[RO] New Audiovisual Content Regulatory Code

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The Consiliul Naţional al Audiovizualului (National Council for Electronic Media - CNA) adopted on 24 February 2011 a new Audiovisual Content Regulatory Code (Audiovisual Code; Decision 220/2011), which replaces the previous one (see inter alia IRIS 2007-4/30).

At the same time, the Romanian Parliament began debating a draft project to change and complete the Legea Audiovizualului nr. 504/2002 (Audiovisual Law no. 504/2002) proposed by several MPs. The project, severely criticised by the CNA, is intended to merge the Audiovisual Law with most of the provisions of the 2006 Audiovisual Code.

The new Audiovisual Code has 145 articles, divided into nine titles and two appendices (how to indicate content that was filmed with a hidden camera and how to report on the percentage of European works in the programme schedule). The new document implements and clarifies some main concepts of the AVMS Directive 2010/13/EU.

The Code embodies the principle of the presumption of innocence. It is forbidden to broadcast pictures of people detained or arrested without their consent, because every person is presumed innocent until a definitive sentence is given. Broadcasters are not allowed to endanger the right to a fair trial or the legitimate interest of one of the parties involved in a judicial procedure, by the broadcasters' own comments or the comments of their guests. Shows made or moderated by active members of the Bar of Lawyers, in which legal cases under research or already before court are debated, are forbidden.

The new Code changes the previous rule of 60 percent of broadcasting time for governing authorities and 40 percent for the opposition in the news programmes and asks broadcasters to ensure the equilibrium between majority and opposition, including at local level. As for television voting or polls conducted by broadcasters, the public has to be informed that these are not representative of public opinion and do not have the relevance of a poll conducted by a specialised institution.

The Council defined more precisely the meaning of interactive contests. Contests shall only be broadcast during educational and entertainment programmes, or in „contest-shows" as such. Prizes have to be awarded according to rules made

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known to the audience.

Gambling can be broadcast in audiovisual programmes only if authorised by the law. According to the new Code audiovisual media service providers have to notify the CNA of the license data of the respective gambling, prior to its airing. The Code also forbids repeated requests to the public to take part in gambling.

The document offers greater flexibility for inserting advertising through new technologies but without altering the main programme. Some definitions from the Audiovisual Law are implemented and explained in the Code, with regard to split-screen advertising, which may not be used in programmes for minors, or during news programmes and political debates, and virtual advertising, which is limited to sports and cultural events. It is forbidden to broadcast advertising within a crawl and to air advertisements simultaneously on two or more split screens.

TV stations have to ensure gradually, up to 1 January 2015, that hearing-impaired persons will have access to their main news programmes. Further, the document includes provisions against subliminal techniques, provisions on product placement, more clear and detailed provisions with regard to political advertising and non-commercial advertising campaigns, the obligations of broadcasters to screen permanently the competitors, score and timing of sports transmission, except the matches organised by UEFA and FIFA.

Decizia nr. 220 din 24 februarie 2011 privind Codul de reglementare a conţinutului audiovizual

http://www.cna.ro/Decizia-nr-220-din-24-februarie.html

Decision no. 220 of 24 February 2011 with regard to the Audiovisual Content Regulatory Code

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