[RO] Dispute about Frequencies Reaches the Court of Justice of the EU

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The Romanian Government was sued by several mobile telecommunications providers, such as Vodafone, Orange and RCS&RDS. They complained about the way the Government had granted a national licence for the 410-415 and 420-425 MHz frequency bands use for providing data and mobile electronic communications services networks.

The providers claimed before the Court of Appeal that they had been excluded from the selection procedure by a Government Decision which, in their opinion, was arbitrary, because one of the articles stipulated that „providers which hold at least one national licence for using radio frequencies in order to provide networks and electronic communications services [...] are not allowed to take part in the selection procedure“. The licence was granted to Romtelecom (the national telecommunications services operator, owned mainly by the Greek OTE) which paid approximately EUR 35 million for the access to the above mentioned frequency bands. Vodafone claimed the price was 20 times less than the price paid previously by other providers (EUR 0.2 million per MHz paid by Romtelecom, in comparison to about EUR 4.7 million paid by other providers previously).

The plaintiffs considered that the Government had contravened European regulations that stipulate a transparent and non-discriminatory procedure. Romania has adopted the general regulatory framework on electronic communications by several *Ordonanţe de Ugenţă* (Emergency Decrees).

Vodafone, Orange and RCS&RDS accused the Government of having changed the rules in order to grant a licence directly to a company lacking relevant experience. The Romanian Ministry of Communications and Information Society argued during the trial that it had tried to boost competition in this field.

In this context the Court of Justice of the EU was addressed. The Court has judged similar cases giving sentences favourable to the plaintiffs, which then received compensation.

Războiul frecvenţelor ajunge la Curtea Europeană de Justiţie

http://www.evz.ro/detalii/stiri/razboiul-frecventelor-ajunge-la-curtea-europeana-de-justitie-893521.html

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