[RO] Modification of the Decision on retransmission notification

IRIS 2019-3:1/28

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On 29 January 2019, the audiovisual watchdog Consiliul Naţional al Audiovizualului (National Audiovisual Council, CNA), adopted Decision No. 155/2019 on the modification and completion of CNA Decision No. 72/2012 with regard to the conditions for issuing and amending the retransmission notification (see, inter alia, IRIS 2014-3/39, IRIS 2015-8/29).

The new Decision simplifies and clarifies Chapter II of CNA Decision No. 72/2012 ”Procedure and conditions for issuing, modifying and withdrawing the retransmission notification”, with a focus on the documents required for issuing and amending the retransmission notification. The modifications applied to Article 2 (2) b), concerning the standard certificate issued by the telecom watchdog (ANCOM) to certify that the applicant provides electronic communications networks or services; Article 2 (2) d), concerning the distributor's declaration regarding the ownership of the legal retransmission rights for the programmes, which specifies the number of programmes for which they have retransmission rights, as listed in Annex 2 of the Decision; Article 2 (5), concerning the copies of required documents, and Article 5 (2) c), concerning the distributor's declaration regarding the ownership of the legal retransmission rights for the programmes, which specifies the number of programmes for which they have retransmission rights, only for programme services subject to change, as listed in Annex 2 of the Decision.

A new paragraph (3) was added to Article 3: At the request of the CNA, the distributor of retransmitted programmes has to submit the agreement or contract attesting to the retransmission right, while maintaining the confidentiality of the data entered.

The new CNA Decision also clarifies the procedure for implementing the must-carry system, according to Article 82 (2) of the Audiovisual Act.

A new paragraph (4) was added to Article 10: At least three months before the date referred to in Article 11 (1) - meaning 15 January of each year - broadcasters wishing to leave the must-carry list will notify their intention to the CNA, which will publish it on its website, to the attention of all distributors of programmes.

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Article 13^1 (3) was modified in the sense that the maximum term of 60 days was reduced to a maximum of 30 days from the deadline provided in paragraph (2) - 1 February of each year - within which time the programme service distributors have the obligation to introduce in their offer the regional/local programme services that meet the conditions of the must-carry system. Article 13^1 (4) was modified in the sense that if in the regional/local offer there are not at least two retransmitted regional/local programmes, the application file for amending the retransmission notification will also contain a statement on the distributor's own responsibility, stating all the requests received and why the distributor had not accepted them.

Article 15 was modified as follows: If during the year a broadcaster no longer fulfils the legal requirements for the must-carry regime for a particular programme service, the CNA will make this public on its website.

Article 17 of Decision No. 72/2012, which provided for specific deadlines for the year 2012, was repealed.

Annexes Nos. 2 and 3 of the Decision were modified and have been renumbered as Annexes 1 and 2.

Decizia nr. 155 din 29 ianuarie 2019 pentru modificarea Deciziei Consiliului Național al Audiovizualului nr. 72/2012 privind condițiile de eliberare și modificare a avizului de retransmisie

http://cna.ro/IMG/pdf/Dec._155_2019.pdf

Decision no. 155 of 29 January 2019 amending the Decision of the National Audiovisual Council no. 72/2012 on the conditions for issuing and amending the retransmission notification

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