

[RO] The Election Campaign in the Electronic Media

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*RO
Journalist, Bucharest*

On 30 November 2008, elections to the Chamber of Deputies and the Senate will be taking place in Romania. In view of this, the Consiliul Național al Audiovizualului din România (Romanian National Audiovisual Council – CNA) adopted on 30 September 2008 Decision No. 792, which in addition to the existing legal rules (Electoral Law No. 35) and CNA regulations, lays down a number of “new principles and rules for the conduct of the election campaign by means of audiovisual programmes”.

For the first time, the “candidați” (candidates) and the “competitori electorali” (election campaign participants) will have to pay for taking part in the private broadcasters’ programmes during the election campaign. The rates laid down by the private broadcasters apply to all candidates in equal measure (section 38 of Electoral Law No. 35). The rules provide for the candidates and election campaign participants to participate in the Romanian public service broadcasters’ programmes free of charge.

Private stations wishing to broadcast election announcements and programmes during the campaign must notify the CNA of this in writing by 10 October 2008 at the latest (paragraph 5). Those involved in the election can then apply to the broadcasters for broadcasting time in the same proportion as that to which they are entitled under the Electoral Law with regard to the public service broadcasters’ programmes (section 6). On the basis of the applications, the broadcasters will then adapt their programme schedule for the duration of the campaign and inform the CNA of the changes made (section 7). CNA Decision No. 792 only provides for two types of programme: emisiuni electorale de promovare (election campaign broadcasts for advertising purposes, paragraph 8a) and emisiuni electorale de dezbatare (broadcasts of election debates). Journalists, political commentators and other guests can take part in these programmes in addition to the candidates and campaign participants. Paragraph 9(2) prohibits the use of national symbols for advertising purposes in parts of programmes associated with the election campaign. Candidates and campaign participants are also banned from working as broadcast producers, programme makers or presenters during the campaign (paragraph 9(3)). Candidates holding public office may appear in other programmes in addition to the broadcasts described in paragraph 8 but only if their appearances are strictly linked to their present office (paragraph 10).

Inter alia, broadcasters must ensure that human dignity is respected during election programmes, that there is no incitement to discrimination on the grounds of race, religion, nationality, gender or sexual orientation and that no unproven criminal allegations are made against other candidates (paragraph 12). The programme makers and presenters are, for their part, required to be impartial (paragraph 13). If the candidates and election participants believe that their rights and legitimate interests have been violated in the television and radio programmes, paragraph 17 of the CNA Decision refers to the rules relating to the right of reply contained in the Audiovisual Code (Articles 52(1) and 60(1)).

According to paragraph 19 of CNA Decision No. 792, broadcasters are obliged to record all programme contributions associated with the election campaign and make them available to the CNA on request for up to 30 days after the announcement of the election results. A breach of this provision will be punished under Audiovisual Law No. 504/2002 and sections 50 and 51 of Electoral Law No. 35/2008.

Decizia Nr. 792 din 30 septembrie 2008 privind principii și reguli de desfășurare a campaniei electorale pentru alegerea Camerei Deputaților și a Senatului, prin intermediul serviciilor de programe audiovizuale

http://www.cna.ro/IMG/doc/Decizie_nr792_2008.doc

CNA regulations: a number of “new principles and rules for the conduct of the election campaign by means of audiovisual programmes”

Legea Nr. 35 din 13 martie 2008 cu modificările și completările ulterioare, Monitorul Oficial, Partea I Nr. 196 din 13/03/2008

http://www.cdep.ro/pls/legis/legis_pck.http_act?ida=78207

Electoral Law No. 35 of 13 March 2008, published in Monitorul Oficial, Partea I Nr. 196 din 13/03/2008

