[RO] Sanctions for Infringements of the Electoral Rules

IRIS 2011-10:1/36

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The Consiliul Naţional al Audiovizualului (National Council for Electronic Media - CNA) imposed severe sanctions on two commercial Romanian television stations for breaches of Art. 139 of the Codul Audiovizualului - Decizia nr. 220/2011 privind Codul de reglementare a conţinutului audiovizual, cu modificările şi completările ulterioare (Audiovisual Code - Decision no. 220/2011 concerning the regulation of audiovisual content, with further modifications and completions), and Art. 1 of Decizia nr. 210/2010 privind principii şi reguli de desfăşurare a campaniei electorale pentru alegerile parţiale parlamentare, prin intermediul serviciilor de programe audiovizuale (Decision no. 210/2010 concerning the principles and rules for carrying out electoral campaigns for partial parliamentary elections by audiovisual programme services; see inter alia IRIS 2009-6/28 and IRIS 2009-1/29).

Art. 139 of the Codul Audiovizualului states that positive or negative advertising for political parties, politicians or political messages is forbidden, except during electoral campaigns. Art. 1 of Decision no. 210/2010 states that electoral campaigns start 15 days before the elections and end 24 hours before the start of polling.

The commercial television station OTV was obliged to broadcast for 10 minutes, on 6 October 2011 at 19.00 h, the text of the sanction issued by the CNA due to infringements of Art. 139 of the Codul Audiovizualului. OTV had repeatedly breached electoral advertising rules between May and September 2011, when it aired political and electoral messages with regard to the founder of OTV who in the meantime had founded a political party, Partidul Poporului - Dan Diaconescu (People’s Party - Dan Diaconescu) and intends to be a presidential candidate in the next election. The station had already been fined five times for the same infringement, between October 2010 and May 2011, a total of RON 265,000 (EUR 61,200). The Council considered that the conduct of OTV had a political aspect and was a real electoral campaign activity, potentially affecting other possible electoral competitors, who had respected the audiovisual legislation.

Prior to this, the CNA had imposed on 13 September 2011 a fine of RON 50,000 (EUR 11,550) on the private local station UNU TV, for broadcasting electoral spots on behalf of a candidate for a vacant seat in the Camera Deputaţilor (Chamber of Deputies), the lower chamber of the Romanian Parliament, after the electoral campaign and during the polling. UNU TV had already been sanctioned by a public

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warning on 11 August 2011 for breaching the audiovisual rules on partial MP elections, by broadcasting before the start of the electoral campaign several electoral and promotional programmes for the same candidate. The partial elections took place on 21 August 2011 and the electoral campaign was scheduled between 6 and 20 August 2011.

Decizia nr. 585 din 04.10.2011 privind sancţionarea radiodifuzorului S.C. OCRAM TELEVIZIUNE S.R.L., cu obligaţia de a difuza, în ziua de 06.10.2011, timp de 10 minute, între orele 19.00-19.10, numai textul deciziei de sancţionare emise de C.N.A.

http://www.cna.ro/Decizia-nr-585-din-04-10-2011.html

Decision no. 585 of 4 October 2011 concerning the sanctioning of the broadcaster S.C. OCRAM TELEVIZIUNE S.R.L., with the obligation to broadcast the text of the sanction issued by the CNA

Decizia nr. 522 din 13.09.2011 privind amendarea cu 50.000 lei a S.C. EUROMEDIA TV S.R.L.

http://www.cna.ro/DECIZIA-nr-522-din-13-09-2011.html

Decision no. 522 of 13 September 2011 concerning the fine of RON 50,000 imposed on S.C. EUROMEDIA TV S.R.L.

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