[RO] ANC or ANRCTI?

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On 29 January 2009, the European Commission issued a press release announcing the launch of an infringement proceeding against Romania due to an infringement of Community rules on the independence of the telecommunications regulator.

This was triggered by the removal from office of the President of the *Autoritatea Naţională pentru Reglementare în Comunicaţii şi Tehnologia Informaţiei,* (national regulatory body for communication and information technology- ANRCTI) in August 2008 by the then Romanian Prime Minister Tăriceanu and the subsequent appointment of a replacement. Although the Bucharest Court of Appeal declared the change unlawful on 18 September 2008, the former President was not reinstated in his position because, on the very same day, the Romanian Government decided to restructure the ANRCTI by passing Emergency Decree no. 106 (*Ordonanţa de Urgenţă a Guvernului nr. 106 din 18 septembrie 2008 privind înfiinţarea Autorităţii Naţionale pentru Comunicaţii*) . The newly formed authority, *Autoritatea Naţională pentru Comunicaţii* (national communication authority - ANC), was to be chaired by the newly appointed President.

The European Commissioner for Information Society and Media considered this restructuring to be a violation of the independence of the national regulator and sent administrative letters to the Government on 19 September and 14 October 2008, expressing her concern about the failure to comply with the Court of Appeal's ruling, the hasty restructuring of the regulatory body and the resulting harm to the stability and independence of the telecoms market in Romania. Since the Government failed to provide a satisfactory response, the Commission launched the first stage of an infringement proceeding against Romania under Article 226 of the EC Treaty on 29 January 2009.

The newly elected Romanian Government must now find a solution in accordance with the Community *acquis* . The Commission is offering the new authorities its support. During the first stage of the proceeding, which lasts two months, Romania must decide on the fate of the ANC. One possibility being discussed is for the regulator to be under the control of the Parliament rather than the Government. The *Ministerul Comunicătiilor şi Societăţii Informaţionale* (Ministry for Communication and Information Society- MCSI) has decided to set up a working group to discuss the matter.

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Ordonanţa de Urgenţă a Guvernului nr. 106 din 18 septembrie 2008 privind înfiinţarea Autorităţii Naţionale pentru Comunicaţii, Monitorul Oficial al României nr. 1046 din 29 decembrie 2008

http://www.legestart.ro/Ordonan%C5%A3%C4%83-de-urgen%C5%A3%C4%83-nr-106-din-2008-(MzE2MDgw).htm

Emergency Decree no. 106 of 18 September 2008, official gazette no. 1046 of 29 December 2008

European Commission press release IP/09/165 of 29 January 2009, Brussels

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/165&format=HTML&aged=0&language=EN&guiLanguage=en

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