

Parlamentul României

**Law no. 41/1994 on
the organization and
operation of the
Romanian Radio
Broadcasting
Corporation and of
the Romanian
Television
Corporation*)**

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CHAPTER I

General provisions

Art. 1. - The Romanian Radio Broadcasting Corporation and the Romanian Television Corporation shall be set up as editorially independent, autonomous public services of national interest by the reorganization of the Romanian Radio and Television.

Art. 2. - The Romanian Broadcasting Corporation and the Romanian

Television Corporation shall be legal persons with their seat in the Municipality of Bucharest and shall carry on their activity under the control of the Parliament, under the terms of the present law and in accordance with the international conventions to which Romania is a party.

Art. 3. (1) Through their entire activity, the Romanian Broadcasting Corporation and the Romanian Television Corporation shall be bound to ensure pluralism, the free expression of ideas and opinions, the free communication of information, as well as the correct information of the public opinion.

(2) The contents of the programmes of the Romanian Broadcasting Corporation and the Romanian Television Corporation shall comply with the professional standards in the matter.

Art. 4. (1) The Romanian Broadcasting Corporation and the Romanian Television Corporation, as public services, in carrying out the general objectives of information, education, amusement, shall be bound to present objectively and impartially the facts of the internal and international social, political and economic life, to ensure the correct information of the citizens on public affairs, to competently and exactly promote the values of the Romanian language, of the authentic national and universal cultural, scientific creation, of the national minorities, as well as of the democratic, civic, moral and sporting values, to militate for the national unity and independence of the country, for the cultivation of human dignity, of truth and justice.

(2) In discharging their duties, the Romanian Broadcasting Corporation and the Romanian Television Corporation shall observe the principles of the constitutional order in Romania.

Art. 5. (1) The programmes of the Romanian Broadcasting Corporation and the Romanian Television Corporation shall for no reason whatsoever serve as a means for the defamation of the country and of the nation, nor to instigate a war of aggression, national, racial, class or religious hatred, or for incitation to discrimination, territorial separatism or public violence, or for propagation of obscene manifestations, contrary to decent morals.

(2) The programmes which, by their contents, threaten the psychical or moral development of children and youth, shall not be broadcast from 5.00 a.m. to 24.00 hours.

(3) The minors with adverse behaviour or the persons presumed to have infringed the law shall be presented in such a way that the images should not occasion their identification. The visual exploitation of the psychosomatic deficiencies of the persons presented in television broadcasting is prohibited.

(4) The Romanian Broadcasting Corporation and the Romanian Television Corporation shall reserve part of their transmission time for the political parties represented in Parliament. The time assigned to political parties shall not exceed one hundredth of the entire weekly transmission time. The distribution of the transmission time among political parties shall be made in ratio with the share of their representation in Parliament, by calculating one time unit for every parliamentarian, including the representatives of the national minorities.

(5) The programmes shall not prejudice the dignity, honour or private life of persons, or the right to their own image.

Art. 6. (1) The broadcasting of advertisements by the public radio broadcasting and television services shall be made only on the basis of a contract concluded with the beneficiary of the advertisement, the producer of the advertising programme, or their authorized representatives, under the conditions established by the compulsory rules*), drawn up by National Broadcasting Standards Council, published in the Official Gazette of Romania.

(2) Non-observance of the norms established by the National Broadcasting

Standards Council with regard to the implementation of advertising within the radio and television programmes shall be sanctioned in accordance with the Law on broadcasting No. 48/1992.

*) The compulsory rules, in revised form, were published in the Official Gazette of Romania, Part I, No. 290 of August 7, 1998.

Art. 7. (1) The Romanian Broadcasting Corporation and the Romanian Television Corporation shall promote and encourage the transmission of Romanian audio-visual creations.

(2) Within maximum 4 years from the coming into force of the present law, the Romanian Radio Broadcasting Corporation and the Romanian Television Corporation shall reserve to the European creations a majority percentage of the transmission time, which shall not include the informative and sporting transmissions, games, advertising and teletext services.

(3) Out of the European creation broadcast, at least 30% shall be Romanian creation, including creations specific to the national minorities.

(4) Out of the Romanian creation, at least 35% shall be cultural creation.

(5) The Romanian Radio Broadcasting Corporation and the Romanian Television Corporation shall reserve, under the conditions of paras (2) - (4), at least 10% of their transmission time to the creations of independent producers, from Romania or from abroad.

(6) The enforcement of the provisions of paras (2) - (5) shall be made gradually, in stages, the terms of which shall be established by the National Broadcasting Standards Council.

Art. 8. (1) The autonomy and editorial independence of the public radio broadcasting and television services are guaranteed by law, and their programmes shall be protected against any interference from public authorities as well as against influence exercised by any parties, social-political formations, trade unions, commercial and economic organizations, or by pressure groups.

