[RO] President Lodges a Complaint of Unconstitutionality concerning the new Financing Rules on Production and Broadcasting of Programmes abroad

IRIS 2014-4:1/25

Eugen Cojocariu
Radio Romania International

On 26 February 2014 the Romanian President, Traian Băsescu, sent to the Constitutional Court of Romania a complaint of unconstitutionality of the *Legea pentru modificarea și completarea Legii nr. 41/1994 privind organizarea şi funcţionarea Societăţii Române de Radiodifuziune şi Societăţii Române de Televiziune* (Law on the modification and completion of the Law no. 41/1994 on the organization and operation of the Romanian Radio Broadcasting Corporation/SRR and of the Romanian Television Corporation/TVR). The above-mentioned Law was adopted by a large majority by the Romanian Senate (upper Chamber of the Parliament) on 11 February 2014 and by the Chamber of Deputies (lower chamber) on 17 December 2013. The Law had first been approved in 2013, but it had been sent back to the Parliament on 28 October 2013 by the President of Romania. The Parliament reviewed the Law and partly agreed with the requests of the President, but Mr Băsescu complained to the Constitutional Court about the new form of the document (see IRIS 2014-1/38).

According to the modified and completed Law adopted on 11 February by the Senate, Art. 42 (1), the financing of the production and broadcasting of programmes abroad, including through private legal persons set up by SRR or TVR or in which the SRR and TVR are associates/shareholders, as well as for the development of these activities, is done through State budget allocated funds, run through the budgets of the two institutions. A new paragraph, (11), was introduced after the Art. 43 (1), making provision for the extension/development of their activity outside Romania; SRR and TVR can set up, with the advisory opinion of the Culture and Mass-Media Standing Committees of the Romanian Parliament, private legal persons, with or without profit, can become associates in such entities or can acquire shares of an existing company, under the law provisions.

The Romanian President considers that the provisions of the Law breach Art. 1 (5) of the Romanian Constitution, because they are not accurately formulated and do not observe the criteria of clarity, precision and predictability. He considers that becoming an associate of an entity means, in fact, acquiring shares of that company, which is not in accordance with the third way provisioned by the Law, to acquire shares of an existing company. In the opinion of the President, the text triggers confusion. The Law is unclear with regard to the criteria of association or

© European Audiovisual Observatory (Council of Europe) 2026

of shares acquisition, which is very serious, due to the fact that the financing of those operations would be made with State budget money. The President also considers that the advisory opinion of the Culture and Mass-Media Standing Committees of the Romanian Parliament is not sufficient and that the overall text is unclear, which could trigger difficulties in putting it into practice.

Sesizare de neconstituționalitate asupra Legii pentru modificarea şi completarea Legii nr. 41/1994 privind organizarea și funcționarea Societății Române de Radiodifuziune și Societății Române de Televiziune

http://lege5.ro/Gratuit/gm3tcojuga/hotararea-nr-403-2013-pentru-aprobarea-strategiei-privind-tranzitia-de-la-televiziunea-analogica-terestra-la-cea-digitala-terestra-si-implementarea-serviciilor-multimedia-digitale-la-nivel-national?pId=79318428#p-7931842

Intimation on the unconstitutionallity of the 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

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026