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Determination of Moldova's fulfilment of the conditions for enacting and implementing the EU acquis in the sector of roaming on public mobile communications networks

Accompanying the document

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part as regards the further market opening with respect to the sector of roaming on public mobile communications networks and on amending Annex XXVIII-B (Rules applicable to telecommunication services) to that Association Agreement

{COM(2025) 361 final}

Determination of Moldova's fulfilment of the conditions for enacting and implementing the EU *acquis* in the sector of roaming on public mobile communications networks

Summary

The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova ('Moldova'), of the other part, (the 'Agreement') sets out the legal framework under which Parties may grant each other further market opening in the sector of roaming on public mobile communications networks, a sub-sector of the telecommunication services sector. The EU's 'roam like at home' policy allows end users of mobile services to benefit (subject to certain exceptional limitations) from roaming services at their domestic retail prices when periodically travelling in another EU Member State. This policy is governed by a detailed and complex set of rules, that apply to both the wholesale and retail sides of the market.

To achieve reciprocal further market opening in the sector of roaming on public mobile communications networks, Moldova committed to incorporate into its national law the relevant EU *acquis* on roaming.

On 9 May 2025, Moldova notified the Commission that:

- (i) it considered that the conditions for completing the enactment and implementation, of all applicable provisions of the Union roaming *acquis* have been fulfilled, including adequate supervisory capacity and supervisory arrangements, and
- (ii) that a comprehensive assessment within the meaning of Article 409(1) and Article 451(1) of the Agreement should be carried out in that respect.

On 3 and 20 June 2025, Moldova supplemented its initial notification after adopting into law its last remaining transposition measures.

Article 409(2) and Article 451(1) of the Agreement requires the EU to conduct a comprehensive assessment of whether Moldova's legislation has been approximated to EU law and whether it is implemented and enforced effectively.

The EU roaming *acquis* comprises several provisions from the following five legal acts:

- (i) Directive (EU) 2018/1972 of the European Parliament and of the Council,
- (ii) Regulation (EU) 2022/612 of the European Parliament and of the Council,
- (iii) Commission Implementing Regulation (EU) 2016/2286,
- (iv) Commission Delegated Regulation (EU) 2021/654, and
- (v) Regulation (EU) 2018/1971 of the European Parliament and of the Council, as listed in Annex XXVIII-B to the Agreement.

After reviewing Moldova's transposition tables to assess the alignment of each provision of the EU roaming *acquis*, it has been concluded that Moldova's notified legislation meets the required compliance standards for a positive response.

This document provides a detailed assessment of Moldova's notified legislation with respect to the core provisions of the EU roaming *acquis* set put in Annex XXVIII-B to the Agreement.

This document also shows that Moldova's enactment and implementation are appropriate for the purpose of extending the EU's 'roam like at home' area to Moldova, for the benefit of both Parties, and explains in detail how this conclusion was reached.

It I proposed that reciprocal further market opening between the EU and Moldova be granted for the sector of roaming on public mobile communications networks subject to the conditions set out in accordance with the Agreement.

I. The applicable legal framework

I.1. The relevant EU roaming *acquis*

The telecommunication services sector is one of the relevant areas for Moldova's regulatory approximation process under Article 102 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Moldova, of the other part¹ (the 'Agreement'). International roaming is a sector of the EU telecommunications services, and the roaming market is a part of the telecommunications services market.

Article 102 of the Agreement

The Republic of Moldova shall carry out approximation of its legislation to the EU acts and international instruments referred to in Annex XXVIII-B to this Agreement, according to the provisions of that Annex.

The following acts and component provisions constitute the relevant EU roaming *acquis*:

- (i) The following provisions of Directive (EU) 2018/1972 of the European Parliament and of the Council²: Article 1, Article 2 points (1) and (2), (4) to (11), (13) to (16), (22), (27) to (34), (36), and (38) to (40), Article 3, Articles 5 to 12, Article 13 with exceptions³, Articles 14 to 17, Articles 18 with exceptions⁴, Article 19 with exceptions⁵, Article 20, Article 21 with exceptions⁶, Article 23 with exceptions⁷, Articles 24 to 26, Article 27(1) and (2), and (4) to (6), Article 29(1), Article 30 with exceptions⁸, Article 31, Article 59, Article 60(1) and (2), Article 61(1), (2) points (a) to (c), (3), (5) and (6), Article 75(2) and (3), the first subparagraph of Article 93(5), Article 97, Article 99, Article 100, Article 108, Article 111, Article 120, the second and third subparagraphs of Article 122(1), parts A to C of Annex I, and Annex III;

¹ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, OJ L 260, 30.8.2014, p. 4–738.

² Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ EU L 321, 17.12.2018, p. 36, ELI: <http://data.europa.eu/eli/dir/2018/1972/oj>).

³ i.e., except all mentions to the rights of use for radio spectrum and numbering resources and the cross references to Article 45, Article 51, Article 62, Article 68, Article 83, and Article 94.

⁴ i.e., except all mentions to the rights of use for radio spectrum, numbering resources and to install facilities.

⁵ i.e., except all mentions to the rights of use for radio spectrum, numbering resources and to install facilities.

⁶ i.e., except all mentions to rights of use and specific obligations and the cross references to Article 13(2), Article 22, and Annex I, parts D and E.

⁷ i.e., except paragraph (2) and the cross references to Article 32(10), and Article 45(4) and (5).

⁸ i.e., except all mentions to the rights of use for radio spectrum and numbering resources and the cross references to Article 4, Article 13(2), Article 45(1), Article 47, Article 67, and Article 69.

- (ii) Regulation (EU) 2022/612 of the European Parliament and of the Council⁹, except for: Article 1(5), Article 3(8), Article 4(3), Article 7(1)-(3) and (5), Article 8(6), the first and third subparagraphs of Article 16, Article 20, Article 21, and Article 23;
- (iii) Commission Implementing Regulation (EU) 2016/2286¹⁰, except for: Article 12;
- (iv) Commission Delegated Regulation (EU) 2021/654¹¹, except for: Article 1(2), Article 4(2) to (5), and Article 5(2); at the same time, Article 1(3) and (4) have a special status, as indicated below; and
- (v) The following provisions of Regulation (EU) 2018/1971 of the European Parliament and of the Council¹²: Article 3(5), Article 4(4), Article 7(1) to (3), Article 8, Article 11(5), Article 12(2), Article 15(1) to (3), Article 18(5), Article 38(2), Article 40(1), (2), (4) and (5), and Article 42(1) and (2).

As regards Regulation (EU) 2022/612, the exception regarding Article 7(1) to (3) is without prejudice to Moldova's obligation to implement the implementing acts¹³ on the application of fair use policies, the methodology for assessing sustainability of the provision of retail roaming services at domestic prices and the application to be submitted by a roaming provider for the purpose of the assessment of the sustainability.

