

[RO] Sanctions in the context of the war in Ukraine

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The *Consiliul Național al Audiovizualului* (National Audiovisual Council – CNA) has issued further sanctions on media outlets which have not observed the legal framework in connection to the war in Ukraine (for previous similar decisions, see inter alia IRIS 2012-4/36, IRIS 2017-6/27, IRIS 2019-8/35). Additional radio and TV stations have also been fined or received summons for breaches of the audiovisual legislation with relation to their coverage of the war in Ukraine.

Gold FM commercial radio station was fined on three occasions with a total of RON 160 000 (EUR 32,320) for failing to provide accurate information about the war in Ukraine, for breaches of Article 3 paragraph (2) of the Audiovisual Law no. 504/2002, as well as the provisions of Article 47 paragraph (3), Article 64 paragraph (1) letters a) and b) and of Article 66 of the Audiovisual Code (Decision 220/2011 on the Audiovisual Content Regulation Code).

The commercial TV station Realitatea Plus was fined with RON 40 000 (EUR 8 080) for breaches of Article 3 paragraph (2) of the Audiovisual Law and of the provisions of Article 64 paragraph (1), letters a) and b) of the Audiovisual Code. The same stations received a public summons for breaching Article 3 paragraph (2) of the Audiovisual Law, as well as the provisions of Article 65 c) of the Audiovisual Code.

The commercial TV station News Romania was fined RON 15,000 (EUR 3,030) for violations of the provisions of Article 3 paragraph (2) of the Audiovisual Law, and of Articles 64 paragraph (1) letters a) and b), 66 and 78 paragraph (3) of the Audiovisual Code.

The local commercial TV station TELE’M of Botoșani, the public regional station TVR Cluj and the local commercial Radio Accent of Novaci, were fined RON 10 000 (EUR 2 020) each for breaches of the the Article 3 paragraph (2) of the Audiovisual Law.

The commercial TV station Nașul TV received a fine of RON 10 000 (EUR 2 020) for violating the provisions of Articles 40 paragraph (5), 47 paragraph (3) and 64 paragraph (1) a) of the Audiovisual Code. Nașul TV also received a public summons for breaches of the Article 40 paragraph (5) of the Audiovisual Code.

The Audiovisual Law provides in Article 3 (2) that "All audiovisual media service providers have the obligation to ensure objective information is provided to the public by the correct presentation of facts and events and to favour the free formation of opinions".

Article 40 (5) of the Audiovisual Code provides: "The moderators, presenters and producers of programmes have the obligation not to use, and not to allow the guests to use, insulting language or to incite violence".

Article 47 (3) of the Audiovisual Code provides: "Generalising defamatory statements in audiovisual programmes against a group/community defined by gender, age, race, ethnicity, nationality, citizenship, religious beliefs, sexual orientation, level of education, social category, medical conditions or physical characteristics are prohibited". According to Article 64 (1) of the Audiovisual Code, "By virtue of the fundamental right of the public to information, audiovisual media service providers must comply with the following principles: a) ensure a clear distinction between facts and opinions; b) ensure that information on a subject, fact or event is correct, verified and presented impartially and in good faith."

Article 65 c) of the Audiovisual Code provides that "in news and debate broadcasts, broadcasters must follow the following rules: (...) c) the title displayed on the screen must reflect as accurately as possible the essence of the facts and data presented at that time". In the same document, Article 66 stipulates that "in news and debate programmes information on matters of public interest, of a political, economic, social or cultural nature, impartiality and balance must be ensured and the free formation of opinions must be favoured, by presenting the main points of view in opposition, at a time when issues are under public debate". Article 78 of the Code mentions that the "Replay" announcement must be displayed for the whole duration of a broadcast.

On 1 March 2022, the National Audiovisual Council issued Recommendation no. 10/2022 according to which, in the context of the war in Ukraine, information has to be used only from official sources. "Wars are not just about weapons! False information is just as dangerous! Only get information from official sources", the CNA stated. A radio and TV spot will be circulated by the audiovisual mass-media locally, regionally and nationally for six months.

