

## **The observance of the provisions of the Broadcasting Code by the Observers Council of the National Public Broadcasting Institution “Teleradio-Moldova” during the electoral campaign for the parliamentary elections of April 5, 2009**

### **Case study**

#### *Introduction*

This case study has the object to consider the work of the Observers Council (henceforth OC -- Supervisory Board) of the National Public Broadcasting Institution (NPBI) “Teleradio-Moldova” during the electoral campaign for the parliamentary elections of April 5, 2009.

In accordance with the provisions of the OC Regulation “...*The Observance Council supervises the way in which the Company’s administration and employees observe the legal frame of the public broadcasting’s functioning, assuming the mission of a guarantor of correctly enforcing the law by the Company. The Council’s decisions, adopted on matters encompassed by its powers, are mandatory for the Company’s administration...*”

In the wake of the electoral race, the OC considered the Concept of covering the electoral campaign by Teleradio-Moldova and the internal Regulations regarding the Company’s covering the electoral race for the parliamentary elections of April 5, 2009, which actually provide that:

*“Producing and airing radio and TV programs and packages of electoral news shall be done by observing the Constitution of the R. of Moldova, the Electoral Code, the Broadcasting Code, the decisions of the Central Election Commission and the statute of “Teleradio-Moldova”, the Company’s international Regulations on covering the parliamentary elections of April 2009.”*

Under art. 56 para. (2) of the Moldovan Broadcasting Code, “*The OC members act in their own name and represent no other interest external for the company **than the public interest***”, thus being obliged to manifest enhanced perseverance and attention as to the work of “Teleradio-Moldova” during electoral campaigns, making use, if necessary, of the power the OC members have under art. 58 let. g) of the Broadcasting Code, which establishes that the OC “... *notifies, by itself or if notified, about violating the Broadcasting Code and other laws in force committed by the company, presenting its president claims to enter legality.*”

#### *Exposition*

During the electoral race, the OC held 5 sittings, as follows: 05.02.2009; 20.02.2009; 02.03.2009; 20.03.2009; 03.04.2009.

At those sessions, they considered 17 issues (*the agendas are attached in annex 1 to this study*) 5 out of which related to Teleradio-Moldova’s covering the electoral campaign:

05.02.2009

*On the concept of Teleradio-Moldova’s covering the electoral campaign for the April 5 parliamentary elections, 2009 (rapporteurs: C. Vulpe, radio deputy director and M. Scoarță, TV deputy director.)*

*Approving the international regulations on Teleradio-Moldova’s covering the electoral campaign for the April 5 parliamentary elections, 2009.*

02.03.2009

*Considering notifications to Teleradio-Moldova's administration.*

*Information about the sitting of the Broadcasting Coordinating Council of 21.02.2009 On the notifications about the way of covering the electoral race for the parliamentary elections by some broadcasters (rapporteur: M. Scoarță, TV deputy director).*

03.04.2009

*Teleradio-Moldova's coverage of the electoral campaign.*

In the circumstances when the external monitoring reports signaled out a series of violations committed by the public broadcaster, moreover, on 24.03.2009 Teleradio-Moldova was publicly warned by the Broadcasting Coordinating Council (henceforth -- BCC) for “*derogations from Art. 7 para. (1), (2), (3) and (4) let. c) and Art. 10 para. (1), (2) of the Broadcasting Code, in accordance with Art. 38 para. (2), let. f) and Art. 38 para. (3) of the same Code*” during the electoral campaign, the OC did not act by itself, did not respond to the monitoring reports of the civil society, did not establish breaches in the Company's work and did not present the Company's president claims to enter legality.

At the same time,

- a) The OC signed a letter questioning the approaches and the correctitude of the Monitoring Report on the political actors' presence in the programs of TV stations during the pre-election period of the 2009 parliamentary elections;
- b) Supported the complained lodged by the company's president, Valentin Todercan, with the prosecutor's office, in connection with the letter of Our Moldova Alliance, in which the political party envisaged the electoral advertising of the PCRM (Communists Party);
- c) Some OC members harshly criticized the external monitoring reports, invoking the political partisanship of the watching NGOs.
- d) The OC secretary, in his capacity of a moderator of the program “Moldova pagini din istorie” (Moldova – history pages) breached the law adopting a partisan attitude during the election campaign.

#### *Findings and conclusion*

1. The case study points to the faulty functioning of the OC and the wrong perception of its role as a supervisor of Teleradio-Moldova's activity in a period so important for society as the electoral period.
2. Watching the actions undertaken by the OC during the electoral campaign points out that its activity had a sporadic character, superficial and without any obvious effect upon the company's work.
3. The OC's role during the electoral race mainly reduced to approving the internal regulations on Teleradio-Moldova's covering the electoral campaign for the April 5 elections.
4. The OC did not monitor the newscasts and the programs on electoral issues and did not respond to the national public broadcaster's violations of the Broadcasting Code.
5. The OC neglected its role of a representative of the public interest and, through its actions, acted as an advocate of the Company.
6. The OC did not respond to the BCC's punishing the Company.

**AGENDA  
of the OC session of 03.04.2009, 17.00**

1. Teleradio-Moldova's covering the electoral campaign for the parliamentary elections of April 5, 2009 (rapporteurs M. Scoarță, TV deputy director, C. Vulpe, radio deputy director.)
2. Miscellanea.

**AGENDA  
of the OC session of 20.03.2009, 17.00**

1. Report on Teleradio-Moldova's activity in 2008 (rapporteur: V. Todercan, Company President.)
2. Report on the Observers Council's activity in 2008 (rapporteur: M. Șlapac, OC chairwoman.)
3. Miscellanea.

**AGENDA  
of the OC session of 02.03.2009, 16.00**

1. Considering notifications to Teleradio-Moldova's administration.
2. Information about the session of the Broadcasting Coordinating Council of 21.02.2009 *On the notifications concerning the way of covering the electoral campaign by some broadcasters* (rapporteur: M. Scoarță, TV deputy director.)
3. Exchanging opinions about the press conference held by the Journalists Union from Moldova on February 24, 2009.
4. Monitoring the radio programs "Unda Bugeacului" and "Petalo romano."
5. Information about the project "Moldova-țara mea străbună" (rapporteur: A. Burean, OC member.)
6. Miscellanea.

**AGENDA  
of the OC session of 20.02.2009, 16.00**

1. Considering notifications to Teleradio-Moldova's administration.
2. On modifying the Regulation of the Observers Council.
3. Miscellanea.

**AGENDA  
of the OC session of 05.02.2009, 17.00**

1. On the concept of covering the electoral campaign by Teleradio-Moldova (rapporteurs: C. Vulpe, Radio deputy director and M. Scoarță, TV deputy director.)
2. Approving the internal Regulations regarding the Company's covering the electoral race for the parliamentary elections of April 5, 2009.
3. Miscellanea.