[RO] Draft Proposals for Modification and Completion of Audiovisual Law

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Several Romanian Members of Parliament issued two Draft Laws for the modification and completion of *Legea Audiovizualului nr. 504/2002 cu modificările şi completările ulterioare* (Audiovisual Law no. 504/2002 with further modifications and completions - see IRIS 2002-7/28, IRIS 2010-1/36, IRIS 2011-4/31, IRIS 2011-7/37, IRIS 2013-3/26, IRIS 2013-6/27).

The first Draft Law, initiated by 107 deputies and senators, handed under ordinary procedure to the Chamber of Deputies (lower Chamber), is meant to complete the Audiovisual Law to offer protection to persons who are deaf and those who have a hearing disability.

According to the first Draft Law, after Art. 41 of the Audiovisual Law, a new Art. 42 will be introduced, according to which persons who are deaf or have a hearing disability have the right of access to audiovisual media services, depending on the broadcasters' technological possibilities. The television programme services with national coverage have to daily interpret at least 30 minutes of news programmes, debates and analysis on current political and economic issues using both sign language and subtitling. The television programme services with national coverage have to interpret using sign language and to offer, at the same time, subtitles for their programmes of major importance, either in whole or in summary. The programmes dedicated to persons who are deaf and persons with a hearing disability will have to be clearly marked both visually and verbally.

Because of their more reduced technological capacities, programme services with local coverage can choose if they will offer sign language interpretation and subtitles, or if they will offer only one of these technical possibilities. Accordingly, the local stations have to interpret daily at least 30 minutes of news programmes, debates and analysis on current political and economic issues using either sign language or subtitling. The broadcasters with local coverage will also have to interpret using sign language or subtitles for their programmes of major importance, in whole or in summary.

According to the second Draft Law, the modification of Art. 86 of the Audiovisual Law is meant to precisely transpose the Audiovisual Media Service Directive 2010/13/EU and to ensure free access to events of high public interest for

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broadcasters. The existing form of Art. 86 foresees that (1) any broadcaster established in the European Union has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public exclusively transmitted by a broadcaster under Romanian jurisdiction, in order to be enabled to produce short news items, and (2) the broadcaster under Romanian jurisdiction that has acquired exclusive rights to an event of high interest to the public is required to provide access under the provisions of paragraph (1) for one broadcaster in each EU member state.

The existing stipulations are considered ambiguous under Art. 15(2) of Directive 2010/13/UE. They are restricting or limiting the access to events of major importance to a single broadcaster per member state. This is considered a violation of the right to freedom of information. The Draft Law foresees in a new Art. 86 of the Audiovisual Law that (1) any broadcaster under the jurisdiction of Romania or another EU member state has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public exclusively transmitted by a broadcaster under Romanian jurisdiction, with a view to making short news items, in compliance with Art. 85, and (2) for the broadcasters under the jurisdiction of the same EU member state as the broadcaster that has obtained exclusive rights to the event, the access necessary for the production of short news items has to be provided to the respective broadcaster.

Propunerea legislativă pentru completarea Legii audiovizualului nr. 504/2002 - forma iniţiatorului

http://www.cdep.ro/proiecte/2013/600/50/8/pl658.pdf

Draft Law on the completion of the Audiovisual Law no. 504/2002 - as initially submitted

Propunerea legislativă pentru modificarea art. 86 din Legea audiovizualului nr. 504/2002 - forma iniţiatorului

http://www.cdep.ro/proiecte/2013/500/70/7/pl577.pdf

Draft Law on the modification of Art. 86 of the Audiovisual Law no. 504/2002 - as initially submitted

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