[RO] Investigative Journalism Act rejected by the Senate

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On 25 February 2015, the Romanian Senate (Upper Chamber of the Parliament) rejected with an overwhelming majority the Propunerea legislativă privind înfiinţarea Fondului Special pentru Jurnalismul de Investigaţie (draft act on setting up of a special fund for investigative journalism). The final decision rests with the second Chamber, the Chamber of Deputies.

The Draft Act intended, according to the initiators, to fight against corruption which affects public money through supporting any step taken by investigative journalists and natural and moral persons towards the disclosure of illegal practices. The document proposed to support these steps through a so-called "Special Fund for Investigative Journalism", meant to finance directly investigative journalism, but also the persons who dare to disclose acts of corruption through the mass media (print media, the radio, television and the Internet) or through a complaint directed to investigative and prosecuting bodies. The above-mentioned journalists and persons were supposed to receive 2% of the value of the damage within 30 days of its restitution to the state budget after the final and conclusive judgment of the courts in corruption cases.

The sums would be paid to any natural person above 18 years old or to any Romanian or foreign moral person which makes public through any medium (print publication, online, radio, TV) or by complaining directly to the investigative and prosecuting bodies any corruption case, abuse of office, embezzlement, receiving undue benefits, tax evasion or any action or inaction under criminal law in force which by its nature is prejudicial to the state budget by at least RON 100 000 (~EUR 22 470). The 2% of the recovered damage will be received upon request to the Finance Ministry.

Prior to the rejection of the Draft Act by the Senate, the Legislative Council issued a positive opinion with comments and suggestions, the Romanian Government issued a negative opinion and the Senate's standing committee for budget, finance, banking and capital markets and the committee on culture and media issued a common negative report, with a recommendation for the Draft Act to be rejected. The Government considered that the proposed document is contrary to Act no. 500/2002 on public finance, with further modifications and completions, with regard to the setting up of special funds, the principles of universality and unity and the rules on budgetary expenditure. The Government also considered that the Draft Act breaches the fiscal responsibility Act no. 69/2010, with further

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modifications and completions, because it does not include proposals for measures to address the financial impact on the state budget by increasing other budget revenues or, alternatively, it has not the support of the Ministry of Finance and of the Fiscal Council, stating that the financial impact has been taken into account in the forecast budget revenues and it does not affect the annual and the medium term budgetary targets.

Propunere legislativă privind înfiinţarea Fondului Special pentru Jurnalismul de Investigaţie - forma iniţiatorului

http://www.senat.ro/Legis/PDF/2014/14L526FG.pdf

Draft Act on setting up the Special Fund for the Investigative Journalism - as initiator

Propunere legislativă privind înfiinţarea Fondului Special pentru Jurnalismul de Investigaţie - expunerea de motive

http://www.senat.ro/Legis/PDF/2014/14L526EM.pdf

Draft Act on setting up the Special Fund for the Investigative Journalism - Explanatory Memorandum

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