[RO] Modification of Electronic Communications Law Enters into Force

IRIS 2013-5:1/38

Eugen Cojocariu
Radio Romania International

The *Legea nr. 67/2013 pentru aprobarea Ordonanţei de urgenţă a Guvernului nr. 19/2011 privind unele măsuri pentru modificarea unor acte normative în domeniul comunicaţiilor electronice* (Law no. 67/2013 on the approval of the Government's Emergency Decree no. 19/2011 with regard to measures for the modification of some electronic communications acts) was published in the Official Journal of Romania no. 176 of 1 April 2013, Part I (see IRIS 2009-5/31, IRIS 2010-1/36 and IRIS 2012-10/23).

The Emergency Decree was triggered by the infringement proceedings of the European Commission against Romania (letter of formal notice, reasoned opinion under the infringement proceedings) for breaches of Directive 2002/21/EC with regard to the common regulatory framework for the electronic communications networks and communications services (Framework Directive; see IRIS 2010-7/31).

Previously, the Emergency Decree no. 19/2011 modified the following acts:

(1) the Government's Emergency Decree no. 79/2002 approved by means of the Law no. 591/2002 with further modification and completions with regard to the general regulatory framework for the communications;

(2) the Government's Emergency Decree no. 22/2009 approved by means of the Law no. 113/2010 with regard to the installation of the *Autoritatea Naţională pentru Administrare şi Reglementare în Comunicaţii* (National Authority for Administration and Regulation in Communications – ANCOM);

(3) *the Legea Audiovizualului nr. 504/2002, cu modificările şi completările ulterioare* (Audiovisual Law no. 504/2002, with further modifications and completions).

The modification of the above-mentioned laws was intended to lead to an effective structural separation of the regulatory functions and of the activities linked to ownership and control in the field of electronic communications.

Subsequently, when deliberating the Law no. 67/2013, it was decided not to make fundamental changes to the above-mentioned acts. Instead, the legal framework

© European Audiovisual Observatory (Council of Europe) 2026

regarding the installation of the ANCOM was approved in its entirety, whereas specific provisions of the Audiovisual Law have been modified. The provisions of the Emergency Decree no. 19/2011 are contained in Art. 10:

- ANCOM's powers in the fields of electronic communications, audiovisual communications, radio and telecommunications terminal equipment including electromagnetic compatibility and postal services, and

- ANCOM's specific tasks in the field of electronic communications, audiovisual communications, and postal services.

As for the Audiovisual Law, the Emergency Decree no. 19/2011 stipulated rules on the following issues:

- Art. 19: the strategy for the usage of radio frequencies, the national plan for radio frequencies assigned to audiovisual media services, the analysis of problems linked with the spectrum's use.

- Art. 59: the allocation procedure for digital terrestrial radio frequencies;

- Art. 65: the revocation or suspension of licences for the usage of digital terrestrial radio frequencies and

- Art. 73: the usage of radio and television terrestrial broadcasting transmitters under Romania's jurisdiction.

In turn, the Law no. 67/2013 now, i.e., deviating from what had been envisaged by the Emergency Decree no. 19/2011,

- repealed the whole of Art. 19;

- envisages in Art. 52 the temporary renewal of the analog broadcasting licenses until the digital switchover;

- specifies Art. 59 in view of the licensing procedure of digital terrestrial radio and the licence fees to be paid. It is now made clear that during the transition to digital broadcasting, broadcasters can make use of digital terrestrial systems pending the general switchover in the case of approval of the ANCOM;

- specifies in Art. 65 the violations leading to license revocations and suspensions along with the peculiarities regarding the temporary continuity of licenses and the digital switchover.

© European Audiovisual Observatory (Council of Europe) 2026

Ordonanța de urgența a Guvernului nr.19/20011 privind unele măsuri pentru modificarea unor acte normative în domeniul comunicațiilor electronice. Publicat în Monitorul Oficial,nr. 146 din 28.02.2011

http://www.senat.ro/Legis/PDF/2011/11L263OG.pdf

Emergency Decree no. 19/2011 with regard to measures for the modification of some electronic communications acts

Legea 67/2013 pentru aprobarea OUG 19/2011 privind unele masuri pentru modificarea unor acte normative in domeniul comunicatiilor electronice. Publicat in Monitorul Oficial, Partea I nr. 176 din 1 aprilie 2013

http://www.senat.ro/Legis/PDF/2011/11L263OG.pdf

Act no. 67/2013 on the approval of the Government's Emergency Decree no. 19/2011 with regard to measures for the modification of some electronic communications acts, Official Journal of Romania no. 176 of 1 April 2013, Part I

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026