On 24 February 2022, the first day of the Russian military aggression in Ukraine, the Council issued Recommendation no. 9/2022 in which it recommends that in informative and debate programmes about the aggression of the Russian Federation against Ukraine, media service providers must ensure compliance with legal obligations regarding the provision of correct information to the public. This includes: a) dissemination of information taken from official and reliable sources, so that audiovisual media services can contribute to the fight against fake news; verification of any information related, directly or indirectly, to the aggressions of

the Russian Federation against Ukraine; b) rigor and accuracy in the presentation and debate of the subject regarding the implications on Euro-Atlantic security in the context of the aggression against Ukraine; avoiding information that may create confusion or justify its military actions; c) observance of deontological rules and paying special attention to each message disseminated with decency, discernment, responsibility and avoiding the sensational, so as to do not induce panic and insecurity among citizens. In order to present such topics in an objective and balanced way, the Council appreciates the contribution of the audiovisual media to the fight against fake news and to intensifying the editorial and editorial measures of broadcasters in order to promote information from well-documented sources and to ensure accurate public information.

In the context of Russian aggression in Ukraine, Romania has forbidden the broadcast of all Russian TV stations in the country, starting with Russia Today.

Recomandarea CNA nr. 9 din 24 februarie 2022

[https://www.cna.ro/IMG/pdf/RECOMANDAREA nr. 9 din 24 februarie 2022 final.pdf](https://www.cna.ro/IMG/pdf/RECOMANDAREA_nr_9_din_24_februarie_2022_final.pdf)

CNA recommendation no. 9 of February 24, 2022

Recomandarea CNA nr. 10 din 1 martie 2022

[https://www.cna.ro/IMG/pdf/Recomandare nr 10 01 martie 2022.pdf](https://www.cna.ro/IMG/pdf/Recomandare_nr_10_01_martie_2022.pdf)

CNA recommendation no. 10 of March 1, 2022

Decizia CNA nr. 149 din 08.03.2022

[https://www.cna.ro/IMG/pdf/Decizia 149-RealitateaPlus-3alin2Lg 65c.pdf](https://www.cna.ro/IMG/pdf/Decizia_149-RealitateaPlus-3alin2Lg_65c.pdf)

CNA Decision no. 149 of 08.03.2022

Decizia CNA nr. 150 din 10.03.2022

[https://www.cna.ro/IMG/pdf/Decizia 150-GOLDFM-3alin2Lg 64 66Cod.pdf](https://www.cna.ro/IMG/pdf/Decizia_150-GOLDFM-3alin2Lg_64_66Cod.pdf)

CNA Decision no. 150 of 10.03.2022

Decizia CNA nr. 195 din 17.03.2022

[https://www.cna.ro/IMG/pdf/Decizia 195Realit Plus am 40 mii-3 2Lg 64 1ab Cod.pdf](https://www.cna.ro/IMG/pdf/Decizia_195Realit_Plus_am_40_mii-3_2Lg_64_1ab_Cod.pdf)

CNA Decision no. 195 of 17.03.2022

Comunicat de presă. Ședința publică a CNA din 17.03.2022

<https://www.cna.ro/article11813,11813.html>

Press release. The public meeting of the CNA from 17.03.2022

Decizia CNA nr. 201 din 22.03.2022

[https://www.cna.ro/IMG/pdf/Dec201-NASUL TV am 10000 art 47 40 64 CA.pdf](https://www.cna.ro/IMG/pdf/Dec201-NASUL_TV_am_10000_art_47_40_64_CA.pdf)

CNA Decision no. 201 of 22.03.2022

Decizia CNA nr. 207 din 24.03.2022

https://www.cna.ro/IMG/pdf/Decizia_207-News_Romania-3alin2Lg-64ab_66_78alin3.pdf

CNA Decision no. 207 of 24.03.2022

Decizia CNA nr. 218 din 31.03.2022

[https://www.cna.ro/IMG/pdf/Decizia_218-Tele_M_BT_amenda_10000 lei art 3 LA.pdf](https://www.cna.ro/IMG/pdf/Decizia_218-Tele_M_BT_amenda_10000_lei_art_3_LA.pdf)

CNA Decision no. 218 of 31.03.2022

Decizia CNA nr. 219 din 31.03.2022

https://www.cna.ro/IMG/pdf/Decizia_219-RADIO_ACCENT-3alin2Lg.pdf

CNA Decision no. 219 of 31.03.2022

Comunicat de presă. Ședința publică a CNA din 05.04.2022

<https://www.cna.ro/article11890,11890.html>

Press release. The public meeting of the CNA from 05.04.2022

Comunicat de presă. Ședința publică a CNA din 07.04.2022

<https://www.cna.ro/article11896,11896.html>

Press release. The public meeting of the CNA from 07.04.2022

