[RO] License of the Commercial Station OTV Withdrawn

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On 24 April 2012 the *Consiliul Naţional al Audiovizualului* (National Council for Electronic Media - CNA) decided to withdraw the audiovisual license of the commercial TV station OTV as from 29 May 2012, almost 10 months before its normal expiry date of 1 April 2013. The Council had already reduced twice, on 27 March and 10 April 2012, the duration of the license of OTV, each time by half of the remaining period of validity. The sanctions, the most severe ever taken by the CNA, were due to OTV's repeated and continual breaches of audiovisual legislation with regard to political advertising (see inter alia IRIS 2002-9/21, IRIS 2011-10/36 and IRIS 2012-3/30).

OTV was repeatedly accused of infringing Art. 139 of the *Codul Audiovizual - Decizia nr. 220/2011 privind Codul de reglementare a conţinutului audiovizual, cu modificările şi completările ulterioare* (Audiovisual Code - Decision no. 221/2011 with regard to the Audiovisual Content Regulatory Code, with further modifications and completions), which provides that political advertising, whether positive or negative, in connection with political parties, politicians and political messages shall be prohibited, except during election campaigns. The owner of OTV, Dan Diaconescu, is the founder of a Romanian populist party, Partidul Poporului - Dan Diaconescu (People's Party - Dan Diaconescu, PP-DD), with a good chance of entering Parliament in the next general election.

The Council stated that even though the station was fined several times because of political propaganda in favour of the mentioned party outside electoral campaign periods, OTV continued this behaviour, which is prohibited by audiovisual legislation. The CNA stated that political advertising in favour of PP-DD continued even after the first two reductions of the validity of the license. Dan Diaconescu accused the members of the Council of political bias.

For this specific accusation of breaching Art. 139 of the Audiovisual Code in 2010-2012 OTV was sanctioned with a public warning, a RON 5,000 (EUR 1,140) fine, a RON 10,000 (EUR 2,280) fine, a RON 50,000 (EUR 11,400) fine and two RON 100,000 (EUR 22,800) fines; subsequently the station was obliged in October 2011 and January 2012 to suspend its broadcast for ten minutes and to relay only the CNA's sanction text in prime time (19.00-19.10) and in March and April 2012 to suspend, after each license validity reduction, its broadcast for three hours and to relay only the CNA's sanction in prime time (18.00-21.00).

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Since 1 April 2004 (when the nine-year license of the station entered into force) OTV was fined almost 180 times and had its broadcasting suspended nine times for ten minutes and, six times for three hours, respectively, being obliged to relay only the CNA's sanction text for various breaches of the law.

In 2002 OTV had its previous license withdrawn because infringed Art. 40 of the *Legea audiovizualului nr. 504/2002, cu modificările şi completările ulterioare* (Audiovisual Law no. 504/2002, with further modifications and completions), which provides that the transmission of programmes comprising any form of incitement to hatred on grounds of race, religion, nationality, gender or sexual orientation is prohibited.

Another station owned by Diaconescu, DIRECT DIGITAL TV (DDTV), was sanctioned on 27 March 2012 with a public warning because it relayed and rebroadcast on 23 and 25 March 2012 two of the programmes of OTV that breached the Audiovisual Code.

Decizia nr. 156 din 27.03.2012 privind somarea S.C. TELECROMA MEDIA S.R.L., pentru postul DIRECT DIGITAL TV

http://www.cna.ro/Decizia-nr-156-din-27-03-2012.html

Decision no. 156 of 27.03.2012 concerning DIRECT DIGITAL TV

Decizia nr. 157 din 27.03.2012 privind sancţionarea radiodifuzorului S.C. OCRAM TELEVIZIUNE S.R.L. cu reducerea cu 6 luni a termenului de valabilitate a licenţei audiovizuale nr. S-TV 78.3/05.02.2004, cumulată cu obligaţia de a difuza, în ziua de 29.03.2012, 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-157-din-27-03-2012.html

Decision no. 157 of 27.03.2012 concerning S.C. OCRAM TELEVIZIUNE S.R.L. as to the reduction of audiovisual license no. S-TV 78.3/05.02.2004, together with the obligation to broadcast only the text of the sanction decision issued by the CNA

Decizia nr. 187 din 10.04.2012 privind sancţionarea radiodifuzorului S.C. OCRAM TELEVIZIUNE S.R.L. cu reducerea cu jumătate a termenului de valabilitate a licenţei audiovizuale nr. S-TV 78.4/05.02.2004, cumulată cu obligaţia de a difuza, în ziua de 12.04.2012, timp de 10 minute, între orele 19.00-19.10, numai textul deciziei de sancţionare emise de C.N.A.

Decision no. 187 of 10.04.2012 concerning S.C. OCRAM TELEVIZIUNE S.R.L. with the reduction by half of the audiovisual license no. S-TV 78.4/05.02.2004,

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together with to the obligation to broadcast on 12.04.2012 only the text of the sanction decision issued by the CNA

Decizia nr. 196 din 24.04.2012 privind sancţionarea radiodifuzorului S.C. OCRAM TELEVIZIUNE S.R.L. cu reducerea cu jumătate a termenului de valabilitate a licenţei audiovizuale nr. S-TV 78.5/05.02.2004, cumulată cu obligaţia de a difuza, în ziua de 26.04.2012, 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-196-din-24-04-2012.html

Decision no. 196 of 24.04.2012 concerning S.C. OCRAM TELEVIZIUNE S.R.L. on the reduction by half of the audiovisual license no. S-TV 78.5/05.02.2004, together with the obligation to broadcast on 26.04.2012 only the text of the sanction decision issued by the CNA

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