As regards Regulation (EU) 2018/1971, it should be noted that the national regulatory authority of Moldova with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services will participate fully in the work of the Board of Regulators of BEREC, the working groups of BEREC and the Management Board of the BEREC Office: the national regulatory authority of Moldova shall have the same rights and obligations as the national regulatory authorities of the EU Member States, except for the right to vote and for the Chairmanship of the Board of Regulators and of the Management Board.

In light thereof, the national regulatory authority of Moldova will be represented at an appropriate level in accordance with the provisions of the BEREC Regulation. In accordance with the relevant rules of the EU regulations mentioned above, BEREC and the BEREC Office shall, as the case may be, assist the national regulatory authority of Moldova in the performance of its tasks.

⁹ Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (OJ EU L 115, 13.4.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/612/oj>).

¹⁰ Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (OJ EU L 344, 17.12.2016, p. 46, ELI: https://eur-lex.europa.eu/eli/reg_impl/2016/2286/oj).

¹¹ Commission Delegated Regulation (EU) 2021/654 of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate (OJ EU L 137, 22.4.2021, p. 1, ELI: https://eur-lex.europa.eu/eli/reg_del/2021/654/oj).

¹² Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009 (OJ EU L 321, 17.12.2018, p. 1, ELI: <https://eur-lex.europa.eu/eli/reg/2018/1971/oj>).

¹³ Currently, this is referring to Implementing Regulation (EU) 2016/2286 only.

The national regulatory authority of Moldova shall take the utmost account of any guideline, opinion, recommendation, common position and best practices adopted by BEREC with the aim of ensuring the consistent implementation of the regulatory framework for electronic communications.

As regards the Commission Delegated Regulation (EU) 2021/654, it should be noted that Moldova opted to implement Article 1(1), Article 3(1), Article 4(1) and Article 5(1) by mandating its operators not to exceed the single maximum European union-wide mobile voice termination rate and the single maximum European Union-wide fixed voice termination rate, respectively.

I.2. Moldova's notification of legislation approximation and the Union's assessment

Articles 408 and 410 of the Agreement set out how Moldova is expected to make EU law part of its internal legal framework.

Article 408 of the Agreement

As part of the approximation, the Republic of Moldova shall withdraw provisions of its domestic law or abolish domestic practices that are inconsistent with Union law or with its domestic law approximated to the Union law in the trade-related areas of Title V (Trade and Trade-related Matters) of this Agreement.

Article 410 of the Agreement

1. The Republic of Moldova shall ensure the effective implementation of the approximated domestic law and undertake any action necessary to reflect the developments in Union law in its domestic law in the trade-related areas of Title V (Trade and Trade-related Matters) of this Agreement.
2. The Republic of Moldova shall refrain from any action that would undermine the objective or the outcome of approximation under Title V (Trade and Trade-related Matters) of this Agreement.
3. The Union shall inform the Republic of Moldova about any final European Commission proposals to adopt or amend Union law relevant to approximation obligations incumbent on the Republic of Moldova under Title V (Trade and Trade-related Matters) of this Agreement.
4. The Republic of Moldova shall inform the Union of legislative proposals and measures, including domestic practices, which may affect the fulfilment of its obligations under Title V (Trade and Trade-related Matters) of this Agreement.
5. Upon request, the Parties shall discuss the impact of any proposals or actions referred to in paragraphs 3 and 4 of this Article on the legislation of the Republic of Moldova or on the compliance with the obligations under Title V (Trade and Trade-related Matters) of this Agreement.

Article 407(3) of the Agreement provides the legal framework for Moldova's notification of its approximation with the relevant EU roaming *acquis*'.

Article 407(3) of the Agreement

3. The Republic of Moldova shall inform the Union when it considers that it has completed the approximation provided for in any of the Chapters referred to in paragraph 1.

Articles 409, 451 and 452 of the agreement lay down the EU's corresponding assessment of this approximation. The assessment under Articles 451 and 452 of the Agreement builds upon the regular monitoring and assessment under Article 407 (1) and (2) to the Agreement.

Article 409

1. The assessment of approximation by the Union referred to in Title V (Trade and Trade-related Matters) of this Agreement shall start after the Republic of Moldova has informed the Union pursuant to Article 407(3) of this Agreement, unless otherwise provided for in Chapters 4 and 8 of Title V (Trade and Trade-related Matters) of this Agreement.

2. The Union shall assess whether the legislation of the Republic of Moldova has been approximated to Union law and whether it is implemented and enforced effectively. The Republic of Moldova shall provide the Union with all necessary information to enable such assessment, in a language to be mutually agreed.

3. The assessment by the Union pursuant to paragraph 2 shall take into account the existence and operation of relevant infrastructure, bodies and procedures in the Republic of Moldova necessary for the effective implementation and enforcement of the legislation of the Republic of Moldova.

4. The assessment by the Union pursuant to paragraph 2 shall take account of the existence of any domestic provisions or practices that are inconsistent with Union law or with the domestic law approximated to the Union law in the trade-related areas of Title V (Trade and Trade-related Matters) of this Agreement.

5. The Union shall inform the Republic of Moldova within 12 months from the start of the assessment referred to in paragraph 1 about the results of its assessment, unless otherwise provided. The Parties shall discuss the assessment in the Association Committee in Trade configuration, as set out in Article 438(4) of this Agreement, or its relevant Sub-Committees, in accordance with Article 452 of this Agreement, unless otherwise provided.

Article 451 of the Agreement

1. The EU shall assess the approximation of the law of the Republic of Moldova to EU law, as defined in this Agreement. This includes aspects of implementation and enforcement. Those assessments may be conducted by the EU individually, by the EU in agreement with the Republic of Moldova, or jointly by the Parties. To facilitate the assessment process, the Republic of Moldova shall report to the EU on progress in approximation, where appropriate before the end of the transitional periods set out in this Agreement in relation to EU legal acts. The reporting and assessment process, including modalities and frequency of assessments, will take into account specific modalities laid down in this Agreement or decisions by the institutional bodies established by this Agreement.

[...]

Article 452 of the Agreement

1. The results of monitoring activities, including the assessments of approximation as set out in Article 451 of this Agreement, shall be discussed in all relevant bodies established under this Agreement. Such bodies may adopt joint recommendations, agreed unanimously, which shall be submitted to the Association Council.

2. If the Parties agree that necessary measures covered by Title V (Trade and Trade-related Matters) of this Agreement have been implemented and are being enforced, the Association Council, under the powers conferred on it by Article 436 of this Agreement, shall agree on further market opening as defined in Title V (Trade and Trade-related Matters) of this Agreement.

[...]

