

Under the Decree of the President of Romania no. 93/2017 on the appointment of the president of the National Authority for Management and Regulation in Communications,

On grounds of the provisions of Article 10 paragraph (2) indents 25 and 30, Article 11 paragraph (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, of Article 9 paragraphs (3), (4¹), (5), Article 10 paragraphs (1), (2), (3), (5), (6), Article 11, Article 12 paragraphs (1), (2), (4), Articles 13 to 20, 24, Articles 29 to 31, Article 37 paragraphs (2) to (4) and of Article 38 paragraphs (5) and (6) of the Government Emergency Ordinance no. 13/2013 regarding postal services, approved with amendments and completions by Law no. 187/2013, with the subsequent amendments and completions, as well as of Article 7, Article 10 paragraph (3), Article 13 and Article 14 paragraph (12) of the Decision of the President of the National Authority for Management and Regulation in Communications no. 934/2019 regarding the conditions and procedure for designating the universal service providers in the postal service field,

Given the provisions of the Order of the ministry for communications and information society no. 641/2019 for approving the Policy and Strategy Document regarding the implementation of the universal service in the postal service field,

Given the designation request submitted by the National Company "Poșta Română" - S.A., registered with the National Authority for Management and Regulation in Communications under no. SC-30270/06.11.2019,

Taking into consideration the financial proposal undertaken by the National Company "Poșta Română" - S.A. in the designation request submitted by the National Company "Poșta Română"- S.A. and cleared in letter no. 109/7209/12.11.2019 issued by the National Company "Poșta Română"- S.A., registered with the National Authority for Management and Regulation in Communications under no. SC-35912/12.11.2019, based on which the maximum estimated net

cost incurred by the provision of postal services within the scope of universal service for the period 1st of January 2020 – 31st of December 2024 is of 0 (zero) lei/year,

Given the report of the evaluation commission regarding the results of the analysis of the request for the designation of a universal service provider in the postal service field, as well as the proposal of the evaluation commission included in the said report,

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

issues the following:

DECISION

**on the designation of National Company "Poșta Română"-S.A. as a universal service
provider in the postal service field**

CHAPTER I

General provisions

Art. 1. – (1) By this decision, the National Company "Poșta Română" - S.A., headquartered in Bucharest, 140 Dacia Boulevard, sector 2, entered into the Trade Bucharest Register under no. J40/8636/1998, unique registration code 427410, hereinafter referred to as *CNPR*, is designated, from the 1st of January 2020 until the 31st of December, as a universal service provider in the postal service field, as defined in Article 2 indent 24 of the Government Emergency Ordinance no. 13/2013 regarding postal services, approved with amendments and completions by Law no. 187/2013, with the subsequent amendments and completions, hereinafter *Government Emergency Ordinance no. 13/2013*, for the services within the scope of universal service itemised in paragraph (2).

(2) CNPR shall provide across Romania, under the conditions established by the legislation in the field of postal services and by the present decision, the following postal services within the scope of universal service:

a) clearance, sorting, transport and delivery of domestic and cross-border postal items, weighing up to and including 2 kg, dealing with:

1. correspondence items, except for bulk mail items;

2. printed matter items, except for bulk mail items;
3. small packages, as they are defined in the Universal Postal Convention and in the Letter post regulation, except for bulk small packages;
 - b) clearance, sorting, transport and delivery of domestic and cross-border postal parcels weighing up to and including 10 kg, except bulk postal parcels;
 - c) distribution of postal parcels between 10 kg and (including) 20 kg sent from outside Romania to an address on its territory;
 - d) service for registered postal items dealing with domestic and cross-border postal items up to and including 2 kg, referred to in point a) indents 1, 2 and 3;
 - e) service for insured items dealing with:
 1. domestic and cross-border postal items weighing up to (including) 2 kg, referred to in point a) indents 1, 2 and 3;
 2. domestic and cross-border postal parcels weighing up to (including) 10 kg, except for bulk postal parcels;
 3. postal parcels between 10 kg and (including) 20 kg sent from outside Romania to an address on its territory;
 - f) clearance, sorting, transport and delivery of domestic and cross-border cecograms;
 - g) the distribution of coupons for the payment of social protection rights and of the information documents issued by the National House of Public Pensions to the beneficiaries' homes, if they opted for payment to their debit account or to their card account, irrespective of the number of items making the object of this service.

Art. 2. – Within the text of the present decision, the definitions under Article 2 of the Government Emergency Ordinance no. 13/2013 and under indent 1.1 of Annex 1 to the Decision of the President of the National Authority for Management and Regulation in Communications no. 313/2017 on the general authorisation regime for the provision of postal services shall apply.

