



Country Report: National Audiovisual Council (NAC) Romania, January - September 2021

Legal and Regulatory Framework

The legislative process of transposition of Directive (EU) 2018/1808 (AVMSD) is in the final stages. The draft legal act amending Law no. 504/2002, the Audiovisual Law and Government Ordinance no. 39/2005 on Cinematography (Articles 13 and 16), initiated by the Ministry of Culture, was approved by the Government on 4 October 2021 and will be on Parliament's agenda this fall for approval (according to the Audiovisual Law, the NAC, as an independent regulatory authority, “is consulted in regard to all draft legislative acts governing or in connection with audiovisual activities”).

Secondary audiovisual legislation

According to the Audiovisual Law no. 504/2002, the NAC may issue secondary regulatory decisions that enforce the primary legislation. In this regard, in 2021, until the date of this report, the NAC has adopted a decision on the rules governing the audiovisual campaign for the local by-elections on June 27, 2021 (the NAC Decision no. 119/2021).

Regulators

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. The Plenary Session of the Parliament appointed on 11 May 2021 four new full members in the NAC (who replaced the members whose terms expired), namely: Mircea Toma, Valentin Jucan, Dorina Rusu and Ionel Palăr. In addition to the four mentioned, the other members of the Council are: Cristina Pocora (President of the Council elected by the members of the NAC on June 23, 2021; the last step for taking over the new position is the validation by the Parliament of this election of the NAC plenum), Nicolai Bălașa (Vice-president), Monica Gubernat, Ramona Sorescu, Orsolya Borsos, Oana Dincă and Răsvan Popescu.

Due to restrictive anti Covid-19 measures, this year the meetings of the Council and hearings took place online on the NAC's YouTube channel and thus, these meetings were attended by representatives of broadcasters, the press and the general public.

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 main objectives of the Monitoring Department in 2021 have been to monitor the content of the audiovisual programmes broadcast by broadcasters at national level, in terms of compliance with the audiovisual legislation and the analysis of complaints received by the institution in relation to the content of audiovisual programmes. Therefore, in addition to the regularly monitoring activity, Monitoring Department has so far carried out the following in line monitoring:

- Monitoring reports on how the Bucharest Pride 2021 event was reflected in the audiovisual media (these reports were analysed by the members of the Council in their public meetings in September).
- Monitoring report on the dissemination of warning messages in advertising blocks promoting food, as well as messages of public interest.
- Monitoring report on the situation of the broadcast of messages recommended by the Council to be transmitted by broadcasters in the regime of public interest announcement.

In application of the provisions established in Section 10 “Non-commercial campaigns” of the NAC Decision no. 220/2011 regarding the Code of Regulation of the Audiovisual Content, as subsequently amended and supplemented, since the beginning of this year, the Council has issued a number of 19 recommendations to broadcasters on the conduct of some national public information campaigns. Among these, 5 recommendations refer on public information media campaigns on Covid-19 vaccine in order to encourage population (adults and children) to get vaccinated, and two other recommendations target fundraising campaigns through SMS donations, funds that will be used to provide home treatment for children with cancer.

Regarding the audiovisual market, since the beginning of this year the Council has granted 11 audiovisual licences to companies that have submitted the documents required under audiovisual legislation, 101 notices of retransmission, as well as 9 audiovisual authorization decisions for start the broadcasting of the programme service. Also, the NAC has issued three VOD service provision notes. In the same period, the Council has withdrawn 211 audiovisual licences and notices of retransmission for failure to comply with the legal provisions in force (25 licences and 186 notices of retransmission), and 19 audiovisual authorization decisions.

International relations - during the reported period the NAC was represented in the ERGA Plenary meeting, virtual meeting on 1 June 2021, and AVMSD Contact Committee meeting, that took place on 17 June 2021 entirely via videoconference.

National Audiovisual Council