[RO] Decision for the modification and completion of the Audiovisual Code

IRIS 2014-5:1/28

Eugen Cojocariu
Radio Romania International

On 27 March 2014, the *Consiliul Naţional al Audiovizualului* (National Audiovisual Council - CNA) adopted the *Decizia nr. 197/2014 privind modificarea și completarea Deciziei Consiliului Naţional al Audiovizualului nr. 220/2011 privind Codul de reglementare a conţinutului audiovizual, cu modificările și completările ulterioare* (the Decision no. 197/2014 for the modification and completion of the CNA Decision no. 220/2011 with regard to the Audiovisual Content Regulatory Code, with further modifications and completions - Audiovisual Code) (see inter alia IRIS 2006-4/33, IRIS 2011-7/37, IRIS 2013-6/27).

A new Art. 291 was introduced after Art. 29 of the Code, according to which for live programmes, except news programmes and sports events, the broadcasters are obliged to use any means, including the delay, in order to prevent the airing of scenes, expressions and behaviors which breach the provisions of the Audiovisual Code with regard to the protection of minors and of human dignity. Art. 40 (3) was also modified and the new form provides that the moderators, the presenters and the programme makers are obliged not to use and not to allow the guests to use insulting language or to incite to violence.

The media associations, such as ActiveWatch and *Asociaţia Română de Comunicaţii Audiovizuale* (Romanian Association for Audiovisual Communications) harshly criticized the introduction of the delay in live broadcasts, citing possible censorship of the mass-media. They also considered that the measure is useless, because the National Audiovisual Council already has the necessary legal powers to sanction the broadcasters if needed. The critics of the measure consider that the delay affects the freedom of expression of the broadcaster and of the guests, as well as the right to information of the public. On the contrary, the President of the CNA, Laura Georgescu, considers that the measure has a preventative role.

Another modification of the Audiovisual Code concerns airing images or recordings with persons in detention or arrest. According to the new form of Art. 42 (1) it is forbidden to air images or recordings of persons in detention or arrested, without their consent. According to Art. 42 (2), it is forbidden to release images or recordings of convicted people, unless they prove violations of some rights or there is a justified public interest. Art. 42 (3) provides that these kind of images/recordings are not to be presented in an excessive and unreasonable way.

© European Audiovisual Observatory (Council of Europe) 2026

The new form of Art. 42 stipulates in paragraph (4) that one cannot offer during audiovisual programmes, directly or in an indirect way, rewards or promises for rewards for people who could testify in court.

The decision enters into force 30 days after its publication in the Official Journal of Romania.

Decizia nr. 197 din 27 martie 2014 privind modificarea și completarea Deciziei Consiliului Naţional al Audiovizualului nr. 220/2011 privind Codul de reglementare a conţinutului audiovizual, cu modificările şi completările ulterioare

http://www.cna.ro/IMG/pdf/DECIZIA_CNA__197_2014_Mod_Cod_audiovizual.pdf

Decision no. 197 of 27 March 2014 for the modification and completion of the CNA Decision no. 220/2011 with regard to the Audiovisual Content Regulatory Code, with further modifications and completions

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026