

Law on Radio and Television Broadcasting

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(...)

Art. 3 - (1) Political and social pluralism, cultural, linguistic and religious diversity, information, education and public entertainment are accomplished and ensured by the transmission and retransmission of programme services observing the freedoms and fundamental rights of the person.

(2) All radio-broadcasters must ensure the objective information of the public by correctly presenting the facts and events and they must favour the free formation of opinions.

(3) The liability for the content of broadcast programme services is incumbent according to the law on the radio-broadcaster, the creator or author, as the case may be.

Art. 4 - The right of each person to freely receive the TV and radio programme services offered to the public by radio-broadcasters under the jurisdiction of Romania and of the Member States of the EU is acknowledged and warranted by this Law.

(...)

Art. 6 - (1) Censorship of any kind upon audio-visual communication is interdicted.

(2) Editorial independence of radio-broadcasters is acknowledged and warranted by this Law.

(3) Any kind of interference of public authorities or any Romanian or foreign natural or legal persons in the content, shape or illustration methods of elements comprised in programme services is interdicted.

(4) The regulation norms issued by the National Audio-visual Council in applying this Law and by observing the legal provisions, as well as the norms on human rights stipulated in the conventions and treaties ratified by Romania are not deemed interference.

(5) Provisions of professional conduct codes adopted by journalists and radio-broadcasters and applied within self-regulation mechanisms and structures of their activity are not deemed interference, unless they infringe the legal provisions in force.

(...)

Art. 10 - (1) The National Audio-Visual Council, hereinafter called the Council, is a public autonomous authority under the control of the Parliament and the warrantor of the public interest in the field of audio-visual communication.

(2) The National Audio-visual Council is the only regulatory authority in the field of audio-visual programme services in the terms of and by observing the provisions of this Law.

(3) The National Audio-Visual Council must ensure the following as the warrantor of the public interest in the field of audio-visual communications:

a) the observance of a pluralist expression of ideas and opinions in the programme services transmitted by radio-broadcasters under the jurisdiction of Romania;

b) the pluralism of information sources of the public;

c) the favouring of free competition;

d) a fair balance between the national radio-broadcasting services and local, regional or thematic services;

e) the protection of human dignity and of minor children;

f) the protection of the Romanian culture and language, as well as of the culture and languages of ethnical minorities;

g) the transparency of mass communication means from the audio-visual sector;

h) the transparency of own activities.

(4) The National Audio-Visual Council exerts its control right upon the content of the programmes offered by radio-broadcasters only after the public communication of such programmes.

(5) The control exerted by the Council upon the content of programme services offered by radio-broadcasters and upon the offer of programme services ensured by service suppliers shall be usually accomplished on a periodical basis and whenever the Council deems it necessary and whenever a complaint is filed in regard to a radio-broadcaster's failure to observe the legal provisions, the regulation norms in the field or the liabilities recorded in the audio-visual license.

(6) The Council must notify the competent authorities in regard to the occurrence or existence of practices restricting competition, the abuse of the dominant position or of economic concentrations, as well as the existence of any other infringement of the legal provisions that does not fall under its competency.

(...)

Art.12.

(...)

(3) The members in the Council may not be members of political parties or other political structures while exerting their mandate.

(...)

Art. 17 - (1) The Council is authorised:

- a) to establish the conditions, procedure and criteria for the granting of audio-visual licenses;
- b) to establish the procedure for the granting of the retransmission authorisation;
- c) to issue audio-visual licenses and retransmission authorisations for the operating of radio and TV programme services and to issue the audio-visual authorisation decisions;
- d) to issue for the application of the provisions from this Law, regulatory normative decisions in order to accomplish its attributions as expressly stipulated in this Law and mainly in regard to:
 - the ensuring of accurate information of the public;
 - the monitoring of the correct expression in the Romanian language and in the languages of national minorities;
 - the assurance of equidistance and pluralism;
 - the transmission of official information and communiqués of public authorities regarding calamities, states of necessity or emergency, state of siege or armed conflict;
 - the protection of minor children;
 - the defence of human dignity;
 - non-discriminatory policies regarding race, sex, nationality, religion, political beliefs and sexual orientation;
 - the exertion of the right to reply;
 - advertising, including political campaign advertising and tele-shopping;
 - sponsorship;
 - scheduling and broadcasting of shows or programmes regarding political campaigns;
 - cultural responsibilities of radio-broadcasters;
- e) to draw up instructions and issue recommendations for the development of the activities in the field of audio-visual communication;

(2) The Council is consulted in the process of defining the position of Romania and it may attend by representatives the international negotiations regarding the audio-visual field.

(3) The Council is consulted in regard to all draft normative acts whereby the activities in the field of audio-visual communication or related thereto are regulated.

(4) The Council is authorised to request and receive from radio-broadcasters and distributors of audio-visual programme services any necessary data, information and documents in order to accomplish its attributions, having the obligation to keep the confidentiality of the data that are not of public nature.

(...)

Art. 29 - (1) Advertising, including self-promoting advertising and tele-shopping must observe the following terms:

- a) not prejudice the physical, psychical or moral development of minor children;
- b) not prejudice human dignity;
- c) not include any discrimination form on basis of race, religion, sex, nationality and sexual orientation;
- d) not be offensive at the address of religious or political beliefs of on-lookers and listeners;
- e) not encourage a conduct that can damage public health or safety;
- f) not encourage a conduct that can damage the environment;
- g) not encourage a indecent or immoral conduct;
- h) not promote directly or indirectly occult practices.

(2) Advertising and tele-shopping that harm the legal interest of the consumers are interdicted.

(...)

Art. 42 - (1) All radio-broadcasters must reflect election campaigns in a fair, balanced and impartial way in order to encourage and facilitate the pluralist expression of opinion trends.

(2) In order to assure a fair application of the provisions from paragraph (1), the Council shall issue regulation norms of compulsory nature, to control the observance of the legal provisions and the norms issued and shall penalize their infringements.

(...)