[RO] Controversy over Election Advertising Rules

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This summer, local elections will be held in Romania, with parliamentary and presidential elections scheduled for the end of the year. Several bills relating to these elections are currently being debated in the Romanian Parliament, including one stipulating how much advertising time political parties should be allocated in the electronic media during the campaign. In this regard the proposals of the parliamentary committee responsible for preparing the bills are very different from those of the Consiliului Na tional al Audiovizualului (National Audiovisual Council CNA). The relevant bill (Proiectul Legii pentru alegerea autorita tilor publice locale) proposes that political advertising should be treated separately from commercial advertising. Political advertising spots should be broadcast on the basis of agreements which the political parties, alliances, independent candidates and representatives of national minority groups should conclude separately with the relevant broadcasters, including cable TV operators, with the same tariff applying to each time unit.

In a communiqué published on 17 February 2004 in response to the publication of the bill, the parliamentary proposal was heavily criticised by CNA members. The CNA believes that access for political party representatives to the electronic media in the manner set out in Art. 60.4 of the bill represents pure political advertising and therefore breaches Romanian audiovisual legislation as well as Art. 18 of Directive 97/36/EC amending Directive 89/552/EEC ("Television Without Frontiers"). The parliamentary committee's proposal does not apply the same maximum duration for election advertising as that applicable to commercial advertising. The CNA argues that advertising, irrespective of its form and content, should not exceed 12 minutes in any hour of broadcasting. In this context, the CNA also received a written opinion from the European Commission (DG Enlargement) on 16 February. It states that if political advertising is categorised as general advertising, it must also respect advertising regulations, particularly the provisions of Art. 18 of the "Television Without Frontiers" Directive.

The CNA members also object to other provisions of the bill. They are critical of the proposed regulation of transmission time for candidates, which states that political parties, alliances and independent candidates should be allocated airtime during peak periods every day during the campaign except Sundays by all private and public service broadcasters, including cable operators. Regional channels should allocate a maximum of 5 minutes to independent candidates during the

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whole election campaign, while candidates who reside in Bucharest or in districts that have no regional TV service should be allocated up to 5 minutes by the national public service channels. In connection with these proposed regulations, the CNA believes that private broadcasters should not be forced to participate in the election campaign by offering a certain amount of airtime. The same would have to apply even if, as a countermeasure, the cost of the allocated airtime were refunded. The public service and commercial broadcasters should also be entitled to determine independently the programme format, the content of individual programmes, transmission times, the number of guests and the topics of debate.

At a press conference called by the parliamentary committee on 18 February, the CNA communiqué was criticised. Amongst other things, the independence of private broadcasters was confirmed, since they remain responsible for concluding agreements on the transmission of election advertising. It is also a matter for Parliament alone to pass the relevant election provisions.

Comunicatul privind proiectul Legii pentru alegerea autorita tilor locale, 17/02/2004

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