Art. 3. – Regarding the provision of universal service throughout Romanian territory, CNPR shall hold the specific rights and obligations referred to in this decision, in addition to those set out by the general authorisation regime.

CHAPTER II

Rights of the universal service provider

Art. 4. – (1) In order to ensure the users' right of access to the universal service, CNPR shall benefit from the following rights:

a) the right to operate in international relationships as a universal service provider and to conclude operational agreements under this quality;

b) the right to use the specific international forms, provided within the international agreements to which Romania is a party;

c) the right to apply special tariffs for all users and integrators, on a transparent and non-discriminatory basis, regarding both the actual tariffs as well as the conditions associated with them;

d) the right to set up positions and hire employees with individual employment contracts for a fixed duration, during the rest periods of employees who occupy single positions, in the case of localities where the provider does not have other employees with the same qualification.

(2) The provisions of paragraph (1) item c) are not applicable for the service referred to in Article 1 paragraph (2) letter g).

Art. 5. The maximum amount that may be compensated to CNPR for the provision of the services within the scope of the universal service referred to in Article (1) paragraph 2 for the period 1st of January 2020 - 31st of December 2024, in accordance with the provisions of Article 14 paragraph (2) of the Decision of the President of the National Authority for Management and Regulation in Communications no. 934/2019 regarding the conditions and procedure for the designation of universal service providers in the postal service field, is of 0 (zero) lei/year.

CHAPTER III

Obligations of the universal service provider

Art.6.- (1) CNPR shall ensure, in every locality on Romanian territory, at least one clearance from every access point and at least one delivery to every indicated address, every working day and no less than 5 days a week;

(2) By way of derogation from the provisions of paragraph (1), CNPR shall ensure at least two clearances from every access point and at least two deliveries to every indicated address located in the building area, every week, in circumstances or geographical conditions deemed exceptional.

(3) As for the homes or premises located outside of the building area, CNPR shall make the delivery at its contact points in the respective localities (commune or city) or may establish special methods for the delivery of the postal items, with the consent of ANCOM.

(4) The National Authority for Management and Regulation in Communications, hereinafter *ANCOM* or *the regulatory authority*, shall determine, including based on the proposals submitted by CNPR, the localities found in circumstances or geographical conditions deemed exceptional, referred to in paragraph (2), within 60 days from the date the present decision takes effect.

(5) The list of the localities specified in paragraph (4) may be reviewed by ANCOM at the request of CNPR or *ex officio*.

Art. 7. – (1) CNPR shall cumulatively meet the following general requirements in fulfilling the obligations related to the provision of the services referred to in Article 1 paragraph (2):

a) it shall guarantee compliance with the essential requirements, as defined in Article 2 indent 34 of the Government Emergency Ordinance no. 13/2013, including with the security rules for the public postal network that it operates.

b) it shall offer identical services to users under comparable conditions;

c) the services shall be made available to all users, without any form of discrimination, particularly of political, religious or ideological nature;

d) it shall provide the service uninterruptedly, except in cases of force majeure;

e) it shall ensure that its services constantly evolve in line with the technical, economic and social environment and with the users' needs.

f) it shall ensure access for disabled persons to the services referred to in Article 1 paragraph (2), under equivalent conditions to those offered to other users, in compliance with the rules adopted by ANCOM.

(2) CNPR shall take all the necessary measures to ensure postal security, particularly regarding:

a) the security of the public postal network;

b) the security of the postal installations;

- c) the security of the personnel;
- d) the security and integrity of the postal items.

Art. 8. – CNPR shall accept and deliver to addressees the postal items generated by senders, in compliance with the legal provisions, albeit the postal code is not inscribed.

Art. 9. – (1) In order to fulfil the obligations laid down in Article 6 paragraphs (1) to (3), CNPR shall deliver to the addressee's home or premises, or to its contact points, as the case may be, all postal items up to maximum 500g, in one of the following ways:

a) to any recipient where the addressee agrees to submit the postal items which are addressed to her/him;

b) to the addressee or the person authorised to receive the postal item.

(2) The postal items weighing more than 500g, as well as registered postal items which could not be delivered to the addressee or the person authorised to receive them, shall be delivered to the contact points of CNPR, only upon the addressee's notification on the arrival of the postal items.

Art. 10. – CNPR shall take all measures to ensure the confidentiality of the operations undertaken at staffed access points.

Art. 11. – (1) CNPR shall establish and submit to ANCOM - for approval - the rules applicable to the postal services referred to in Article 1 paragraph (2), in compliance with the minimum mandatory rules laid down in Articles 8 to 10, within 60 days from the date the present decision takes effect.

