[RO] Rules for the 2020 parliamentary elections campaign coverage

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Eugen Cojocariu
Radio Romania International

On 21 October 2020, the Consiliul Naţional al Audiovizualului (National Audiovisual Council) adopted the Decision on the rules for the audiovisual campaign for the election of the Senate and the Chamber of Deputies in 2020, which is scheduled for 6 December 2020 (see, *inter alia*, IRIS 2009-1/29, IRIS 2009-10/24, IRIS 2011-3/29, IRIS 2011-9/31, IRIS 2012-6/30, IRIS 2014-5/27, IRIS 2014-10/30, IRIS 2016-10/25, IRIS 2019-5/23, IRIS 2019-6/21, IRIS 2019-9/22, and IRIS 2020-8/20).

According to Article 3 (1), the campaign must serve the following general interests: a) of the electorate, to receive correct information, so that they can vote knowingly; b) of the electoral candidates, to make themselves known and to present their platforms, political manifestos and electoral offers. Article 3 (2) obliges public and private broadcasters to ensure that a fair and balanced campaign is conducted for all electoral candidates by observing the following principles: a) equity - all candidates must have the opportunity to make themselves known to the electorate; b) balance in the presentation of the campaign activities of the electoral candidates; c) fairness - all electoral candidates are to benefit from an objective and equidistant treatment.

Article 5 (1) stipulates that in order to cover the election campaign, broadcasters may produce and broadcast only the following types of electoral programmes: a) informative programmes, in which information on the electoral system, voting methods and the campaign activities of candidates can be broadcast; for this purpose, the scheduled duration of the news programme may be increased by a maximum of 15 minutes and election news programmes can be broadcast from Monday to Sunday; b) electoral programmes, in which the electoral candidates can present their political manifestos and election campaign activities; in the case of the live broadcasting of campaign activities, the duration of these broadcasts will be included in the airtime granted to each electoral candidate. In the case of radio broadcasts, the programmes will be identified as such at the beginning of the programme, and in the case of televised broadcasts, this will be indicated by the caption “election show”, which will be visibly displayed throughout the broadcast; election shows can be broadcast from Monday to Friday; c) electoral debates, in which the broadcasters discuss the election manifestos and the topics of public interest related to the election campaign, with the participation of at

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least two candidates or their representatives; in the case of the non-participation of a candidate/representative thereof, this fact should be mentioned; election debate shows can be broadcast from Monday to Sunday.

Article 6 (1) states that during the election campaign, the candidates and their representatives shall only have access to the programmes provided for in Article 5 (1) b) and c), which are aired by the public and private television and radio stations involved in the election campaign. Article 6 (2) specifies that during the election campaign, broadcasters may not broadcast programmes produced, performed or moderated by candidates or their declared representatives.

According to Article 7 (1), informative broadcasts are subject to the obligation of objectivity, equity and fair information to the public. Article 7 (2) stipulates that in the informative programmes, the presentation of campaign activities will be made exclusively by broadcasters. It is forbidden to broadcast contents related to campaign activities performed or made available to broadcasters by electoral candidates, including the broadcasting of interviews given by electoral candidates or their representatives. Article 7 (3) goes on to say that candidates holding public office may appear in news programmes only in connection with problems related to the exercise of their function; in these situations, broadcasters have the obligation to ensure the equidistance and pluralism of opinions. Finally, Article 7 (4) forbids the dissemination of information on the electoral system and voting methods that does not correspond to reality.

Article 8 (1) provisions that broadcasters must ensure fair conditions for all electoral candidates as far as freedom of expression, the pluralism of opinions and the principle of equidistance is concerned. In Article 8 (4), broadcasters are obliged to specify the capacity in which the persons invited on the programme express themselves, that is, whether they are candidates or representatives of candidates; in the case of television, the name and function of the guests will be visible on the screen at the time of their intervention.

Article 9 provisions as follows: the producers and moderators of electoral programmes and debates have the following obligations: a) to be impartial; b) to ensure the necessary balance for the development of the show, offering each candidate participating in discussions the possibility to present his/her opinions; c) to formulate the questions clearly, without being biased; d) to maintain the debate in the sphere of interest of the election campaign and of the established topics; e) to intervene when guests, through their behaviour or expressions, violate the provisions of the electoral law; if the guests do not behave as required, the moderator may decide to discontinue their microphones or to stop the show, as appropriate.

Article 11 stipulates that: (1) Private broadcasters may broadcast party election broadcasts only within electoral programmes and electoral debates; (2) The party

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election broadcasts shall be broadcast in separate blocks and marked as such. During the electoral show, election broadcasts by electoral candidates may not be inserted in the space allocated to their electoral opponents; (3) The content of party election broadcasts must comply with the following requirements: a) it does not endanger the constitutional order, the public order or the safety of persons or goods; b) it does not make statements that may harm human dignity or public morality; c) it does not incite hatred or discrimination on the grounds of race, religion, nationality, sex, sexual orientation or ethnicity; (4) in the case of electoral programmes and electoral debates broadcast by the public television and radio services, party election broadcasts can also be broadcast within the airtime allotted to the electoral candidates; (5) At the end of the blocks of party election broadcasts, public informaton announcements will be inserted; these will concern the electoral legislation made available by the Ministry of Internal Affairs and the Permanent Electoral Authority, in agreement with the National Audiovisual Council.

Finally, Article 13 provisions that broadcasters must ensure the exercise of the right to rectification or, where appropriate, the right to reply under the conditions of Law No. 208/2015, with amendments and subsequent completions.

Decizie nr. 603 din 21 octombrie 2020 privind regulile de desfăşurare în audiovizual a campaniei electorale pentru alegerea Senatului şi a Camerei Deputaţilor din anul 2020

https://cna.ro/IMG/pdf/Decizie_C.N.A._nr._603_din_21.10.2020-ALEGERI_PARLAMENTARE.pdf

Decision No. 603 of 21 October 2020 on the rules for the audiovisual campaign for the election of the Senate and the Chamber of Deputies in 2020

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