

Directive 2/2009

On the participation of electoral candidates in debates, interviews, commentary and other opinion segments in the media

Lisbon, 29 July 2009

***Conselho Regulador da Entidade Reguladora para a Comunicação Social* [Regulatory Board of the Regulatory Authority for the Media]**

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on the participation of electoral candidates in debates, interviews, commentary and other opinion segments in the media

Given that the *Entidade Reguladora para a Comunicação Social* ["ERC"- Regulatory Authority for the Media] has received complaints and requests for information regarding the participation of candidates in the elections taking place this year in opinion segments within print media, radio and television;

Taking into account the ERC's own regulatory powers, namely those laid down in article 39, no.1, paragraph f of the Constitution of the Portuguese Republic, as well as article 7, paragraph a), article 8, paragraphs d) and e) and article 24, no. 3 paragraph a) of the *Estatutos da ERC* [ERC Statutes], approved by Law no. 53/2005 of 8 November;

In accordance with the general guidance proposed by the *Comissão Nacional de Eleições* [National Electoral Commission] under the provisions of article 5, no.1 of Law no. 71/78 of 27 December, in order to ensure that candidates have equal opportunities for action and in relation to propaganda during election campaigns;

The Regulatory Authority for the Media, exercising its powers under article 63, no.1 of its Statutes, adopts the following Directive, which is addressed to media outlets:

1. During electoral periods, a general principle is applicable, according to which, candidates should have equal opportunities for action and propaganda during the election campaign and pre-election campaign phases. This is enshrined in the constitution, the law and the case-law of the courts.
2. The application of this principle means that during election periods there are no criteria that can be used to "justify" the presence of one or more candidates to the detriment of others.
3. This principle applies to all media outlets, specifically those who rely on regular contributors in opinion segments, which take the form of commentary, analysis, columns or similar (whether or not they are part of news segments, in the case of

television), in order to ensure that all the candidacies have the equal opportunities mentioned above.

4. Media outlets which have regular contributors to opinion sections who act as commentators, analysts, columnists or contribute in any other way and who are also effective or alternate members on the lists of candidates for the - parliamentary and local - elections being held this year will have to suspend contributions from and collaboration with them, from the date the relevant list of candidates is formally submitted to the Constitutional Court until the day after the election is held.

5. In the case of radio and television, the provisions contained in the previous point also apply to the participation of candidates in other types of programmes that give them greater visibility, namely entertainment or cultural programmes.

6. Any debates or interviews, whenever these occur, must ensure that representatives of all the candidates are present (though not necessarily at the same time).

7. The provisions contained in the previous points apply to national, regional and local media outlets operating in print, radio and television and their respective websites, as well as digital newspapers.

Lisbon, 29 July 2009

The Regulatory Board,

José Alberto de Azeredo Lopes
Elísio Cabral de Oliveira
Luís Gonçalves da Silva (dissenting)
Maria Estrela Serrano
Rui Assis Ferreira