



## Country Report: National Audiovisual Council (NAC) Romania, 2020

### Legal, Regulatory and Policy Framework

In Romania, the Ministry of Culture has attributions regarding the right of legislative initiative in the audiovisual field. The National Audiovisual Council (NAC) has only consultative powers vis-à-vis public authorities without benefiting from a legislative initiative. For the purpose of transposing the Directive (EU) 2018/1808, the Ministry of Culture organized several consultations within an inter-institutional working group, NAC being one of the members.

According to the statements of the representative of the Ministry of Culture, a national draft law is being finalised. Due to COVID-19, it was not possible to organise a consultation with stakeholders. End of 2020 is feasible for the completion of the transposition process.

#### Secondary audiovisual legislation

Until the date of this report, the NAC adopted the following decisions: Decision no. 203/2020 amending and supplementing the NAC Decision no. 72/2012 on the conditions for issuing and amending notice of retransmission; Decision No. 475/2020 on the rules governing the audiovisual campaign for the local elections in 2020 (the local elections in Romania took place on 27 September 2020; they were postponed from May-June 2020 due to the Covid-19 pandemic); Decision No. 603/21.10.2020 on the rules for the audiovisual coverage of the electoral campaign for the parliamentary elections (the Chamber of Deputies and the Senate), which are scheduled to be held in Romania on 6 December, 2020.

### Regulators

From the beginning of the year until now, the Council has continued to manage aspects related to the regulation of audiovisual media services, has assured the ongoing monitoring of programme services, 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.

The Council is composed of 11 members who are appointed by Parliament, in accordance with the provisions of the Audiovisual Law, for a six-year term. On 12

October 2020, Mr. Alexandru Kocsis-Cristea, Member of the Council, resigned and was replaced by his alternate, namely Ms. Oana-Simona Dincă. On October 17, 2020, the National Audiovisual Council announced that Mr. Radu Călin Cristea, writer, essayist, journalist and member of the NAC since 2013, passed away.

Due to restrictive anti Covid-19 measures, meetings of the Council and hearings are now taking place on-line on the NAC's YouTube channel and thus, these meetings may be attended by representatives of broadcasters, the press and the general public.

From the beginning of this year, the NAC has issued recommendations (27) and instructions (4).

Among these, 4 recommendations and 3 instructions refer both to the coverage by broadcasters of subject regarding the Covid-19 pandemic within the information and debate programmes, and to broadcast the audio and TV advertising spots launched by the Romanian Government as part of the information campaign on the prevention of infection with Covid-19. Broadcasters have to ensure compliance with the legal obligations concerning the correct information of the public, such as rigour and precision in the presentation and discussion of Covid-19, the avoidance of sensationalism or infodemia characterized by an overabundance of information that can create confusion, and respect for ethical rules.

Also, the NAC wanted to increase the level of audiovisual media services accessibility for people with hearing disabilities, by introducing an obligation for broadcasters to standardize the shape and size of the interpretation window, position, colour contrast between the interpreter and background, taking into account the needs of people with hearing disabilities from Romania (Instruction no. 3 of April 22, 2020 on the size of the window dedicated to the sign language interpreters).

The NAC recommended broadcasters, on April 06, to support the broadcast, during the emergency, of the audio-video spot for the public information campaign "I am only a man", carried out by the Ministry of Culture.

In order to support broadcasters in difficulty, the Council required those who were bound to temporarily suspend the transmission of the programmes scheduled in the grid approved by the NAC, due to the Covid-19 pandemic, to notify NAC and submit a new programmes grid for a week.

Regarding the audiovisual market, the Council granted, to the companies that have submitted the documents required under audiovisual legislation, a number of 28 audiovisual licences for TV channels, 92 notices of retransmission, as well as 22 audiovisual authorization decisions for start the broadcasting of the programme service. Also, the CNA has issued 2 on demand audiovisual media service provision notes. In the same period, the Council withdrew for failure to comply with the legal provisions in force a number of 154 audiovisual licences and notices of retransmission

(17 licences and 137 notices of retransmission), 21 audiovisual authorization decisions, and an on demand audiovisual media service provision note.

### **Cooperation**

International relations - during the reported period the NAC was represented in the ERGA Plenary meeting, AVMSD Contact Committee meetings, and CERF online meeting, on October 1, organized by the National Broadcasting Council of Poland (KRRiT).

### **Compliance and enforcement**

The Council monitored the electoral campaign for the local elections in 2020 and sanctioned the infringement of legal provisions by applying fines and public warnings to national and local broadcasters who have not complied with the legal provisions. The Council is currently monitoring the electoral campaign for the parliamentary elections.

The NAC carefully monitored the audiovisual services, assessing thus how the crisis generated by the Covid-19 was reflected in the audiovisual space by the broadcasters and promptly sanctioning the infringement of legal provisions.

Most of the sanctions applied by the Council during this period are related to the infringement of the provisions regarding the protection of human dignity and the right to own image, ensurance the correct information and the pluralism, the protection of minors, 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).

### **Technology & Standards**

In 2019, Romania's National Radiocommunications Society (Radiocom) has signed a contract for the provision of broadcasting equipment for the implementation of the national network on the first DTT multiplex (1), on which public TV channels will be broadcast. In 2020, this project has been completed, so all the channels of the Romanian Television Society (SRTV) are available in full digital mode throughout the country, starting from July.

**National Audiovisual Council**

