

Referring to Romanian Media regulator imposes 10-minute blackout on Realitatea TV

The National Audiovisual Council, public autonomous regulatory authority in the field of audiovisual content from Romania, sanctioned the Realitatea TV broadcaster with the obligation to broadcast on Thursday 17th January of 2019, for 10 minutes, from 19.00 to 19.10, only the text of the sanctioning decision issued by NAC. **The Council did not impose 10 minutes blackout on Realitatea TV channel and the broadcaster continued to broadcast only that, instead of the usual program at that time, was broadcast the text of the sanction applied, as provided by the Romanian Audiovisual Law, which also stipulates the time period in which this text has to be broadcast.**

Please note that the sanction also complied with the condition stipulated in the Audiovisual Law of our country, according to which this measure could have been taken only gradually and only after the broadcaster had previously been fined at least twice, which was the case.

In fact, in the public session of 15th January of 2019, the NAC members analyzed the monitoring reports elaborated by the specialized department, as a result of the numerous complaints received for this TV station, watched the recordings of several programs and ascertained they were broadcast in violation of the provisions of *art. 3 par. (2) of the Audiovisual Law* and of the *34 par. (1), 40 (4, 5) and 64 (1) lit. a) of the Audiovisual Code*.

The members of the Council ascertained that in the programs analyzed the way in which was presented the subject of the protest from the capital of Romania, that took place on 10th August of 2018, was contrary to the legal provisions invoked, meaning that the broadcaster did not ensure the objective information of the public by presenting the facts and events correctly, did not favor the free formation of opinions and did not provide a clear distinction between facts and opinions [The analyzed programs: "*Games of Power*" (editions of 6th, 9th, 13th, 14th and 15th August), "*News and Debates*" (the editions of 10th, 11th and 12th August), "*Breaking News*" and "*Talk News*" (the editions of 13th and 14th August of 2018)].

The Council considered the manner in which such a subject has been approached, with a strong impact and interest among viewers, is flagrantly contradictory to the rules in force in which the broadcaster is legally obliged to inform objectively, impartially and in good faith the public in relation to the information brought to its attention.

Regarding the assertion of the existence of double standards in sanctioning some broadcasters, we mention that art. 90 par. (4) of the Audiovisual Law, which establishes the criteria on the basis of which the sanction is individualized, does not regulate as a

criterion the comparison of the sanctioning of the broadcasters, the analysis being made exclusively by each broadcaster.

Regarding the measure applied to the Realitatea TV broadcaster, respectively the NAC Decision n° 25 of 15th January of 2019, we mention that it has been done in compliance with the provisions of art. 95 par. (2) of the Audiovisual Law, in 2018 the broadcaster being imposed 10 fines, totaling 145.000 lei (national currency), for similar violations. All sanctioning decisions applied to Realitatea TV broadcaster are posted on the official website of the institution (<http://www.cna.ro/+Realitatea-TV+.html>).

Moreover, the text of this alert induces a false idea, namely that the choice of the time period is the NCA's attribution. However, art. 95 par. (1) shows very clearly the object and the manner of the sanction in question, namely the obligation of the broadcaster to broadcast for 10 minutes between 19.00 and 19.10 only the text of the sanctioning decision.

Finally, we mention that NAC took into account at the application of this sanction even the precarious financial situation of Realitatea TV channel - *this being one of the reasons invoked by members of the Council during the public session* - for which no maximum fine was imposed to the broadcaster (200.000 lei/ national currency), but a sanction that does not involve payment of an amount of money to the state budget.