[RO] Rejected Modifications of the Public Broadcasters Law

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On 28 October 2013, the President of Romania sent back to the Parliament the Proiectul de lege pentru modificarea şi completarea Legii nr. 41/1994 privind organizarea şi funcţionarea Societăţii Române de Radiodifuziune şi Societăţii Române de Televiziune (Draft Law on the modification and completion of the Law No. 41/1994 on the organisation and operation of the Romanian Radio Broadcasting Corporation and of the Romanian Television Corporation). The Draft Law had been adopted by the Chamber of Deputies (Romania's Parliament Lower Chamber) on 24 September and by the Senate (Upper Chamber) on 8 October 2013 (see also IRIS 1998-8/16, IRIS 2000-4/18, IRIS 2003-8/25, IRIS 2013-5/37, and IRIS 2013-10/36).

The President argued that two of the three possibilities provided by the Draft Law for the economic development and extension of the public radio and TV activities in Romania and abroad are vague. The Law does not stipulate clear association criteria, neither for the acquisition of shares in order to set up private legal persons nor for the acquisition of shares of existing companies. The criteria have to be clear, especially because these operations will be made with funds from the state budget. The legal framework therefore has to be predictable, added the President. At the same time, the Romanian Government considered that the actions of the President endanger and block the intentions of the Romanian public television, TVR, to resume its activity in the Republic of Moldova, interrupted by the former Communists, which ruled until 2009.

Meanwhile, the Romanian Senate rejected on 6 November 2013 another Draft Law on the modification of the Law No. 41/1994. According to the draft document, the licence fee for the audiovisual public media would have been cut. Senate's decision was final. According to Art. 40 of the Law No. 41/1994, with further modifications and completions, the public audiovisual sector is financed almost entirely through licence fee, advertisement and funds from the state budget (with strict destinations, such as the broadcasts for abroad, the costs associated with the terrestrial transmitters, the technical development of the public audiovisual companies, as well as the operation of orchestras and choirs, only for the radio). The Romanian Government issued a negative opinion on the Draft Law, stating that the monthly licence fee collected from the households and firms in Romania is one of the smallest in Europe and is, in fact, a tax paid for the right to be informed correctly. Without the licence fee, the public broadcasters will no longer

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be able to fulfill their legal mission: to offer impartial informative programmes, cultural programmes, along with good quality entertainment. The licence fee, at the same time, guarantees the independence of the public media from the state subsidies and allows them to accomplish their public mission, considered the Government. The Draft Law which intended to cut the licence fee for the Romanian public media services was triggered mainly by the very poor financial management of the public television, which accumulated huge debts to the state budgets and to its creditors. The licence fee represents almost 50% of the annual revenues of the Romanian public audiovisual sector.

Propunere legislativă pentru modificarea art. 40 din Legea nr.41/1994 privind organizarea şi funcţionarea Societăţii Române de Radiodifuziune şi Societăţii Române de Televiziune - forma iniţiatorului

http://www.cdep.ro/proiecte/2013/100/40/3/pl284.pdf

Draft Law on the modification of the Article 40 of the Law no. 41/1994 on the organization and operation of the Romanian Radio Broadcasting Corporation and of the Romanian Television Corporation - as initially submitted

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