(2) If ANCOM deems that the proposed rules are unsatisfactory from a technical point of view or as far as the user protection is concerned, or that they contravene the legal provisions, the international agreements to which Romania is a party or the minimum mandatory rules referred to in Articles 8 to 10, ANCOM may request the appropriate amendment of these rules and CNPR has the obligation to operate the required amendments, within the requested timeframe.

(3) CNPR shall submit to ANCOM the framework agreement for the provision of the services within the scope of universal service it was designated to provide, for approval.

(4) Any amendment of the rules applicable to the postal services under Article 1 paragraph (2) or of the clauses of the framework agreement for the provision of these services shall be communicated to ANCOM, the provisions of paragraph (2) or (3) being appropriately applicable.

Art. 12. – (1) CNPR shall ensure the delivery, to the addressees, of the intra-Community correspondence items falling within the scope of universal service from the fastest standard category, in compliance with the following quality standards:

a) 85% of the total number of these postal items shall be delivered in maximum three working days from their submission to the access points;

b) 97% of the total number of these postal items shall be delivered in maximum five working days from their submission to the access points.

(2) The quality standards referred to in paragraph (1) shall be achieved in relation to every Member State of the European Union.

(3) CNPR shall ensure the delivery, to the addressees, of domestic correspondence items within the scope of universal service from the fastest standard category, in compliance with the following quality standards:

a) 85% of the total number of these postal items shall be delivered in maximum two working days from their submission at the access points;

b) 97% of the total number of these postal items shall be delivered in maximum four working days from their submission to the access points.

(4) For the localities found in circumstances or geographic conditions deemed exceptional, in accordance with the list referred to in Article 6 paragraph (4), CNPR does not need to ensure the minimum quality standards referred to in paragraphs (1) and (3);

(5) In order to evaluate the degree of fulfilment of the quality standards referred to in paragraph (1), CNPR has the obligation to comply with the conditions and procedure established by the European Commission.

(6) In order to evaluate the degree of fulfilment of the quality standards referred to in paragraph (3), CNPR has the obligation to comply with the conditions and procedure established by the regulatory authority.

(7) The quality standards referred to in paragraphs (1) and (3) shall be published on the websites of CNPR and of the regulatory authority.

(8) Within the meaning of the present Article, the date of submission of the postal item is the day on which the postal item, from the fastest standard category, was collected from an access

point in the public postal network, provided that the collection occurred before the last collection time set for the respective access point for this type of correspondence. When the deposit takes place after this time limit, the date of submission of the postal item is the following working day from the day the postal item, from the fastest standard category, was collected from an access point in the public postal network.

Art. 13 – (1) The extent to which CNPR observes the quality standards imposed in Article 12 paragraph (3) shall be annually subjected to an assessment by an independent body, under the terms and procedure established by decision of the ANCOM president.

(2) The report resulted from the assessment referred to in paragraph (1) shall be published annually on the CNPR website within 10 days from its approval.

(3) Alongside the report referred to in paragraph (2), CNPR shall publish on its website statistics on the amount of complaints received, related to the year before the one in which these statistics are reported and itemised by the postal service they refer to, the manner in which the complaints were settled and whether compensations were granted.

Art. 14 – (1) CNPR shall ensure 8-hour daily customer service at each staffed access point.

(2) By way of derogation from the provisions of paragraph (1), CNPR may ensure reduced daily customer service for certain staffed access points, where the postal traffic does not require a daily working schedule of 8 hours.

Art. 15 – (1) In order to fulfil the obligations stipulated in Article 6 paragraphs (1) to (3), CNPR shall ensure a single fixed staffed access and contact point where postal items which belong to the scope of the postal services referred to in Article 1 paragraph (2) can be submitted and delivered, in each administrative-territorial division (communes or cities) on Romanian territory, within maximum 6 months from the date when this decision takes effect.

(2) In addition to the provisions of paragraph (1), CNPR shall ensure at least one unstaffed access point in every locality on Romanian territory, within maximum 6 months from the date when this decision takes effect.

Art. 16 – (1) CNPR shall ensure the users', integrators' and providers' access to the public postal network it operates, on a transparent, objective and non-discriminatory basis.

(2) CNPR shall take due diligence to adapt the buildings where customer service is conducted to allow unconfined access for disabled users.

Art. 17 – (1) CNPR shall ensure access for other providers of postal services to the postal services referred to in Article 1 paragraph (2) and to the infrastructure of the public postal network that it operates, on a transparent, proportional and non-discriminatory basis, when this is needed for such providers to supply their own postal services.

