[RO] Public consultations on the licence fees for terrestrial digital audio broadcasting multiplexes and a tariff for spectrum use

IRIS 2018-9:1/30

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The Autoritatea Naţională pentru Administrare şi Reglementare în Comunicaţii (the National Authority for Management and Regulation in Communications - ANCOM) published for public consultation on 5 September 2018 the Draft Government Decision on awarding licences for the use of radio frequencies in the terrestrial digital audio broadcasting system (see, inter alia, regarding developments leading to this decision see IRIS 2011-41/33, IRIS 2012-2/34, IRIS 2012-10/24, IRIS 2013-6/30, IRIS 2014-4/26, IRIS 2014-5/29, IRIS 2014-9/27, IRIS 2015-5/33, IRIS 2015-7/28, IRIS 2017-1/29, IRIS 2017-2/28, IRIS 2017-4/32, IRIS 2018-5/29, and IRIS 2018-7/28). The Draft Government Decision on awarding licences for the use of radio frequencies in the terrestrial digital audio broadcasting system is available for public consultation until 5 October 2018.

The document sets out the manner of carrying out the selection procedure, the conditions for awarding licences for the use of radio frequencies, and the minimum licence fees for the T-DAB+ terrestrial digital audio broadcasting multiplexes that are to be auctioned. The minimum licence fee for a national multiplex is set at EUR 75 000. The minimum licence fee for a regional multiplex ranges, depending on the allotment area, between EUR 1 050 for a multiplex in a small city and EUR 5 500 for a multiplex in the capital city, Bucharest.

On 23 August 2018, ANCOM launched a public consultation on the Draft Decision for organising the auction and the terms of reference for awarding one national T-DAB+ terrestrial digital audio broadcasting multiplex in the 223-230 MHz band (television channel 12) and one national T-DAB+ terrestrial digital audio broadcasting multiplex - or, alternatively, 36 regional multiplexes in the 216-223 MHz band (television channel 11). Regional multiplexes may be awarded only where no valid bids have been submitted for the national multiplex in the 216-223 MHz band in the selection procedure. These multiplexes will be awarded through a competitive selection procedure for ten years.

The competitive selection procedure requires each bidder to submit an initial bid indicating the multiplexes that it wishes to acquire. If the demand exceeds the number of available multiplexes, primary bidding rounds will be organised until the demand no longer exceeds the offer.

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The auction will be launched by publishing an announcement once the documentation has been finalised. The entities interested in participating in the procedure will have four weeks from the date of the announcement in which to submit an application file. ANCOM will announce the qualifying applicants no later than two days after the submission date; the actual auction stages will then follow. The Authority will announce the auction results within three days of its completion and the winners must pay the licence fee within 90 calendar days of the announcement of the results.

The winners of the national multiplexes will have to put into operation at least ten transmitters and to launch their respective services upon the installation and authorisation of at least two transmitters in Bucharest, for each multiplex, within two years of the date of obtaining the respective licences. Winners of regional multiplexes will have the obligation to put into operation at least one transmitter in each allotment within 18 months of the date of their obtaining their respective licence.

On the other hand, ANCOM issued a draft decision on 7 September 2018 establishing a tariff for the use of the spectrum dedicated to terrestrial digital broadcasting, with a view in particular to improving the pricing principles.

The Authority is obliged to organise a selection procedure for the allocation of the VHF (174-230 MHz) spectrum for digital terrestrial broadcasting services (T-DAB) this year. Therefore, the procedure - which is also subject to a public consultation process - envisages the setting of a tariff for the use of the spectrum, which will have to be paid by the holders of the authorisation to use the radio frequencies intended to provide these services. The proposed tariff takes into account the nature of the service to be provided, and also the fact that 4 T-DAB blocks can fit in a 7 MHz television channel. In addition, ANCOM proposes a 20% reduction on the current level of use of the spectrum allotted to the temporary/occasional broadcasting of satellite programmes made by foreign natural or legal persons.

The Draft Decision for amending and completing the Decision no. 551/2012 on the setting of the tariff for use of the spectrum is available for public consultation until 7 October 2018.

The Proiect de decizie pentru modificarea şi completarea Deciziei preşedintelui Autorităţii Naţionale pentru Administrare şi Reglementare în Comunicaţii nr. 551/2012 privind stabilirea tarifului de utilizare a spectrului

http://www.ancom.org.ro/uploads/forms_files/proiect_decizie_5511536312404.pdf

Draft decision for amending and completing the Decision of the President of the National Authority for Administration and Regulation in Communications no.

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551/2012 on the setting of the tariff for the use of the spectrum

The Proiect de hotărâre privind acordarea licenţelor de utilizare a frecvenţelor radio în sistem digital terestru de radiodifuziune

http://www.ancom.org.ro/uploads/forms_files/PROIECT_HOTARARE_TAXA_TDAB1536151195.pdf

Draft decision on the granting of licenses for the use of radio frequencies in digital terrestrial broadcasting system

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