



CONSILIUL NAȚIONAL AL AUDIOVIZUALULUI

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Romania Country Report

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1. Key developments at national level

Between May 2017 and September 2017, the National Audiovisual Council in Romania focused on aspects of the regulation and on development of the audiovisual market. Consequently, following the analysis of the monitoring reports carried out by the specialized department of the NAC, the Council promptly sanctioned the non-observance of the legal provisions and applied, during the reported period, a total of 45 legal sanctions (out of which 10 fines and 35 public summons). Most of the sanctions applied by the NAC regard the protection of human dignity and the right to its own image, correct information and pluralism, the protection of minors in program services and 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 14 advertising spots.

Regarding the audiovisual market, a number of 40 audiovisual licences for radio and TV channels and 19 notices of retransmission were granted during this period to companies that have submitted documentation according to the audiovisual legislation, 12 decisions of authorisation to start broadcasting of the programme service and 4 digital audiovisual licences. In the same time, the Council withdrew 52 audiovisual licences and notices of retransmission for failure to comply with the legal provisions in force.

2. Legislative updates

In order to harmonize the secondary legislation with the EU acquis in the field of audiovisual media services, the Council made public for debate and then adopted in February the Decision no. 63/2017 amending and supplementing the Regulatory Code of the Audiovisual Content (Decision no. 220/2011). The main goal of the modification to the Decision no. 220/2011 was to afford better protection to minors. 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 programmes, 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;
- advertising and teleshopping for dietary supplements may contain exclusively information from the leaflet of the product, endorsed by legal bodies.

3. Digital switchover

According to the „Strategy on digital switchover and the implementation of digital multimedia services” (Government Decision no. 403/2013), the responsible institution is the National Authority for Management and Regulation in Communications of Romania (ANCOM), which concluded the digital switchover on 17 June 2015.

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 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 one local multiplex.

NAC Romania