[RO] Severe Sanctions for Breaching Audiovisual Regulations

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Eugen Cojocariu
Radio Romania International

The Consiliul Naţional al Audiovizualului (National Council for Electronic Media - CNA) imposed in February 2012 numerous severe sanctions on several Romanian television stations for breaching audiovisual rules with regard to the right to private life; the right to one's own image; the protection of reputation and human dignity; the limit of advertising; the modification of rebroadcasting without permission; and the "must carry" principle (see inter alia IRIS 2011-1/44, IRIS 2011-6/31, IRIS 2012-1/38, and IRIS 2012-2/32).

The commercial station Antena 1 was sanctioned for severe infringements of Audiovisual Law no. 504/2002 and of the Audiovisual Code. Antena 1 had aired repeatedly during a tabloid night programme candid camera images showing the former Romanian Prime Minister naked while changing his clothes in the changing room of a gym. CNA considered Antena 1 infringed Art. 3 (1) Audiovisual Law which rules the observance of fundamental human rights and liberties. CNA also considered the station impinged Art. 30, 32 (1) and (2), 33 (1), 34 (1) and (2), 35, 36 Audiovisual Code, which provide for the observance of fundamental human rights and liberties; the right to private and family life; the right to one's own image, the protection of honour, reputation and human dignity; the interdiction to use a legal right in an excessive and non-reasonable way in bad faith; the fact that not every public interest has to be satisfied and the simple invocation to the right to information cannot justify the breach of the right to private life; the broadcast of the image/voice of a person in a private space without his/her permission; the regime of entertainment and candid camera audio and/or video recordings. The commercial station OTV which relayed the images from Antena 1 was sanctioned at the maximum legal fine of RON 200,000 (EUR 46,000) for similar infringements. The commercial station România TV was also sanctioned for the same breaches, with a fine of RON 50,000 (EUR 11,500), because it relayed repeatedly in news programmes the images in question. Those were partially blurred and România TV insisted that its moderator criticised their release by Antena 1, but the CNA considered the station guilty.

Furthermore, one of the major cable television services, Internet and telephony providers, RCS&RDS, was sanctioned several times for breaching the Audiovisual Law. It was fined on 16 February 2012 for breaches of Arts. 74 (3) and 82 (2), providing that the programme offer can only be modified with the CNA's approval

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and that providers have to rebroadcast at least two local programmes in an area. RCS&RDS stopped the transmission of local station Info TV Arad and introduced two more local channels (TV Arad, TVRM Educaţional) in its offer in Arad (western part of Romania) without approval. Previously, RCS&RDS had been sanctioned for breaching Arts. 74 (3) and 82 (1) ("must carry") Audiovisual Law. On 31 January 2012 the provider was fined because it eliminated from its offer in Bucharest and other 25 cities the channel Naţional 24 PLUS, which is included in the "must carry" index. One week before, RCS&RDS had received a public warning for similar breaches with regard to Antena 2 which was cut from the minimum subscription offer in 25 cities. On 23 February 2012, CNA issued the 2012 "must carry" index, which includes both, Antena 2 and Naţional 24 PLUS.

In the same period, three commercial (Kanal D, Pro TV, Prima TV) and one public television channel (TVR 1) were fined, and the commercial station OTV received a public warning for breaches of Art. 35 (1) Audiovisual Law, which provides that the maximum limit for advertising and teleshopping altogether is of 8 minutes/hour for public and of 12 minutes/hour for commercial stations.

Decizia nr. 86 din 16.02.2012 privind obligarea radiodifuzorului S.C. ANTENA TV GROUP S.A. pentru postul de televiziune ANTENA 1 de a difuza, în ziua de 17.02.2012, timp de 10 minute, între orele 19.00-19.10, numai textul deciziei de sancţionare emise de CNA

http://www.cna.ro/Decizia-nr-86-din-16-02-2012.html

Decision no. 86 on ANTENA 1

Decizia nr. 87 din 16.02.2012 privind amendarea cu 200.000 lei a S.C. OCRAM TELEVIZIUNE S.R.L. pentru postul de televiziune OTV

http://www.cna.ro/Decizia-nr-87-din-16-02-2012.html

Decision no. 87 on OTV

Decizia nr. 94 din 21.02.2012 privind amendarea cu 50.000 lei a S.C. RIDZONE COMPUTERS S.R.L. pentru postul ROMÂNIA TV

http://www.cna.ro/Decizia-nr-94-din-21-02-2012.html

Decision no. 94 on ROMÂNIA TV

Decizia nr. 95 din 21.02.2012 privind amendarea cu 130.000 lei a S.C. DOGAN MEDIA INTERNATIONAL S.A. pentru postul KANAL D

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http://www.cna.ro/Decizia-nr-95-din-21-02-2012.html

Decision no. 95 on KANAL D

Decizia nr. 96 din 21.02.2012 privind amendarea cu 100.000 lei a S.C. PRO TV S.A. pentru postul de televiziune PRO TV

http://www.cna.ro/Decizia-nr-96-din-21-02-2012.html

Decision no. 96 on PRO TV

Decizia nr. 97 din 21.02.2012 privind amendarea cu 50.000 lei a S.C. SBS BROADCASTING MEDIA S.R.L. pentru postul de televiziune PRIMA TV

http://www.cna.ro/Decizia-nr-97-din-21-02-2012.html

Decision no. 97 on Prima TV

Decizia nr. 98 din 21.02.2012 privind amendarea cu 20.000 lei a SOCIETĂŢII ROMÂNE DE TELEVIZIUNE pentru postul de televiziune TVR 1

http://www.cna.ro/Decizia-nr-98-din-21-02-2012.html

Decision no. 98 on TVR 1

Decizia nr. 99 din 21.02.2012 privind somarea S.C. OCRAM TELEVIZIUNE S.R.L. pentru postul de televiziune OTV

http://www.cna.ro/Decizia-nr-99-din-21-02-2012.html

Decision no. 99 on OTV

Topul staţiilor TV pentru 2012 în vederea aplicării principiului “must carry”

http://www.cna.ro/Topul-sta-iilor-TV.html

2012 TV index for “must carry” principle

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