# [RO] Draft Modification of the Audiovisual Media Law

**IRIS 2013-4:1/27**

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On 26 February 2013, the Consiliul Naţional al Audiovizualului (National Council for Electronic Media - CNA), issued a Draft Decision for the modification and the completion of the Decizia nr. 220/2011 privind Codul de reglementare a conţinutului audiovizual, cu modificările şi completările ulterioare (Decision no. 221/2011 with regard to the Audiovisual Content Regulatory Code, with further modifications and completions, see IRIS 2006-4/33, 2007-4/30, 2011-4/31, 2011-6/27, and 2011-7/37). The draft is intended to improve the protection of minors against pornographic content and the protection of the privacy of accident victims.

The document was preceded by the CNA's online petition "Public interest above public taste". This petition was meant to evaluate the necessity to improve the audiovisual legislation, especially regarding a clearer definition of "public interest" as a justification for coverage in TV and radio programmes.

The draft Decision prohibits the usage of any personally-identifying information in the media coverage of accidents, unless the publication is approved by the victim, or a legitimate public interest in the coverage of personal information exists.

The modification also stipulates that in the case of an accident, especially when judicial consequences are involved, reports have to be objective, complete, verified, impartial, in good faith, and must respect the principle of the presumption of innocence.

During the time period between 6:00 and 24:00 hours the productions are not to be aired, in case they contain repeated present violent behaviour or language, sex scenes, obscene language or behaviour, people in degrading situations, and wrestling, which is not regulated by sports federations.

Programmes prohibited for minors under 15 years of age can be broadcast only between 24:00 (instead of the former 22:00) and 06:00 hours and have to be properly indicated. The exceptions are films and documentaries classified "15", which can be aired from 22:00 hours.

Programmes classified as "18" can only be broadcast between 01:00 and 06:00 hours and have to be clearly indicated as such. Programmes "18+" cannot be aired by audiovisual media services providers under Romanian jurisdiction. Programmes "18+" offered by foreign providers under EU jurisdiction can be

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included in the offers of the services distributors only under very severe and strict rules (i.e. encrypted, in special optional adult packages, broadcast only between 01:00 and 05:00 hours for linear broadcasting; encrypted and restricted through a parental control system for digital services; the services can be sold only upon request etc.).

### *Proiect de Decizie pentru modificarea şi completarea Deciziei CNA nr. 220/2011 privind Codul de reglementare a conţinutului audiovizual, cu completările ulterioare, 26.02.2013*

http://www.cna.ro/IMG/pdf/Proiect_modificare_Cod_280213.pdf

*Draft Decision for the modification and the completion of the Decision no. 221/2011 with regard to the Audiovisual Content Regulatory Code, with further completions of 26 February 2013*

### *CNA, „Interesul public mai presus de gustul publicului”!*

http://www.cna.ro/Semneaz-peti-ia-interesul-public.html

*Petition of the CNA ”Public interest above public taste”!*

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