

National Audiovisual Council - Romania

Country Report 50th EPRA meeting Athens, 23 - 25 October 2019

During the reported period (May - September 2019) the National Audiovisual Council (NAC) has continued to manage aspects related to the regulation of audiovisual media services, has assured the ongoing monitoring of television and radio channels, including on demand services, 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 158 sanctions to national and local broadcasters (out of which 26 fines amounting to 317.500 lei (approximately 67.000 euros) and 132 public warnings to enter legality). Most of the sanctions applied by the Council are related to the infringement of the provisions regarding the protection of human dignity and the right to one's own image, ensuring the correct information and pluralism, the protection of minors, cultural responsibilities, licences 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 11 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 12 audiovisual licences for TV channels, 18 notices of retransmission, as well as 8 audiovisual authorization decisions for start the broadcasting of the programme service. In the same period, the Council withdrew for failure to comply with the legal provisions in force a number of 61 audiovisual licences and notices of retransmission (21 licences and 40 notices of retransmission), 19 audiovisual authorization decisions, and 2 on demand audiovisual media service provision notes.
3. Regarding the European Parliament elections, in order to ensure a balanced and uniform information of Romanian voters, the NAC adopted, on 26 March 2019, the Decision No. 308/2019 with regard to the rules governing the audiovisual electoral

campaign for the election of the members from Romania to the European Parliament. The Council also monitored the electoral campaign and sanctioned the infringement of legal provisions by applying a number of 11 public warnings to national and local broadcasters.

4. On 14 May 2019, the NAC adopted Decision No. 396/2019 on the completion of NAC Decision No. 72/2012 with regard to the conditions for issuing and amending the retransmission notification. A new article was added to the chapter *Procedure for applying the must-carry regime*, after Art. 11, in order to clarify the legal requirements for the must-carry regime for a particular programme service.

5. In order to harmonize the secondary legislation with the EU acquis in the field of audiovisual media services, the Council adopted on 11 June the Decision No. 614/2019 amending and supplementing the Regulatory Code of the Audiovisual Content (Decision no. 220/2011). Amendments were introduced to the following chapters: Protection of human dignity and of the right to one's own image; The insurance of pluralism and of the correct information of the public; Interactive programs, gambling and gaming; and Advertising and Teleshopping, Section no. 6 *Advertising for foods*. The Decision no. 220/2011 entered into force 30 days after its publication in the Official Journal of Romania.

6. On 3 September 2019, the NAC adopted Decision No. 781/2019 with regard to the rules of the audiovisual electoral campaign for the election of the President of Romania. The presidential elections are convened on 10 November 2019 (first round) and 24 November 2019 (second round). The electoral campaign lasts 30 days, from 12 October 00.00, until 9 November 07.00 (24 hours before the opening of the voting process) [Art. 1(1)].

7. Other. The NAC issued 10 *Recommendation* concerning the broadcasting by the audiovisual media service providers of public interest announcements within non-commercial campaigns.

8. International Relations - during the reported period the NAC was represented in the ERGA Plenary meeting and AVMSD Contact Committee meetings.