(2) The infrastructure referred to in paragraph (1) includes:

- a) intangibles, such as: the postcode system, information on change of address, the database of address where postal items can be delivered;
- b) tangibles, such as: PO boxes and mailboxes.

(3) At the request of a third-party provider of postal services, CNPR shall negotiate a civil contract with the requester within 45 days of receiving such request, in order to grant them access to the services referred to in paragraph (1).

(4) The agreement referred to in paragraph (3) shall comprise the technical and economic conditions for access to be granted, including a price representing fair consideration for the services provided under the conditions of paragraph (1) or for the use of the public postal network infrastructure described in paragraph (2).

(5) CNPR has the right to refuse access of postal service providers to the infrastructure of the public postal network that it operates only if such access would substantially affect the universal service providers' capacity to supply its own services.

(6) If the term provided in paragraph (3) expires without an agreement being reached, either party has the right to address ANCOM in order to establish the conditions under which access shall be granted, in compliance with the principles of transparency, objectivity and non-discrimination.

Art. 18 – (1) The tariffs charged by CNPR for the provision of the postal services referred to in Article 1 paragraph (2) shall be affordable, regardless of the geographic location, transparent, non-discriminatory, cost-oriented and should stimulate the provision of an efficient universal service, and shall take into consideration the right of access to the universal service as well as the development of the public postal network.

(2) The tariffs charged by CNPR for the provision of the postal services referred to in Article 1 paragraph (2) shall be uniform throughout Romanian territory, without affecting the right referred to in Article 19.

(3) In order to ensure compliance with the principles set out in paragraph (1), ANCOM will impose on CNPR one or more of the tariff regulation measures provided in Article 16 paragraph (2) of the Government Emergency Ordinance no. 13/2013.

(4) Until ANCOM imposes one of the tariff regulation measures referred to in paragraph (3), CNPR has the obligation to submit - for approval - to ANCOM the tariffs charged for the services within the scope of universal service referred to in Article 1 paragraph (2), as well as any subsequent change, within 60 days from the date this decision takes effect, respectively from the date of transmission to ANCOM of the separate financial statements accompanied by the opinion of the independent auditor, under the conditions of Article 22.

(5) The tariffs established under the provisions of paragraph (3) and (4) shall be made publicly available at all the staffed access points of CNPR as well as on the CNPR website.

(6) The tariffs established according to the provisions of paragraph (3) and (4) may be charged by CNPR no sooner than 30 days after their publication as laid down in paragraph (5).

(7) By way of derogation from the provisions of paragraph (1), in compliance with the international agreements to which Romania is a party, CNPR has the obligation to provide, free of charge, postal services dealing with domestic and cross-border cecograms, as well as other categories of postal items whose gratuity is stipulated in the international agreements to which Romania is a party or is established by Government decision.

(8) The provisions of paragraphs (1) to (6) shall not apply to the service mentioned in Article 1 paragraph (2) letter g), CNPR having the obligation to provide this service under the tariff conditions established by the legislation in the field of state social insurance or, as the case may be, by the laws of the state budget and the state social insurance budget.

Art. 19 – (1) CNPR may grant special tariffs to all users and integrators using the postal services referred to in Article 1 paragraph (2) letters a) to e).

(2) The special tariffs provided for in paragraph (1) shall be determined and charged with the observance of the following cumulative conditions:

a) the special tariffs and the associated conditions are applied in a non-discriminatory manner between users and integrators who use postal services under similar conditions, as well as between these third parties and the universal service provider's own services.

b) special tariffs are available in a non-discriminatory way to all users, both natural and legal persons, who introduce correspondence in the public postal network of CNPR under similar conditions.

(3) CNPR shall send for approval to ANCOM the criteria and conditions based on which special tariffs are granted, so as to ensure the observance of the provisions under paragraph (2).

(4) All the amendments to the criteria and conditions referred to in paragraph (3) shall be sent for approval to ANCOM, accordingly.

(5) CNPR shall publish on its website and shall display at its staffed access points, at its own expense, information regarding the special tariffs, the postal service for which they are granted, the number and category of postal items for which they are granted, the deposit of the items and the area where the delivery is to take place, as well as any other issues relevant to the granting of special tariffs.

(6) All amendments to the information provided in paragraph (5) shall be made publicly available, in the ways described in paragraph (5), and shall be notified in written form to all the persons with whom CNPR concluded contracts in view of granting special tariffs, at least 30 days prior to the date of enforcing the amendment.

(7) CNPR shall apply the principles of transparency and non-discrimination regarding both the tariffs and their associated conditions.

