

Changing terrestrial television network and programming licences and draft for the call for applications

On 12 November 2015, the Government granted the network licences for the terrestrial network for the licence period beginning on 10 January 2017. The network licence for multiplexes VHF A, VHF B and VHF C in the VHF band was granted to DNA Welho Oy (hereinafter 'DNA'), the network licence for the multiplex in the Ostrobothnia region was granted to Anvia Oyj (hereinafter 'Anvia') and the network licence for multiplexes A and F in the UHF band was granted to Digita Oy (hereinafter 'Digita'), which also has the existing licence for multiplex E for the new licence period. The network licence for multiplexes B, C and D in the UHF band was granted to Norkring AS (hereinafter 'Norkring'). All network licences were granted for a ten-year period, i.e. until 10 January 2027.

Norkring has notified the Ministry of Transport and Communications that it has given up the network licence that had been granted to it. Therefore, multiplexes B, C and D in the UHF band will not have a valid network licence and thus no operator to provide broadcasting network services during the licence period beginning on 10 January 2017.

In January 2016, the Finnish Communications Regulatory Authority (FICORA) issued a call for applications for programme licences for the licence period beginning on 10 January 2017. FICORA noted that it was the competent authority for granting the licences for the VHF network as well as the regional multiplex in the Ostrobothnia region, as these spectrum bands have enough transmission capacity for all primary applicants. However, in May 2016, the applications for the UHF networks were transferred to the Government due to the limited transmission capacity. According to the law, the Government should have made its decision on the programme licences by 18 July 2016.

Since all the television channels that applied for a programme license in the UHF band will not fit into multiplexes A, C and E, and since the change in the situation could affect the placement of the companies in the multiplexes, the Government announced on 20 June 2016 that it has suspended the programme licence process. FICORA's licence process was also simultaneously suspended. The programme licences that are being processed by the Government and FICORA form a whole that should be solved in one go. As a result, the programme licence process will be suspended for now, until the network licences for multiplexes B, C and D have been issued again and the operators who applied for a programme licence are given the chance to augment their applications due to the change in the network license situation. The deadline for deciding the programme licences that were transferred to the Government has been extended until 31 January 2017 by the Government decision given on 20 June 2016 (appendix 4).

When frequencies that are technically appropriate and appropriate for efficient frequency use become available for the purposes of telecommunications subject to a licence, according to the law the Government must announce that a licence is available for application. Since all the television channels that applied for a programme license in the UHF band will not fit into multiplexes A, C and E, it is appropriate to announce a call for applications for the network licences for multiplexes B, C and D before the upcoming licence period.

Due to the fundamental change in network licences and the related schedule change for the programme licence process, the Ministry of Transport and Communications finds that the whole schedule for the current licence period must be altered so that the three multiplexes that have been returned to the Government can be granted again. Therefore, the goal of the Ministry of Transport and Communications is to extend the network licences of Digita, DNA and Anvia that will end on 9 January 2017

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and the programme licences that have been granted for these networks that will end on 9 January 2017, and to simultaneously extend the validity date of the network licences that have been granted to Anvia, DNA and Digita on 12 November 2015 until the network licences for multiplexes B, C ja D and the programme licences for every multiplex have been granted.

1. Extending the duration of network licences that are currently valid and will expire on 9 January 2017

According to section 17(1) of the Information Society Code, a network licence may be altered during its validity period with the consent of the licence holder, or otherwise if it is necessary for reasons due to technical development, international contractual obligations, the operating conditions of an activity subject to licence or a change in market conditions or some other fundamental change.

The validity period of current network licences must be extended to safeguard the continuity of television broadcasting. Since the network licences for multiplexes B, C and D that are to be granted again and the network licences that were granted to Digita, DNA and Anvia on 12 November 2015 are proposed to come into force on 15 May 2017, it is now correspondingly proposed that the validity period of all current network licences be extended until 14 May 2017. The alteration would apply to the following network licences:

The licences for Digita Oy to provide network services in multiplexes A, B and C of the digital terrestrial mass communications network, granted by the Government on 8 October 2009.

The licence for Digita Oy to provide network services in multiplex D of the digital terrestrial mass communications network, granted by the Government on 23 March 2006 (including alterations).

The licence for Digita Oy to provide network services in the UHF band multiplex H of the digital terrestrial mass communications network, granted by the Government on 27 September 2012 (including alterations).

