[RO] Modification of the Audiovisual Law rejected

IRIS 2023-1:1/10

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On 24 October 2022, the Senate (upper chamber of the Romanian Parliament) rejected a draft law for the amendment and completion of Audiovisual Law no. 504/2002. The decision of the Senate was final (see inter alia IRIS 2011-4/31, IRIS 2011-7/37, IRIS 2013-3/26, IRIS 2013-6/27, IRIS 2014-1/37, IRIS 2014-2/31, IRIS 2014-7/29, IRIS 2015-1/27, IRIS 2016-10/24, IRIS 2017-1/30, IRIS 2017-7/28, IRIS 2018-6/30, IRIS 2018-8/36, IRIS 2018-10/22, IRIS 2019-1/31, IRIS 2019-2/21, IRIS 2019-4/29, IRIS 2019-5/22, and IRIS 2022-2/12).

The draft law had been tacitly adopted by the Chamber of Deputies on 23 May 2022, as a result of its exceeding the 45-day legal deadline to discuss and adopt draft laws. The draft law would have introduced the sign "C" (censorship) for audiovisual content (especially films and radio drama) produced during the totalitarian regimes that ruled Romania before 1989 and aired today by broadcasters in Romania. The introduction of the sign "C" was intended to reduce to a mimimum the impact of the propagandanistic ideas found in this content on a population which, for the most part, was too young in 1989 to clearly undestand the propaganda used by the totalitarian regimes.

In Article 17 paragraph (1) (d) after point 13, a new point, 14, was to be introduced: “14 – protection of the population against policies that promote, directly or indirectly, totalitarian ideologies”. In Article 29 paragraph (1), after letter i) a new letter was to be introduced, letter j): “j) not to promote, directly or indirectly, totalitarian ideologies”. In Article 42, after Chapter III^5 – “Protection of victims of domestic violence”, a new Chapter would have been introduced, Chapter III^6 – “Protection of the population against totalitarian ideologies”, with the following content:

“Art. 42^5 – In the framework of broadcasting in television and radio services of programmes made during totalitarian periods, the population must be informed that those productions were made during a time when no freedom of expression was guaranteed”.

Art. 42^6 – “In the case of radio stations, informing the population that those productions were made during a time when freedom of expression was not guaranteed shall be done by reading the following text: "This production was made under socio-political conditions that did not allow freedom of creation and

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expression".”

Art. 42[7] – “In the case of television services, informing the population that those productions were made during a time when freedom of expression was not guaranteed shall be done through displaying the text: “This production was made under socio-political conditions that did not allow freedom of creation and expression", and shall be accompanied by a warning sign”.

Previously, on 1 February 2022, the *Consiliul Naţional al Audiovizualului* (National Audiovisual Council) had issued Recommendation no. 4/2022 regarding the broadcasting of some Romanian cinematographic productions made before 1989. The recommendation was made in order to inform the public about the historical and socio-political context in which the films had been created, some of which had a pronounced propagandistic character. When broadcasting a film, depending on its content, the Council recommended that broadcasters chose one of the following options: a) the broadcast of a discussion of Romanian film productions made before 1989, with the participation of guests who understood film productions from that period and the historical and cultural context in which they were made. This specialised analysis of those cinematographic productions could be done within the programme services either before or after the film's broadcast; b) by informing the public, at the beginning of the programme, of the broadcast of a Romanian film production made before 1989, by displaying, in a static and legible manner, the mention: "Film made during the communist period, in which broadcast was conditional on a censorship visa" or the mention: "Film made during the communist period, in which state censorship and propaganda operated". The choice is left up to the station, depending on the individual film.

According to the Audiovisual Law, the editorial decision to broadcast belongs exclusively to the broadcaster.

Projet de loi visant à modifier et à compléter la loi n° 504/2002 relative à l’audiovisuel -formulaire adopté par la Chambre des députés

Draft law for for the amendment and completion of Audiovisual Law no. 504/2002 - form adopted by the Chamber of Deputies

Recomandare CNA privind difuzarea unor producții cinematografice românești realizate înainte de anul 1989

https://cna.ro/article11710,11710.html

NAC recommendation regarding the broadcasting of Romanian cinematographic productions made before 1989

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