[RO] Draft Amendments to the Audiovisual Law

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Romania's Audiovisual Law could be changed, according to a Draft on the amendment and completion of the Legea Audiovizualului nr. 504/2002 (Audiovisual Law no. 504/2002) proposed mid-February 2011 by four deputies of the Democrat-Liberal Party, the major component of the ruling coalition (see inter alia IRIS 2009-2/29, IRIS 2010-1/36 and IRIS 2010-9/34).

The Draft, which was withdrawn, corrected and proposed again in less than ten days, is mainly intended to merge the existing Audiovisual Law with most of the provisions of the Audiovisual Content Regulatory Code (Decision no. 187/2006 - Audiovisual Code).

The authors want to enforce by law the provisions of the Audiovisual Code, but several members of the Consiliul Naţional al Audiovizualului (National Council for Electronic Media - CNA) consider that introducing the provisions of the Code into the law will make it very difficult to change secondary legislation in order to make it flexible in accordance with market developments. The members of the Council argued that the project was not discussed with them and fear the Draft is intended to diminish CNA's powers.

The first version of the Draft proposed to cancel the obligation of cable network providers to carry commercial television programmes and, on the other hand, to increase dramatically the minimum threshold of fines imposed by the CNA for infringing the rules. Meanwhile the initiators gave up these intentions.

The Draft foresees further provisions from the Audiovisual Code with regard to: the protection of children and minors, of dignity, honour and reputation; the right to one's own image; the presumption of innocence and the protection of the right to a fair trial; the protection of private and family life and of mail. The Draft includes provisions for political campaigns; sponsoring and product placement, the right of reply and to rectify; concerning infringements of gambling rules; on the right to equal opportunities and non-discrimination; on the freedom of expression and the public's right to be informed objectively.

The Draft requests broadcasters to make a clear distinction between facts and opinions and to mention explicitly if the respective information comes from confidential or not sufficiently verified sources. The number of representatives from the majority and the opposition during debates has to be equal.

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Broadcasters are requested to observe during news programmes and debates accuracy in editing and presenting the news. News programmes and debates shall not be sponsored anymore. It shall be forbidden to broadcast images of people taken in their own house or in other private places without their consent. The Draft also forbids airing images/sounds taken with hidden cameras/microphones, except in cases when these materials could not be obtained under open conditions and their content is of justified public interest. Another aspect regulated is the transparency of radio/TV stations with regard to their organisation, functioning and financing.

On 24 February 2011 the CNA completed the discussions on the modification of the Audiovisual Code. According to a new provision television and radio stations have to assure gradually until 1 January 2015 the access of hearing-impaired people to the main news programmes they broadcast.

Another modification adopted is about social campaigns which can be aired free of charge by broadcasters and shall not be included in the maximum advertising times (12 minutes per hour for commercial and 8 minutes for public broadcasters).

The new Code will enter into force after its publishing in the Official Journal of Romania.

Propunere legislativă pentru modificarea şi completarea Legii audiovizualului nr.504/2002, cu modificările şi completările ulterioare, Pl-x. 27/2011

http://www.cdep.ro/pls/proiecte/upl_pck.proiect?cam=2&idp=11724

Draft Amendment to the Audiovisual Law 504/2002, with the subsequent changes and the completions, Pl-x. 27/2011

Proiect de modificare a Deciziei privind Codul de reglementare a conţinutului audiovizual

http://www.cna.ro/PROIECT-de-modificare-a-Deciziei.html

Draft Amendment to the Decision on the Audiovisual Regulatory Code

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