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Date: 13/06/2016

DH-DD(2016)712

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Meeting: 1265 meeting (20-22 September 2016) (DH)

Item reference: Action report (27/05/2016)

Communication from the Republic of Moldova in the case of Societatea Romana de Televiziune against Republic of Moldova (Application No. 36398/08)

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Réunion : 1265 réunion (20-22 septembre 2016) (DH)

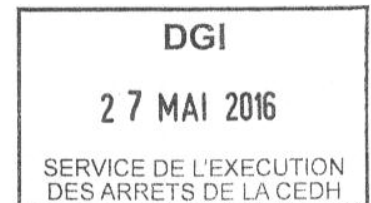
Référence du point : Bilan d'action

Communication de la République de Moldova dans l'affaire Societatea Romana de Televiziune contre République de Moldova (Requête n° 36398/08) (**anglais uniquement**)



MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA
AGENT FOR THE GOVERNMENT

ACTION REPORT
for execution of the judgement
in case of SRTV v. Republic of Moldova
(application No. 36398/08)



The Government of the Republic of Moldova („the Government”) hereby submits:

I. DESCRIPTION OF THE CASE

Friendly settlement with special undertaking: in the friendly settlement, the Moldovan authorities acknowledged the breach of the right of the applicant, a public television company “Societatea Română de Televiziune” (“SRTV”), to impart information and the right to peaceful enjoyment of its possessions due to the interruption of its broadcasting despite the fact that its broadcasting license was still valid (Article 10 and Article 1 of Protocol No. 1).

The Government undertook to:

1. Create conditions for cable broadcasting operators to retransmit SRTV’s programs;
2. Assign a slot in the experimental multiplexer for the digital broadcast;
3. Exempt the applicant from state taxes related to the above undertakings;
4. Grant a segment in the first multiplexer with national coverage within the new digital system;
5. Issue a broadcasting license for a maximum period provided by the legislation and exempting the applicant from participation in a tender.

The authorities submitted a communication on individual measures on 16 October 2014 (see [DH-DD\(2014\)674E](#)):

On 15 November 2014, the National Audiovisual Coordinating Council (NACC) adopted a decision for the implementation of paragraphs 8, 9 and 10 of the friendly settlement agreement: specifically, the applicant company was assigned a slot in the experimental multiplexer for the digital terrestrial broadcast, and cable broadcasting operators started the retransmission free of charge of the SRTV programs on the territory of the Republic of Moldova.

II. INDIVIDUAL MEASURES

In order to implement the paragraph 8. 2 and 10 of the Friendly Settlement Agreement („Agreement”) and in accordance with NACC’s decision no. 174 from 15.11.2013 “On the transmission of TVR in Moldova programming services”, the State Company “Radiocomunicații” entered into a contract with the applicant company concerning the cooperation in the pilot project to test the technology of digital terrestrial television which provides broadcast services in digital format MPEG-4SD DVBT2, in particular the broadcasting of the applicant’s TV program, titled "TVR Moldova", in Chișinău. Since

01.12.2013, the above mentioned program is broadcasted in Chişinău by digital transmitter on channel 58.

Annually, the contract is concluded, on 04.01.2016 has been signed the Contract No. 3. Following the undertakings under paragraph 3 of the Agreement, there was created the first digital terrestrial television multiplex with national coverage (multiplex A), which is functional from a technical standpoint.

Moreover, on 01.04.2016, the NACC in a public meeting decided to provide the applicant's company with a broadcasting license for a slot in the first digital terrestrial multiplex with national coverage for the retransmission of the program service "TVR Moldova". In accordance with the guarantees provided in paragraph 5 of the Agreement, the applicant company was issued a broadcasting license, being exempted from the condition to participate in tender. The broadcasting license has been issued for a term of seven years and is valid until 2023.

III. GENERAL MEASURES

Publication and dissemination

The decision has been translated in Romanian, published and widely disseminated directly to the concerned authorities, including NACC, Ministry of Information Technology and Communications and state company „Radiocomunicații”.

Conclusion

In the light of the above, the Government considers as being fulfilled its obligation under the Agreement and Article 46 paragraph 1 of the Convention in part concerning the individual as well as general measures. Therefore, the Government consider that supervision of the execution in the present case can be closed.

Marin GURIN
Agent for the Government