[RO] CNA Proposes Improvements to Romanian Audiovisual Act

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The *Consiliul Naţional al Audiovizualului* (regulatory authority for the electronic media in Romania - CNA) has submitted to the lower house of the Romanian Parliament a proposal to amend the current Audiovisual Act (*Legea audiovizualului Nr. 504 din 11 iulie 2002*). One of the key changes suggested by the CNA is an increase in the penalties laid down in the current Act, which range from ROL 50 to 500 million (RON 500 to 5,000), to penalties ranging from ROL 500 million to 1 billion (RON 5,000 to 100,000). EUR 1 is currently worth RON 3.5.

According to Art. 90 of Act No. 504, these fines are imposed if, for example, cinema productions are broadcast outside the time periods agreed with the copyright owners, if subliminal techniques are used in TV advertising and teleshopping, if TV companies use frequencies other than those mentioned in their broadcasting licence, if the technical parameters laid down in such licences are breached, or if legal provisions on the right of reply are ignored.

The CNA is proposing that the current penalties of ROL 25 to 250 million be increased to between RON 100 and 500 million. These fines are currently imposed under Art. 91 of Act No. 504 for breaches of standards and rules laid down by the *CNA* or the *Autoritatea Naţională de Reglementare în Comunicaţii* (national regulatory authority for communication), if such infringements continue to be committed after warnings have been issued and deadlines set for broadcasters to comply.

The CNA believes the fines should be increased because the current level of fines is disproportionate to the advertising revenue of TV companies and to the fines imposed within the European Union. Another amendment proposed by the CNA concerns the possibility of punishing broadcasters by interrupting their transmissions. At present, such interruptions must last either 10 minutes or, in more serious cases, three hours. The CNA is suggesting that it should be able to vary within these two limits the duration of programme interruptions it imposes, taking into account its own evaluation and any preceding sanctions.

The CNA's proposals also include some amendments that broadcasters will welcome. For example, it is suggesting that current restrictions in the development of niche programmes, the digitisation process and satellite broadcasting be lifted. Whereas the current Audiovisual Act No. 504 provides that

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a natural person may hold a maximum of two similar licences for the same region without the possibility of holding exclusivity rights, the *CNA* is proposing that natural persons should in future be allowed to hold two national terrestrial radio licences, two national terrestrial television licences, one national digital radio licence (using the T-DAB system), one national digital television licence (using the DVB-T system) and two radio and/or television licences in the same region. Furthermore, in order to liberalise the market, the amount of share capital in an audiovisual communication company that a natural or legal person may own may be increased from 20% to 40%. The CNA's proposals also concern audiovisual regulations during election campaigns. The *CNA* is hoping to obtain the support of the Ministry for Culture and the Arts (*Ministerul Culturii şi Cultelor,* MCC) , the Romanian Audiovisual Communications Association (*Asociaţia Română de Comunicaţii Audiovizuale,* ARCA) and various organisations from civil society in order to push through the amendment in Parliament this autumn.

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