Article 452(2) of the Agreement sets out the way forward following a positive outcome of the EU's assessment. Therefore, a positive outcome leads to a decision by the Association Council on further market opening in the sector(s) concerned.

Article 452(2)

2. If the Parties agree that necessary measures covered by Title V (Trade and Trade-related Matters) of this Agreement have been implemented and are being enforced, the Association Council, under the powers conferred on it by Article 436 of this Agreement, shall agree on further market opening as defined in Title V (Trade and Trade-related Matters) of this Agreement.

I.3. Legal implications of reciprocal further market opening

An agreement to open the roaming market further means that all the rights and obligations that roaming service providers and operators in the EU must extend to each other – notably the right and obligation to apply prices below the regulated wholesale roaming caps – must be extended to roaming service providers and operators in Moldova. Likewise, roaming service providers and operators in Moldova must extend the same rights and obligations to roaming service providers and operators in the EU.

The end users' rights must also be extended, meaning that the prohibition on roaming service providers in the EU to apply retail roaming surcharges to end users travelling in the EU must be extended to end users travelling in Moldova. Moldovan operators would be prohibited from applying retail roaming surcharges to end users travelling in the EU.

The Moldovan national regulatory authority will also have all the empowerments and obligations as the national regulatory authorities in the EU.

I.4. Changes to the relevant EU legislation after the decision to grant further market opening

Article 4 of the proposed decision for further market opening¹⁴ provides for a two-step process if the EU adopts new legal acts or amend existing acts in the sector of roaming on public mobile communications networks.

The first step gives the joint EU-Republic of Moldova Association Trade Committee ('Trade Committee') three months to add a particular new or amended EU act to Annex XXVIII-B of the Agreement. Once that new or amended EU act has been added, the second step involves Moldova making the relevant provisions of the acts referred to in Annex XXVIII-B to the Agreement part of Moldovan law in accordance with Article 2(3) of the proposed decision for further market opening. An assessment of the implementation will be carried out by the EU in cooperation with Moldova in line with Article 409 of the Agreement.

Article 2(3) and Article 4(1) to (4) to the proposed decision for further market opening

Article 2

3. Acts constituting the Union roaming acquis, as specified in Annex XXVIII-B to the Agreement (the 'Union roaming acquis'), shall be binding upon the Parties and be, or be made, part of their internal legal order as follows:

(a) an act corresponding to a Union Regulation or Decision shall as such be made part of the internal legal order of Moldova;

(b) an act corresponding to a Union Directive shall leave to the authorities of Moldova the choice of form and method of implementation.

Article 4

1. The Union maintains its right to adopt new legal acts or amend existing acts in the sector of roaming on public mobile communications networks. The Union shall notify Moldova and the Trade Committee in writing, in a timely manner, of any new legally binding act in the sector of roaming on public mobile communications networks once it has been adopted by the Union.

2. The Trade Committee shall decide within three months to add a particular new or amended Union act to Annex XXVIII-B of the Agreement.

3. Once a new or amended Union act has been added to Annex XXVIII-B to the Agreement, Moldova shall transpose and implement the act into its domestic legal system. The applicable provisions of the acts referred to in Annex XXVIII-B to the Agreement shall be made part of Moldova's internal legal order in accordance with Article 2(3) and in line within the following deadlines:

(a) a Union Regulation or Decision shall be implemented and enforced as soon as practicable and at the latest 3 months after the entry into force date provided for in that Regulation or Decision, unless otherwise decided by the Trade Committee;

¹⁴ Proposed Decision of the EU – Republic of Moldova Association Council as regards the further market opening with respect to the sector of roaming on public mobile communications networks and amending Annex XXVIII-B (Rules applicable to telecommunication services) to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

(b) a Union Directive shall be implemented and enforced as soon as practicable and at the latest 3 months after the transposition period provided for in the Directive has expired, unless otherwise decided by the Trade Committee.

Moldova shall ensure that at the end of the relevant time period, its legal order is fully compliant with the Union legal act to be implemented.

4. An assessment of the implementation will be carried out by the Union in cooperation with Moldova according to the principles set out in Article 409 of the Agreement.

Article 4(5) and (6) of the proposed decision for further market opening sets out the conditions under which Moldova may be granted a temporary and partial derogation for the approximation of a new or amended EU legislation, in the event of particular difficulties.

Article 4 of the proposed decision for further market opening

5. In case Moldova expects to face particular difficulties in transposing a new or amended Union act into its domestic legislation, it shall inform the Union and the Trade Committee immediately thereof. The Trade Committee may decide whether Moldova can under exceptional circumstances temporarily and partly be exempted from its transposition obligations under paragraph 3 as far as new or amended Union legal acts are concerned. Should the Trade Committee grant such derogation, Moldova shall report regularly on the progress reached to transpose the relevant Union legislation.

6. If notwithstanding the application of paragraph 5, Moldova does not approximate its domestic law to take account of changes to Annex XXVIII-B to the Agreement, or if an assessment pursuant to Article 410(6) of the Agreement shows that the legislation of Moldova is no longer approximated to the Union law, or if the Association Council established by Article 434 of the Agreement fails to take a decision to update Annex XXVIII-B to the Agreement in accordance with developments in Union law, the Union may suspend benefits granted under this Decision in accordance with Article 410(7) and (8) of the Agreement. The suspension shall be promptly lifted, if the Trade Committee subsequently resolves the matter.

Article 8 of the proposed decision for further market opening provides a specific legal mechanism for changes to EU legislation on the regulated wholesale roaming caps or termination rates. This mechanism ensures that the new caps or rates apply on the same date for both Parties.

Article 8 of the proposed decision for further market opening

In case the regulated charges set out in the Union roaming *acquis* are amended after the entry into force of this Decision, their compulsory application for the purposes of this Decision starts on the same date for both Parties. This is either the date of entry into force of the relevant amendments to the Union roaming *acquis* or the date of entry into force of Moldova's fully compliant legislation implementing the relevant amendments to the Union roaming *acquis*, following its confirmation by the assessment pursuant to Article 409 of the Agreement, whichever date is last, or other date of entry into force agreed by both Parties to

avoid the retroactive application effect. Until that date, the previously regulated charges remain applicable for the purposes of this Decision.

II. Moldova's notification

In accordance with Article 407(3) of the Agreement, Moldova notified the EU on 9 May 2025 that it considered it had completed the regulatory approximation with respect to the EU roaming *acquis*.¹⁵ Moldova asked for an assessment pursuant to Article 409(1) and 451(1) of the Agreement. On 3 June and 20 June 2025, Moldova supplemented its initial notification after adopting its last remaining transposition measure.

