[RO] Complaints about Defamation in the Media

IRIS 2000-6:1/28

Mariana Stoican
Journalist, Bucharest

On 11 May the Romanian government issued an emergency decree, laying down new provisions in relation to the enforcement under civil law of non-material damages for defamatory remarks made in the press. At the same time, large sections of Press Act no. 3/1974 were rescinded. Only the provisions on the right to correction and the right of reply remain in force. The change in the law follows reports in various newspapers claiming that several thousand cases are currently pending concerning public officials who have accused radio and the press of making defamatory comments about them. Following an amendment to Basic Charges Act no.146/1997 - particularly the advance legal costs that must be paid when lodging a complaint - applicants in defamation cases had been exempted from paying these costs.

From now on, under the terms of the emergency decree, 5% of the amount of damages claimed must be paid on submission of such a complaint. If the court upholds the complaint, the money paid by the applicant is refunded; however, if a claim for damages resulting from harm to the applicant's honour, dignity or reputation is rejected, and if the defendant makes a counterclaim for damages on the grounds of the case made against him, the 5% advance should be paid to the defendant. This applies as long as legal costs and any damages awarded are covered by the advance payment; if the advance exceeds these costs, the remainder is refunded to the applicant.

Emergency decree of 11 May 2000 on measures and procedures concerning claims for moral damages.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026