Art. 20 – (1) While concluding agreements on the terminal fees for the intra-community postal items sent from another Member State of the European Union to an address located on the Romanian territory, CNPR shall adhere to the following principles:

a) the terminal fees shall be determined according to the costs of processing and delivering cross-border postal items;

b) the levels of termination fees shall be in accordance with the quality of service achieved;

c) the termination fees shall be transparent and non-discriminatory.

(2) Where no such agreements have been signed, CNPR shall apply the provisions of the international agreements in the field to which Romania is a party.

Art. 21 – (1) CNPR shall implement and develop an internal cost accounting system detailed enough to be capable of identifying the individual cost of provision of each of the postal services within the scope of the universal service referred to in Article 1 paragraph (2).

(2) Based on the system referred to in paragraph (1), CNPR shall keep separate accounts within its internal accounting system for the services outside the scope of universal service and those within the scope of universal service;

(3) While implementing the separated accounting systems and elaborating the separate accounts based on this system, the following principles shall be respected:

a) the principle of causality, according to which the costs, revenues, assets and debts shall be allocated on cost components, services and business segments (categories of services), depending on the activities or services that generate the respective revenues or costs, the acquisition of assets or the occurrence of debts;

b) the principle of objectivity, according to which the cost allocation by services and business segments (service categories) shall be objective and shall not pursue any advantages for CNPR or for a third party, for a product or service or for a category of products or services;

c) the principle of accounting consistency, according to which the accounting policies and the evaluation methods shall be applied in a consistent way for each financial activity; to the extent that the accounting principles, the cost allocation methodology or the accounting policies are amended in such a way that this could have a significant effect on the information reported in the current financial statements elaborated based on the separate accounting system, the separate financial statements of the previous year shall be treated in accordance with the respective amendments and the impact of these amendments on the profit/loss accounts, as well as on the balance sheet shall be addressed in a note to the separate financial statements. The effect of the above-mentioned amendments on the information reported in the separate financial statements is considered to be significant, if any misrepresentation or omission of such amendments could influence the users' economic decisions, made taking into consideration the financial statements elaborated based on the separate accounting system;

d) the principle of transparency, according to which the principles, the accounting policies and the cost allocation methodology shall allow a clear understanding of these principles, policies and methodologies and of their effects on the separate financial statements.

Art. 22 – (1) For the purpose of implementing the separate accounting system provided for in Article 21 paragraph (1), CNPR shall use a methodology that describes in detail the principles, hypotheses and methods used in developing the separate accounting system and in elaborating the financial statements based on this system, and this methodology must adhere to the above-mentioned principles.

(2) The methodology referred to in paragraph (1) shall be drafted annually and shall be sent to ANCOM at least 3 months prior to the due date for the separate financial statements.

(3) If the methodology provided for in paragraph (1) breaches the legal provisions or the principles stipulated in Article 21 paragraph (3), ANCOM may require its amendment.

(4) CNPR shall provide financial statements, based on the separate accounting system referred to in Article 21 paragraph (1), by the 14th of August of each year, for the previous year, in compliance with the terms for auditing and preparing separate financial statements, established by the regulatory authority.

(5) CNPR's elaboration of separate financial statements, in accordance with the legal provisions and with the methodology referred to in paragraph (1), shall be assessed annually by an independent auditor, at CNPR's expense, under the terms and according to the procedure established by decision of the ANCOM president.

Art. 23 – (1) CNPR shall make available to users, integrators and providers of postal services, accurate, detailed and up-to-date information regarding the characteristics of the postal services referred to in Article 1 paragraph (2), particularly information regarding the general conditions of access to such services, as well as the tariffs and the minimum quality standards for such services.

(2) CNPR shall make publicly available the number of collections and deliveries, determined under Article 6, which it has the obligation to ensure from each access and contact point respectively.

(3) CNPR shall publish the information referred to in paragraphs (1) and (2), as well as the provisions of the framework agreement referred to in Article 11 paragraph (3), on its website, and shall make it publicly available at all staffed access points, by posting this information or by other means.

(4) Any amendment of the information referred to in paragraphs (1) and (2) or of the clauses of the framework agreement shall be made publicly available, in the ways referred to in paragraph (3), prior to their application.

CHAPTER IV

Final Provisions

Art. 24 – The capacity of CNPR as a universal service provider shall cease in the cases described in Article 17 of the Decision of the president of the National Authority for Management and Regulation in Communications no.934/2019 regarding the conditions and procedure for the designation of the universal service providers in the field of postal services.

Art. 25 – The present decision shall be transmitted to CNPR and shall take effect from the 1st of January 2020.

**PRESIDENT,
SORIN MIHAI GRINDEANU**

Bucharest, 2019

No. 1363