[RO] Audiovisual rules for the 2014 European Parliament elections in Romania

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On 20 March 2014, the *Consiliul Naţional al Audiovizualului* (National Audiovisual Council - CNA) adopted the Decizia nr. 185/2014 privind regulile de desfăşurare în audiovizual a campaniei electorale pentru alegerea membrilor din România în Parlamentul European (the Decision no. 185/2014 with regard to the rules of the audiovisual electoral campaign for the election of the members from Romania in the European Parliament) (see IRIS 2009-6/28 and IRIS 2011-3/29).

The elections will be held on Sunday 25 May 2014. The audiovisual electoral campaign will start on 25 April at 00.00 and will end on 24 May at 07.00 local time [Art. 1(1)]. The legislation to be observed is composed of the Legea nr. 33/2007 privind alegerile pentru Parlamentul European, republicată (Law no. 33/2007 with regard to the elections for the European Parliament, republished), the Legea audiovizualului nr. 504/2002 cu modificările şi completările ulterioare (Audiovisual Law no. 504/2002 with further modifications and completions), the Audiovisual Code, and the present Decision [Art. 1 (2)].

The broadcasters have to observe the principles of fairness, balance, impartiality in relation to the electoral competitors (Art. 3). The electoral campaign programmes are free of charge on public radio and television services [Art. 7 (2)] and the commercial broadcasters which decide to offer airtime for the campaign will charge single rates per unit of time and/or programme [Art. 5 (2)]. These commercial radio and TV stations have to notify the CNA of their intention to air electoral programmes [Art. 5(1)], the electoral programmes schedule, as well as the tariffs they will charge (Art. 6).

The audiovisual electoral campaign airtime will be divided as follows: 4/5 will be equally shared among electoral competitors who now have MEPs (with the exception of independent candidates) and 1/5 of the airtime will be equally shared among electoral competitors which do not have MEPs, as well as among independent candidates [Art. 38 (4) of the Law no. 33/2007].

According to Art. 7, the access of electoral competitors will be allowed only in electoral promotion programmes, electoral debates and electoral advertisements. The electoral campaign activities of the competitors can be covered in informative programmes, under the condition of observing fairness, balance, impartiality and

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the correct information for the public (Art. 8).

The electoral promotion programmes will be clearly marked by broadcasters (Art. 11). During the election campaign, the candidates (representatives of electoral competitors) cannot be producers, presenters or moderators of public and private broadcasters' programmes [Art. 12 (1)]. The candidates who hold public office may appear in other programmes than electoral ones strictly on issues related to the exercise of their functions. In these situations broadcasters are required to ensure fairness and a diversity of opinions [Art. 12 (2)].

The broadcasters are also required to ensure for the electoral programmes the observance of the following rules: the programmes do not incite hatred on grounds of race, religion, nationality, sex or sexual orientation; they do not contain statements that undermine human dignity, the right to one's image, or that are contrary to morality; the programmes must not contain criminal or moral accusations against other candidates or electoral competitors without being accompanied by relevant evidence presented explicitly (Art. 13).

According to Art. 14, the producers, presenters and moderators of electoral debates have to be impartial; ensure the balance during the show, giving each guest the chance to express its opinions; ensure the debate sticks to electoral themes; intervene when guests breach, by conduct or expressions, the rules provisioned in Art. 13; if the guest does not comply with the requests, the moderator may take the decision to interrupt microphone or show off, as appropriate.

The breaches of the Decision will be sanctioned according to the Audiovisual Law and the Law 33/2007, republished.

Decizia nr. 185 din 20 martie 2014 privind regulile de desfăşurare în audiovizual a campaniei electorale pentru alegerea membrilor din România în Parlamentul European

http://www.cna.ro/IMG/pdf/DECIZIA_CNA__185__2014__Alegeri_PE.pdf

Decision no. 185 of 20 March 2014 with regard to the rules of the audiovisual electoral campaign for the election of the members from Romania in the European Parliament

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