[RO] Intended modifications of the public audiovisual services law

IRIS 2014-6:1/30

Eugen Cojocariu
Radio Romania International

On 15 April 2014, the Senate (upper Chamber of the Romanian Parliament) approved the draft law on the approval of the Government Emergency Decree no. 110/2013 for the 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 Emergency Decree was meant to allow the Parliament to appoint easily an interim Director General of the public broadcasters in case that the plenum of the Parliament does not succeed in reaching the legal quorum. On the other hand, the Chamber of Deputies (lower chamber) on 1 April 2014 tacitly adopted a draft law for the modification of Art. 40 of the Law no. 41/1994. The initiators want to restrict the payment of the licence fee for the public audiovisual broadcasters to only those who have radio and TV sets and who opt for the programmes of the public services (see IRIS 2003-4/24, IRIS 2003-8/25, IRIS 2013-5/37, and IRIS 2014-1/38).

The Government Emergency Decree no. 110/2013 (see IRIS 2014-2/30) intended to avoid the exceptional situations when the quorum of the plenum of the Parliament is not reached in case of appointment of the management of the public radio and television services. In such cases, according to the new paragraph (8) of Art. 46 of the Law no. 41/1994, the Standing Bureau of Parliament's two chambers can appoint for 60 days an interim Director General of the public audiovisual broadcasters. A new paragraph (9) of Art. 46 stipulates that, during this period, the interim Director General can perform acts of current management of the society. The Senate's decision is final. The draft law had been tacitly approved by the deputies on 18 February 2014.

A second draft law has been tacitly adopted by the Chamber of Deputies on 1 April 2014, the draft law for the modification of Art. 40 of the Law 41/1994. The Senate will have the final decision. According to this draft law, only the holders of radio receivers and/or TV sets and only the households or firms who opt for the services provided by the public audiovisual broadcasters will have to pay a subscription fee for the public radio and a subscription fee for the public television.

The proposed form of Art. 40 (1) provides that the revenues of the radio and TV public services are composed of sources made according to their object of

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activity, fees for public service broadcasters from subscribers who have opted for these services, donations and sponsorships, advertising receipts, receipts from fines and civil damages, and other incomes. The proposed new form of Art. 40 (2) stipulates that individuals residing in Romania who opted for public service broadcasters, owners of radio and television sets, as beneficiaries of these services, are required to pay subscriptions fees to the public service broadcasters. According to the new Art. 40 (4), the following will be set through Government decision: the amount of the subscription fees; the categories of payers, recipients of the public radio and TV broadcasting services; the manner of collection and of exemption from taxation; the penalties for incompletion of the declaration of exemption by the holders of radio and television receivers, who, according to their choice, are beneficiaries of the services and pay subscription taxes for the public audiovisual broadcasting services.

Now all the households and firms from Romania have to pay monthly licence fees for radio and TV public services, unless they make an annual declaration in writing and at their own risk that they do not have radio receivers or TV sets. The initiators consider that the PBS are privileged because they have three main sources of revenue (licence fee, allocation of state budget and advertisement), while the private stations only have advertisement. On the other side, the opponents of the draft law consider that this will strongly affect the capability of the public broadcasters to fulfill their public mission and to save their independence. In 2012, the licence fee for the public radio represented 48.79% of the total revenues; in 2013 the licence fee for the public television represented 58.15% of the total revenues.

Proiect de lege privind aprobarea Ordonanţei de urgenţă a Guvernului nr. 110/2013 pentru completarea Legii nr. 41/1994 privind organizarea şi funcţionarea Societăţii Române de Radiodifuziune şi Societăţii Române de Televiziune - forma trimisă la promulgare

http://www.senat.ro/Legis/PDF/2014/14L159LP.pdf

Draft law with regard to the approval of the Government Emergency Decree no. 110/2013 for the completion of the Law no. 41/1994 on the organization and operation of the Romanian Radio Broadcasting Corporation and of the Romanian Television Corporation - form sent to promulgation

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

http://www.cdep.ro/pls/proiecte/docs/2014/cd035_14.pdf

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Draft law for the modification of Art. 40 of the Law no. 41/1994 on the organization and operation of the Romanian Radio Broadcasting Corporation and of the Romanian Television Corporation - form adopted by the Chamber of Deputies

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