[RO] The Act on public service broadcasting, in line with the Constitutional Court's decision

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On 27 November 2017, the Romanian Senate (the upper chamber of the Parliament) re-examined and adopted the act on the modification and completion of Act No. 41/1994 on the functioning of the Romanian public radio and television services. The Senate has brought the law into line with the Constitutional Court's decision of 12 July 2017, which rejected some modified articles of the aforementioned law (see inter alia IRIS 2013-5/37, IRIS 2013-10/36, IRIS 2014-1/38, IRIS 2014-2/30, IRIS 2014-4/25, IRIS 2014-6/30, IRIS 2014-7/30, IRIS 2015-6/33, IRIS 2015-8/26, IRIS 2016-5/28, IRIS 2017-3/26 and IRIS 2017-8/31).

The lower chamber, the Chamber of Deputies, had re-examined the law on 11 October 2017, accepting all the Constitutional Court of Romania’s objections. The Court had reacted to a complaint of unconstitutionality lodged by two opposition parties (Liberals and Populars). The Constitutional judges had decided that the provisions for the appointment of new Boards of Administration within 90 days from the date of entry into force of the new form of the law, as well as the fact that representatives of the Board of Administration were required to renounce membership of a party during the exercise of their mandate, were unconstitutional.

By harmonizing with the court’s decision, the members of the Boards of the two broadcasters are allowed to be party members; however, the members of the Board of Administration of the public radio and TV broadcasters have to give up their membership of the governing bodies of trade unions. During the re-examination of the law, the MPs accepted the Constitutional Court’s decision with regard to the principle of non-retroactivity of civil law, in connection with the initial idea to mandatorily appoint new Boards of Administration after the entry into force of the new form of the Law.

The parliament appointed a new Board of Administration for Radio Romania on 27 September 2017, after the dismissal of the previous one for poor management at the end of April 2017. Furthermore, on 27 September, Parliament rejected the Romanian Television’s annual activity report, which triggered the dismissal of the public TV’s Board of Administration. An interim General Director, Ms Doina Gradea, was appointed to manage the Romanian Television, with a limited mandate.

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Legea pentru modificarea şi completarea Legii nr.41/1994 privind organizarea şi funcţionarea Societăţii Române de Radiodifuziune şi Societăţii Române de Televiziune - forma adoptată de Camera Deputaţilor în urma reexaminării

https://www.senat.ro/Legis/PDF/2016/16L263DX.pdf

Act on the modification and completion of Law No. 41/1994 on the organization and functioning of the Romanian Radio Broadcasting Corporation and the Romanian Television Broadcasting Corporation - form adopted by the Chamber of Deputies after review

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