The notified incorporating legislation consists of the following legal acts:

A. Primary legislation (i.e. laws adopted by the Parliament of Moldova):

- Law on Electronic Communications No. 72/2025¹⁶
- Law on the regulation of roaming services between the Republic of Moldova and the Member States of the European Union No. 81/2025¹⁷
- Law No. 144/2025 amending certain normative acts (supporting the digital economy and electronic services) (Romanian) – Article XVI amends the Law on electronic communications No. 72/2025, and Article XVII amends Law on the regulation of roaming services between the Republic of Moldova and the Member States of the European Union No. 81/2025¹⁸

B. Secondary legislation instruments

- Administrative board decision of the National Regulatory Agency for Electronic Communications and Information Technology no. 16 of 2 June 2025 for establishing the detailed rules for the implementation of the provisions of Law No. 81/2025 on the regulation of roaming services between the Republic of Moldova and the Member States of the European Union¹⁹
- Administrative board decision of the National Regulatory Agency for Electronic Communications and Information Technology no. 17 of 2 June 2025 laying down detailed rules on the application of the fair use policy and regarding the methodology for assessing the sustainability of providing retail roaming services at domestic retail prices, as well as regarding the application to be submitted by the roaming service provider for the purpose of that assessment²⁰

In accordance with Article 409(2) of the Agreement the Commission has assessed that the legislation of the Republic of Moldova has been approximated to EU law and that is implemented and enforced effectively.

¹⁵ [Ares\(2025\)3797410](#)

¹⁶ https://www.legis.md/cautare/getResults?doc_id=148392&lang=ro

¹⁷ https://www.legis.md/cautare/getResults?doc_id=148368&lang=ro

¹⁸ <https://monitorul.gov.md/ro/monitorul/view/pdf/3110/part/1#page=10>

¹⁹ https://en.anrceti.md/files/filefield/HCA%2016%20din%2002.06.2025_en.pdf

²⁰ https://en.anrceti.md/files/filefield/HCA%2017%20din%2002.06.2025_en.pdf

In accordance with Article 409(2) Moldova has provided the EU with all necessary information to enable such an assessment. Moldova has provided a transposition table for the approximation of each relevant EU. These transposition tables show, in detail, the correspondence between each EU provision and provision(s) in the notified legislation.

For this comprehensive assessment, the notified Moldovan legislation has been checked only to ensure that it incorporates relevant provisions concerning the roaming *acquis*. This assessment therefore has no bearing on any future assessment concerning legislation on the wider telecommunications sector.

III. The substantive assessment of Moldova's notified legislation

In accordance with Article 452(1) of the Agreement, the assessment of approximation will be discussed in the Association Committee in Trade Configuration (the 'Trade Committee'). Acts constituting the EU roaming *acquis*, as specified in Annex XXVIII-B to the Agreement, are to be binding upon the Parties and be, or be made, part of their internal legal order. Moldova must therefore adopt an act corresponding to a Union Regulation or Decision.

Directive (EU) 2018/1972

Moldova approximated the relevant provisions of Directive (EU) 2018/1972 with the Law on Electronic Communications No 72/2025.

Findings by article

Article 1

The transposition of this article is in conformity with Directive (EU) 2018/1972.

As regards the transposition of paragraph 4, Moldova has transposed Regulation (EU) 2016/679²¹ of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) through Law No 195/2024 on the protection of personal data. The transposition of Regulation (EU) 2016/679 would have to be checked separately and does not present an issue for the Directive (EU) 2018/1972 compliance check.

Article 2 points (1) and (2), (4) to (11), (13) to (16), (22), (27) to (34), (36), and (38) to (40)

The transposition of the relevant definitions is in conformity with Directive (EU) 2018/1972.

Moldova defines 'undertaking' in accordance with Moldova's law on competition.

Moldova defines 'operator' as 'provider of public electronic communications networks', but the content of the definition is aligned with the Directive.

²¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

Article 3

Transposition of the objectives is in conformity with Directive (EU) 2018/1972.

Articles 5-7

The transposition of these articles is in conformity with Directive (EU) 2018/1972.

Article 8

The transposition of this article is in conformity with Directive (EU) 2018/1972.

Part of the Article, namely on the supervision requirement and overturning of decisions by appeal bodies, is transposed into the Moldovan Administrative Code of the Republic of Moldova No 116/2018.

Articles 9-11

The transposition of these articles is in conformity with Directive (EU) 2018/1972.

Article 12

The transposition of this article is in conformity with Directive (EU) 2018/1972.

The Moldovan transposition includes authorisation for carrying out works at the border in Chapter IV – General Authorisation, because it is an integral part of the authorisation procedure. However, the provision makes sufficiently clear that the special licences are separate from the general authorisation, and this separation is clear from the reading of the legal text.

Article 13 excluding the mentions of rights of use for radio spectrum and numbering resources and the cross references to Articles 45, 51, 62, 68, 83, and 94

The transposition of the relevant provisions of this article is in conformity with Directive (EU) 2018/1972.

Articles 14-17

The transposition of these articles is in conformity with Directive (EU) 2018/1972.

Article 18 excluding the mentions of rights of use for radio spectrum and numbering resources, and rights to install facilities

The possibility to amend conditions and procedures concerning general authorisations has been correctly transposed.

Article 19 excluding the mentions of rights of use for radio spectrum and numbering resources and rights to install facilities

The transposition of the relevant provisions of this article is in conformity with Directive (EU) 2018/1972.

Article 20

The transposition of this article is in conformity with Directive (EU) 2018/1972.

Directive 2014/61/EU has not yet been transposed into national law. On 29 April 2024, Regulation (EU) 2024/1309 of the European Parliament and of the Council on measures to

reduce the cost of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU entered into force. That Regulation is expected to be transposed in 2026.

Article 21 excluding the mentions of rights of use and specific obligations and the cross references to Article 13(2), Article 22, and parts D and E of Annex I

The transposition of the relevant provisions of this article is in conformity with Directive (EU) 2018/1972.

Article 23, excluding paragraph 2 and the cross references to Article 32(10), and Article 45(4) and (5)

The transposition of the relevant provisions of this article is in conformity with Directive (EU) 2018/1972.

Articles 24 to 26

The transposition of these articles is in conformity with Directive (EU) 2018/1972.

Article 27(1) and (2), and (4) to (6)

The transposition of the relevant provisions of this article is in conformity with Directive (EU) 2018/1972.

Article 29(1)

Paragraph 1 of this article is transposed in conformity with Directive (EU) 2018/1972.

Article 30 excluding the mentions of rights of use for radio spectrum and numbering resources and the cross references to Articles 4, 13(2), 45(1), 47, 67, and 69

The transposition of the relevant provisions of this article is in conformity with Directive (EU) 2018/1972.

Article 31

The transposition of this article is in conformity with Directive (EU) 2018/1972.

Article 59

The transposition of this article is in conformity with Directive (EU) 2018/1972.

Article 60(1) and (2)

The transposition of paragraphs 1 and 2 of this article is in conformity with Directive (EU) 2018/1972.

