP - different from that of the numbering resources envisaged by the amendment.

(4) A LUNR holder has the right to request the enforcement of a transition period during which it can use both the numbering resources in the requested new format, and the numbering resources for which it requested the format amendment, sending ANCOM a justification therefor.

(5) The right of use for the initially allocated numbering resources ceases from the date of amending the LUNR provisions or from a subsequent date – where ANCOM approved the request for enforcing a transition period according to the provisions of paragraph (4).

(6) If ANCOM cannot allocate the requested numbering resources, it will inform the requester, proposing an alternative solution – where available – based on which the latter can amend or withdraw the request.

**Article 7.** – (1) ANCOM checks whether the legal provisions regarding the submission, form and content of the request are observed.

(2) If ANCOM deems that the information presented is not sufficient, it will request additional information.

(3) ANCOM analyses the requests for numbering resources based on the principles of objectivity, transparency, non-discrimination and proportionality.

(4) The general criteria for the analysis of the requests for numbering resources are as follows:

- a) necessity to obtain the respective numbering resources;
- b) nature of the service provided by the requester;
- c) ensuring an effective and rational use of the numbering resources, considering the numbering resources previously allotted to the requester and to other providers of publicly available electronic communications services;
- d) the requester's position on the market.

(5) The special criteria in analysing the requests for numbering resources are as follows:

a) initially, a single block of numbers for each of the categories of numbering resources requested is generally allotted; for geographic numbers, a single block of numbers for a certain geographic area either in the OZ = 02 domain or in the OZ = 03 domain are generally allocated;

b) if there are available numbering resources, additional blocks of numbers are allocated in the same domain or sub-domain in the NNP;

c) mobile virtual network providers are allocated numbering in the OZA = 070 provided in the NNP.

(6) The initial and subsequent numbering resources shall be allotted in numbering blocks with the length provided in Article 3(3) indents a)–f). The 10xy and 16xy individual carrier selection codes are allocated one by one for each provider of publicly available electronic communications services.

(7) With a view to allocating additional numbering blocks, the minimum usage degree of the numbering resources previously allocated to the requester for the provision of the same type of service will be:

a) 50%, for 9 digit geographic numbers in the OZ = 02 and OZ = 03 domains in the NNP;

b) 80%, for 6 digit geographic numbers in the OZ = 02 and OZ = 03 domain in the NNP;

c) 60%, for location-independent numbers in the OZ=03 domain in the NNP;

d) 60%, for non-geographic numbers in the OZ = 06 and OZ = 07 domains in the NNP;

e) 40%, for numbers in the OZ = 08 and OZ = 09 domains in the NNP.

(8) By way of exception, upon the requester's justified request, ANCOM may decide to allocate additional numbering blocks despite the minimum usage degree, which may be lower than the levels provided under paragraph (7).

**Art.8.** – (1) Following the analysis of a request for numbering resources, based on the information provided in the request and on the existing additional details received, ANCOM decides the granting of the LUNR or the rejection of the request.

(2) ANCOM may reject a request for granting a LUNR in the following cases:

a) the requester is not a provider of public electronic communications networks or of publicly available electronic communications services or it is not authorised for the provision of the corresponding publicly available electronic communications services;

b) the requester is in the situation provided in Article 23(3);

c) the allocation conditions provided in this decision are not met;

d) the conditions for the use of numbering resources provided in the Decision of the President of the National Authority for Management and Regulation in Communications no. 375/2013 are not met

or the requester does not have the technical capacity to implement the requested numbering resources;

e) the date when the numbering resources are foreseen to be activated exceeds the term provided for the activation of the numbering resources;

f) the numbering resources requested have been allocated to another provider of publicly available electronic communications services or the respective numbering resources cannot be allocated according to the provisions of Article 22(3);

g) the requester has not paid off the usage tariff for the previously allocated numbering resources, established by ANCOM in accordance with Article 43 of the Government Emergency Ordinance no. 111/2011 on electronic communications, approved with amendments and completions by Law no. 140/2012, as well as the standing delay penalties;

h) in the situation provided under Article 6, if the LUNR holder fails to prove a soundly grounded case or if it requests the allocation of numbering resources with a destination, according to the NNP, different from the ones envisaged in the amendment request.

