

[RO] CNA Changes Conditions of Broadcasting Licences

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On 6 June 2013, the Consiliul Național al Audiovizualului (National Audiovisual Council - CNA) unanimously adopted Decision No. 277/2013 on the procedure for the granting, modification, extension and transfer of audiovisual licences and authorisation decisions, except for digital terrestrial system broadcasting, along with the conditions regarding broadcasting of local programmes or the rebroadcasting of other broadcasters' programmes. The Decision replaced the CNA's previous Decision No. 488/2010 and Decision No. 260/2003 on the audiovisual licence transfer (see IRIS 2002-7/28, IRIS 2005-5/24, IRIS 2005-8/29, IRIS 2006-9/30, IRIS 2012-10/23, and IRIS 2013-5/38).

The CNA has adopted the proposal of the non-governmental organisation Asociația Română de Comunicații Audiovizuale (Romanian Association for Audiovisual Communications - ARCA) to overturn the obligation of local terrestrial broadcasters to air daily a local programme lasting at least 6 hours in towns of more than 50,000 inhabitants and at least two hours daily in towns having fewer than 50,000 inhabitants.

The audiovisual licence for terrestrial broadcasting is granted by way of a competitive selection procedure held and decided by the CNA. According to the Decision, the application file for a licence will from now on have to include the editorial strategy for the entire period of validity, along with the initial investment value.

Furthermore, the application will have to include a list describing and classifying all programme types, with clear data about the percentages of different kinds of programmes (information, cultural, educational and entertainment), external sources of programmes and other arguments which could support the editorial project. The programmes will have to reserve a significant percentage of their schedule for news and information, while fully observing the requirement to provide correct information as provided by audiovisual legislation.

All shareholders of a licence holder or an applicant, who are involved in the trade sector, have to be clearly designated. A certificate issued by the Trade Register, clearly stating the object of activity and the detailed composition of the shareholders has to be submitted along with a fiscal certificate.

When granting a licence, the CNA will take into account the strategy for the nationwide audiovisual coverage of the Romanian territory, content of the offered programmes, the experience and the competence of the applicant in the audiovisual sector.

The audiovisual licence cannot be transferred until at least one year after the commencement of broadcasting and requires the agreement of the CNA. The new holder has to comply with all the requirements of the initially granted licence. The CNA will decide upon a licence transfer request within 30 days.

The Decision no. 227/2013 stipulates that holders of several local licences can choose - according to the territorial coverage - to merge those into a regional or national licence or to continue to use them as local licences.

The Decision No. 277/2013 does not refer to programmes services broadcast via the digital terrestrial system.

Decizie nr. 277 din 06.06.2013 privind procedura de acordare, modificare, prelungire a valabilității și de cedare a licenței și a deciziei de autorizare audiovizuală, cu excepția celor pentru difuzare în sistem digital terestru, precum și condițiile privind difuzarea de programe locale, retransmiterea sau preluarea de programe ale altor radiodifuzori

<http://www.cna.ro/article6135,6135.html>

Decision no. 277 of 6 June 2013 on the procedure for the granting, modification, or extension of the validity and transfer of a licence and of the audiovisual authorisation decision, except for terrestrial digital system broadcasting, along with the conditions regarding broadcasting of local programmes, and the rebroadcasting or the release of other broadcasters' programmes