Article 61(1), (2) points (a) to (c), (3), (5) and (6)

The transposition of the relevant provisions of this article is in conformity with Directive (EU) 2018/1972.

Article 75(2) and (3)

The transposition of paragraphs 2 and 3 of this article is in conformity with Directive (EU) 2018/1972.

The first subparagraph of Article 93(5)

The transposition of paragraphs 5 of this article is in conformity with Directive (EU) 2018/1972.

Articles 97 and 99

The transposition of these articles is in conformity with Directive (EU) 2018/1972.

Article 100

The transposition of this article is in conformity with Directive (EU) 2018/1972. The Moldovan law includes a reasonable adaptation. It includes a reference to the European Convention on Human Rights instead of the Charter.

Articles 108, 111 and 120,

The transposition of these articles is in conformity with Directive (EU) 2018/1972.

Article 122(1) second and third subparagraphs

The transposition of the relevant provisions of this article is in conformity with Directive (EU) 2018/1972.

This Article is partially transposed into Moldovan law, because law reviews are subject to national Law No 100/2017 on Normative Acts. The Moldovan national legal order does not allow for legislating on the same principles in multiple pieces of legislations.

Parts A to C of Annex I

Transposition of the relevant parts of this annex is in conformity with Directive (EU) 2018/1972.

Annex III

The transposition of this annex is in conformity with Directive (EU) 2018/1972.

Regulation (EU) 2022/612

Moldova incorporated the relevant provisions of Regulation (EU) 2022/612 with the following legal acts:

- A. Primary legislation instruments (i.e. laws adopted by the Parliament of Moldova):
 - Law on the regulation of roaming services between the Republic of Moldova and the Member States of the European Union No. 81/2025
- B. Secondary legislation:
 - Administrative board decision of the National Regulatory Agency for Electronic Communications and Information Technology No 16 of June 2 2025 for establishing the detailed rules for the implementation of the provisions of Law No. 81/2025 on the regulation of roaming services between the Republic of Moldova and the Member States of the European Union²²
 - Administrative board decision of the National Regulatory Agency for Electronic Communications and Information Technology No 17 of 2 June 2025 laying down detailed rules on the application of the fair use policy and regarding the methodology

²²

https://en.anrceti.md/files/filefield/HCA%2016%20din%2002.06.2025_en.pdf

for assessing the sustainability of providing retail roaming services at domestic retail prices, as well as regarding the application to be submitted by the roaming service provider for the purpose of that assessment²³

Findings by article

Necessary adaptations have been made in the law, which are not to be considered as nonconformity with the roaming acquis. Such adaptations include the non-transposition of obsolete dates, references to secondary legislation and substitution of references like ‘regulated roaming area’ with ‘area covering the Republic of Moldova and the European Union’, or ‘Union’ with ‘the regulated roaming area’, or reference to the ‘Agency’ wherever the Union act refers to ‘national regulatory authority’.

Article 1

The incorporation of this article is in conformity with Regulation (EU) 2022/612.

This article has been incorporated into Moldovan primary law with an adaptation by which the objective of the law is specified. It also refers to the European Convention on Human Rights and the Constitution of the Republic of Moldova, instead of the Charter of Fundamental Rights of the European Union. Another adaptation is made to refer to the actual year from which maximum charges in currencies other than the euro are to be revised.

In accordance with Annex XXVIII-B to the Agreement, Moldova adapted paragraph 4, as regards the rules of currency conversion from euro into Moldovan leu.

Article 2

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova implemented this article in its primary law.

The Moldovan law includes an additional definition of the regulated roaming area, in accordance with the Decision, as the common regulated roaming area to replace all references to the European Union or to Member States in the EU’s legislation of approximation. It also contains an additional definition for ‘operator’ because this legal definition does not exist in Moldovan national law and therefore it was necessary to add it in the transposition of the Roaming Regulation, which uses this term but does not define it.

For clarity and because of the regular structure of Moldovan legal drafting, the first and second paragraphs of this article have been merged into one paragraph. This drafting adaptation does not change the substance of the provision.

Article 3

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova implemented this article in its primary and secondary legislation No 17 of 2 June 2025.

Paragraph 4 of this article is incorporated with an adaptation, by which it lays down that the rules on regulated wholesale charges are set by the national regulatory authority in secondary

²³ https://en.anrceti.md/files/filefield/HCA%2017%20din%2002.06.2025_en.pdf

legislation. In paragraph 13 of this Article, the Moldovan legislation specifies that the visited network, which is regulated, is in the Republic of Moldova, because the Moldovan law regulates only networks and operators in Moldova. In the Moldovan law, any reference to the national regulatory authority is incorporated as ‘the Agency’, which is the regulatory authority in Moldova. In paragraph 14, the Moldovan law does not incorporate the obligation imposed on BEREC to issue an opinion.

According to Annex XXVIII-B to the Agreement, paragraph 8 is exempted from the incorporation process.

Article 4

The incorporation of this article is in conformity with Regulation (EU) 2022/612. According to Annex XXVIII-B to the Agreement, paragraph 3 is exempted from incorporation.

Article 5

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary and secondary legislation. The adaptations in the transposition of this article relate to the reference to the secondary legislation issued by the national regulatory authority.

Article 6

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary legislation. There is an adaptation relating to a reference to the secondary legislation issued by the national regulatory authority.

Article 7

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has incorporated the relevant parts of this article in its primary and secondary legislation. According to Annex XXVIII-B to the Agreement, paragraphs 1 to 3 and 5 are exempted from the incorporation process. The Moldovan law includes an adaptation relating to the adoption of a decision by the regulatory authority with the detailed rules relating to fair use policy and to the sustainability mechanism.

Article 8

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary and secondary legislation. According to Annex XXVIII-B to the Agreement, paragraph 6 is exempted from the incorporation process.

The maximum applicable surcharges referred to in this article are defined in Moldova’s secondary legislation. Another adaptation is made in paragraph 1 subparagraph 2 of this article, where the wording in the Moldovan law is more general but in substance remains aligned with EU legislation.

Article 9

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its secondary legislation. The Moldovan incorporation is adapted to the extent that the Moldovan law only refers to the relevant regulated wholesale cap for the year as of the entry into force of the Decision, alongside its decrease until 30 June 2032.

Article 10

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its secondary legislation. The Moldovan incorporation is adapted to the extent that the Moldovan law only refers to the relevant regulated wholesale cap for the year as of the entry into force of the Decision, alongside its decrease until 30 June 2032.

Article 11

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its secondary legislation. The Moldovan incorporation is adapted to the extent that the Moldovan law only refers to the relevant regulated wholesale cap for the year as of the entry into force of the Decision, alongside its decrease until 30 June 2032.

