

[RO] Digital TV transition and completion of the Audiovisual Act

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On 21 December 2015, the Romanian President promulgated the Law no. 345/2015 on the approval of the Government Emergency Decree no. 18/2015 of 10 June 2015 on establishing necessary measures for assuring the transition from the analogue terrestrial television towards the digital terrestrial television and the implementation of the multimedia services at national level, as well as on the completion of the Audiovisual Act no. 504/2002 (see inter alia IRIS 2009-9/26, IRIS 2010-1/36, IRIS 2010-3/34, IRIS 2010-7/32, IRIS 2010-9/35, IRIS 2011-4/33, IRIS 2013-5/38, and IRIS 2013-6/30).

The draft Law had been adopted by the Chamber of Deputies (lower Chamber of the Romanian Parliament) on 4 November 2015, and by the Senate (upper Chamber of the Romanian Parliament) on 14 December 2015. The Act is intended to adapt the reality of the digital switchover, which is delayed in Romania for various reasons, to the external commitments of Romania with regard to the transition to the digital terrestrial television. The digital switchover, already postponed several times, should have been completed on 17 June 2015, but the economic crisis and the legislative delays determined the non-compliance with the successive terms. According to Act no. 345/2015, the Government continued to allow the analogue TV transmission, largely used by the population. The Government permitted, on a temporary basis until 31 December 2016 at the latest, the analogue terrestrial broadcasting of public and private television, free of charge, under a technical agreement issued by the National Authority for Management and Regulation in Communications (ANCOM), subject to the following conditions: the analogue transmission through the already assigned frequencies does not perturb radio communication stations that use radio spectrum in accordance with international commitments to which Romania is part, and does not have radio protection from the above-mentioned stations. In the event of interferences and complaints from the communications administrations of neighbouring countries, the holder of the technical agreement shall immediately take all appropriate measures to eliminate interferences.

The right to use the radio frequencies for providing the public radio services through terrestrial radio broadcasting can be extended, temporarily, until 31 December 2016. The use of radio frequencies for providing the above-mentioned services after 31 December 2016 is subject to obtaining a nine year broadcasting

licence, issued under the conditions of Law no. 142/2012 with further modifications and completions, which approved Government Emergency Decree no. 111/2011 on the electronic communications.

On the other hand, Law no. 345/2015 introduced a Chapter IV.1 and Articles 49.1 and 49.2 to Audiovisual Act no. 504/2002, with further modifications and completions, with measures meant to support the informative, cultural and educational programmes of the audiovisual services providers as of 1 July 2015.

The audiovisual services providers can benefit from a state aid scheme approved by Government Decision compliant with European and domestic legislation on state aid. The state aid scheme intends to stimulate the audiovisual broadcasters that produce and broadcast informative, cultural and educational programmes of public interest. The total budget of the scheme is LEI 67.5 million (approximately EUR 15 million) and can be expanded. The state aid scheme will contain the following elements: the eligibility of the beneficiaries, their estimated number, the categories of eligible expenditures and the procedure for granting and monitoring. The validity period of the aid scheme is 1 July 2015 until 31 December 2016 with the possibility of extension.

Ordonanța de urgență a Guvernului nr. 18/2015

<http://www.cdep.ro/proiecte/2015/500/90/3/oug768.pdf>

Government Emergency Decree no. 18/2015

Legea nr. 345/2015 pentru aprobarea Ordonanței de urgență a Guvernului nr. 18/2015 privind stabilirea unor măsuri necesare pentru asigurarea tranziției de la televiziunea analogică terestră la televiziunea digitală terestră și implementarea serviciilor multimedia la nivel național, precum și pentru completarea Legii audiovizualului nr. 504/2002

<http://lege5.ro/Gratuit/ha4dkojvhe/legea-nr-345-2015-pentru-aprobarea-ordonantei-de-urgenta-a-guvernului-nr-18-2015-privind-stabilirea-unor-masuri-necesare-pentru-asigurarea-tranzitiei-de-la-televiziunea-analogica-terestra-la-televiziu>

Act no. 345/2015 on the approval of the Government Emergency Decree no. 18/2015 on establishing necessary measures for assuring the transition from the analogue terrestrial television towards the digital terrestrial television and the implementation of the multimedia services at national level, as well as on the completion of the Audiovisual Act no. 504/2002 - form adopted by the Chamber of Deputies

