

Image not found or type unknown

Published in: The International Comparative Legal Guide to: Telecommunication Laws and Regulations 2008

Written by: Sorin Vlădescu and Vlad Cercel

Article link: /web/pdf/en/articles/Article_GLG_International_Telecommunications_Sorin_Vlădescu_and_Vlad_Cercel.pdf

Publisher: Global Legal Group Ltd.

Romania first issued the legislative acts allowing the liberalised provision of several telecommunications services in 1990, as part of the transition to market economy. The country has implemented the current EU regulatory framework in the electronic communications sector. However, the European Commission has sent a letter of formal notice for non-communication of transposition measures as regards the Universal Service Directive.

The main Romanian primary legislation in the electronic communications sector comprises the following legislative acts:

- a) Government Emergency Ordinance no. 79/2002 on general regulatory framework for communications, dealing with: general authorisation of electronic communications networks and services; management of radio spectrum and numbering resources, rights of use; rights of way; market analyses and imposition of remedies to providers with significant market power (SMP); dispute resolution between undertakings; consultation, transparency and information mechanisms; and enforcement powers of the national regulatory authority.
- b) Government Ordinance no. 34/2002 on access to public electronic communications networks and associated infrastructure, and interconnection thereof. Government Ordinance no. 34/2002: establishes rights and obligations of undertakings concerning access and interconnection; empowers the regulatory authority to impose ex-ante obligations on wholesale markets; and sets out sanctions for non-compliance.
- c) Law no. 304/2003 on universal service and users' rights relating to electronic communications networks and services, setting out: the services within the scope of universal service and their main features, the responsibilities of public authorities in ensuring universal service, the mechanism of compensation of the net cost of universal service; the ex-ante obligations that may be imposed on retail markets; the specific rights of end-users in relation with providers of electronic communications networks and services and the corresponding obligations thereof; and sanctions for non-compliance.
- d) Law no. 506/2004 on processing of personal data and protection of privacy in the electronic communications sector, providing for specific rules regarding the protection of privacy in the electronic communications sector, in relation to: confidentiality of communications; processing of traffic and location data and itemised billing; directories of subscribers; unsolicited communications; and sanctions for non-compliance.
- e) Government Emergency Ordinance no. 134/2006 on establishment of National Regulatory Authority for Communications and Information Technology (ANRCTI), which sets out: basic rules regarding the establishment, organisation and functioning of ANRCTI; and the role, functions, objectives and powers of ANRCTI as regards the regulation of the electronic communications sector.

To read the entire article, please download the .pdf attached.