[RO] Legislative procedure terminated for the modification of the PSB Law

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The legislative procedure for the modification of the Romanian Public Service Broadcasters Law, initiated by more center-right Romanian MPs, was concluded on 2 June 2021 by the initiators, who have asked the Parliament to end the procedure (see inter alia 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, IRIS 2018-2/30, IRIS 2018-6/29, IRIS 2018-7/27, IRIS 2021-6/18).

The draft Law had received negative opinions from the Legislative Council as well as from the Economic and Social Council. The two bodies argued the draft Law proposed that, instead of the existing two politically appointed positions for the Romanian public Radio and Television broadcasters (President of the Board of Administration-Director General), there would be four politically appointed positions (President of the Board of Administration and, respectively, Director General). The negative opinions also stressed that the proposed increase of the salaries for the members of the Boards of Administration would have incurred in an increase in the spending of the two public broadcasters.

The above mentioned bodies also considered that the role and powers of the Director General (CEO) are not totally clear and that there are overlaps with the powers of the President of the Board. The Director General would have been, at the same time, a member of the Board of Administration (a deliberative body), politically appointed, and an executive manager, under the control of the Board. It is necessary that the appointment of the Director General be made through a competition, stated the Economic and Social Council.

On the other hand, the Legislative Council and the Economic and Social Council argued that the proposed modification, according to which the members of the Board of Administration are not allowed to be employees of the public broadcasters (they and their relatives, up to and including the second degree), violates the right to work and restricts the right of employees to freely elect their two representatives (out of the total 13) on the Board of Administration, according to the law. Thus, the right to choose and be elected is violated, and the employees who would represent the employees of the PSBs on the Board would be forced to resign or to suspend their employment contract, in the conditions in which they were hired through an open competition.

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The main modification consisted of splitting the function of President of the Board of Administration and Director General (CEO) into two separate functions, President of the Board and, separately, Director General (CEO), in order to better define the roles and competencies and to have different persons for the strategic and the executive top management. Another provision was that the members of the Board of Administration of the Romanian public radio and TV are not allowed to be employees of those companies (they and their relatives, up to and including the second degree).

Avizul Consiliului Economic şi Social

http://cdep.ro/proiecte/2021/100/70/3/ces173.pdf

Opinion of the Economic and Social Council

Avizul Consiliului Legislativ

http://cdep.ro/proiecte/2021/100/70/3/cl173_2021.pdf

Opinion of the Legislative Council

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