

# INDIREG

## FINAL REPORT – ANNEX

*Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)*

Annex II – Country Tables – Romania

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Romania	387	1	6 Romanian Television has 6 channels (19 licenses): TVR1, TVR2, TVR3, TVR Info, TVR Cultural, TVR International + 5 regional channels

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Romania	Information requirements (art. 5 AVMS Directive)	The Audiovisual Law (Law No.504/July 11, 2002) with completions. Text in force as of November 22, 2009 CNA's Regulatory Code regarding Audiovisual Content	National Audiovisual Council of Romania (CNA) is responsible for all of the areas and all types of services.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Audiovisual Law			
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Audiovisual Law/ Regulatory Code			
	Broadcasting of major events (Art. 14 AVMS)	Audiovisual Law			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Directive)				
	Access to short news reports (Article 15 AVMS Directive)	Audiovisual Law / Regulatory Code			
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Audiovisual Law			
	Hate speech (Art. 12 and 6 AVMS Directive)	Audiovisual Law/ Regulatory Code			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Audiovisual Law/ Regulatory Code			
	Protection of minors (Art. 27 AVMS Directive)	Audiovisual Law/ Regulatory Code			
	Right of reply (Art. 28 AVMS Directive)	Regulatory Code			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Audiovisual Law			

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Romania	National Audiovisual Council of Romania (CNA)	<a href="http://www.cna.ro">www.cna.ro</a>	1992	Bucharest

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Romania	CNA	Yes	No	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Romania	CNA	164	133 + 11 council members	Not specified	Approx. €2.4m	2009 Year Report on <a href="http://www.cna.ro">www.cna.ro</a>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Romania	National Audiovisual Council of Romania (CNA)	Law 48/1992 (the first Audiovisual Law in Romania)	The Audiovisual Law (Law No.504/July 11, 2002) with completions. Text in force as of November 22, 2009 CNA's Regulatory Code regarding Audiovisual Content

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Romania	CNA	CNA is autonomous public institution	Yes			<a href="http://www.cna.ro">www.cna.ro</a> Romanian press

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Romania	CNA		✓ Implicitly: Members of the Council are assigned by the Parliament. They are not allowed to be members of a political party. The position of a member in the Council is incompatible with any other public or private office, save for didactical ones, provided they do not result in conflicts of interests. The Council submit to the Parliament the Year Report Explicitly: Ch.2 art. 6 The members of the Council are the warrantors of the public interest and do not represent the authority that proposed them.	The Audiovisual Law

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Romania	National Audiovisual Council	Tick boxes	√	√	√
		Areas	Designing the strategy for the development of the audiovisual industry	CNA exerts control right upon the content of the programs offered by audiovisual media ensured by service distributors. The control is usually accomplished on a periodical basis and whenever the Council deems it necessary or whenever a complaint is forwarded in regard to a radio-broadcaster's failure to observe the legal provisions, the regulation norms in the field or the liabilities recorded in the audio-visual license.  The decisions and the norms issued by the National Audio-visual Council with a view to applying the provisions of the present Law and by observing the legal provisions, as well as the norms on human rights stipulated in the conventions and treaties ratified by Romania are not deemed interference.	
		Source	General act Audiovisual Law <a href="http://www.cna.ro">www.cna.ro</a>	Ch.1, art.6, Audiovisual Law. Audiovisual Regulatory Code <a href="http://www.cna.ro">www.cna.ro</a>	Sector Legislation For PSB the Law 41/1994 of the Public Television and Radio Society Other Laws and Decisions of the Govern: 148/2000 regarding the advertising, 196/2003 regarding avoiding of the pornography, 47/2003 regarding the major events, 1213/2009 regarding the strategy for digital television

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Romania	CNA	Quotas		√	√	√		Audiovisual Law
		Advertising		√	√	√		Audiovisual Law and Audiovisual Code
		Protection of minors		√	√	√		Audiovisual Law and Audiovisual Code

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Romania	CNA	Quotas		√. Min ≈ €1,213 Max ≈ €242,72 <i>interpretation</i>	√.		√ ≈ €12,130	
		Advertising	√	√ RON 10,000-200,000 Min ≈ €2,426 Max≈ €48,540	√		√ ≈ €12,130	
		Protection of minors	√	√ RON 10,000-200,000 Min ≈ €2,426 Max≈ €48,540	√		√ ≈ €12,130	



**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Romania	CNA	√	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Romania	CNA	√	√	√	√ Please note that it was used for an area outside of AVMS competence.	√
	2009: 624 sanctions: <ul style="list-style-type: none"> <li>• 248 fines</li> <li>• 374 public somm.</li> <li>• 2 penalties</li> </ul>					

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Romania	CNA	Yes There is a Complaints Form listed on the website of CNA submitted via Post, fax, Internet. Anonymous complaints are not taken in consideration. By law, the Council has to control and to investigate the case mentioned in the complaint (Complaints handling procedure according to Audiovisual Law	<a href="http://www.cna.ro/-Complaints-form-.html">www.cna.ro/-Complaints-form-.html</a>

Country	Body	Do complaints handling procedures exist?	Link to website
		No 544/2001 on free access to public information). The Communication Department send a resolution (no dead-line).	

