[RO] The PBS' Law, back to the Parliament

IRIS 2018-7:1/27

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On 3 May 2018, the Romanian President, Klaus Iohannis, sent the Act for amending and completing Law No. 41/1994 on the organisation and functioning of the Romanian Radio Broadcasting Society and the Romanian Television Society (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, IRIS 2017-8/31, IRIS 2017-10/31, IRIS 2018-1/35 and IRIS 2018-2/30) to Parliament for review.

The draft Law had previously been adopted by the Romanian Senate (the upper chamber) on 3 April 2018. The Act intended to increase, through Art. 19 (2), the number of members of the Boards of Administration of the Romanian radio and television public broadcasters to be proposed by Parliament. It also raised the total number of the members of each Board from thirteen to fifteen. On the other hand, the new draft Law intended to ease, through Art. 19 (1), the attainment of a majority of votes on the membership of the Boards in a joint sitting of the two Chambers.

In his request to Parliament, President Iohannis noted that these legislative interventions raise issues both in terms of correlation with the other provisions of Law no. 41/1994, as well as regarding the clarity and predictability of the norms. The President drew attention to the fact that the modification of Art. 19 (1) should be correlated with the modifications made to Art. 19 (6) in respect of the approval of the lists of candidates for the Councils, and to Art. 20 (3) in respect of the dismissal of members of the Boards - both require a qualified majority of 50% + 1 of MPs' total votes.

The new required majority provided by the legislature for the appointment of members of the Boards of Administration of the two companies will also apply to their dismissal; Parliament will appoint the members of these Councils by a vote of the majority of the parliamentarians present in a joint sitting of the two Chambers, while their dismissal will require a qualified majority vote (50% + 1) of the total number of deputies and senators of the Romanian Parliament.

After the law is enacted, the parliamentary groups of the two Chambers would have ten seats on the Boards, compared to the current eight provided by the law at present, which means a total of fifteen members in each Council. However, the modification of Art. 19 (2) should have been correlated with the modification of

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Art. 18 (2) of the existing Law, which clearly stipulates that each Board of Administration of the public radio and television is composed of 13 members.

The Cerere de reexaminare asupra Legii pentru modificarea art. 19 din Legea nr. 41/1994 privind organizarea și funcționarea Societății Române de Radiodifuziune și Societății Române de Televiziune - comunicat de presă 03.05.2018

http://www.presidency.ro/ro/media/comunicate-de-presa/cerere-de-reexaminare-asupra-legii-pentru-modificarea-art-19-din-legea-nr-41-1994-privind-organizarea-si-functionarea-societatii-romane-de-radiodifuziune-si-societatii-romane-de-televiziune

Request for review of the Law on amending the Art. 19 of the Law no. 41/1994 on the organization and functioning of the Romanian Radio Broadcasting Society and the Romanian Television Society - press release 03 May 2018

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