(2) The application of the compulsory norms established by the National Broadcasting Standards Council under the conditions of Law on broadcasting No. 48/1992 shall not constitute interference.

(3) The communication networks and equipment, which are technical support for the transmission of the national programmes of the radio and television public services, shall be put at the disposal of the Romanian Radio Broadcasting Corporation and the Romanian Television Corporation, for the entire period of broadcasting, on the basis of a contract.

Art. 9. - The public radio broadcasting and television services shall compulsorily, with priority and free of charge, transmit official statements or messages of public interest received from Parliament, the President of Romania, the Supreme Council of National Defence and the Government.

(1) The specialized staff of the public radio broadcasting and television

Art. 10. services shall be under the protection of the present law over the entire duration of their labour contract

journalist and television journalist, respectively, over the entire duration of the labour contract, are established through the organization and operation regulations of each corporation.

(3) The statutes comprising the rights and obligations of the journalists shall be drawn up by a parity commission, formed of members of each management board, and delegates of the plenum of radio and television broadcasts

producers, and they shall be approved by the management boards of both corporations on the basis of the advisory opinion of the competent parliamentary committees.

(4) The parity commission shall elect a chairman and in case this is not elected within 15 days, he shall be designated by the joint specialist parliamentary committees.

(5) The statutes shall compulsorily comprise norms warranting:

a) the protection of the journalists and other broadcasts producers from attempts to impair their professional independence, and harm their rights;

b) the participation in the taking of decisions with regard to the statutes of the journalists and the other broadcasts producers;

c) the hearing of the person involved, when sanctions provided by law or by statute are to be applied;

d) the exercise of the profession of journalist or broadcasts producer under conditions of professional, moral or juridical responsibility, as the case may be;

e) the settlement of clash of opinions regarding the application of the statute by an internal arbitration instance.

(1) Within the meaning of the present law, the specialized staff shall
Art. 11. include any person that carries out, produces, drafts, elaborates or coordinates broadcasts or programmes or who directly and creatively participates in their production. Through their own statutes, the two corporations shall nominate the positions that comply with the provisions of the present paragraph.

(2) For the duration of employment, the staff provided in para (1) cannot hold other positions, except those of didactic staff, unless approved by the executive committee of the public service where he is employed.

(1) The audio-visual creation follows the general regime of the
Art. 12. legislation regarding the copyright and the neighboring rights.

(2) The materials created in the capacity of employee of the public service, meant to the elaboration or making of broadcasts or programmes, may be used outside the corporation only with the written approval of the authorized persons in that public service.

(1) The specialized staff provided in art. 11 cannot belong to parties or
Art. 13. to other political formations and are obliged to keep political equidistance in their professional activity, ensuring the observance of the diversity of opinions.

(2) The employees provided under paragraph (1) cannot be part in the management of other radio broadcasting or television companies, nor can they hold executive positions in these.

(3) The employees provided under paragraph (1) may contribute to other radio broadcasting or television companies only with the agreement of the executive committee of the public service in which they work.

(4) The non-observance of the provisions under paragraphs (1) and (2) shall be sanctioned with disciplinary cancellation of the individual labour contract or with the dismissal from office, as the case may be.

(5) If, by non-observance of the provisions under paragraphs (1) and (2), a damage has been caused to the corporation in which the incriminated person is employed, that employee shall be compelled to make good the damage, according to law.

(6) The way in which the provisions of the present article are to be carried out shall be provided in the organization and operation regulations of each corporation.

(1) The news and information shall have to be broadcast faithfully and
Art. 14. commented upon with probity, without any influence on the part of public

authorities or of other legal persons of private or public law, or of certain natural persons.

(2) The news and information to be broadcast in the form of texts or images must be checked. Their meaning must not be distorted, or fabricated by the mode of formulation, titles or comments.

(3) The responsibility for information or creations brought to public notice shall, under the conditions of the law, devolve upon the producer of transmissions or programmes, on the author as well as on the public radio broadcasting and television services, respectively, as the case may be.

(4) The news or information broadcast that subsequently prove inaccurate must be corrected in similar conditions to the broadcasting.

(5) The broadcasting of information by which the legitimate rights or interests of a natural or legal person are damaged, shall entitle that person to request the specialized staff to rectify them within 48 hours from the request of the natural or legal person involved.

(6) In case of refusal, the person considering itself damaged in a right or legitimate interest, may request the director general of the corporation, within maximum 6 days from the expire of the term in para (5), to be granted the right to retort.

(7) The right to retort shall be broadcast within the same transmission and at the same hour when the right or legitimate interest of the person was damaged, within 48 hours from the request of the person involved.

(8) The responsibility for the broadcast of the rectification shall belong to the head of the editorial staff involved, and the responsibility for granting the right to retort shall devolve upon the director general of the corporation.

(9) The failure to broadcast the rectification and to grant the right to retort may be referred to law courts.