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Romania	CNA	Council	11	No	Appointed by Government: 3 27% Rules on incompatibilities prevents them from being party members and they must act in an independent capacity	Appointed by Parliament: 6 54% They act in an independent capacity	No	No	Appointed by the Presidency: 2 18% They act in an independent capacity	No	Audiovisual Law

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Romania	CNA	<p>The main Council competences are to:</p> <ul style="list-style-type: none"> <li>ensure that accurate information is given to the public</li> <li>ensure the correct use of Romanian language and the languages of national minorities</li> <li>ensure pluralism</li> <li>ensure the protection of children, the defence of human dignity and other related rights</li> <li>ensure the exercise of the right to reply</li> <li>ensure the application of rules on advertising and sponsorship</li> <li>give an opinion in the context of the county's position in international negotiations and of draft legal acts.</li> </ul> <p>CNA issues the Internal Regulation of Functioning for the organisation.</p>	<p>By majority vote (at least 8 from 11 vote). The majority of board members must be present. The president does not have a casting vote</p>	It is public	Yes, in the official gazette and on the website

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Romania	CNA	Chairman	Yes	Council	Parliament	Formally, the Parliament could reject the proposal but this has never happened	No information available
		Board members	Yes	<p>1. The Senate, the Chamber of Deputies, the Government and the Presidency make proposals</p> <p>2. Proposals are forwarded to the standing offices of the two Chambers within 15 days since the date of commencing the assignment procedure.</p> <p>3. The standing offices of the two Chambers forward the proposals to the</p>	<p>After the hearing, the specialized standing commissions draw up a joint notification which they present to the joint session of the Chamber of Deputies and of the Senate.</p> <p>Candidates shall be approved by the vote of the majority of deputies and senators, provided that the quorum is met in the two Chambers.</p>	No	The Audiovisual Law <a href="http://www.cna.ro">www.cna.ro</a>

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				specialized standing commissions with a view to the candidates' hearing in joint session.			

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Romania	CNA	Chairman of the board	6 years	Yes	Yes	Audiovisual Law
		Board members	6 years	Yes	Yes	Audiovisual Law

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Romania	CNA	Chairman of the board	Not specified	Not specified	n/a
		Board members	Not specified	Not specified	n/a

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Romania	CNA	Chairman and Board Members	Yes		Ch.2,art.12/2 The position of Council member is incompatible with any other public or private office, save for didactical ones.	Ch.2, art.12/3 The Council members may not be members of political parties or other political structures.	Ch. 2, art. 12/2 The position of Council member is incompatible with any other public or private office, save for didactical ones, Ch.2, art.12/4.The Council members may not directly or indirectly hold shares or social parts in companies active in fields where they would be in conflict of interests. Members of the Council who at the moment of	Ch.2, art.12/2 The position of Council member is incompatible with any other public or private office, save for didactical ones.	No information available	Audiovisual Law <a href="http://www.cna.ro/The-Audio-visual-Law,1655.html">www.cna.ro/The-Audio-visual-Law,1655.html</a>

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
							appointment are undergoing one of these situations have maximum 3 months to renounce the positions or shares, a period during which they are not entitled to vote in the Council.			
		Senior staff	Yes		Same as above (Ch.2,art.12/2)	Same as above (Ch.2, art.12/3)	Same as above (ch.2, art 12/2)  (Ch.2 art.4) The civil servants of the Council may not be members in the board of directors of providers and distributors of audiovisual program services and they may not carry out positions or hold shares or social parts in a company holding an audio-visual licence.	Same as above (ch.2, art 12/2)	No information available	

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Romania	CNA	Chairman	Yes		Yes	Yes	Yes	Audiovisual Law
		Board members	Yes		Yes	Yes	Yes	Audiovisual Law
		Senior staff	Yes		Yes	Yes	Yes	Audiovisual Law

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Romania	CNA	Chairman		No		
		Board members		No		
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.



Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Romania	CNA	Chairman	Yes		Parliament	The members in the Council (also the Chairman) may be revoked on the proposal of the specialized commissions of the Parliament in the following situations: a) in case it is impossible to exert the functions for a period longer than 6 months b) in case of a penal conviction applied by a final court decision c) in case of infringement of the art. 12 on the involvement in companies or other public or private activities and they are rightfully dismissed	Only individual members	Audiovisual Law Ch.2, art.13
		Individual board members	Yes		Parliament			Audiovisual Law

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Romania	CNA	2005-2009	Chairman		No		
			Individual board		No		

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
			members				

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Romania	CNA	No	State funding €2.4m	No	No	Yes RON 2,18m (€524,715)	No	

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Romania	CNA	The Ministry of Finance submits the Annual Budget to the Parliament. The Parliament takes the final decision after debating and voting the Budget Law.	Yes, the Chairman is invited to sustain the project of budget in the Cultural and Media Commissions of the Parliament.	Government submits to the Parliament.	No	

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Romania	CNA	Yes	At least once a year.	Yes Romanian Court of Accounts		Yes Twice a year from the Internal Audit Service of CNA	State Budget Law and The Audiovisual Law

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Romania	CNA	Parliament	Yes	The NAC is a public autonomous authority under the control of the Parliament. The activity of the NAC is analysed by the Parliament by debating upon the annual report that is presented for the prior year and whenever the specialised commissions of the Parliament request from the President of the Council specific reports.	Audiovisual Law
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	Ministry of Finance	State Budget Law
		Public at large	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Romania	CNA	Parliament	Annual and whenever the Parliament request from the NAC specific reports.	Overview of the NAC's activity - The report of the Parliament upon the annual activity report of the NAC refers to the legality of the Council's activities, as well as to the accuracy and transparency of the financial operations.	No	Yes	No	<a href="http://www.cna.ro/-Annual-reports-.html">www.cna.ro/-Annual-reports-.html</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Romania	CNA	Yes	Annual	Yes	No	No	State Budget Law (Law no. 94/1992 on the organization and functioning of the Romanian Court of Accounts, republished in the Romanian Official Journal no. 282/29.04.2009 AND Government Decision no. 34 of

Country	Body	Is body subject to periodic external auditing					Legal basis
		Yes/no	Periodicity	By public authority	By private authority	Other	
							22 January 2009 on the organization and functioning of the Ministry of Finance)

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Romania	CNA	Does anybody have the power to overturn decisions of the regulator?	No (But the regulator says that this is possible)	No	No	No (But the regulator says that this is possible)	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No (But the regulator says that this is possible)	No	No	No (The Parliament could make suggestions to optimize the instructions, but only on the Year Report).		<i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		supervision)?						
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis	
Romania	CNA	Internal	None	No	Normative documents issued by the Council may	Civil and Penal Code Audiovisual Law	
		External	1				Local Justice Court
			2				County Appeal Court

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
			3 Highest Court of Justice		be contested at the competent administrative court by any person who considers itself prejudiced thereby.	

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Romania	CNA			√	N/A



**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Romania	CNA			√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Romania	CNA	1 Local Justice Court 2 County Appeal Court 3 Highest Court of Justice		√	Could annul the decision of the Council, but not to formulate a new decision

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Romania	CNA	No	N/A	Yes	-	No information available

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Romania	CNA	Regulating decisions (secondary legislation)	Information not available	30 days		Yes	Transparency Legislation

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Romania	CNA	2009	2
		2008	2
		2007	6
		2006	4
		2005	3

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Romania	CNA	The CNA decisions on content regulation, licences or electoral campaigns are published in the Official Journal. The instructions and recommendations addressed to	Yes Audiovisual Law	No	No

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
		broadcasters are posted on the CNA website			

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Romania	CNA	<p>For specific decisions, CNA cooperate with partners like:</p> <ul style="list-style-type: none"> <li>• Romanian Academy for the right use of the Romanian language. The Academy provide norms and observations for the CNA decisions</li> <li>• National Council against Discrimination for match the specific legislation with its own regulations</li> <li>• Romanian Society of Cardiology for a campaign for health</li> </ul>		Only consultations, suggestions	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Romania	CNA	<ul style="list-style-type: none"> <li>• EPRA</li> <li>• CERF</li> <li>• REFRAM</li> <li>• WG for the European Audiovisual of the European Council</li> </ul> <p>Has memorandum of collaboration and exchange of information with Hungary (ORTT), Czech Republic (CRTB), Slovak republic (CBR), Poland (NBC), Serbia (RBA), and a memorandum of collaboration with the Broadcasting Agency in Macedonia.</p>	AVMS	