

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

Brussels, 9 June 2016
Case No: 78465
Document No: 805485

EFTA SURVEILLANCE
AUTHORITY

Norwegian Ministry of Culture
Postboks 8030
Dep 0030 Oslo
Norway

Dear Sir/Madam,

Subject: Complaint against Norway concerning the introduction of DAB radio technology

Further to your letter dated 18 March 2016 (Doc No 798704), the EFTA Surveillance Authority (“the Authority”) invites the Norwegian Government to provide the following information:

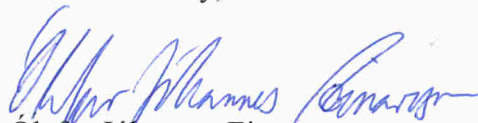
1. Please explain why the facility licences for all multiplexes (i.e. Riksblokka I, Regionalblokka, Riksblokka II and Lokalradioblokka) have been awarded for a 17-year period. In particular, the Authority invites the Norwegian Government to explain the reasons why this licence period is considered “appropriate” pursuant to Article 5(2) of Directive 2002/20/EC on the authorisation of electronic communications networks and services (OJ L 108, 24.4.2002, p. 21).
2. With regard to Riksblokka I, information available to the Authority indicates that Norkring has leased the entire capacity to DigitalRadio Norge which then sub-leases that capacity to NRK, P4 and Bauer Media. The Authority invites the Norwegian Government to confirm that this information is correct and to indicate when the contract between Norkring and DigitalRadio Norge will expire. In the event that the above cannot be confirmed, the Authority requests that information be provided with regard to how much capacity in Riksblokka I is available for potential national radio broadcasters other than NRK, P4 and Bauer Media.
3. With regard to Riksblokka II, information available to the Authority indicates that Norkring has leased the entire capacity to DigitalRadio Norge which then sub-leases that capacity to NRK, P4, Bauer Media and 3 local radio stations. The Authority invites the Norwegian Government to confirm that this information is correct and to indicate when the contract between Norkring and DigitalRadio Norge will expire. In the event that the above cannot be confirmed, the Authority requests that information is provided with regard to how much capacity in Riksblokka II is available for potential radio broadcasters other than NRK, P4, Bauer Media and the 3 local radio stations that currently lease capacity in Riksblokka II.
4. The Authority invites the Norwegian Government to submit a copy of the facility licences in their entirety as regards Riksblokk 1, Riksblokk 2 and Lokalradio blokka.
5. The Authority would also like to receive an explanation on how it will be ensured that the increased potential number of radio broadcasters (nationwide and local), which the Norwegian Government has referred to as one the benefits of the

migration to DAB technology, will actually result in an increased number of radio broadcasters on the Norwegian market and not only in an increased number of radio channels broadcast by the same number of radio broadcasters as active on the Norwegian market before the switchover to DAB.

6. As the switchover to DAB technology may constitute a breach of Article 7 (1) of Directive 1999/5/EC on radio equipment and telecommunications terminal equipment and the mutual recognition of the conformity (OJ L 91, 7.4.1999, p. 10), the Authority invites the Norwegian Government to explain if it considers Article 7 (2) of that Directive applicable, and if this is the case, to provide the reasoning for this view.
7. As the switchover to DAB technology may constitute a restriction on the free movement of FM radio receivers pursuant to Article 11 of the EEA Agreement, the Authority invites the Norwegian Government to explain, whether such a restriction would be considered justified under one of the mandatory requirements established by the case law of the EFTA Court or by the Court of Justice of the European Union. In particular, the Authority invites the Norwegian Government to explain the reasons why the restriction would be considered necessary and proportionate.

The Norwegian Government is invited to submit the above requested information, as well as any other information it deems relevant to the case, so that it reached the Authority by *11 July 2016*.

Yours faithfully,



Ólafur Jóhannes Einarsson

Director

Internal Market Affairs Directorate