
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 III

Organization and operation

Art. 18. (1) Within the framework of each corporation, the management of the public radio broadcasting and television services shall be ensured by:

- a) the management board;
- b) the director general;
- c) the executive committee.

(2) The management board shall be organized for each corporation separately, consisting of thirteen persons, one of them being the chairman.

(3) The chairman of the management board shall be the director general of the corporation.

(4) The management board shall carry on its activity on the basis of its own organizing and operating regulations.

Art. 19. (1) The members of the management board of the Romanian Radio Broadcasting Corporation and the Romanian Television Corporation, respectively, are appointed by the vote of the majority of the deputies and senators in the joint meeting of the two Chambers.

(2) The lists of candidates shall be sent to the standing bureaus of the two Chambers, as follows:

- a) the joint parliamentary groups in the two Chambers submit proposals for 8 seats, in accordance with the political configuration and their share in

Parliament;

b) the President of Romania, for one seat;

c) the Government, for one seat;

d) the employed personnel of each corporation shall appoint, by secret ballot, candidates for two seats, within one poll organized by the management of the respective corporation;

e) the national minorities parliamentary groups, for one seat.

(3) The proposals made shall nominate the candidate for the titular position, as well as the candidate for the substitute position and shall be forwarded to the standing bureaus of the two Chambers within 15 days from the starting of the nomination procedure.

(4) The standing bureaus of the two Chambers shall forward the lists of candidates to the specialized standing commissions, with a view to hearing them in joint meeting.

(5) Following the hearing, the specialty standing commissions shall draw up a motivated joint advisory opinion, which they shall present in the meeting of the Chamber of Deputies and of the Senate, accompanied by a list each of candidates proposed for the titular positions and a list each of candidates proposed for the substitute positions, but not less than 9 for each corporation separately, in accordance with the structure provided in para (2). In the case the proposals have not been made during the time provided in para (3), the management board shall legally function in the composition of at least 9 validated members.

(6) The lists of candidates are totally subjected to the vote in the joint meeting of the Chamber of Deputies and the Senate, and are approved by the vote of the majority of deputies and senators. The vote is secret and shall be expressed by balls.

(7) The chairman of the management board of the Romanian Radio Broadcasting Corporation and the Romanian Television Corporation, respectively, shall be appointed by the Parliament, in joint sitting, from among the titular members of the boards, at the proposal of the competent standing committees, by observing the hearing and voting procedures provided in this article. In view of the proposal, the competent standing committees shall examine with priority, within 7 days, the candidate recommended by the titular members of the management board. The hearing of the candidate is made by the committees, in the presence of the members of the respective management board.

Art. 20. **(1)** The members of the management board shall be appointed for a period of four years.

(2) The members of Parliament and of the Government cannot be part of the management boards of the two corporations.

(3) The joint competent standing committees of the two Chambers may propose, with the vote of the majority members of the plenum of Parliament, the dismissal of any member of the management board, whose activity is unsatisfactory. The Parliament decides by the vote of the majority. The seat become vacant in this way or for any other reason shall be filled by the titular substitute.

(4) In case the vacant seat cannot be filled by the substitute, those provided in art. 19 para (2) shall make a proposal of replacement that shall be put to vote, under the same conditions as the initial nomination. The mandate of the members thus nominated expires at the same time with the mandate of the whole management board.

(5) The vacant seats in the management board of each corporation shall be announced publicly within 15 days.

Art. 21. (1) In case the nomination procedure of the management board is not finalized by the Parliament during the legislature in which it was started, this shall be resumed after the constitution of the new Parliament.

(2) If, due to the unforeseen situation provided in para (1), the management board whose mandate expires cannot be replaced, its mandate is extended until the appointment of the new management board.

(3) When the situation provided in para (1) arises at a moment when, for various reasons, there is neither management board nor legally appointed chairman, the Parliament, at the proposal of the competent standing committees, appoints a provisional director, with a well defined mandate.

(4) The extensions of the mandate or the duration of the provisional state cannot be longer than 6 months.

Art. 22. - The chairman and the members of the management board shall take the following oath before the Parliament: "I swear to observe the Constitution and the laws of the country, to defend the interest of Romania, the fundamental rights and liberties of the citizens, to fulfill the duties that are incumbent upon me according to the office, with honour, conscientiously, and without bias, and to keep the professional secret. So help me God!"

(1) The members of the management board who are employees of the **Art. 23.** Romanian Radio Broadcasting Corporation and the Romanian Television Corporation, as the case may be, shall preserve all the rights and obligations deriving from this quality, less the right to hold, at the same time, also management positions in that corporation.