(3) ANCOM may totally or partially grant the numbering resources requested, in compliance with the criteria under Article 7. If ANCOM intends to partially grant the numbering resources, it shall inform the requester. The requester may amend or withdraw its request for numbering resources.

(4) The total or partial rejection of the request for granting the LUNR will be motivated and communicated to the requester.

(5) ANCOM will grant the LUNR or will communicate the rejection of the request, as the case may be, within 3 weeks from the date of sending the request or of all the additional details requested by ANCOM.

**Art.9.** – (1) In the event the same numbering resources are the object of several requests, ANCOM will analyse the requests for granting the LUNR in the order these have been sent to it.

(2) If all the conditions under the present decision are met, the requested resources will be granted to the first provider that submitted the request.

**Art.10.** – (1) With a view to being allocated additional numbering resources, the requester will submit a request for the granting of the LUNR under the terms of Articles 4 and 5, the provisions of this chapter being applied correspondingly.

(2) In the case provided in paragraph (1), ANCOM may grant the LUNR providing the additionally allocated numbering resources, in accordance with the criteria under Article 7.



## CHAPTER III

### Rights and obligations regarding the use of numbering resources

**Article 11.** – The LUNR includes the holder's identification data, the services for which the numbering resources have been awarded, the allocated numbering resources and the geographic area where these may be used, the conditions for using the allocated numbering resources, as well as any other conditions established in accordance with the provisions of Article 41 of the Government Emergency Ordinance no. 111/2011 on electronic communications, approved with amendments and completions by Law no. 140/2012.

**Article 12.** – (1) The LUNR is granted for a 10-year period and may be successively renewed for a similar period.

(2) The renewal of the LUNR validity is achieved by the issuance of a new LUNR, based on a request sent by the holder at most 3 months before and at least 30 days before the expiry of the term provided therein, by filling in the standard-form in Annex no.1.

(3) ANCOM may issue another LUNR for the use of the same numbering resources or of part of these resources, based on the request under paragraph (2).

**Article 13.** – (1) A LUNR holder must keep and update a detailed record of the use of numbering resources allotted by the LUNR, so that it could provide to ANCOM all the details requested by the Authority for exercising its legal attributions.

(2) A LUNR holder shall transmit ANCOM, by February 28, each year, a report on the use in the previous year of all the numbering resources allotted, in the format provided in Annex no.3.

(3) The annual report shall not include the non-activated numbering resources for which the activation term set out under Article 15 (1) letter f) has not expired.

(4) A LUNR holder has the obligation to inform ANCOM on the occurrence of a merger or separation operation by communicating the identification data of the person taking over the right to use the numbering resources, along other relevant documents.

**Article 14.** – A LURN holder has the obligation to pay a tariff for the use of the allocated numbering resources, in the terms and conditions established by the legal provisions in force.

**Article 15.** (1) The main conditions for the use of numbering resources are as follows:

a) the LUNR holder or - as applicable - the person to whom the right to use certain numbering resources has been assigned can use them exclusively for the provision of the services which these have been allotted for, according to the NNP;

b) the LUNR holder or - as applicable - the person to whom the right to use certain numbering resources has been assigned must observe the usage conditions for specific categories of numbering resources provided in the NNP;

c) the numbering resources - except for the carrier selection codes – allocated by LUNR or transferred to a provider of publicly available electronic communications services, are directly assigned to subscribers or are used for the provision of certain services, according to the destination and in the format provided in the NNP;

d) except for number portability, the numbering resources cannot be directly transferred between providers without a prior notification to ANCOM according to Article 19 (6);

e) LUNR holders must apply the principles of non-discrimination and transparency towards other providers of publicly available electronic communications services as regards the digit sequences used for accessing their services;

f) LUNR holders must activate all the allocated numbering blocks, as well - as case may be - the carrier selection codes, within 12 months from their allocation date, and must notify ANCOM within 30 days from their activation date;

g) the LUNR holder or - as applicable - the person to whom the right to use certain numbering resources has been transferred must take all the necessary measures in order to make sure that the numbering resources allocated or transferred to it are used in accordance with the obligations set in the LUNR, in the NNP, in the secondary legislation on the general authorisation regime for the provision of electronic communications networks and services, as well as in any other specific regulations issued by ANCOM;

h) the LUNR holder or - as applicable - the person to whom the right to use certain numbering resources has been transferred must ensure a 60-day minimum quarantine before re-assigning a number;

i) the LUNR holder or - as applicable - the person to whom the right to use certain numbering resources has been transferred must efficiently assign the allocated numbering resources, depending on the characteristics of the service to be provided by means of the respective numbers – including for PBX equipment.