The licences for DNA Oy to provide network services in multiplexes VHF A and B of the digital terrestrial mass communications network, granted by the Government on 25 June 2009 (including alterations).

The licence for DNA Oy to provide network services in multiplex VHF C of the digital terrestrial mass communications network, granted by the Government on 31 March 2011.

The licence for Vaasan Läänin Puhelin Oy (now Anvia) to provide network services in the Ostrobothnia regional multiplex of the digital terrestrial mass communications network, granted by the Government on 18 January 2007.

In accordance with section 310(2) of the Information Society Code, the Ministry of Transport and Communications provides the representative parties of telecommunications companies and users the chance to present their statements on the proposal to alter the validity period of these network licences.

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2. Extending the duration of current programme licences that are currently valid and will expire on 9 January 2017

According to section 29 of the Information Society Code, the authority that issued the programme licence may alter the licence during its validity period upon the licence holder's application, with the consent of the licence holder, or otherwise if it is necessary for reasons due to technical development, international contractual obligations, the operating conditions of an activity subject to licence or a change in market conditions or some other fundamental change.

In addition to extending the current network licences, the current programme licences must also be extended so that the continuity of programming can be ensured until the new network and programme licences enter into force. Thus, the Ministry of Transport and Communications proposes that the validity period of all current programme licences is to be extended until 14 May 2017. This alteration would apply to the programme licences of Brilliance Communications Oy, MTV Oy, Sanoma Media Finland Oy, C More Entertainment Finland Oy, Discovery Networks Finland Oy, Fox International Channels Oy, Discovery Communications Europe Ltd, Eurosport SA, NGC Europe Ltd, Oy Viasat Finland Ab, The Walt Disney Company Ltd, Anvia Oyj, MTV Networks Europe/Nickelodeon International Ltd, KRS-TV r.f. and När-TV r.f., in accordance with appendix 5.

In accordance with section 310(2) of the Information Society Code, the Ministry of Transport and Communications provides the representative parties of telecommunications companies and users the chance to present their statements on the proposal to alter the validity period of these programme licences.

3. Altering the entry into force date of network licences granted to Digita, DNA and Anvia on 12 November 2015

The network licences that were granted to Digita, DNA and Anvia on 12 November 2015 will enter into force on 10 January 2017. For the above-mentioned reasons, the entry into force date of the licences should be altered so that the licences enter into force on 15 May 2017. At the same time, it would also be appropriate to alter the specified due-date for the licence holder's report to FICORA on the coverage areas of the broadcasting networks and the broadcast parameters that are to be used as well as the total multiplex capacity that is achieved with them. Due to the alteration in the starting date of the new licence period, the Ministry of Transport and Communications proposes that the above-mentioned report and information should be submitted to FICORA by 2 January 2017.

The alteration would apply to the following licences:

The digital terrestrial mass communications network licence for Digita Oy for UHF spectrum band multiplexes A and F, granted by the Government on 12 November 2015.

The digital terrestrial mass communications network licence for DNA Oy for multiplexes VHF A, VHF B and VHF C, granted by the Government on 12 November 2015.

The digital terrestrial mass communications network licence for Anvia Oyj for the Ostrobothnia regional multiplex, granted by the Government on 12 November 2015.

In accordance with section 310(2) of the Information Society Code, the Ministry of Transport and Communications provides the representative parties of telecommunications companies

and users the chance to present their statements on the proposal to alter the validity period of these network licences.

4. Issuing a new call for applications for network licences for multiplexes B, C and D

Issuing the call for applications for network licences and the granting of network licences is prescribed in chapter 3 of the Information Society Code. According to section 7 of the Act, the Government must announce that a licence is available for application when frequencies that are technically appropriate and appropriate for efficient frequency use become available for the purposes of telecommunications subject to a licence. The licences for telecommunications operations on the digital terrestrial mass communications network are granted by the Government on the basis of section 8 of the Act as is prescribed in section 10 of the Act.

Norkring has given up the network licence that is has been granted for multiplexes B, C and D in the UHF band in accordance with what is prescribed in section 21 of the Act. Therefore a new call for applications must be issued for these frequencies.

The Ministry of Transport and Communications has prepared a draft call for applications for multiplexes B, C and D (appendix 3). In accordance with section 310(1) of the Information Society Code, the Ministry of Transport and Communications provides the representative parties of telecommunications companies and users the chance to present their statements on the draft call for applications.

The network licences are slated to enter into force on 15 May 2017.

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