[RO] Promulgation of the modified audiovisual and cinematography legislation

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On 28 June 2022, the President of Romania, Klaus Iohannis, promulgated the Law for the amendment and completion of the Audiovisual Law no. 504/2002; the amendment and completion of the Government Ordinance no. 39/2005 on cinematography; as well as the amendment of Law no. 41/1994 regarding the organisation and operation of the Romanian Radio Broadcasting Company and the Romanian Television Company (see inter alia IRIS 2013-6/28, IRIS 2017-1/30, IRIS 2017-2/27, IRIS 2017-7/28, IRIS 2018-6/30, IRIS 2018-8/36, IRIS 2018-10/22, IRIS 2018-10/23, IRIS 2019-1/31, IRIS 2019-2/21, IRIS 2019-4/29, IRIS 2019-5/22 and IRIS 2022-2/12).

The project was adopted by the Romanian Senate (upper chamber of the Parliament) on 7 June 2022 and by the Chamber of Deputies on 7 December 2021. The project aims to transpose Directive no. 1808 of 14 November 2018 amending Directive 2010/13 /EU on the coordination of certain provisions established by laws, regulations or administrative provisions in the Member States on the provision of audiovisual media services (Audiovisual Media Services Directive), taking into account the evolution of market realities.

The project redefines the notions of an audiovisual media service, programme, retransmission, commercial communication, sponsorship, product placement, audiovisual licence and coding, while introducing some new definitions for the notions of a sharing platform service, user-generated video material, editorial decision and a platform provider for sharing and authorising audiovisual media services upon request.

The project reformulates the general framework that audiovisual media services must observe in order to ensure the protection of minors, as well as to ensure the defence of morality, public health and public safety. The amended law introduces provisions designed to encourage self-regulation in the audiovisual field, giving rise to the possibility of elaborating codes of conduct. Regulations have also been introduced to facilitate access for people with disabilities to audiovisual media services.

The project also aims to amend and complete Government Ordinance no. 39/2005, in order to collect a monthly contribution of 3% of the price of

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audiovisual works downloaded for a fee through data transmission services, including via the Internet or telephone, as well as to complete the list of contributions to the Cinematographic Fund with a contribution of 4% of the revenues obtained from one-off transactions or in the form of subscriptions, by providers of on-demand audiovisual media services, for viewing audiovisual works through data transmission services via the Internet or telephone.

The project also amends Article 6 of Law no. 41/1994 regarding the organisation and operation of the Romanian Broadcasting Company and the Romanian Television Company. The new form of Article 6 is: "(1) Broadcasting of advertisements by public services broadcasting and television can only be done by contract concluded with the beneficiary of the advertisement, the producer of the advertising programme or its representatives or other authorised persons, under the conditions established by Audiovisual Law no. 504/2002, with subsequent amendments and completions. (2) Failure to comply with the legal provisions regarding advertising within the framework of radio broadcasting and television programmes are sanctioned according to Law no. 504/2002, with subsequent amendments and additions".

Proiect de Lege pentru modificarea şi completarea Legii audiovizualului nr.504/2002, precum şi pentru modificarea şi completarea Ordonanţei Guvernului nr.39/2005 privind cinematografia – forma adoptată de Camera Deputaţilor

http://cdep.ro/pls/proiecte/docs/2021/cd430_21.pdf

Draft Law for the amendment and completion of the Audiovisual Law no. 504/2002, as well as for the amendment and completion of the Government Ordinance no. 39/2005 on cinematography – Form adopted by the Chamber of deputies

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