[RO] Audiovisual rules for the 2019 European Parliament elections in Romania

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On 26 March 2019, the Consiliul Naţional al Audiovizualului (National Audiovisual Council - CNA) adopted Decision No. 308/2019 with regard to the rules governing the audiovisual electoral campaign for the election of the members from Romania to the European Parliament (see IRIS 2009-6/28, IRIS 2011-3/29, IRIS 2014-5/27).

The elections will be held on Sunday 26 May 2019. The audiovisual electoral campaign will start on 27 April at midnight and will end on 25 May at 7 a.m. local time, 24 hours before the opening of the voting sections, according to Article 1(1).

The television and radio broadcasters have to observe the principles of fairness, balance and impartiality in relation to the electoral competitors (Article 3). The access of electoral competitors to public radio and television services, as well as to electoral debates broadcast by private radio and television stations, is free of charge (Article 7 (2)). The commercial broadcasters who decide to offer airtime for the campaign will charge single rates per unit of time and/or programme for the rest of the electoral programme types allowed by this Decision (Article 5 (2)).

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 who do not have MEPs, as well as among independent candidates, according to Article 38 (4) of Law No. 33/2007 on the organization and conduct of elections to the European Parliament, republished, and of Article 5 (4) of Decision No. 308/2019.

According to Article 7 (1), public broadcasters and commercial broadcasters will allow electoral competitors access only to a) electoral promotion programmes, b) electoral debates and c) electoral advertisements. Under the provisions of Article 7 (2), the access of electoral competitors to public radio and television services, as well as to electoral debates broadcast by private radio and television stations, is free of charge.

In the news broadcasts, news about the campaign activities of electoral competitors as well as statements made live can be disseminated, respecting the principles of fairness, equilibrium, impartiality and correct information of the public, according to Article 8 (1) and (2). The informative broadcasts cannot be

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sponsored (Article 8 (3)).

Article 9 (1) stipulates that audiovisual material, other than electoral spots, made available to broadcasters by electoral competitors may be broadcast only in electoral promotion programmes. The live or registered broadcasting of rallies or election meetings, press conferences or other campaign activities of electoral competitors without the editorial intervention of broadcasters is considered an electoral promotion programme (Article 9 (2)). Under the provisions of Article 10, private broadcasters may air for a fee only those audiovisual productions of electoral promotion that are made by the electoral competitors and to which the broadcasters have made no editorial contribution.

The electoral promotion programmes will be clearly marked by broadcasters (Article 11). During the election campaign, the candidates and the representatives of electoral competitors cannot be producers, presenters or moderators of public or private broadcasters' programmes (Article 12 (1)). Candidates who hold public office may appear in programmes other than electoral ones, however their involvement must be restricted to issues related to the exercise of their functions. In these situations, broadcasters are required to ensure the equidistance and pluralism of opinions (Article 12 (2)).

With regard to electoral programmes, broadcasters are also required to ensure observance of the following rules: that the programmes do not incite hatred on grounds of race, religion, nationality, sex or sexual orientation; that 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 (Article 13).

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

Article 15 further provides that: public and private broadcasters may broadcast electoral spots only in electoral programmes (Article 15 (1)); electoral spots shall not constitute commercial advertising (Article 15 (2)); and electoral spots may not last more than 60 seconds and must be explicitly assumed by the electoral competitors (Article 15 (3)). The total duration of the broadcasting of the electoral spots may not exceed six minutes within one hour (Article 15 (4)). When broadcasting electoral spots, private broadcasters are obliged to ensure equal conditions of access and rates for the electoral competitors per unit of time

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(Article 15 (5)). Electoral spots cannot be included in the electoral programmes, in the intervals allocated to other electoral competitors (Article 15 (6)). During electoral debates, broadcasters may insert electoral spots only in separate and appropriately marked blocks (Article 15 (7)). During the electoral campaign, with the exception of electoral spots, it is forbidden to broadcast any forms of advertising containing references to electoral competitors (Article 15 (8)).

Furthermore, it is forbidden to present opinion polls, telecasts or street surveys beginning 48 hours before the ballot and until the ballot boxes are closed (Article 16 (3)), as well as to broadcast electoral programmes and spots 24 hours before the start of voting and until the closing of the ballot boxes (Article 17). Finally, Article 18 includes provisions on the right to replica and to rectification, which follow the general regime of these rights.

The Decizia nr. 308 din 26 martie 2019 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerea membrilor din România în Parlamentul European

http://www.cna.ro/IMG/pdf/DECIZIE_nr._308_din_26_martie_2019_Alegeri_PE_2019.pdf

Decision no. 308/2019 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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