



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Romania
Title:	Measures to secure accessibility to communication services by persons with disabilities
Date:	7 March 2015
Expert:	Romanița Iordache
Context	
Issue at stake:	Accessibility of electronic communications
Ground of discrimination:	Disability
Source:	Legislation – Decision 160/2015 of the National Authority for Administration and Regulating in Communications
Field:	Access to goods and services
Applicable law:	Decision 160/2015 of the National Authority for Administration and Regulating in Communications issued based on Law 140/2012 on electronic communications

Content

Law development: The National Authority for Administering and Regulating Communications (*Autoritatea Națională pentru Administrare și Reglementare în Comunicații*, ANCOM) issued a decision establishing measures targeting persons with disabilities as final users of electronic communications which entered into force on 1st of March 2015. Decision 160/2015 aims to ensure “access and possibilities of final users with disabilities of electronic communications for the public, adapted to their needs and in similar conditions to those provided to other final users.” The decision establishes minimal standards so that any user with disabilities can exercise the right to enjoy electronic communications for the public (phone land lines, mobile phones, internet services except public hotspots). The providers of communication services have a duty to establish an accessible webpage with all the relevant information for users with disabilities and to provide such information in writing upon request. Additional facilities are also mentioned such as the possibility to file a request or a petition through a representative, priority access in requests regarding installation or malfunctioning, the use of adapted means of communications when interacting with users with disabilities, providing all contractual information free of charge through electronic mail in a format compatible with the needs of the users. The maximum transfer speed and the maximum transfer costs are also established for internet and phone. In order to have access to these benefits, persons with disabilities or their representatives have to show their certificate establishing the type and degree of disability. ANCOM will revisit the conditions established in the decision in 12 months. No sanction is provided in the decision for failure to comply. Theoretically, ANCOM could issue sanctions based on the general legislation but clear express provisions in these secondary norms would have had more impact.

Key points of analysis:

- Novelty in terms of ensuring accessibility of public services to persons with disabilities;

- The lack of specific sanctions and of a monitoring mechanism raise the question whether ANCOM will be willing and able to use its general mandate in order to ensure enforceability.

Internet link source: Norms available in Romanian at:

<http://lege5.ro/Gratuit/gu3tinjsa/decizia-nr-160-2015-privind-stabilirea-unor-masuri-adresate-utilizatorilor-finali-cu-dizabilitati>.