(2) The carrier selection codes for which a commercial offer for access to transport services was launched will be deemed activated.

(3) The numbering blocks that include at least one activated number are deemed activated. As for the numbering blocks that are not assigned to subscribers, these are deemed activated if for at least one number in the respective block a commercial offer for access to services has been launched.

**Article 16.** – (1) The LUNR holder or - as applicable - the provider to whom the right to use certain numbering resources has been transferred must ensure the subscribers the following rights:

a) to use the assigned number, under the conditions established by the provider of publicly available electronic communications services and by ANCOM;

b) to keep the assigned number; in justified cases, the number may be amended upon motivating the amendment to the subscriber - at least 30 days in advance -, while setting out a period of minimum 15 days after the number amendment during which free voice messages are sent regarding the respective amendment, where the old number is dialled by third parties;

c) to keep their assigned number when changing the provider of publicly available telephone services, under the terms set by ANCOM;

d) to request the amendment of the assigned number where it is frequently dialled by mistake or abusively;

e) to have their assigned number included in the databases required for the provision of the directory enquiry service or for setting up subscriber directories, in compliance with the legal provisions in force;

f) to access the numbers designated for the provision of the directory enquiry service.

(2) A LUNR holder or, where applicable, a provider to which numbering resources have been transferred must ensure that the subscribers observe the following obligations regarding the numbers assigned to them:

a) use the numbers exclusively in the format in which they were assigned;

b) not sub-assign the number;

c) use the number exclusively for the service for which it was assigned to them.

## **CHAPTER IV**

### **LUNR transfer**

**Article 17.** – (1) A LUNR may be totally or partially transferred to a third party - provider of public electronic communications networks or of publicly available electronic communications services - with the prior agreement of ANCOM and upon the assignee's taking over all the obligations under the LUNR.

(2) With a view to obtaining ANCOM's prior agreement on the LUNR transfer, its holder must submit a request including:

- a) the assignor's identification data;
- b) the assignee's identification data;
- c) the numbering resources to be transferred.

(3) The request will bear the assignor's seal and signature of its legal representative, and will be accompanied by the following documents:

a) the assignee's commitment to fulfilling all the obligations in the LUNR which provides the numbering resources to be transferred, signed by the legal representative of the assignee and bearing its stamp;

b) the documents under Article 5(1) indent b) to be provided by the assignee and the implementation specifications for each category of numbering resources transferred, according to Annex no.2;

c) a document signed by the legal representative and bearing the stamp of the initial assignor indicating its agreement to subsequently transfer one or several numbering sets provided under paragraph (4), envisaged by the LUNR transfer request.

d) the proof of the assignee's starting relevant negotiations with a mobile public networks provider on providing access to the latter's network or a copy of the assignor's contract for access to the network of a provider of mobile public networks for the services provided by means of the transferred numbering resources, as the case may be – for the transfer of numbering resources provided in Article 3 (3) indent e).

(4) The numbering blocks under Article 3 (3) indents a)-f) can make the object of a request for transfer of the LUNR as a whole, or as follows:

a) one or several sets of 1,000 numbers within the one block, for the numbering blocks in Article 3 (3) indent a);

b) one or several sets of 10,000 numbers in one block, for numbering blocks of 100,000 numbers mentioned in Article 3 (3) indent c);

c) one or several sets of 100,000 numbers in one block, for blocks of 1,000,000 numbers provided in Article 3 (3) indent d);

d) one or several sets of 10,000 numbers in one block, for the numbering blocks under Article 3 (3) indent e);

(5) The sets of numbers under paragraph (4) may be transferred only if the routing conditions applicable to the blocks of numbers to which the respective sets belong are preserved.