(10) The other cases regarding the right to retort shall be exercised according to the compulsory norms* established by the National Broadcasting Standards Council, published in the Official Gazette of Romania.

(11) The confidential character of the information sources of the specialized staff is guaranteed by law.

(12) Disclosure of these sources, motivated by the infringement of public interest, may be made only on the basis of an order issued by a law court.

(13) In exercising their professional duties by the journalists and other transmission producers, the information cannot be obtained but by legal and moral means, and their use cannot be made for personal purpose.

*) The compulsory norms were published in the Official Gazette of Romania, Part I, No. 303 of December 22, 1993.

CHAPTER II

Object of activity

Art. 15. - According to their type, the activity of the Romanian Radio Broadcasting Corporation and of the Romanian Television Corporation shall have as an object:

a) the carrying out of radio broadcasting or television programmes, respectively, in the Romanian language, in the languages of the national minorities, or in other languages, for information, cultural, educational and entertainment purposes;

b) the broadcasting of programmes through transmission stations and lines for the transmission of programmes found in their own property, or by leasing audio-visual radioelectric telecommunication networks by satellite, cable, or

other technical means included;

c) the organization and achievement in their own studios or in co-operation with other internal or external partners, of radio and television programmes, recordings on discs or on magnetic support, television feature films, television serials, documentary and scientific films required for their own programmes and for exchange with similar home and foreign organizations, or for turning to good account;

d) the carrying on of an impresario activity for their own artistic formations, organization of concerts, festivals and shows with audience as well as contests with their artistic formations or in co-operation with other artists, including quick-witted contests and chance games, concluding of contracts with Romanian or foreign artists and impresarios for the transmissions, concerts and shows they organize, paying fees and taking receipts, under the terms of the law;

e) the achievement of advertising activities through their own transmissions and publications, for home and foreign beneficiaries;

f) the organization of the documentation activity in specific problems, editing and transmission for the broadcasting of programmes, advertising materials, and of other publications connected with radio broadcasting and television activities;

g) the achievement of transmissions in support of the youth molding process, under instructive- educational, moral, religious and patriotic aspects, in co-operation with legal persons of public law and legal persons of private law, and natural persons;

h) the carrying out of the activity of research and design, as well as works specific to audio and video technique, for their own needs or of other beneficiaries at home or abroad, the following up of the results of scientific research and their turning to good account under the terms of the law, the promoting of technical and scientific progress in the activity of the corporation.

i) the carrying out directly, under the terms of the law, in their field of activity, of foreign trade activities and of payments in lei and in foreign currency;

j) the organizing of co-productions with foreign partners in the field of radio broadcasting and television programmes and the achievement of the production, processing, exchange, export and import of films or programmes for television or radio broadcasting programmes, as the case may be;

k) the representation in the relations with the international bodies in the same line of activity, to which Romania is a party, the concluding of conventions and establishing relations of collaboration with the radio broadcasting and television organizations in other countries;

l) the achievement and sending abroad of radio, television and film programmes, with a view to their broadcasting, in keeping with the agreements concluded with similar organizations from other countries;

m) the organizing of exchanges of transmission producers and of correspondents with radio broadcasting and television organizations in other countries, offering the possibility of a direct mutual information on the facts in Romania and in the respective countries;

n) the conservation and depositing in the archives of the audio-visual recordings and documents of interest for the national patrimony; the conservation periods and the conditions of depositing in the archives and of access to the recordings and documents in the archives shall be established by the organizing and operating regulations of the two corporations, under the terms of the law;

o) any other activities established according to law.

(1) The Romanian Radio Broadcasting Corporation and the Romanian

Art. 16. Television Corporation shall elaborate and transmit radio and television programmes for broadcasting in the Romanian language and in other languages, addressed to listeners and viewers world-wide, to promote the image of Romania and its internal and foreign policy.

(2) To this end, departments for broadcasting abroad shall operate within the Romanian Radio Broadcasting Corporation and the Romanian Television Corporation.

Art. 17. - The Romanian Radio Broadcasting Corporation and the Romanian Television Corporation have the following rights:

a) to use their own transmitter and relay networks as well as those put at disposal by leasing;

b) to transmit or to record, free of charge, public debates of the public authorities, meetings, demonstrations, manifestations and other events or activities to which the access of the public is unrestricted. The radio broadcast or television transmission, or the recording with a view to transmission, free of charge, of any kind of works from theatres or public places in which these are performed, executed or shown, as well as of the cultural, artistic or sports manifestations can be made, for information purposes, only once, with a duration of not more than 3 minutes, on condition of observing the legislation on the copyright and the neighbouring rights;

c) to record and to use in their programmes the cultural creations in all fields, by observing the legislation on the copyright and neighbouring rights;

d) to establish the prices and tariffs in lei and in foreign currency for the activities and services carried out, in the specific domain of the activity performed, except subscription fees, in the terms of the law;

e) to organize their own network of correspondents within the country and abroad.