[RO] The Audiovisual Law, back to the Parliament

IRIS 2018-8:1/36

Eugen Cojocariu
Radio Romania International

More initiatives to modify the Audiovisual Law No. 504/2002 with further modifications and completions were partly rejected and partly approved by the Romanian Parliament (see, inter alia, IRIS 2013-3/26, IRIS 2014-1/37, IRIS 2014-7/29, IRIS 2014-9/26, IRIS 2015-10/27, IRIS 2016-2/26, IRIS 2016-10/24, IRIS 2017-1/30, IRIS 2017-7/28, IRIS 2018-6/30).

On 7 May 2018, the Romanian Senate (upper chamber of the Parliament) rejected a draft law for the modification of the Audiovisual Law No. 504/2002. The decision of the Senate is final. This draft law had already been rejected earlier by the Chamber of Deputies (lower chamber) on 5 September 2017. According to the initiators, the draft law was intended to be a first step towards an efficient and well-defined legislative framework for the education of the population with regard to emergency situations, due to the major seismic risk facing Romania and, in particular, Bucharest, its capital city. According to a newly proposed Article 6 (3), any kind of interference with the content, the form or the ways of presenting the elements of the programme services, by the public authorities or by any natural or legal persons, Romanian or foreign, is forbidden except for the public interest messages of the Ministry of Internal Affairs (MAI) concerning behaviour during earthquakes. A new paragraph 5 of Article 21 was proposed, stating that any broadcaster under Romanian jurisdiction must ensure the publicity of the public interest notices of the MAI on earthquake behaviour, free of charge, every year on March 4 (the date of the last devastating earthquake that hit Romania in 1977), but also each time an exercise simulates the actions of authorities following an earthquake.

In another decision on the same day, 7 May 2018, the Senate rejected a further draft law for the modification of the Audiovisual Law No. 504/2002. The decision of the Senate is final, although, in this case, the draft law had earlier been approved by the Chamber of Deputies on 4 April 2018. According to the initiators, the draft law was intended to provide a definition for non-commercial audiovisual communications in the Audiovisual Law and to determine their forms: public interest announcement, social campaign and charity appeal. The initiators pointed out that the Audiovisual Law does not contain any definition in its Article 17 (1) d) No. 9 (audiovisual commercial communications) of non-commercial audiovisual communications, even though the Audiovisual Code (Decision No. 220 of 2011 regarding the Regulatory Code of the Audiovisual Content) provides rules in its

© European Audiovisual Observatory (Council of Europe) 2026

section No. 10 on non-commercial campaigns.

In that draft law, a new Article 1(151) was proposed that would have defined non-commercial audiovisual communication as audio or visual messages designed to directly promote action by informing and warning the population; actions of an exclusively social nature; or philanthropic humanitarian activities. Furthermore, it would have clarified that these messages accompany or are included in a free programme and extend to public interest campaigns and charitable appeals. After Article 38, four new articles were proposed, Article 381 - 384, which intended to include legal conditions and limitations to be observed by the different types of non-commercial audiovisual communications. The initiators also intended to enlarge the existing list of eight public interest announcements in Article 120 (5) with announcements on dangerous hydrometeorological phenomena, the announcement "For the health of the national economy, buy products made in Romania!" and the announcement „For a healthy environment, teach the children to respect nature!” All of these amendments will not enter into force due to the Senate rejecting them.

On the other hand, the Chamber of Deputies (lower chamber of the Romanian Parliament) adopted a draft law on 13 June 2018 for the modification and completion of the Audiovisual Law. According to Article I of the draft law form voted by the deputies, two new paragraphs, (4) and (5), will be added to Article 421 of the Audiovisual Law. Paragraph 4 states that in order to ensure the right of access of hearing-impaired people to audiovisual media services, the television programme services with national coverage, in whatever way they are broadcast and part of digital packages, will broadcast Romanian cinematographic productions, short or long, as well as documentaries, with Romanian subtitles. The obligation to subtitle them is the exclusive responsibility of the copyright holder. Furthermore, paragraph 5 states „The technological solution adopted for the implementation of the provisions of paragraph 4 must allow the option to remove the subtitles from the screen.” According to Art. II of the draft law, these modifications will enter into force on 1 January 2019 if the Senate approves them, too, when it votes on them in the coming months.

The Propunere legislativă privind completarea şi modificarea Legii nr. 504 din 11 iulie 2002 a audiovizualului - forma iniţiatorului

http://www.cdep.ro/proiecte/2017/100/70/7/pl144.pdf

Draft Law on the modification and completion of the Law no. 504 of 11 July 2002 on the audiovisual - the form of the initiator

© European Audiovisual Observatory (Council of Europe) 2026

The Propunere legislativă pentru modificarea şi completarea Legii audiovizualului nr. 504/2002 - forma adoptată de Camera Deputaţilor

http://www.cdep.ro/pls/proiecte/docs/2017/cd465_17.pdf

Draft law for amending and completing the Audiovisual Law no. 504/2002 - the form adopted by the Chamber of Deputies

The Propunere legislativă pentru modificarea şi completarea Legii nr.504/2002 a audiovizualului - forma adoptată de Camera Deputaţilor

http://www.cdep.ro/pls/proiecte/docs/2018/cd089_18.pdf

Draft law for amending and completing the Law no. 504/2002 on the audiovisual - the form adopted by the Chamber of Deputies

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026