



NATIONAL AUDIOVISUAL COUNCIL

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1. Key developments at a national level

The National Audiovisual Council (NAC) of Romania focused, between November 2016 and November 2017, on aspects concerning the legislative regulation and the development of the audiovisual market. On this regard, NAC regulated and monitored the elections for the Chamber of Deputies and the Senate and issued *Decision no. 592/2016* related to the rules of conduct of the electoral campaign in the audiovisual landscape.

During the whole electoral campaign for the parliamentary elections (11 November — 9 December), NAC monitored the radio and television channels, including on 11 December 2016, the voting day. NAC was very active in ensuring observance of legal provisions as well as protection of the best interest of:

- the electorate to receive correct information,
- the candidates to present themselves and their respective programmes,
- the broadcasters to exert the rights and the responsibilities of the journalists.

The regulatory activity of the National Audiovisual Council supposed, between November 2016 and November 2017, the following actions:

- 129 legal sanctions (out of which 42 fines and 87 public summons), including those applied for infringements during the electoral campaign in December 2016.

Most of the sanctions applied by the NAC regard the protection of human dignity and the right to one's own image, correct information and pluralism, the protection of minors in program services, in keeping with the provisions of the Audiovisual Law no. 504/2002 and the Regulatory Code of the Audiovisual Content (Decision no. 220/2011).

Regarding the activity in the audiovisual market, the Council:

- granted 70 audiovisual licenses and 19 notices of retransmission for radio and TV channels (cable and satellite) to companies that have submitted documentation according to the audiovisual legislation;
- issued 33 decisions of authorization to start broadcasting of the program service;
- granted 13 digital audiovisual licenses for Romanian public television;
- withdrawn 29 licenses for failure to comply with the legal provisions in force.

2. Legislative updates

In order to harmonize the secondary legislation in the field of audiovisual media services, the Council made public for debate and then adopted several decisions, namely:

➤ Decision no. 63/2017 amending and supplementing the Regulatory Code of the Audiovisual Content (Decision no. 220/2011). The Decision no. 220/2011 entered into force 30 days after its publication in the Official Journal of Romania Part I (on 24 February 2017), except the new Article 117 a1), which entered into force on 27 August 2017. Among the changes made to the Regulatory Code of the Audiovisual Content are the following:

- the definition of obscene audiovisual productions was extended to trivial, vulgar or obscene productions, and definitions for physical violence, psychological violence and violent language were introduced in Article 1 (1);

- the situations in which minors shall not be exposed to audiovisual productions was extended to social campaigns, except regulated public interest messages;
- the providers of audiovisual media services shall not broadcast interviews and statements of minors about intimate family problems or problems exceeding its power of judgment;
- the interdiction of defamatory references in connection with origin, race, nationality, religion, potential disability (and, as a new provision, the appearance of someone) was added to the interdiction of pejorative and discriminatory reference;
- the prohibition to broadcast programs, other than fiction products and documentaries, which include descriptions, reconstructions or representations of homicides/suicides, mutilations/self-mutilation, murder techniques, occult practices, domestic violence or rape was extended from 6 a.m. to 11 p.m.;
- it is forbidden to broadcast productions between 6 a.m.-11 p.m. which present repeated, intense or extreme physical or psychological violence or violent language, or people in degrading situations, even if they have given their consent;
- the identity of persons who are victims of sexual offenses shall not be disclosed in any manner, except in cases where the victim has given written consent prior to broadcasting;
- it was included the prohibition of incitement to commit genocide, crimes against humanity and war crimes, as well as the prohibition to discriminate based on age, citizenship, level of education, social status and physical or medical conditions;
- commercial communications are not allowed to use unfair, misleading or aggressive trade practices;
- the new paragraph a1) of Article 117 regulates that food advertising shall not encourage food consumption by using minors aged from 3 to 15;

