[RO] Audiovisual rules for the 2016 parliamentary elections

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On 18 October 2016, the National Audiovisual Council (Consiliul Naţional al Audiovizualului) adopted a decision on the rules for the audiovisual coverage of the electoral campaign for the parliamentary elections, scheduled in Romania on 11 December 2016 (see IRIS 2004-3/33, IRIS 2005-1/34, IRIS 2008-10/27, IRIS 2009-1/29, IRIS 2009-6/28, IRIS 2009-10/24, IRIS 2011-3/29, IRIS 2011-9/31, IRIS 2012-6/30, IRIS 2014-5/27, and IRIS 2014-10/30).

The electoral campaign in audiovisual media starts on 11 November 2016 and ends on 9 December 2016 at 07.00 a.m. local time, 24 hours before voting starts. The decision is very similar with the previous CNA decisions on presidential, parliamentary, European, and local elections held in Romania.

The campaign should serve the following general interests: a) of the electorate, to receive accurate information so they can knowingly vote; b) of the electoral competitors, to make themselves known and to submit platforms, political programmes and electoral offers (Article 3 (1)). The public and private broadcasters are required to conduct a balanced and fair reporting of the election campaign for all electoral competitors (Article 3 (2)).

The private radio and television broadcasters are obliged to communicate to the Council no later than 10 November 2016 their involvement in the campaign, the list of electoral programmes they will perform, and the hours of those programmes broadcast (Article 4 (1)). The private radio and television stations with national coverage have to offer airtime to electoral competitors proportional to the airtime offered by the public stations with national coverage (Article 4 (4)). For the regional and local private stations, the airtime offered to electoral competitors will be proportional to the number of final candidacies in the geographical area covered by the station (Article 4 (5)). The prices per issue and per unit of time of each private radio and television station will be made public and will be the same for all competitors (Article 4 (6)).

The broadcasters can make and broadcast only the following types of electoral programmes: news bulletins (Monday-Sunday), electoral programmes, in which the competitors can make their electoral offer and activities known (Monday-Friday), and electoral debates (Monday-Sunday) (Article 5 (1)). During the

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electoral campaign, the candidates and their representative only have access to the following journalistic products: electoral programmes and electoral debates (Article 6 (1)). They cannot produce, host, or moderate broadcasts during the electoral campaign (Article 6 (2)).

News programmes are subject to mandatory requirements of objectivity, fairness, and providing correct information to the public (Article 7 (1)). Candidates who hold public office may appear in informative programmes only exercising their public function; the facts have to be presented in a balanced and pluralistic manner (Article 7 (3)).

Broadcasters must ensure that all electoral competitors enjoy fair conditions in terms of freedom of expression, pluralism, and fairness of opinions (Article 8 (1)).

Private broadcasters can broadcast electoral commercials only during the electoral programmes and debates (Article 10 (1)). Public radio and television services can broadcast electoral commercials during electoral programmes and debates, if they fit in the total airtime granted to electoral competitors (Article 10 (4)). At the end of commercial breaks of electoral advertisements, informative spots regarding the electoral legislation made available by the Ministry of Internal Affairs and the Permanent Electoral Authority will be inserted, with the agreement of the CAN (Article 10 (5)).

Broadcasters must enforce the right to rectification or, where appropriate, to reply (Article 12).

48 hours before voting begins and until the end of voting the following is prohibited: a) the presentation of opinion polls, surveys, or ‘voxpops’ made on the street; b) the broadcasting of election advertising; c) inviting or having as presenters candidates and/or representatives of electoral competitors in radio and television broadcasts; and d) comments on the campaign, as well as on candidates and electoral competitors (Article 13).

On Election Day the following is prohibited: a) the activities provided in Article 13; b) the presentation before the end of voting of surveys and exit polls; c) comments on the electoral competitors before the end of voting; and d) exhortations to vote or not vote for a candidate or candidates submitted by the electoral competitors (Article 14).

Broadcasters are obliged to provide the data requested by the CNA control staff with regard to the electoral campaign, under the communicated terms and conditions (Article 15 (3)). Failure to comply with the Decision shall be sanctioned according to the Audiovisual Law no. 504/2002, with further modifications and completions (Article 16).

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Decizia nr. 592 din 18 octombrie 2016 privind regulile de desfăşurare în audiovizual a campaniei electorale din anul 2016 pentru alegerea Camerei Deputaţilor şi a Senatului

http://www.cna.ro/IMG/pdf/Proiect_Decizie_CNA__2016_alegeri_paralamentare.pdf

Decision no. 592 of 18 October 2016 on the rules for the audiovisual coverage of the 2016 electoral campaign for the election of the Chamber of Deputieis and of the Senate

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