[RO] Rejected modifications of the Audiovisual Law

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Eugen Cojocariu
Radio Romania International

On 21 September 2015, the Romanian Senate (upper chamber of the Parliament) rejected modifications of Audiovisual Law no. 504/2002. The Senate's decision was final.

According to Article 13 of the Audiovisual Law, the appointment of Members of the National Audiovisual Council (Consiliul Naţional al Audiovizualului, CNA) may be revoked on request by a specialized commission of the Parliament, in case a Member is not able to exert his function for a period longer than 6 months, and in case of a penal conviction applied by a final court decision. According to the rejected modification of Article 13 of the Audiovisual Law, a Member of the CNA would have been automatically suspended in case of a repeated non-compliance or breach of duties as they are laid down in Article 17 of the Audiovisual Law (with regard to the main duties of the CNA) and in case of a criminal prosecution or a criminal indictment. The Council Member would have been suspended either until the end of the criminal prosecution in case it ended without an indictment, or until a final judgment was issued.

Furthermore, a legal initiative for the modification of the Audiovisual Law to oblige all audiovisual media service providers in Romania to subtitle their programs in Romanian language was withdrawn by its proponents on 23 September 2015, after a debate without a final vote in the Chamber of Deputies (lower chamber of the Parliament) (see inter alia IRIS 2010-1/36, IRIS 2011-4/31, IRIS 2011-7/37, IRIS 2013-3/26, IRIS 2013-6/27, IRIS 2014-1/37, IRIS 2014-2/31, IRIS 2014-7/29, IRIS 2014-9/26).

The proponents also intended to extend the duties of the CNA. According to the proposed modifications, the Council would have had to monitor the compliance of all audiovisual media service providers with the obligation to subtitle their programs in the Romanian language, and to monitor the compliance of the providers with the obligation not to air programs which promote anti-European and anti-Romanian cultural values as well as programs which incite: hatred based on race, religion, nationality; chauvinism and separatism; or the breaching of the fundamental legal provisions of Romania. The Draft Law also provided that in localities with more than 20% of the population belonging to a national minority, the distributors are obliged to offer the programs free to air in the languages of the respective minorities (proposed modification of Article 82 paragraph 4 of the

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Audiovisual Law).

A new extended and more punitive form of Article 95 paragraph 1 of the Audiovisual Law had been proposed, according to which the Council was obliged to withdraw an audiovisual license, or the right to provide an audiovisual media service, for repeated infringements by the media service provider of one of the stipulated deeds. The new form of the text proposed to add to the already provisioned deeds (Article 95, paragraph 1 a) to d) of the Audiovisual Law) the following three paragraphs: the breach of fundamental legal provisions of Romania; breaches of Article 3 paragraph, 4 of the Audiovisual Law; and insulting or slandering people by the moderator of a show or station employees, constituting aggravating circumstances.

Propunere legislativă privind modificarea art.13 din Legea audiovizualului nr. 504/2002 - forma iniţiatorului

http://www.cdep.ro/proiecte/2015/300/50/3/pl424.pdf

Draft Law on the modification of Article 13 of the Audiovisual Law no. 504/2002 - proponent's form

The Propunere legislativă pentru modificarea şi completarea Legii 504/2002 a audiovizualului - forma iniţiatorului

http://www.cdep.ro/proiecte/2015/500/40/4/pl697.pdf

Draft Law on the modification and completion of the Audiovisual Law no. 504/2002 - proponent's form

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