[RO] The effects of the Law on Radio and Television Broadcasting

IRIS 1995-1:1/27

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Since 25 May 1992, the Rumanian audiovisual sector has been regulated by new legislation that shows a particularly liberal approach when taken in the light of the overall economic and legislative situation. The law not only recognizes the private sector but it also fixes no limits as to the amount of foreign capital, which can make up the whole of an audiovisual company's capital. The law does, however, aim to prevent monopolies, by limiting to 20% of the capital the maximum number of shares that can be held any by one person who already has a majority shareholding in another company.

Reference is also specifically made to the "audiovisual market", which is monitored by a watchdog body, the National Audiovisual Council (N.A.C.). The Council makes sure that the procedure for attributing operating licenses and the broad principles (liberty of expression, political pluralism, etc.), as defined in the first chapter of the law, are adhered to.

The independence of the N.A.C., whose members are nominated according to the model of the French Conseil Supérieur de l'Audiovisuel (C.S.A.) model, is assured by a series of legal constraints. Despite these constraints, the Romanian regulatory body was still considered right from the start as being a tool of the government. The picture is different today as in between time, the N.A.C. has taken 210 decisions favoring the development of a sector that would be independent of the State. The highly flexible approach the Council has adopted with regard to the attribution of broadcasting wavelengths, has meant 108 radio stations, 76 television stations and 267 cable broadcasting companies have received licences. Its wide legal scope has also allowed it to resolve a large number of problems, ranging from the sharing out of broadcasting wavelengths to the right of reply and the restrictions on broadcast advertising time. In 1995, its objectives consist of setting up a nationwide private television channel and the consolidation of a cable market that has already attracted some two million Rumanians.

Law Nr. 48/1992 on Radio and Television Broadcasting of 20 May 1992, Monitorul Official al României of 25 May 1992, Anul IV Nr. 104:1-5. Law No. 62/1993 of 22 September 1993 concerning amendment of Article 1 of the Audiovisual Law Nr. 48/1992.

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