

## [RO] Digital Switchover, postponed again

**IRIS 2017-1:1/29**

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On 5 October 2016, the Romanian Senate (upper Chamber of the Parliament) adopted the draft Law on the approval of Government's Decree no. 21/2016 of 24 August 2016 on the extension of time limits provided by Government's Emergency Decree no. 18/2015 on establishing the measures necessary to ensure the transition from analogue terrestrial television to digital terrestrial television and the implementation of multimedia services at national level (see inter alia IRIS 2009-9/26, IRIS 2010-3/34, IRIS 2010-7/32, IRIS 2010-9/35, IRIS 2011-4/33, IRIS 2013-6/30, IRIS 2014-9/27, and IRIS 2016-2/26).

According to the draft Law, the terms established through the Government's Emergency Decree no. 18/2015 Article 1 (1) and (3) are extended until 31 December 2019. According to Article 1 (1) and (3), the terrestrial radio broadcasting of public service and private television channels in the analogue system, in the 174-230 MHz radio frequency band, was allowed to continue temporarily until 31 December 2016 under a technical agreement issued by the National Authority for Management and Regulation in Communications (ANCOM). The holder of the agreement was exempted from the obligation to pay the tariff for the use of the spectrum under Article 62 of the Audiovisual Law no. 504/2002, until 31 December 2016. At the same time, the terms provided by the Government's Emergency Decree no. 18/2015 Article 2 (1) was also extended until 31 December 2019. Article 2 (1) stipulated that the rights of use of radio frequencies granted according to the Audiovisual Law no. 504/2002 to provide through terrestrial radio broadcasting the public radio services was allowed to be extended, temporarily, until 31 December 2016. The Government's Emergency Decree no. 18/2015 was approved through Law no. 345/2015.

An exception to the new term provided by the Government's Decree no. 21/2016 can be made under the provisions of Article 26 (5) of Government's Emergency Decree no. 111/2011 on electronic communications, which stipulates that the term of 31 December 2019 can be reduced if, in order to reach objectives of general interest, the radio frequencies are granted directly, without a competitive or comparative selection procedure, to the public radio and television programmes providers, with the assent of the National Audiovisual Council (CNA).

The present extension of the terms for the digital switchover in Romania follows other extension of the previous term of 17 June 2015 to cease the analogue system broadcasting. The new extension, argued the Romanian Government, is

necessary because the implementation of the electronic communications network for the provision of public services in digital terrestrial television is delayed, and because of the persistent financial difficulties faced by television and radio stations in Romania.

### **Ordonanța Guvernului nr. 21/2016**

<http://www.cdep.ro/proiecte/2016/400/30/5/og654.pdf>

*Government's Decree no. 21/2016*

***Proiect de Lege privind aprobarea Ordonanței Guvernului nr. 21/2016 pentru prorogarea unor termene prevăzute în Ordonanța 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 - forma adoptată de Senat***

<http://www.cdep.ro/proiecte/2016/400/30/5/se654.pdf>

*Draft Law on approval of Government's Decree no. 21/2016 on the extension of time limits provided by Government's Emergency Decree no. 18/2015 on establishing the measures necessary to ensure the transition from analogue terrestrial television to digital terrestrial television and the implementation of multimedia services at national level - the form adopted by the Senate*