(2) The director general of the Romanian Radio Broadcasting Corporation, as well as the director general of the Romanian Television Corporation, receive a gross monthly salary assimilated to the position of a minister.

(3) The other members of the management board of the Romanian Radio Broadcasting Corporation and of the Romanian Television Corporation, respectively, receive, monthly, an indemnity representing 25% of the gross monthly salary of the director general of the corporation. The members of the management board have the right to discount, under the terms of the law, the transport and accommodation expenses, occasioned by their participation in the meetings of the management board.

(4) The members of the management board and the members of the executive committee cannot be part of the management board of a trading company which has activity in the field of the audio-visual and cannot participate in trading companies with which the Romanian Radio Broadcasting Corporation of the Romanian Television Corporation, as the case may be, have business relations or have conflicting interests.

(1) The management board shall hold monthly meetings and whenever **Art. 24.** the interests of the corporation call for it.

(2) The management board is convened by the chairman, who proposes the agenda, or at the request of at least one third of the number of its members.

Art. 25. - In the taking of complex decisions,, the management board may attract external specialists in the activity of analysis.

(1) The proceedings of the management board shall be conducted by **Art. 26.** the chairman, or, in his absence, by another member of the board if designated by the chairman, or by the eldest member of the board.

(2) The management board works legally in the presence of the majority of its members, and decisions shall be taken by the vote of at least one half plus one of the total number of its members. Non-achievement of the quorum leads to the reprogramming of the meeting within at most fifteen days with the same agenda.

(3) In case the management board fails to meet at the time provided in the preceding paragraph, the chairman shall inform the committees for culture, art and mass media of the two Chambers on the situation created. After analyzing the intimation, the joint committees may propose to the Parliament plenum the replacement of one or several members of the management board or its dissolution. The proposals of the committees shall be brought to the knowledge of the standing bureaus of the two Chambers within 24 hours from the date of the decision, and in case of dissolution, the Parliament shall appoint a new management board within 60 days.

(4) The chairman of the dissolved management board maintains his position of director general until the appointment of a new management board or until the appointment of a provisional director general.

Art. 27. - The management board has the following duties:

a) to approve the development project of the corporation and the norms concerning the strategy and the structure of programmes; to supervise the observance of the way in which the corporation fulfills its obligations assumed under the programme schedule and the broadcasting licence issued by the National Broadcasting Standards Council;

b) to approve the organizational structure of the corporation, as well as the economic and personnel restructuring necessary for the efficient operation of the corporation;

c) to approve the organization terms of the competitive examination for the appointment of members of the executive committee;

d) to approve detailed regulations for stating precisely the functions of the public service provided in the present law and in international regulations;

e) to approve the draft budget and to ensure its execution; to distribute the budgets to the autonomous operating units, after approval;

f) to approve the balance sheet and the annual profit and loss account, to send them to the bodies provided by law and to make them public;

g) to approve, according to competency, the investments to be made by the corporation;

h) to establish, under the terms of the law, measures for the extension or restriction of the activity of the corporation, for the setting up or suppression of certain autonomous operating activities;

i) to approve the composition of the executive committees of the units in the structure;

j) to approve the organization and operation regulations of the corporation;

k) to present proposals of subsidies to the Ministry of Finance, in order to be included in the state budget, with a view to their approval by Parliament;

l) to approve the maximum volume of bank credits;

m) to approve the proposals for modifying the budget within the limits of the own income;

n) to approve the competencies of the organizational structures of the corporation regarding employment and making expenses of any kind, including investments, financial and commercial transactions, leasing of movable or immovable goods, under the terms of the law;

o) to analyze the current reports regarding the activity of the corporation and to approve measures for the development of the future activity;

p) to approve the terms of collaboration for ensuring the watch of the objectives and of the goods, as established together with the Ministry of the Interior;

q) to approve the proposals of the executive committee for the participation in achieving certain activities with other companies having Romanian or foreign capital, for the leasing of certain transmission space on the radio or television

channels;

r) to approve the proposals of representation of the national radio broadcasting or television corporations, respectively, in the relations with international bodies, as well those regarding the concluding of conventions and the establishing of collaboration relations with similar bodies in other countries;

s) to approve the proposals of sales and concessions, according to law;

t) to approve the measures for the observance of the legal provisions regarding the protection of the environment;

u) to present the annual report to Parliament and any other reports requested by the standing competent committees of the two Chambers;

v) to exercise any other duties which are incumbent upon it in accordance with the legal provisions and the organization and operation regulations.