Article 12

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary legislation.

Article 13

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary legislation.

Article 14

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary legislation.

Article 15

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its secondary legislation.

Article 16

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary legislation. According to Annex XXVIII-B to the Agreement, the first and third paragraphs are exempted from the incorporation process.

Article 17

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary legislation. The Moldovan law empowers the national regulatory authority to issue secondary legislation with regard to:

- a) the application of fair use policy;
- b) the methodology for assessing the sustainability of the provision of retail roaming services at domestic prices as well as the request to be submitted by the roaming provider for the purposes of that assessment;
- c) the maximum wholesale charges for regulated roaming services that a visited network operator of the Republic of Moldova may levy.

An adaptation is made in which the irrelevant part of paragraph 3 of this article, i.e. the reference to the review in Article 21, is not incorporated. Further, for clarity and in accordance with

Moldovan legal drafting, the reference to Article 349 of the Treaty of the Functioning of the European Union, on the outermost regions, is replaced with the list of the outermost regions. With regard to the incorporation of paragraph 4 of this Article, the Moldovan law also empowers the national regulatory authority to notify the collected data to the Commission, BEREC and other competent national regulatory authorities in the EU.

Article 18

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary legislation.

Article 19

The incorporation of this article is in conformity with Regulation (EU) 2022/612. Moldova has implemented this article in its primary legislation.

Articles **20 and 21** do not lay down any obligations on the Member States and are exempted from approximation.

Article 22

Moldovan primary legislation determines the Agency, ANRCETI, as the sole national authority in Moldova for carrying out tasks derived from the incorporation of Regulation (EU) 2022/612.

Article **23** does not lay down any obligations on the Member States and is exempted from approximation.

Article 24

The Moldovan primary roaming law lays down that the law will enter into force on the date established by the Republic of Moldova and the European Union by the Decision of the Republic of Moldova - European Union Association Council for further market opening for roaming on public mobile communications network. This is with the exception of Article 11, which contains the empowerment for the national regulatory authority to issue secondary laws, and which enters into force on the date of publication of the law.

Implementing Regulation (EU) 2016/2286

Moldova incorporated the relevant provisions of Implementing Regulation (EU) 2016/2286 by the following secondary legal act, as laid down in the primary law:

- Administrative board decision of the National Regulatory Agency for Electronic Communications and Information Technology No 17 of 2 June 2025 laying down detailed rules on the application of the fair use policy and regarding the methodology for assessing the sustainability of providing retail roaming services at domestic retail prices, as well as regarding the application to be submitted by the roaming service provider for the purpose of that assessment²⁴

According to the primary law, the Agency, ANRCETI, is the sole national authority in Moldova responsible for monitoring and enforcing the rules deriving from the incorporation of Implementing Regulation (EU) 2016/2286.

²⁴

https://en.anrceti.md/files/filefield/HCA%2017%20din%2002.06.2025_en.pdf

Findings by article

Article 1

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the subject matter and scope of this Regulation.

Article 2

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation all definitions contained in this article.

With regard to definition a, for clarity and in accordance with Moldovan national law, the Moldovan secondary law transposing this provision includes an adaptation with regard to the term ‘full-time recurring courses of study’. While the term used in Moldovan law is not identical to the one used in the Romanian version of the EU law, it does accurately correspond to the English version. The Romanian language version of the EU law uses the term ‘daytime education’ (la zi) while the Moldovan law transposes that terms as ‘full-time education’ (cu frecvență), which is also the term otherwise used in the Moldovan national education code.

With regard to definition e the Moldovan law includes an adaptation of the reference to the regulated roaming area.

With regard to definition g, the Moldovan law includes an adaptation, defining this term in accordance with Moldovan competition Law No 183/2012. While the definition does not use the same wording, in substance the Moldovan adaptations is aligned with the EU definition.

Article 3

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the basic principles of the roaming fair use policy.

Article 4

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the specific rules of the fair use policy.

With regard to Moldova’s incorporation of paragraph 6 of this article, the language is more general and refers to legislation in the field of personal data in general. While this wording is more general than the EU law, in substance the provision is aligned with EU law as Moldova may have national laws in this regard. The compliance of those laws would need to be assessed accordingly, if and where relevant.

Article 5

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the transparency requirements roaming providers must observe in relation to their customers subject to the roaming fair use policy.

Article 6

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the set of data that any applicant for a roaming sustainability derogation must present to the competent national regulatory authority. In Moldova's case, the Agency, ANRCETI, is the sole national authority entrusted to assess requests for and to grant roaming sustainability derogations.

With regard to point a, the Moldovan secondary law includes an adaptation of the date of the applicable regulated retail price. The date has been adapted to the relevant date of entry into force of this secondary law in Moldova.

Article 7

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the relevant cost elements affecting the wholesale roaming access component of applicants for a roaming sustainability derogation.

For legal clarity the Moldovan law also includes some of the terminology in English, to ensure alignment and compliance with the EU law.

Article 8

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the relevant cost elements affecting the retail roaming component of applicants for a roaming sustainability derogation.

For legal clarity the Moldovan law also includes some of the terminology in English, to ensure alignment and compliance with EU law.

Article 9

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the relevant revenue elements affecting the retail roaming component of applicants for a roaming sustainability derogation.

An adaptation is made with regard to paragraph 2(b), where, for the sake of clarity and accuracy, the Moldovan secondary legislation adds an explicit reference to 'alternative tariffs', which is fully aligned with the English language version of the EU law but not the Romanian language version.

Article 10

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the application assessment rules which the national regulatory authority must observe.

With regard to the paragraph 2(a), the definition of 'group' used in Moldova's incorporation of this article is aligned with the definition used in the primary law incorporating the Roaming Regulation ((EU) 2022/612). As explained in the previous section, that definition, even if it is not transposed word by word, is aligned with EU law and already exists as the definition of that term in Moldovan national competition law.

Article 11

The incorporation of this article is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the specific monitoring rules of the fair use policy and the sustainability mechanism, by requiring the national regulatory authority to collect information about any action taken to supervise the application of the fair use policy, about the number of applications for sustainability derogations, broken down into applications submitted and applications granted, as well as about the negative roaming retail net margin in the applications for sustainability derogations.

Article 12 does not lay down any obligations on Member States and is exempted from approximation.

Article 13

The Moldovan secondary law lays down that it will enter into force on the date of entry into force of Law No 81/2025 on the regulation of roaming services between the Republic of Moldova and the Member States of the European Union.

Annex I

The incorporation of this annex is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the volume calculation formula.

Annex II

The incorporation of this annex is in conformity with Regulation (EU) 2016/2286. Moldova implemented in its secondary legislation the weight, traffic, and revenues calculation formulas.

