[RO] New Rules on Distribution of Audiovisual Licences

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Decision No. 213 of Romania's National Audiovisual Council (CNA) on the procedure for the granting of audiovisual licences and the licensing of terrestrial transmission of broadcast programmes entered into force at the end of March 2005. Articles 3 to 10 of CNA Decision No. 213 regulate the tendering procedure for broadcasting licences. Article 3, for example, stipulates that the CNA must publicise any tendering for broadcasting licences, through advertisements in the printed media and on its own homepage (www.cna.ro), for example. Article 4 lists all the documents that must be submitted with the application. These include certificates confirming the lack of previous criminal convictions of all persons who hold more than 10% of the company's capital or voting rights within the company. In addition, any associated partners and shareholders, for example, who own more than 20% of the company's social capital, must declare whether they are also acting directly or indirectly as investors or shareholders in other broadcasting companies. Other required documents relate to planned programme content and formats.

According to Article 7.1, once the candidates have been heard, licences are awarded on the basis of general criteria such as serving the public interest, ensuring a balance between national, regional and local programmes and preventing a dominant market position and possible obstacles to free competition. Para. 2 of the same article lists the criteria for the evaluation of programme content and formats. These are based, for example, on respect for fundamental human rights, the protection of minors, pluralism, protection of Romanian culture and language and protection of the culture and language of national minorities. Article 8 states that, when awarding broadcasting licences, the CNA must take into account the candidates' obligations regarding the percentage of European, Romanian or independently produced programmes they plan to broadcast. According to Article 9, decisions on the granting of new audiovisual licences (licenţă audiovizuală) must be published. Every new licence holder must also ask the General Inspectorate for Communication and Information Technology to issue them with a broadcasting licence (licenţă de emisie).

Decizia CNA Nr. 213 privind aprobarea procedurii şi a condiţiilor de acordare a licenţei audiovizuale şi a procedurii de eliberare a deciziei de autorizare audiovizuală pentru difuzarerea pe cale radioelectrică

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terestră a serviciilor de programe de radiodifuziune sonoră sau de televiziune, Monitorul Oficial al României Nr. 261 din 29 martie 2005

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