

Case handler: Rodolphe Munoz
Tel: (+32)(0)2 286 1867
rmu@eftasurv.int

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Case No: 78465
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EFTA SURVEILLANCE
AUTHORITY

Ministry of Culture
Postboks 8030
Dep 0030 Oslo
Norway

Dear Sir/Madam,

Subject: Introduction of DAB radio technology in Norway

On 22 December 2015, the EFTA Surveillance Authority (“the Authority”) received a complaint against Norway concerning the introduction of DAB radio in Norway.

According to the complainant, the introduction of DAB will led to the phasing out of FM radio networks which is contrary to free movement of goods and freedom of establishment.

In order for the Authority to examine and assess the complaint, the Norwegian Government is invited to provide the following information:

1. Can you confirm that the Norwegian government plans to close partially the FM Network by 2017 and to phase out the remaining FM Network by 2022?
2. If yes, could you elaborate on the reasons which have led to this decision?
3. If yes, could you indicate the different legislative or administrative acts adopted or under preparation in order to implement the closing down of FM radio network?
4. Can you confirm that DAB technology will replace FM radio after 2022?
5. Will the AM network be phased out as well?
6. Will it be possible to sell FM radio transmitters and receivers in Norway after 2022?
7. Please consider how the phasing out of the FM Network complies with the principle of technology neutrality as laid down in Article 8(1) of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (OJ L 108, 24.4.2002, p.33-50).
8. Are you aware of another EEA State that plans to discontinue the FM network?

9. Please state the reasons why it has been decided not to have the FM radio Network and DAB coexisting?
10. Do you consider to impose DAB standard only or other standards as well?
11. Have you considered the application of Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999, p. 10–28)?
12. As there will be no market for FM radios in Norway, FM radios from other EEA States will not be able to enter Norway. Please explain, if you consider this a restriction on the free movement of goods and/or establishment, irrespective of whether or not this is the case, please explain why the potential restriction on the free movement of goods and establishment should be considered justified.
13. Do you plan to notify national measures related to the phasing out of FM radio networks under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p. 37–48)?

The Norwegian Government is invited to submit the above information, as well as any other information it deems relevant to the case, so that it reaches the Authority by *23 March 2016*. Please enclose copies of any relevant national legislation, including English translations if available.

Yours faithfully


Gabrielle Somers
Deputy Director
Internal Market Affairs Directorate