(6) ANCOM will analyse whether the assignee meets the conditions for the allocation of the numbering resources to be transferred, whether the destination of the numbers as provided in the NNP and the technical terms for routing the calls originated from the transferred numbers and the calls terminated at these numbers – as applicable - are observed, as well as whether competition is restricted, hindered or limited by transferring the LUNR.

(7) If the details provided are not sufficient, ANCOM may require additional information from the assignor or the assignee within 5 working days from the request transmission date.

(8) The prior agreement on the possibility to transfer the LUNR is issued within 10 working days from the date of transmission of the request or of all the additional information requested by ANCOM, as the case may be.

(9) ANCOM may not issue its prior agreement if:

a) the assignee is not a provider of publicly available electronic communications services or of publicly available electronic communications services, or it is not authorised to provide publicly available electronic communications services in appropriate conditions;

b) the assignee is in the situation provided in Article 23 (3);

c) following the transfer of the licence, the destination of numbers, as provided in the NNP, will be changed;

d) following the transfer of the licence, the technical terms for routing the calls originated from the transferred numbers and the calls terminated at these numbers – as applicable - will be changed, so that operational problems for other providers of electronic communications networks or services may occur;

e) following the transfer of the licence, competition is restricted, hindered or limited;

f) the assignor or the assignee has standing debts in respect of the tariff for the use of the allocated numbering resources, established by ANCOM, as well as the occurring delay penalties.

**Article 18.** – (1) After the conclusion of the transfer contract based on the prior agreement, the assignee will fill in and send ANCOM the standard-form in Annex no. 1, together with a copy of the transfer contract.

(2) The transfer contract concluded with the non-observance of the provisions under Article 17 (1) is null and void.

(3) Within 10 days from the date of transmitting the documents under paragraph (1), ANCOM will amend the LUNR issued to the assignee, in case of partial transfer, or will issue a decision for the withdrawal of the right to use the numbering resources transferred to the assignor, in case of total transfer, and will issue a LUNR to the assignor, including all the numbering resources transferred.

(4) The assignee cannot use the transferred numbering resources before the LUNR has been issued, under the terms of paragraph (3).

(5) The transfer of the LUNR shall be published on ANCOM's website.

(6) Within the licences issued for the use of the transferred numbering resources, the expiry date in the assignor's licence shall be preserved.

## CHAPTER V

### Transfer of the right to use numbering resources

**Article 19.** – (1) The right to use the numbering resources allocated by licence to a provider of public electronic communications networks or of publicly available electronic communications services may be transferred only to a provider of publicly available electronic communications services, after previously notifying ANCOM and provided that a written contract has been concluded between the two providers. The subsequent transfer of numbering resources is not allowed.

(2) The numbering blocks that can be subject to transfer are the ones provided in Article (3) indents a) and c)-f).

(3) A provider to whom numbering resources have been transferred receives exclusively the rights and obligations explicitly laid down by the legal provisions in force.

(4) The LUNR holder has the obligation to ensure that the provider to which numbering resources have been transferred observes their usage conditions.

(5) The LUNR holder will ensure the routing of calls originated from the transferred numbers and of calls terminated at these numbers – respectively of the portability service for the numbers transferred – as a donor provider.

(6) ANCOM will be notified, as provided in paragraph (1), by sending a letter bearing the signature of the legal representative and seal of the LUNR holder – respectively of the provider to whom the numbering resources are to be transferred -, at least 15 days before the date of concluding the contract between the parties, and including:

a) LUNR holder's identification data;

b) the identification data of the provider to whom the numbering resources are to be transferred;

c) the numbering resources to be transferred;

d) the estimated transfer date;

e) a description of the service to be provided by means of the transferred numbering resources;

f) a copy of the LUNR holder's contract for access to the network of a provider of mobile public networks, where numbering resources under Article 3 (3) indent e) are transferred.

(7) Amendments to the data transmitted according to paragraph (6) will be communicated to ANCOM within 10 days from their occurrence date. If necessary, ANCOM may request the parties to provide additional details and clarifications.

(8) Within 10 days from the date of sending the notification, ANCOM will communicate the parties whether the conditions for completing the transfer have been fulfilled or not.

