[RO] Licensing Procedure for Broadcasters

IRIS 2005-8:1/29

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Decision N° 403 of 30 June 2005 of the *Consiliul Naţional al Audiovizualului* (national supervisory body for electronic audiovisual media - CNA *)* defines the procedure and conditions applicable in Romania for the granting of national, regional and local licences.

After a number of definitions set out in Art. 2 (eg. “audiovisual licence“, “national”, “regional”, “local” licence, “telecommunications network“), Art. 3 explains that audiovisual licences for terrestrial broadcasting are granted on the basis of tenders, and that in the case of network broadcasting (*reţea de telecomunicaţii),* licensing decisions are taken by the CNA . The invitation to submit tenders must be officially announced by the CNA.

Art. 8 stipulates that, after a hearing with the applicant, the CNA must base its decision on general criteria, such as serving the public interest and maintaining a balance between national, regional, and local programmes, the need to prevent a dominant market position in the media sphere or any practices that could hamper free competition, and the applicant's experience and performance in the audiovisual sphere. Other critiera for assessing the structure and programme format include respect for fundamental human rights and the protection of minors, respect for pluralism and diversity and protection of the Romanian culture and language and national minorities. Account should also be taken of any other licences awarded to the applicant, the estimated daily programme length, and the type of programmes. When deciding whether or not to grant the licence, the CNA is also required to take into account the applicant's obligations regarding the percentages set for European productions, Romanian productions, and European productions that are the work of independent producers. Licensing decisions must be the subject of an official announcement (Art. 10).

Art. 21 states that as soon as the new Regulation enters into force existing CNA decisions (N° 200 of 15 March 2005 on the approval of the audiovisual licensing procedure and conditions for programme services broadcast via telecommunications networks, and N° 213 of 17 March 2005 on the licensing of terrestrial transmission of broadcast programmes (see IRIS 2005-5: 19)) shall cease to apply.

The new Decision 403 combines and improves the previous two decisions.

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Decizia CNA nr. 403 din 30 iunie 2005 privind aprobarea procedurii şi condiţiilor de acordare a licenţei audiovizuale şi a procedurii de eliberare a deciziei pentru autorizare audiovizuală, Monitorul Oficial al României, Partea I, N° 595/ 11.07.2005

http://www.cna.ro/reglementari/decizii/d40305.html

Decision N° 403 of 30 June 2005, Monitorul Oficial al României, Partea I, N° 595/ 11 July 2005

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