[RO] Emergency Decree Amends Audiovisual Act

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Through the *Ordonanţa de Urgenţă Nr. 181/2008 pentru modificarea şi completarea Legii audiovizualului Nr. 504/2002* (Emergency Government Decree amending and completing Audiovisual Act no. 504/2002), which entered into force on 3 December 2008, Romania became the first EU Member State to transpose the provisions of EC Directive 2007/65/EC on audiovisual media services into its domestic law.

As a result, TV advertising rules have been relaxed, since new advertising techniques such as product placement (*plasarea de produse*), split-screen advertising (*publicitatea pe ecran partajat*) and virtual advertising (*publicitatea virtuală*) are now allowed under certain conditions. The previous requirement of at least a 20-minutes gap between advertising breaks in broadcast programmes has been dropped. Commercial breaks in television films are now permitted every 30 minutes (instead of 45). However, the total duration of advertising still must not exceed 12 minutes per hour. The approval of product placement means that television films, entertainment programmes and sports broadcasts may in future show commercial products; however, reference to such products must be built into the action of the programme, the products must not be given undue prominence, and acoustic and visual warnings must be broadcast, indicating that the programme concerned contains product placement. According to Art. II of Government Order no. 181/2008, these new regulations, which are contained in Article 31 paras. 2-5 of the amended and completed Audiovisual Act no. 504/2002, are only applicable to television programmes produced after 19 December 2009. In split-screen advertising, the programme continues on one part of the screen while the advertisement is broadcast on another; the coherence and identity of the programme must not be affected by the advertising. Such advertising may be shown during a break in play in a football broadcast, for example. Virtual advertising will enable TV broadcasters to replace stadium perimeter advertising with their own advertisements during a sports broadcast, provided the event organisers agree.

According to a press release of the *Consiliul Naţional al Audiovizualului din România* (national council for electronic media - CNA), the Emergency Government Decree was drafted by the CNA in consultation with the Romanian Ministry for Culture and Education. Discussions began in February 2008 with representatives of the major broadcasting companies and the general public. The Decree will now be examined by the newly-elected parliament and, once it has

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been approved along with any improvements added by the legislative assembly, it will be published as the new Audiovisual Act.

Ordonanţa de urgenţă Nr. 181/2008 pentru modificarea şi completarea Legii audiovizualului Nr. 504/2002 Monitorul Oficial al României, Partea I Nr. 809 din 03/12/200

http://www.dreptonline.ro/legislatie/oug_modificare_legea_audiovizualului_181_2008.php

Emergency Government Decree no. 181/2008, published in the Romanian official gazette, part 1, no. 809 of 3 December 2008

CNA salută adoptarea Ordonanţei de Urgenţă de modificare a legii audiovizualului

http://www.cna.ro/Declara-ie-de-pres.html

CNA press release of 25 November 2008

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