(9) The right to use the allocated numbering resources cannot be transferred if:

a) the person to whom the transfer of the numbering resource usage right is intended does not have the capacity as a provider of publicly available electronic communications services or it is not authorised for the provision of the corresponding publicly available electronic communications services;

b) the person to whom the transfer of the numbering resource usage right is intended is in the situation provided under Article 23(3);

c) the LUNR holder or the provider to whom the numbering resources are to be provided has standing debts in respect of the tariff for the use of the allocated numbering resources, established by ANCOM, and possibly delay penalties;

d) following the transfer, the conditions for the use of the transferred numbering resources are breached.

**Article 20.** – (1) Where the provider to whom numbering resources have been transferred fails to observe the obligations incumbent on him according to the legal provisions, upon ANCOM's request and within the term established by the Authority, the LUNR holder has the obligation to take all the necessary measures to regain the right to use the transferred numbering resources.

(2) After the expiry of the term established according to paragraph (1), the LUNR holder will be liable for all breaches of the usage conditions of the transferred numbering resources.

(3) Within 10 days from the date of terminating the contract on the transfer of numbering resources – irrespective of the termination manner –, the LUNR holder has the obligation to inform ANCOM on this situation.

## CHAPTER VI

### Amendment and cessation of the LUNR

**Article 21.** – (1) ANCOM may amend the provisions under the LUNR, *ex officio* or upon the holder's request, in the following cases:

- a) this is necessary for Romania's compliance with the obligations incurred under international agreements or by its capacity as a member of an international organization;
- b) it is necessary for ensuring the national security, national defence or public order;
- c) the circumstances under which the LUNR was granted have changed;
- d) the NNP was amended;
- e) the licence waives the right to use certain numbering resources provided in the LUNR;
- f) the LUNR holder's identification data have changed;
- g) the LUNR is partially transferred;
- h) the format of certain numbering resources provided in the LUNR is amended, in accordance with the provisions of Article 6.

(2) With a view to waiving the right to use certain numbering resources, the LUNR holder will submit a request under the conditions provided in Article 22 paragraph (2).

(3) With a view to applying the provisions of paragraph (1) indent f), the LUNR holder will submit a request, together with the proving documents.

(4) Following the amendment of the LUNR provisions, ANCOM will issue a new licence, keeping the expiry date of the previous licence.

(5) If the amendment of the LUNR is caused by changes in the format of the numbering resources provided in the NNP, ANCOM may establish a period in which the new format numbering resources and the old format ones will be routed simultaneously.

(6) If following the amendment of the NNP, the characteristics of the services that may be provided by certain numbering resources are changed, ANCOM may establish a transition period so that the LUNR holder could begin to provide the new services.

(7) Following the amendment of the LUNR provisions, the new licence will be issued after the submission of the previous licence, in original.

**Article 22.** – (1) The right to use the numbering resources in the LUNR ceases in the following cases:

- a) the LUNR holder does no longer exist;
- b) following the cessation of the right to provide the publicly available electronic communications services for which the numbering resources have been awarded or, as applicable, of the right to provide public electronic communications networks;
- c) upon the LUNR holder's request;
- d) following the transfer of the numbering resources;



e) with a view to observe Romania's obligations incurred under international agreements or in its capacity as a member of an international organization;

f) at the expiry of the validity period;

g) if following the separation, merger or dissolution, the right to use the numbering resources is taken over by a person that is not a provider of electronic communications networks or of publicly available electronic communications services, or who is not authorised to provide the corresponding publicly available electronic communications services;

h) following the withdrawal of this right, in accordance with Article 23;

i) following the amendment of the format of numbering resources provided in the LUNR, in accordance with the provisions of Article 6.

(2) The LUNR holder will submit to ANCOM the request for partial or total waiver of the right to use the numbering resources included in the LUNR, by filling in the form provided in Annex no. 4. The request will produce effects starting from the date of sending it to ANCOM, determined according to Article 4 (4), except for the case when the LUNR holder specifies a subsequent date.

