[RO] CNA Modifies the Decision on Broadcasting Licences

IRIS 2014-1:1/39

Eugen Cojocariu
Radio Romania International

On 7 November 2013, the Consiliul Naţional al Audiovizualului (National Audiovisual Council - CNA) adopted the Decision No. 614 on the modification and completion of CNA's Decision No. 277 of 6 June 2013 on the procedure for the granting, the modification, or the extension of the validity and the transfer of a licence and of the audiovisual authorisation decision, except for terrestrial digital system broadcasting, along with the conditions with regard to broadcasting of local programmes, the rebroadcasting or the release of other broadcasters' programmes (see IRIS 2002-7/28, IRIS 2005-5/24, IRIS 2005-8/29, IRIS 2006-9/30, IRIS 2012-10/23, IRIS 2013-5/38 and 2013-10/35). The Decision no. 614/2013 was published in the Official Journal of Romania no. 693 of 13 November 2013.

According to the CNA, the modification of the Decision No. 277/2013 intends to clarify the procedures and the conditions for the renewal of audiovisual licences for the broadcasting of radio or television programmes.

Article 4 (1) c) of the Decision No. 277/2013 was repealed. It foresaw the necessity for a terrestrial broadcasting licence application to comprise a so called technical opinion issued by the National Authority for the Management and Regulation in Communications (ANCOM)

Two new paragraphs were introduced after Article 4 (6) of the Decision No. 277/2013 with regard to the application file. The new paragraph (7) stipulates: If the application file is incomplete or documented in an unsuitable form, the Licences and Authorisations Bureau will require the applicants to complete the file and inform them which documents are missing. The paragraph also stipulates the conditions and deadlines for submission and completion of the application. Paragraph (8) foresees a rejection of the licence application in case of failure to comply with deadlines for submission or completion.

Article 20 regulating the licence extension was also modified in the introductory part of paragraph (2) and (4). Paragraph (2) now stipulates that the extension request has to be submitted to the CNA at least 60 days before the expiry of validity of the licence and shall be accompanied by more documents in original; the previous period accounted for 30 days. Paragraph (4) provides that the Council will decide whether to extend the validity of the audiovisual licence at

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least ten days before expiry of the licence. The previous wording of the paragraph did not contain a period for the Council to take the decision.

Paragraph (3) of Article 20 was amended with a paragraph (31) repeating the submission and deadline procedure details for the extension application.

Decizie nr. 614 din 7 noiembrie 2013 pentru modificarea şi completarea Deciziei Consiliului Naţional al Audiovizualului nr. 277/2013 privind procedura de acordare, modificare, prelungire a valabilităţii şi de cedare a licenţei şi a deciziei de autorizare audiovizuală, cu excepţia celor pentru difuzare în sistem digital terestru, precum şi condiţiile privind difuzarea de programe locale, retransmiterea sau preluarea de programe ale altor radiodifuzori

http://www.cna.ro/IMG/pdf/Decizia_CNA_614_7_11_2013.pdf

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