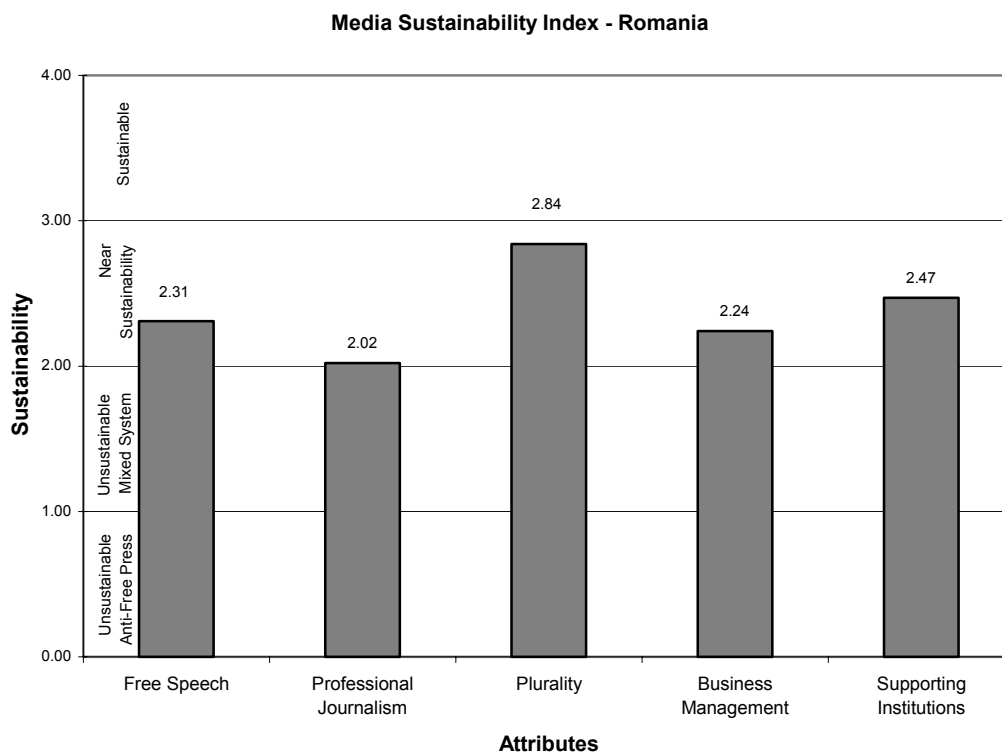


## Romania

### Introduction

The November 2000 elections brought the Social Democratic Romanian Party (PDSR) to power and returned former Romanian president Ion Iliescu to the presidency. Media outlets, both private and state, started to discourage journalistic investigations into the ruling party and state institutions. Moreover, there have recently been some activities aimed at limiting freedom of information:

- an attempt to pass a restrictive Classified Information Law (ruled unconstitutional by the Constitutional Court at the initiative of opposition parties);
- an attempt to empower departments within the interior and defense ministries to collect information on media professionals;
- an attempt to place all five intelligence services in Romania under a single umbrella organization accountable to the president; and
- an attempt to reverse changes in the criminal code initiated by the former government (currently adopted by the Chamber of Deputies and pending debate in the Senate), in order to prevent the repeal of provisions on criminal defamation.



**Scoring System**

- 0 = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
- 1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
- 2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
- 3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
- 4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

**Each of the objectives can receive a score from 0 to 4:**

- Above 3: Sustainable and free independent media
- 2-3: Independent media approaching sustainability
- 1-2: Significant progress remains to be made; society or government not fully supportive
- 0-1: Country meets few of indicators and government/society actively opposing changes

**Attribute #1: Legal and social norms protect and promote free speech and access to public information**

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

The Romanian constitution guarantees in very general terms the freedom of expression and speech (Article 30). At the same time, the vagueness of constitutional language allows interpretations that could limit free expression, particularly through clauses regarding “information which could affect the development of the young generation” or “the environment.” Romania does not have a freedom of information law, although both the Chamber of Deputies and the Senate have adopted their own versions that will need to be reconciled. The separate bills are both fairly liberal and were drafted with the strong backing of NGOs (Center for Independent Journalism, Romanian Helsinki Committee). Some of these NGOs attended the discussions of the draft laws with the Media Committee of parliament and the final version considers most of their points. The current drafts reinforce the right of citizens to broad access to information, attempt to define what is public interest, regulate the limited access to some types of information, describe the duties of public institutions in providing information and, discuss deadlines for releasing information to the public. The drafts also define the penalties for infractions and the procedures for seeking remedies if authorities refuse to comply with guaranteed access.