(3) After the cessation of the right to use certain numbering resources, these cannot be allocated for a 30-day period, in the case of non-activated numbering blocks or carrier selection codes, or for a 90-day period, for the activated numbering blocks or carrier selection codes, except for the case provided in paragraph (1) indent d). Within these timeframes, ANCOM can allocate the numbering resources only to the provider of public electronic communications networks or of publicly available electronic communications services that has previously benefited from the right to use the respective numbering resources.

(4) By way of derogation from the provisions under paragraph (3), in justified cases, ANCOM may decide to reduce the period in which the numbering resources are not available for allocation or not to apply such a period, with a view to protecting the end-users' interests.

**Article 23.** – (1) ANCOM may totally or partially suspend or withdraw the LUNR in the following cases:

a) serious or repeated breaches of the terms or obligations provided in the LUNR or of ANCOM's regulations on the numbering resources;

b) following the suspension or withdrawal of the right to provide the publicly available electronic communications services for which numbering resources have been awarded or, as applicable, of the right to provide public electronic communications networks;

c) the measure is required in order to ensure national security or defence, public order, the citizens' rights and freedoms or in order to remove the threat of creating serious economic or operational problems to other providers of electronic communications services or networks;

d) non-activation of the allocated numbering resources within the term provided in Article 15(1) indent f); in such case, only the non-activated numbering resources will be withdrawn;

e) in the case provided in Article 148 (1) of the Government Emergency Ordinance no. 111/2011, approved with amendments and completions by Law no. 140/2012;

f) the numbering blocks or the carrier selection codes are not used for a period longer than 12 months – except for justified situations that prevented the use of the respective numbering resources.

(2) The LUNR shall be withdrawn or suspended by Decision of the ANCOM President, communicated to the LUNR holder and published on ANCOM's website.

(3) A person whose LUNR has been totally or partially withdrawn, for the situation provided under paragraph (1) indent a) cannot recover its right to use numbering resources sooner than one year from the date of communicating ANCOM President's Decision on the LUNR withdrawal.

(4) A LUNR cannot be suspended for more than 6 months. The LUNR suspension ceases when the causes that led to the adoption of such a measure have been eliminated. If, during the LUNR suspension, the causes that led to the adoption of such a measure have not been eliminated, ANCOM will withdraw the LUNR.

(5) Based on the written notification sent to ANCOM, once a provider of public electronic communications networks or of publicly available electronic communications services has been withdrawn or suspended the right to use the numbering resources in the LUNR, the providers originating calls will no longer route to destination the calls to the numbers for which the right of use has been suspended or withdrawn.

**Article 24.** – ANCOM will - in advance and providing justification - inform the LUNR on its intention to amend the LUNR or on the cessation of the right to use the numbering resources, in the cases provided in Article 21 (1) indents a) and d) and Article 22 (1) indent e), while establishing a date from which the amendment or cessation are to produce effects.

**Article 25.** – If the LUNR has been lost, deteriorated or stolen, ANCOM may grant, upon the LUNR holder's written request, following the submission of a declaration on own responsibility regarding the loss, theft or deterioration of the LUNR, a duplicate of the licence, bearing the specification - with caps lock - "DUPLICATE".

## CHAPTER VII

### Transitory and final provisions

**Article 26.** - The opening for allocation of the domains or sub-domains in the NNP provided in Article 31 (1) of the Decision of the President of the National Authority for Management and Regulation in Communications no. 375/2013 will be established by ANCOM by posting such information on its own website, also specifying the starting date from which the requests for the issuance of a LUNR for the numbering resources in the respective domains or sub-domains may be sent.

**Article 27.** – (1) The requests on awarding, transfer, amendment or cessation of a LUNR sent before the date of entry into force of this decision will be analysed in accordance with the procedure provided in the Decision of the President of the National Regulatory Authority for Communications and Information Technology no. 2896/2007 on the procedure for requesting and awarding licences for the use of numbering resources, with the subsequent amendments and completions.

(2) Where the requests provided in paragraph (1) could not be settled in accordance with the procedure established by the Decision of the President of the National Regulatory Authority for Communications and Information Technology no. 2896/2007 with the subsequent amendments and completions, for non-compliance with format or content conditions that - under the provisions of the present decision, are no longer valid – the provisions of the present decision will prevail, as of the moment of its entry into force.

