[RO] Instructions and Sanctions for Local Elections Campaign Coverage

IRIS 2012-7:1/35

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In May 2012 the Consiliul Naţional al Audiovizualului (National Audiovisual Council - CNA) issued several instructions regarding the rules to be observed by audiovisual media during the electoral campaign for the local elections on 10 June 2012. The Council also issued a large number of sanctions due to legal infringements (see IRIS 2011-9/31, IRIS 2011-10/36 and IRIS 2012-3/30).

188 television and 142 radio stations decided to cover the electoral campaign. The instructions determine more precisely the stipulations of electoral legislation. According to Instrucţiunea nr. 1 din 10.05.2012 (Instruction no. 1 of 10 May 2012) the respective television shows have to be indicated for the entire duration with the sign „electoral show" or „electoral debate". As regards radio stations, such electoral shows have to be announced at the beginning of the programme and after every advertising break. On the other hand, Instrucţiunea din 17.05.2012 (Instruction of 17 May 2012) provides that on Saturday and Sunday the results of electoral polls shall be released on informative shows only. Audiovisual coverage of the electoral campaign is permitted from Monday to Friday. Electoral shows have to ensure for all competitors equal conditions to present their political programmes and electoral offers, as well as freedom of expression and pluralism of opinion. Moderators of electoral shows are obliged to maintain the debate within the frame of the interests of the campaign and of the scheduled discussion themes. Airtime for competitors may be granted only on the basis of definitive lists of candidates. Radio and television stations have to communicate the same electoral shows schedule to the candidates as to the Council and are not allowed to refuse electoral competitors or representatives the right to attend such shows. The programme schedule for the electoral campaign cannot be modified.

At the same time, the Council issued about 80 sanctions (public warnings and fines), of increasing severity, for breaches of electoral legislation by central and local stations. The Council sanctioned them for infringements of Art. 3 (1) and (2) of Audiovisual Law 504/2002, with further completions and modifications, regarding correct and objective information and pluralism of opinion. There were also infringements of Law no. 67/2004 on local elections: Art. 63 (2), which rules that broadcasters are obliged to ensure a fair, balanced and correct electoral campaign for all competitors; Art. 65 (4), according to which candidates benefit from free access to public and private radio and television services within

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electoral shows; and Art. 66, which rules that electoral competitors can only attend electoral programmes and debates during the electoral campaign, and that candidates/representatives of competitors may not be producers, directors or anchors of audiovisual shows.

The most frequent breaches of the Audiovisual Code were those of Arts. 34 (1) and 40 (1), both on the right to one's own image, and of Art. 139 on political advertising. As to Decision no. 195/2012 on the principles and rules for the electoral campaign on radio and television stations for the local elections, most breaches concerned Art. 3 on a fair, balanced and correct electoral campaign for all competitors; Art. 4 (2), which says that during the electoral campaign the candidates/representatives of competitors can attend only electoral programmes and debates; Art. 5 (2), which provides that the campaign is allowed from Monday to Friday and that electoral shows have to be clearly indicated; and Art. 10 (1) on how to present electoral polls.

Instrucţiune nr. 1 din 10.05.2012 privind condiţiile de prezentare a emisiunilor electorale şi de dezbateri electorale

http://www.cna.ro/INSTRUC-IUNE-nr-1-din-10-05-2012.html

Instruction no. 1 of 10 May 2012

Instrucţiune privind principiile şi regulile de desfăşurare a campaniei electorale din anul 2012 pentru alegerea autorităţilor administraţiei publice locale prin intermediul posturilor de radio şi de televiziune, 17.05.2012

http://www.cna.ro/article5071,5071.html

Instruction of 17 May 2012

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