[RO] New modifications of the Audiovisual Law

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The President of Romania, Klaus Iohannis, on 2 November 2018 promulgated Law no. 246/2018 on the modification and completion of the Audiovisual Law (no. 504/2002) on the protection of hearing-impaired persons. On the other hand, the Chamber of Deputies adopted on 14 November 2018 a modification to the Audiovisual Law's provisions regarding the need to draw a clear distinction between opinions and facts within a broadcast or a programme that addresses health issues (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, and IRIS 2017-7/28).

According to the first draft Law, a new paragraph 4 was added to Article 421 of the Audiovisual Law. It stipulates that "in order to ensure the right of access to audiovisual media services of hearing-impaired people, television programmes with national coverage broadcast by any technical means, in digital packages, will broadcast Romanian cinematographic productions, short or long, as well as documentaries, subtitled in the Romanian language, the obligation to subtitle being the exclusive task of the copyright owner." Under a new paragraph (5), the technological solution adopted for the implementation of the provisions of paragraph (4) must allow the possibility of removing the subtitles on screen.

The draft Law was adopted by the Chamber of Deputies (the lower chamber of the Romanian Parliament) on 13 June and by the Senate (the upper chamber) on 8 October 2018. The Law will enter into force on 1 January 2019.

In another development, the Chamber of Deputies adopted on 14 November 2018 a modification to Article 26 of the Audiovisual Law under which paragraph 26 was amended to include a provision that: (1) For reasons of public health and in order to ensure that the public is given objective information within a broadcast or a programme that addresses health issues, broadcasters have the obligation to make a clear distinction between opinions and facts, to encourage the presentation of evidence-based medical arguments, and to include within the content of a programme the opinion of a specialist in the subject in question, and (2) to ensure the correct application of the provisions of paragraph 1, the Council shall issue binding rules, check compliance therewith, and impose sanctions for the violation thereof.

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The draft Law has yet to be discussed by the Romanian Senate, whose decision will be final.

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

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

Draft Law for the modification and completion of the Audiovisual Law no. 504/2002 - form adopted by the Chamber of Deputies

Propunere legislativă pentru modificarea şi completarea art.261 din Legea audiovizualului nr.504/2002 - forma adoptată de Camera Deputaţilor

http://www.cdep.ro/pls/proiecte/docs/2018/cd374_18.pdf

Draft Law for the modification and completion of Article 261 of the Audiovisual Law no. 504/2002 - form adopted by the Chamber of Deputies

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