Art. 28. - The director general shall have the following duties and responsibilities:

a) to ensure the current management of the corporation, together with the executive committee;

b) to order, control and answer for the carrying out of the decisions of the management board, as well as of the conventions concluded by the corporation;

c) at the proposal of the executive committee, to approve norms, regulations, and service instructions for the exploitation, maintenance, reliability in operation, and the utilization of the corporation's own emitter and relay networks, of the equipment provided, the designing and repair of the constructions and of all the equipment with which the corporation is endowed, as well as for trading, specific financial and accounting operations, the recruiting, training, and perfecting of the personnel;

d) to approve the hiring and dismissal of the corporation's personnel and to appoint the heads of the departments and the managers of the directly subordinate units, following competition, under the terms of the law;

e) to approve, under the terms of the law, the hiring of specialists, for a limited period, to carry out studies, works, determinations and similar activities, required by the corporation;

f) to approve the participation and the mandate of the delegations in reunions at home and abroad, business or study meetings of interest to the corporation;

g) to exercise any other duties which devolve upon him from the legal provisions and the organization and operation regulations approved by the management board, and to approve any other measures regarding the activity of the corporation.

Art. 29. - The director general represents the Romanian Radio Broadcasting Corporation or, as the case may be, the Romanian Television Corporation in its relations with the other bodies and organizations in the country, as well as in the international relations and he participates in international reunions, with the approval and the mandate given by the management board.

(1) The director general may delegate his duties to the subordinated

Art. 30. personnel, except for the duties under article 28 let. c) and d).

(2) The provisional director general has the duties provided in art. 28-30. The appointments and hiring made by the provisional director general are for determined periods of time, until the limit of his mandate.

Art. 31. - The executive committee of the Romanian Radio Broadcasting Corporation and, respectively, of the Romanian Television Corporation is composed of director general and of maximum 7 members and it is carrying out its activity in keeping with the organization and operation regulations, having the following duties:

- a) to carry out the resolutions and decisions of the management board;
- b) to draw up and submit for approval to the management board the programme strategy;
- c) to endorse the documents to be submitted for approval to the management board;
- d) to approve the appropriation and spending of money for any purpose and the commercial and financial transactions, within the limits of the competencies approved by the management board;
- e) to endorse the drafts of norms, standards, regulations and instructions, to be submitted to the approval of the director general;
- f) to endorse the labour norms, the personnel standards, the necessary positions and crafts, to be approved by the management board;
- g) to ensure the observance of the legal provisions regarding the guarding of the goods;
- h) to ensure the observing of the legal provisions regarding the environment protection;
- i) to exercise any other duties which are incumbent on it in accordance with the legal provisions and the organization and operation regulations.

Art. 32. (1) The Romanian Radio Broadcasting Corporation and the Romanian Television Corporation may have territorial studios and other autonomous operating units in their structure without legal personality, needed for achieving the specific object of their activity, to which competencies shall be granted in the technical, economic, commercial, administrative, financial domains, as well as delegation in juridical matters.

(2) The territorial studios shall be granted frequencies with zonal covering, under the terms of the law.

(3) The coordination of the activity of the territorial studios within the two corporations shall be achieved by distinct departments belonging to each corporation separately.

(4) The autonomous operational units, provided in para. (1), shall be secondary budget- holders and shall have the right to achieve their own income for the sustaining and developing of the activity.

Art. 33. - The management of the autonomous operating units, including those of the territorial studios, shall be accountable to the management board of the respective corporation for the implementation of all their duties assigned by the latter through decisions, regulations and decisions of delegation.

Art. 34. - The duties of the departments, directorates and of the other compartments, as well as those of the autonomous component units shall be established by regulations approved by the management boards of the two corporations.

(1) The management of the territorial studios and of the other

Art. 35. autonomous operating units shall be ensured by own executive committees, appointed by the management board of the respective corporation, within the limit of the competencies that were delegated to them.

(2) If the territorial studios have also transmissions in the languages of the national minorities, their executive committees shall include representatives of the producers of such transmissions.

(1) The basic salaries and the other personnel rights for the employees
Art. 36. of the Romanian Radio Broadcasting Corporation and of the Romanian Television Corporation shall be negotiated through collective and individual labour contracts, concluded under the terms of the law.

(2) The salaries shall be compensated and indexed with the percentage established by Government Decision for the autonomous regies and the

trading companies, in relation with the financial possibilities of each corporation.