**Article 28.** – The LUNRs issued before the entry into force of this decision will remain valid until their cessation, being subject – from the date established in accordance with Article 31 (1) – to the provisions of the present normative act and to the other applicable legal provisions in force.

**Article 29.** – The annual report provided in Article 13 (2) and the notification provided in Article 15 (1) indent f) will be transmitted, starting from 1 January 2014, according to the Decision of the President of the National Authority for Management and Regulation in Communications no. 336/2013 on the means and modalities of submitting certain documents, data or information to the National Authority for Management and Regulation in Communications and on amending the Decision of the President of the National Authority for Communications no. 77/2009 regarding the obligations of informing the end-users incumbent on the providers of publicly available electronic communications services.

**Article 30.** – Annexes no.1 – 4 are part of the present decision.

**Article 31.** – (1) The present decision will be published in the Romanian Official Journal, Part I, and will come into force within 2 days from its publication date.

(2) With the entry into force of the present decision, the Decision of the President of the National Regulatory Authority for Communications and Information Technology no. 2896/2007 on the procedure for requesting and awarding licences for the use of numbering resources, published in the Romanian Official Journal, Part I, no. 609 of 4 September 2007, with the subsequent amendments and completions will be repealed.

**President of the National Authority for Management  
and Regulation in Communications,  
Marius Catalin Marinescu**

Bucharest, 29 May 2013

No. 376





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	<b>38</b>				
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d) Non-geographic numbers for mobile electronic communications services, in the OZ = 07 domain

No.	Sub-domain	Size of the numbering block	Requested block *) AB(P)	Estimated date for activation
	<b>OZA = 07A(B)</b>			
	⋮			
	<b>OZA = 07A(B)</b>			

e) Non-geographic numbers for various services in the OZ = 08 domain

No.	National destination code 8AB	Size of the numbering block	Requested block *) PQM	Estimated date for activation
	<b>ZAB = 800</b>			
	⋮			
	<b>ZAB = 870</b>			

f) Non-geographic numbers for Premium Rate services, in the OZ = 09 domain

No.	National destination code 9AB	Size of the numbering block	Requested block *) PQM	Estimated date for activation
	<b>ZAB = 900</b>			
	<b>ZAB = 903</b>			

	<b>ZAB = 906</b>			
	<b>ZAB = 910</b>			

g) Carrier selection codes

No.	Service provided (selection/pre-selection) (two-step dialling/pre-selection/ one step dialling)	Code requested*)	Categories of calls that can be originated			Estimated date for activation
			Local	National	International	

\*) – Filling in this column is optional. If the requester does not opt for the allocation of the numbering resources in a certain format, ANCOM will allocate the numbering resources based on the general and special criteria for the analysis of the requests of numbering resources.

**Signature of the legal representative and stamp of the requester:**

.....



## **SPECIFICATION FOR THE IMPLEMENTATION OF THE REQUESTED NUMBERING RESOURCES <sup>1)</sup>**

### **I. Category of requested numbering resources, in accordance with indent 2 in Annex no. 1**

### **II. Electronic communications services to be provided by means of the numbering resources requested**

#### a) Service type:

- publicly available telephony services;
- other electronic communication services that enable voice services;
- other electronic communication services that enable content services;
- other types of services that require numbering resources.

#### b) Service characteristics:

- Call origination is enabled:
  - National calls
  - International calls
- Call reception is enabled:
  - National calls
  - International calls
- Routing method for routing calls to ported numbers:
  - ACQ
  - OR<sup>2)</sup>

### **III. Technical terms for implementation<sup>3)</sup>**

a) Information on the hardware and software application of the equipment required to enable the subscribers to have access to services: terminal, modems (xDSL, cable, PLC, radio), PC, soft (standard or dedicated)

b) Information on the subscribers'/end-users' manner of accessing the services provided by the requester

- the type of connection to the platform of the providers of electronic communications services (connection dedicated to the telephone service or Internet access connection);
- the control of the end-user's access to services (registration, authentication etc.);
- the signalling protocol used in the access network (IP, ISDN etc.);
- subscriber's mobility (fixed point, nomadic access, limited mobility, mobile services);
- technical possibilities to identify the caller location.

c) Information on the transport network: the type of the transport network (network dedicated to telephony traffic - circuit switching, IP, ATM -, IP network), signalling protocols used

d) Information on the way of using the numbering resources in the routing process:

- direct routing based on the subscriber number;
- translation of the E.164/E.164 numbers (by using the functions of an IN platform or of a VLR);
- translation of the E.164/IP numbers [local databases, ENUM (User, Infrastructure, Private) etc.]).

