[RO] Modifications of Public Broadcasters Law

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On 18 December 2013, the Romanian Government issued the *Ordonanţa de Urgenţă nr. 110/2013 pentru completarea Legii nr. 41/1994 privind organizarea şi funcţionarea Societăţii Române de Radiodifuziune şi Societăţii Române de Televiziune, cu modificările şi completările ulterioare* (Emergency Decree no. 110/2013 on the completion of Law no. 41/1994 on the organisation and operation of the Romanian Radio Broadcasting Corporation (RRBC) and the Romanian Television Corporation (RTC), with further modifications and completions). According to the Emergency Decree, the permanent offices of the Senate and Chamber of Deputies of the Parliament are allowed to appoint an interim Director General of public radio or television for a period of 60 days, if the plenum of the Parliament cannot meet the quorum legally required to appoint the Boards of Administration of the public radio and TV broadcasters (TVR; see IRIS 1998-8/16, IRIS 2000-4/18, IRIS 2003-8/25, IRIS 2013-5/37, and IRIS 2013-10/36).

Two new paragraphs will be introduced after Art. 46 (7) of the Law no. 41:

“(8) If the plenum of the Romanian Parliament cannot meet the quorum required by law, the permanent offices of the Senate and Chamber of Deputies appoint an interim General Director of the company for a period of 60 days.” and

“(9) Notwithstanding the provisions of Art. 30 (2) throughout the interim period, the interim Director General conducts current administrative activities of the company.”

The Emergency Decree was meant to solve the problem of TVR’s management. TVR’s Board of Administration was dismissed on 10 December 2013, after the rejection of TVR’s 2012 activity report. Due to a political deadlock within the parliamentary majority, the Government decided to issue the Emergency Decree, to avoid a blocking of the appointment of the management of the public media institutions. In the meantime, the ruling majority succeeded in appointing an interim Director General with a large majority; a famous Romanian writer, political scientist, and TV producer. He will be in office until a new Board of Administration and a new President and CEO of TVR are appointed by the Parliament.

Meanwhile, the Chamber of Deputies (Lower Chamber of Parliament) adopted on 17 December 2013 a modified form of the *Proiectul de lege pentru modificarea şi completarea Legii nr. 41/1994 privind organizarea şi funcţionarea Societăţii*

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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 was meant to increase state budget funding for the production and broadcasting of radio and TV programmes addressing foreign countries as well as for the option of Romanian public broadcasters to set up private legal persons, to become associates of such entities, or to buy shares of existing firms and corporations. The Draft Law had been adopted by the Parliament but was returned to the Parliament by the Romanian President. After the disputed provisions have been clarified, the President will no longer have the right to reject the Draft Law, but he could still challenge the Law before the Constitutional Court.

According to the new draft adopted by the deputies, Art. 42 (1) stipulates as follows:

“The funding needed for production and broadcasting of radio and television transmissions to foreign countries will be provided by state budget. The same applies for legal entities established by or in which the RRBC and the RTC respectively are associates or shareholders as well as for the development of this activity.”

Art. 43 will have a new paragraph (2):

“In order to extend and develop specific activities in the country or abroad, the RRBC and the RTC may establish, with consent of the standing parliamentary Committees on Culture, private legal persons, with or without profit, may become associated in such entity, or, where appropriate, may purchase shares of an existing company.”

Ordonanţa de Urgenţă nr. 110/2013 pentru completarea Legii nr. 41/1994 privind organizarea şi funcţionarea Societăţii Române de Radiodifuziune şi Societăţii Române de Televiziune, cu modificările şi completările ulterioare

http://www.legex.ro/OUG-110-18.12.2013-130966.aspx

Emergency Decree no. 110/2013 on the completion of the Law no. 41/1994 on the organisation and operation of the Romanian Radio Broadcasting Corporation and the Romanian Television Corporation, with further modifications and completions

Proiectul de lege pentru modificarea şi completarea Legii nr. 41/1994 privind organizarea şi funcţionarea Societăţii Române de Radiodifuziune

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şi Societăţii Române de Televiziune - forma adoptată de Camera Deputaţilor

http://www.cdep.ro/pls/proiecte/docs/2013/cd281_13.pdf

Draft Law on the modification and completion of the Law no. 41/1994 on the organization and operation of the Romanian Radio Broadcasting Corporation and of the Romanian Television Corporation - the form adopted by the Chamber of Deputies

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