



**OSCE Supplementary Human Dimension Meeting
PROMOTING PLURALISM IN THE NEW MEDIA**

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**National Audiovisual Council of Romania
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Chairman**

In Romania, the audiovisual activity is regulated by the Audiovisual Law no. 504/2002 which transposes the provisions of the Audiovisual Media Services Directive and by the Audiovisual Code issued by the National Audiovisual Council.

One may state that from the point of view of the applicable law, irrespective of the technical support employed, the legislative framework for the audiovisual media services has been created, thus providing a set of basic - rule unitary approach, both for the classical TV services, whether analogical or digital and for on-demand audiovisual media services or, for mobile TV, as well.

A. Regulating on-demand services

From the point of view of the compliance with the legal provisions in force, in keeping with the provisions of art. 74 in the Audiovisual Law no. 504/2002 the person intending to provide on-demand audiovisual media services shall notify the Council at least 7 days prior to the start of the activity as to this intention. Mention must be made of the fact that the Audiovisual Law, in keeping with the Directive 2011/13/EU does not stipulate any provisions regarding new license granting systems, or administrative authorizations for audiovisual media services.

Since it is essential for the users to know the person responsible for the content of these services, in keeping with the provisions in art. 48, the Romanian law no. 504/2002 requires audiovisual media services providers to set public a minimum amount of information:

- a) name, legal status, social headquarter
- b) name of the legal representative and the structure of the shareholders to the level of the natural and legal person, as associate or shareholder having a larger share than 20% of the social capital or of the voting rights of a company holding audiovisual license;
- c) names of the persons in charge of the trade company management and of those that are mainly in charge of the editorial responsibility;
- d) data of media services provider, including the e-mail and web-site, for rapid, direct and efficient contact;
- e) list of publications edited by the respective legal person and list of the other program services that it provides;
- f) competent regulatory or supervision authorities.

Mention should also be made of the fact that in Romania, the law does not require payment of a license fee or notification fee for audiovisual media services, whether classic or on-demand. This liberal approach, established since 2002 by the Audiovisual Law leaves the door wide open for pluralism in the audiovisual media.

If in the field of classical radio and television services, foreign pluralism is well represented in Romania, in so far as the new on-demand media services are concerned there is a

delayed start, which has been confirmed by the fact that, at present the National Audiovisual Council was notified on only one occasion, regarding an on-demand video service's intention to transmit movies.

A probable answer to the question as to why we are confronted with such a situation, one may be found by having a look at the position Romania is ranked with, when it comes to households connected to Internet (42%) which is quite low; at a lower level being only Bulgaria (33%), despite the fact that during the period 2006-2010 in Romania, Internet access increased three times, i.e. from 14% to 42 %, in keeping with the figures provided by the Statistics European Office. It has also been noticed that the Romanian population is not acquainted with the new technologies, a fact which lead to difficulties in adopting them. On-demand services as part of on-line services can hardly be an exception to a low implementation rate.

If we take a glimpse at the reception possibilities in Romania, television services from the point of view of the access used, are mirrored by the table below:

No access to TV services (including those without a source of electricity)	aprox 470.000 (6% of the households)
Only by terrestrial antena	aprox. 1.445.000 (19% of the households)
Cable TV	aprox. 3.600.000 (49% of the households)
Satellite	aprox. 1.980.000 (27% of the households)
IPTV	aprox. sub 0,01% of the households

Source: Government Decision no. 1213/2009 for the approval of the Strategy for transition from the analogical terrestrial television to the terrestrial digital one and for the implementation of the multimedia digital services at national level

Yet, from an optimistic perspective, we expect the convergence process which is in full swing at the level of electronic communications networks, to provide for the technologic support required by the development of the new on-demand services: the digital medium. The digital technology has been extending with a good dynamic process at the level of the cable networks, mostly in large towns.

Relying on the development encountered by the technological evolution, especially the IP communication, the telecommunication market in Romania is at present under a period of being set back again, the general tendency being the one of convergence among the telecommunications markets. Various types of communications, that until recently were being operated on different networks, have started a unification process with a view to being transmitted on one convergent network, where all types of traffic co-exist.

B. The digital transition

The digital transition in the terrestrial environment is not under the best auspices, since in 2009 and in 2010, the Romanian television market hesitated among two major directions: the

economic crisis affecting the audiovisual market and the preoccupations of the Romanian authorities to initiate the transition.

The first phenomenon (the economic crisis) is mirrored by the image of the television advertising market, which went down to almost 40%. Nevertheless, the crisis did not prevent the launch of new thematic channels, which mirrors broadcasters' concern to adapt to the requirements/needs of the audiovisual market.

The Government of Romania – by means of the Decision no. 1213, dated October 7th, 2009 - decided to establish an intergovernmental group made from representatives of the Ministry of Communications and Information Society, the Ministry of Culture and National Heritage, the National Communications Regulatory Authority and the National Audiovisual Council. The main objective of the group is that of coordinating the transition process from terrestrial analogical television to digital terrestrial television. The specific task of the group is the analysis of the frequency plan for Romania in keeping with the Geneva Agreement in 2006 and the frequency allocation on multiplexes, according to the results of the international frequency coordination.

The main regulatory authorities involved are:
the National Communications Regulatory Authority, which in the position of TELECOM judge and regulatory authority in the communications field, shall be the one to grant licenses for spectrum use for multiplex operators.

The National Audiovisual Council – that in the position of audiovisual media services regulatory authority shall grant audiovisual licenses for audiovisual programs to be transmitted by each multiplex.

The National Communications Regulatory Authority has allocated frequencies under GEO6 plan for multiplexes, so that the first two multiplexes may operate simultaneously with the existing frequencies, thus providing for at least one year simulcast period.

The National Audiovisual Council has prepared the digital audiovisual license granting procedure.

The basic principle taken into account: a balanced proportion among national and local, regional or thematic program services. Due to the situation created on the audiovisual market by the economic crisis, after an initial failed attempt to grant two licenses for spectrum use, the Government of Romania decided the implementation of digital terrestrial television services at the national level and also decided January 1st, 2015 to be the deadline for the switch off for analogical UHF television services. (Government Decision no. 833 dated August 11th, 2010).

Meanwhile, television stations have started experimenting digital broadcasting. Hence the main two channels of the public television corporation, TVR 1 and TVR2 were the first the National Audiovisual Council granted permission to transmit in digital system. During the experiment unfolded by the National Radiocommunications Society, on channels 59 Bucharest and 54 Păltiniș-Sibiu, commercial tv stations interested in the digital transmission - Național TV, Realitatea TV, Antena3 - could experiment as well. After the first standard definition experiment, high definition transmissions started (ex.: TVR1, Pro TV, Sport.ro) in keeping with the Council's approval.

In Romania, satellite digital television services are far more advanced due to the digital platforms - Digi TV, Boom, Dolce, Focus Sat and Akta.

The three-play concept (Broadband Internet access, television and telephone services) is the latest offer provided by telecommunications services and the Quadruple Play large scale services, including mobile telephony have been launched, the trend being the one towards unified/converged communications.

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