Delegated Regulation (EU) 2021/654

Moldova incorporated the relevant provisions of Delegated Regulation (EU) 2021/654 by Law No 72/2025 on Electronic Communications .

According to the above-mentioned legislation, the national regulatory authority, ANRCETI, is the sole national authority in Moldova responsible for monitoring and enforcing the rules deriving from the approximation of Delegated Regulation (EU) 2021/654.

Findings by article

Article 1

Moldova implemented in its legislation paragraph 1 by prohibiting its operators from exceeding the single maximum European Union-wide mobile voice termination rate and the single maximum European Union-wide fixed voice termination rate, in accordance with the specific adaptation laid down in Annex XXVIII-B to the Agreement.

According to Annex XXVIII-B to the Agreement, paragraph 2 is exempted from the incorporation process.

Moldova implemented in its legislation paragraph 3 by determining the application scope of the regulated fixed and mobile termination rates to calls originated from and terminated to national, European Union and European Economic Area numbers.

Moldova implemented in its legislation paragraph 4 by extending the application scope of the regulated fixed and mobile termination rates to calls originated from third-country numbers under the condition of: (i) reciprocity or (ii) following an application request by a third country, of the compliance determination by the European Commission of the same termination rate-setting principles as in the European Union in the concerned third country.

Moldova implemented in its legislation paragraph 5 as regards the time unit for termination rates charging.

Article 2

Moldova implemented in its primary legislation all definitions contained in this article.

Article 3

Moldova implemented in its legislation paragraph 1 by prohibiting its operators from exceeding the single maximum European Union-wide mobile voice termination rate and the single maximum European Union-wide fixed voice termination rate in accordance with the specific adaptation laid down in Annex XXVIII-B to the Agreement.

Moldova implemented paragraph 2 and 3 by setting the currency conversion rules where the termination rates are billed in the national currency. The reference period for the currency conversion is the first day of each month in the quarter between September and November of the preceding year. This is equally valid for the first currency conversion, in accordance with the specific adaptation laid down in Annex XXVIII-B to the Agreement.

Article 4

Moldova implemented in its legislation paragraph 1 by prohibiting its operators from exceeding the single maximum European Union-wide mobile voice termination rate and the single maximum European Union-wide fixed voice termination rate in accordance with the specific adaptation laid down in Annex XXVIII-B to the Agreement.

According to Annex XXVIII-B to the Agreement, paragraphs 2 to 5 are exempted from the incorporation process.

Article 5

Moldova implemented in its legislation paragraph 1 by prohibiting its operators from exceeding the single maximum European Union-wide mobile voice termination rate and the single maximum European Union-wide fixed voice termination rate in accordance with the specific adaptation laid down in Annex XXVIII-B to the Agreement.

According Annex XXVIII-B to the Agreement, paragraph 2 is exempted from the incorporation process.

Regulation (EU) 2018/1971

Moldova incorporated the relevant provisions of Regulation (EU) 2018/1971 by Law No 72/2025 on Electronic Communications.

According to the above-mentioned legislation, ANRCETI is the sole national regulatory authority in Moldova within the meaning of Directive (EU) 2018/1972 to which Regulation (EU) 2018/1971 refers.

Findings by article

Article 3

According to Annex XXVIII-B to the Agreement, paragraphs 1 to 4 are exempted from the incorporation process.

Moldova implemented in its primary and secondary legislation paragraph 5 by ensuring that ANRCETI can participate in the work of BEREC organisational bodies of.

Paragraph 6 does not require incorporation since, according to Moldova's mentioned legislation, ANRCETI is the sole national regulatory authority in Moldova within the meaning of Directive (EU) 2018/1972.

Article 4

According to Annex XXVIII-B to the Agreement, paragraphs 1 to 3 are exempted from the incorporation process.

Moldova implemented in its legislation paragraph 4 by mandating ANRCETI to take the utmost account of any guidelines, opinions, recommendations, common positions, and best practices adopted by BEREC. Moreover, ANRCETI must provide reasons if it deviates from guidelines issued by BEREC.

According to Annex XXVIII-B to the Agreement, paragraphs 5 to 7 are exempted from the incorporation process.

Article 7

Moldova implemented in its legislation paragraphs 1 to 3 by setting the appropriate framework for Moldova to participate, without voting rights, in BEREC's Board of Regulators. Given that ANRCETI is a collegial body, its chairperson or another member is appointed to BEREC's Board of Regulators.

According to Annex XXVIII-B to the Agreement, paragraphs 4 and 5 are exempted from the incorporation process.

Article 8

Moldova implemented in its legislation the independence standard that Moldova's representative on BEREC's Board of Regulators must comply with.

Article 11

According to Annex XXVIII-B to the Agreement, paragraphs 1 to 4 are exempted from the incorporation process.

Moldova implemented in its legislation paragraph 5 by making it possible for Moldova's representative on BEREC's Board of Regulators to be assisted by advisers or other experts.

According to Annex XXVIII-B to the Agreement, paragraph 6 is exempted from the approximation process.

Article 12

Moldova implemented in its legislation paragraph 2.

According to Annex XXVIII-B to the Agreement, paragraphs 1 and 3 are exempted from the incorporation process.

Article 15

Moldova implemented in its legislation paragraphs 1 to 3 by setting the appropriate framework for ANRCETI to participate in the Management Board of BEREC Office. In principle, ANRCETI's chairperson or another ANRCETI member is appointed to BEREC Office's Management Board, with the possibility of appointing an alternate from ANRCETI's staff. Any ANRCETI representative on BEREC Office's Management Board must observe the independence requirements.

According to Annex XXVIII-B to the Agreement, paragraph 4 is exempted from the incorporation process.

Article 18

According to Annex XXVIII-B to the Agreement, paragraphs 1 to 4 are exempted from the incorporation process.

Moldova implemented in its legislation paragraph 5 by making it possible for ANRCETI's representative on BEREC Office's Management Board to be assisted by advisers or other experts.

According to Annex XXVIII-B to the Agreement, paragraph 6 is exempted from the incorporation process.

Article 38

According to Annex XXVIII-B to the Agreement, paragraph 1 is exempted from the incorporation process.

Moldova implemented in its legislation paragraph 2 by mandating all representatives in BEREC and in the BEREC Office to comply with the confidentiality requirements, including after their duties' cease.

According to Annex XXVIII-B to the Agreement, paragraph 3 is exempted from the incorporation process.

Article 40

Moldova implemented in its legislation paragraphs 1, 2, 4, and 5 by setting up the information exchange framework between BEREC or the BEREC Office, on the one side, and ANRCETI or other responsible authorities in Moldova, on the other side. According to the legislation, authorities in Moldova must reply to any reasoned information request from BEREC or the

BEREC Office. ANRCETI has the legal power to request at national level all necessary information for the performance of any (regulatory) task of its own, or for BEREC or the BEREC Office to carry out their tasks. In the event of non-compliance, the obliged subjects may face legal consequences in the form of financial penalties.

