

CMS: Romania schedules 5G auction for mid-2022

On 13 December 2021, Romania's telecom regulator ANCOM issued its draft 2022 action plan for public debate, which schedules the tender for the frequency spectrum dedicated to the implementation of 5G services for the third quarter of 2022 in an auction that authorities say could bring as much as EUR 600 million into Romania's state budget.

Originally planned for 2021, the launch of the 5G tender for frequencies in the spectrum of 700 MHz, 1500 MHz and 3,400-to-3,800 MHz has been repeatedly delayed (see our Law-Now articles for December 2020 ([Romania to launch 5G auction in Q2 of 2021](#) (cms-lawnow.com)) and February 2021 ([Romania postpones 5G auction for Q3 of 2021](#) (cms-lawnow.com))).

One obstacle to the tender was the need for adoption of the '5G law' implementing in Romania the 5G Memorandum with the US. On 7 June 2021, Romania's parliament adopted Law 163/2021 on the conditions for the deployment of 5G networks (see the June 2021 Law-Now article ([Romania adopts 5G Law amid public discussions on postponement of auctions](#) (cms-lawnow.com))).

The other significant obstacle has been the need to implement the European Electronic Communications Code in order to conduct 5G auction proceedings. This code has yet to be implemented in Romania. In response, in September 2021, the Commission took legal action against Romania and 18 other member States for failing to deliver the benefits of EU digital legislation in the area of telecommunications, which requires that member states transpose these rules into national law without delay. To comply, on 7 December 2021, Romania released a draft law transposing the European Electronic Communications Code, which was adopted by the Chamber of Deputies and is now awaiting review and approval by the Romanian Senate.

In addition, ANCOM's 2022 draft action plan also includes a revision of the Decision of the President of ANCOM no. 551/2012 on the establishment of the tariff for the use of the spectrum, scheduled for the second quarter of 2022. According to ANCOM, this decision, along with others in the field of radio spectrum management planned for 2022, will allow the actual selection procedure for the granting of rights to use 5G frequencies in the spectrum of 700 MHz, 1500 MHz and 3,400-to-3,800 MHz to take place in the third quarter of 2022.

ANCOM's action plan for 2022 is available (in Romanian) at: [aNCOM Plan actiuni 20221639395916.pdf](#). Interested parties are invited to submit comments and proposals until 14 January 2022.

For more information on legislative initiatives concerning 5G auctions in Romania and on Romania's ITC sector, contact your CMS partner or local CMS expert Valentina Parvu.