



## National Audiovisual Council - Romania

### Country Report

9<sup>th</sup> BRAF meeting

Bucharest, 4-5 October 2018

From October 2017 to September 2018, the National Audiovisual Council has continued to manage issues related to the regulation of audiovisual media services, ensured the monitoring of program services, including those on demand, in order to comply with the existing audiovisual legislation and was interested in developing a free, pluralistic and competitive audiovisual market.

#### Key developments at national level

1. The National Audiovisual Council promptly sanctioned the infringement of legal provisions and applied, during the reported period, a number of 150 legal sanctions (out of which 53 fines amounting to 1.506.500 lei - approximately 325,400 euros - and 97 public summons). Most of the sanctions applied by the Council during this period are related to the infringement of the provisions regarding the protection of minors, the protection of human dignity and the right to own image, ensuring the correct information and the pluralism, and of the legislation concerning licenses and authorizations, in keeping with the provisions of the Audiovisual Law no. 504/2002 and the Regulatory Code of the Audiovisual Content (Decision no. 220/2011). Also, the Council issued decisions to enter into legality for 9 advertising spots.
2. Regarding the audiovisual market, the Council granted, to the companies that have submitted the documents required under audiovisual legislation, a number of 81 audiovisual licences for radio stations, 15 audiovisual licences for TV channels, 70 notices of retransmission, as well as 52 audiovisual authorization decisions for start the broadcasting of the programme service were granted, during this period, to the companies that have submitted the necessary documents according to the audiovisual legislation. At the same time, the Council withdrew a number of 198 audiovisual licences and notices of retransmission for failure to comply with the legal provisions in force and 80 audiovisual authorization decisions. Also, the CNA has issued an opinion providing on-demand audiovisual media service with the name [www.cardiotvsr.ro](http://www.cardiotvsr.ro).
3. The NAC regulated and monitored a partial local election campaign at the beginning of November 2017. Consequently, the Council issued the Decision No.

597 of 17 October 2017, on rules of the conduct in the audiovisual of the election campaign for the local elections in 5 November 2017. During the whole election campaign the NAC monitored news programs, debates and political advertising intended for the election campaign, examining how public and private broadcasters complied with the legal provisions to ensure an equitable, balanced and fair election for all competitors.

4. The NAC initiated the procedure for the modification of the existing Decision No 220/2011 regarding the Regulatory Code of the audiovisual content with the aim of supplementing the legal provisions in force regarding the protection of human dignity and the right to one's own image, ensuring the correct information of the public, interactive programs, gambling and gaming, as well as the updating of the messages concerning the public health. The draft decision was opened for public debate on the 6 September 2018.
5. *The digital switchover.* Although the terrestrial analogue broadcasting of television service programmes ceased as from 17 June 2015, the broadcasting of public service programmes will continue, temporarily, in the 174-230 MHz radio frequency band, up to 31 December 2019, under the provisions of Government Emergency Ordinance no. 21/2016, due to the complexity of the implementation process. Private broadcasters had the opportunity to request to the NAC to continue to broadcast by other electronic communications networks (cable or satellite). For this purpose, the Council approved the changes required in the audiovisual licences. Up to now, ANCOM (the National Authority for Management and Regulation in Communications in Romania), in charge of coordinating and monitoring the technical conditions for transition to the digital terrestrial television, has awarded three national multiplexes (one multiplex in UHF for public programs - free to air; coverage conditions: 90% of population, 80% of territory), 13 regional and two local multiplex. Moreover, the NAC organised last year a competitive selection procedure in view of awarding the licences for digital terrestrial broadcasting of TV programme services. Until now, the Council has granted 15 licences for digital terrestrial broadcasting of TV programme services and 13 audiovisual authorization decisions and withdrawn a digital audiovisual licence.
6. *International relations.* During the reported period the NAC was represented in the *Audiovisual Media Services Directive* - Contact Committee meeting in Bruxelles.