According to Annex XXVIII-B to the Agreement, paragraph 3 is exempted from the incorporation process.

Article 42

Moldova implemented in its legislation paragraphs 1 and 2 by requiring all representatives in BEREC and in the BEREC Office to comply with all requirements to avoid conflict of interest, including by filling in declarations in this respect and, where appropriate, abstaining from the decision-forming and decision-making processes.

According to Annex XXVIII-B to the Agreement, paragraph 3 is exempted from the incorporation process.

Moldova's capacity to implement and enforce the EU roaming *acquis*

In addition to the detailed assessment of text conformity above, Moldova's capacity to implement and enforce the EU roaming *acquis* has also been assessed. Moldova's capacity to implement and enforce the EU roaming *acquis* is an essential factor in the decision-making process as regards the further market opening for the roaming sector²⁵.

To start with, all relevant provisions presented by Moldova in its transposition tables come from legislation that has been adopted and officially published pursuant to Moldova's internal legal procedure, enabling all roaming market participants, including roaming customers, to be aware of it. Some of Moldova's legal provisions²⁶ come into effect on the date set by the EU and Moldova in the decision of the Association Council on mutually granting the market opening with respect to the sector of roaming on public mobile communications networks, in accordance with Article 452(2) of the Agreement. This does not affect Moldova's implementation and enforcement capacity. On the date in question those legal provisions will come into effect automatically, without any additional formality. More relevant are Moldova's legal provisions coming into effect on 1 January 2026²⁷. Since these provisions are effectively meant to transpose parts of the EU roaming *acquis*, the EU and Moldova cannot agree on further market opening with respect to the sector of roaming on public mobile communications networks before 1 January 2026.

As regards Moldova's implementation and enforcement capacity of the EU roaming *acquis*, several relevant aspects have been considered.

The first aspect concerns designating an authority in Moldova responsible for monitoring all roaming-relevant rules and enforcing these rules in the event of non-compliance. Moldova's legislation²⁸ designated ANRCETI to fulfil these tasks. ANRCETI's internal structure²⁹ contains a dedicated unit tasked with ensuring the general supervision of compliance with legislation, as well as a dedicated unit to handle end users' complaints. The total number of ANRCETI staff seems adequate for the country's size and population³⁰, while a large proportion of them have higher education qualifications³¹. Moreover, ANRCETI's staff seems to have good range of academic specialisations³². All these elements represent a guarantee the implementation of roaming rules.

The second aspect concerns ANRCETI's legal ability to carry out the monitoring and enforcement tasks it has been entrusted. As previously mentioned, the legislation of Moldova empowered ANRCETI to monitor compliance with roaming-relevant rules. Moreover, the legislation of Moldova empowered ANRCETI to investigate any reasonable indication of non-

²⁵ In accordance with Article 409(2), Article 451(1) and Article 452(1) of the Agreement.

²⁶ This concerns Article 61(4)b), Article 97, Article 98, Article 105 and Article 108 of Moldova's Law No. 72/2025, the provisions of Moldova's Law No. 81/2025, as well as of ANRCETI's Decisions No. 16/2025 and 17/2025.

²⁷ This concerns many provisions of Moldova's Law No. 72/2025.

²⁸ In particular, Article 11 and Article 13 of Moldova's Law No. 81/2025.

²⁹ <https://ro.anrceti.md/organigrama>

³⁰ 102 staff, according to ANRCETI's Annual Report for 2024, available here: <https://ro.anrceti.md/files/filefield/Raportul%20ANRCETI%202024.pdf> (page 50 and 51).

³¹ Around 87% of the staff hold higher education.

³² Around 50% of the staff have a technical formation, around 19% economic formation, around 13% legal formation, and around 3% have a formation in other social sciences.

compliance, including by acting on its own initiative³³, and to apply financial penalties³⁴ or other remedial measures (e.g. discontinuing a non-compliant retail roaming surcharge³⁵), in the event of proven non-compliance. In addition, in the event of disputes between roaming undertakings or between roaming undertakings and roaming customers, ANRCETI is empowered to settle these disputes in an out-of-court procedure.³⁶

The third aspect concerns the effectiveness of the sanction regime in Moldova coupled with undertakings' right of appeal before a court. The current level of financial penalties set out in Moldova's legislation for breaching roaming-relevant rules³⁷ may be deemed as reasonably adequate for Moldova's situation, fulfilling therefore their dissuasive role. In any event, according to the legislation of Moldova³⁸, undertakings have the right to appeal before a court against decisions imposing penalties. Moldova's legislation³⁹ provides that ANRCETI's decisions, including those imposing penalties, remain valid in the event of an appeal before a court, unless the national judge decides otherwise.

The fourth aspect concerns ANRCETI's participation in BEREC's monitoring system. This monitoring system, set up in accordance with Article 21(2) of Regulation (EU) 2022/612, involves BEREC collecting, on a regular basis, relevant information regarding the implementation of roaming rules, including about the application of wholesale charges, the fair use policy, sustainability mechanism, quality of service obligations and transparency requirements. The legislation of Moldova⁴⁰ mandates ANRCETI to cooperate with BEREC and participate in BEREC's activities, including by collecting information from undertakings, at BEREC's request, and by providing to BEREC the documents requested and the information necessary for BEREC to carry out its tasks. According to the legislation of Moldova, undertakings must provide the documents and information requested within the specified time limit and with the required level of detail⁴¹, subject to financial penalties in the event of non-compliance, including as regards incorrect reporting.⁴²

All these aspects have led to the conclusion that Moldova is reasonably equipped, in terms of ANRCETI's personnel, the legal empowerment and competence allocated to ANRCETI, and ANRCETI's level of cooperation within the BEREC system framework, to implement and enforce all Union roaming-relevant rules.

³³ Article 11(7) of Moldova's Law No. 81/2025.

³⁴ Article 13 of Moldova's Law No. 81/2025.

³⁵ Article 5(6) and Article 6(8) of Moldova's Law No. 81/2025.

³⁶ Article 12 of Moldova's Law No. 81/2025.

³⁷ Article 34(1), (2¹) (a), (2²) and (2³) of Moldova's Contravention Code No. 218/2008.

³⁸ Article 36 of Moldova's Law No. 72/2025.

³⁹ Article 36(2) of Moldova's Law No. 72/2025.

⁴⁰ Article 5(3), Article 7(3) and (6)(b), Article 15, Article 25(1)(d) and (8), and Article 27(13) of Moldova's Law No. 72/2025.

⁴¹ Article 25(6) of Moldova's Law No. 72/2025.

⁴² Article 34(1) of Moldova's Law No. 72/2025.