#### **IV. Economic terms for implementation<sup>3)</sup>**

a) Description of subscribers'/end-users' access conditions to the provided services, as well as the possibilities of access to numbers in other public electronic communications networks

b) Payment modality (prepaid/after the service provision) and charging principles (devised tariffs: local/national, on-net/off-net, freephone/value-added, maximum tariffs etc.).

<sup>1)</sup> A specification for each category of numbering resources requested will be drawn up - when requesting numbering resources within a certain category for the first time.

<sup>2)</sup> If the provider intends to use the OR method for routing the calls to the ported numbers, it will annex to the request for granting the LUNR the grounded justification for the use of this method.

<sup>3)</sup> The requester will send all the relevant information, depending on the characteristics of the provided service, complying with the minimum specification requirements.

**THE FORMAT OF THE ANNUAL REPORT  
regarding the use of the numbering resources allocated through the licence for the use of  
numbering resources**

LUNR holder.....

A. Report on the use of:

- 9 digit geographic/ 6 digit geographic/ location-independent/ mobile non-geographic numbering resources.

Table 1

No.	National destination code ZA(B)	Allocated numbers	Total used numbers					Usage degree (Total used numbers / allocated numbers)
			Assigned numbers		Technical numbers	Numbers transferred to other providers		
			Activated	Non-activated+ Quarantine		Ported	Directly transferred	
	.....	.....	.....	.....	.....	.....	.....	.....

Remarks - Table 1:

1. One table will be filled in for each category of allocated numbering resources.
2. Regarding geographic numbering resources, details will be itemised by geographical area.

B. Report on the use of:

- non-geographic numbering resources for various services in the OZ=08 domain/ non-geographic numbering resources for Premium Rate services in the OZ=09 domain

Table 2

No.	National destination code ZA(B)	Allocated numbers	Total used numbers			Usage degree (Total used numbers / allocated numbers)
			Assigned numbers		Numbers transferred to other providers (ported)	
			Activated	Non-activated + Quarantine		

1	.....	.....	.....	.....	..... .....	

Remarks - Table 2:

1. One table will be filled in for each category of allocated numbering resources.
2. Within one category, information will be detailed for each national destination code ZAB (ex: 800, 801,...).

C. Report on the use of carrier selection codes

There will be specified:

- whether the allotted codes have been activated;
- the estimated number of end-users that originated calls through these codes;
- the categories of calls that can be originated by means of these codes.

D. Report on the use of internal national short numbers:

Table 3

No.	Internal national short number	Service provided	Entity to which the number has been assigned
1			

Remarks - Table 3:

1. One table will be filled in for each category of allocated numbering resources.
2. Such information will be provided only by the LURN providers that ensure their subscribers access to services by means of this category of numbering resources.

**STANDARD-REQUEST**  
**for total or partial waiver of the right to use the numbering resources under the licence for**  
**the use of numbering resources**

The requester, .....  
holder of the Licence for the use of numbering resources no..... of.....  
with the headquarters/domicile in ....., .....Street,  
no....., bl....., entrance....., floor....., app....., county/sector.....  
unique registration code ....., legally represented by Mr./Mrs.  
....., waives, starting from .....\*), its right to use the  
following allocated numbering resources:

1. ....
2. ....\*\*)

We herewith enclose the original of the licence for the use of numbering resources no..... of  
.....

Signature of the legal representative and stamp of the requester  
.....

\*) The request for total or partial waiver of the numbering resources produces effects from the transmission date. The requester may specify a subsequent date.

\*\*\*) The waived blocks of numbers or carrier selection codes will be specified. If the requester totally waives the right to use the numbering resources, "total waiver" will be specified.