Romania’s Law on State Secrets, first adopted in 1971, has been revised several times, but it still carries much Soviet-era communist language asserting, for example, that protecting state secrets is a “duty and a moral obligation” of all citizens, representing “a measure of their loyalty to the country.” The law vaguely defines state secrets and also allows for a variety of institutions to create their own lists of “professional secrets.” It does not provide for a declassifying procedure, which would allow intelligence services to

assist central and local authorities in launching protection systems for their professional secrets. The latest revision of the Law on State Secrets was presented to parliament in early 2001; opposition parties contested it in the Constitutional Court, and it was ruled unconstitutional on procedural grounds.

The panel participants agreed that the Romanian constitution guarantees freedom of expression in general terms, but they mentioned the lack of regulations which could enforce the constitutional principle: “The legal framework is nonexistent.” Another panelist said that “not having too many laws on journalism is not necessarily a bad thing, the constitution should do in a stable democracy.” Moreover, he stated, given the current political elites, media should be very cautious about any new legal initiatives.

Freedom of expression is not a high priority on the Romanian public agenda and restrictions do not usually cause public outrage. Media professionals are sometimes divided on this issue. All panelists agreed that only a narrow segment of society values freedom of expression as an important pillar of democracy. Participants pointed out that public interest and public information are not clearly defined concepts in Romania, which creates many obstacles in obtaining information and in guaranteeing equal access to it. Panel members mentioned that state institutions often prevent reporters from accessing information of public interest, and it is often the case that access to public information is limited to journalists with personal connections. Because there are no regulations in force, heads of public institutions still enjoy unlimited power to control access to their databases. One panelist said that when asked to provide information, state authorities usually do not respond.

The institution which controls broadcast licensing is the National Council of Broadcasting (CNA), operating since 1992 and completely controlled by the parliament. CNA grants licenses for radio, TV, cable, and satellite broadcasting, and monitors programming, electoral campaign regulations, and decisions on advertising on private TV stations. The eleven CNA members are appointed for four-year terms by the president, the government, and the Chamber of Deputies and the Senate. This procedure allows for a lot of political bias, especially when the president, the government and the majority in the chambers belong to the same party. The procedures for licensing are competitive, but many doubt their fairness. Several panel participants blamed the CNA for the “totally corrupt” process of licensing. The corruption, they said, is “democratic: all parties are represented in the process.” There are no publicly available criteria for selecting the winners of the bids for frequencies, and procedures for evaluating candidates are vague. This, panelists pointed out, turns the decisionmaking process of the CNA into “a game of political pressures and classical corruption.” Many members of the council are co-owners of more than 25 private radio stations all over the country. MSI panel participants coming from the countryside said CNA’s procedures are even more destructive for local media. Another panelist believes that CNA members tried to discourage those license-bidders who were planning to include in their programs retransmissions from foreign radio stations (such as BBC, Free Europe, Voice of America, and Radio France Internationale).

Market entrance for media operations is as difficult as for all other businesses. Taxation is equally high for everybody. Media products are subject to a 19-percent VAT, as are all other products in Romania. There is also a local “tax on advertising” (from 3 to 11 percent). Moreover, starting from 1997, the media sector lost most of the preferential treatment previous governments had introduced, including the lowest level of value added tax (VAT). The Romanian Press Club is lobbying the government for a preferential tax rate on media products. All panelists complained that taxes for media were high, and many of them argued for special consideration (reduced taxation) for the press.

Serious crimes against journalists are rare, but the law does not provide for any kind of special protection for media professionals. Though not physically attacked, local authorities, especially in the countryside, often harass journalists. Several panel participants agreed that many journalists feel insecure and unprotected, because though rare, incidents of violence against reporters are not investigated properly and perpetrators often remained unknown. Libel is a criminal offence in Romania (Articles 205 and 206 of the Penal Code), punishable by a fine or imprisonment for up to five years. Last year, more than 50

Romanian journalists were sued under criminal defamation laws; 20 of them received suspended prison sentences and the rest were fined. In some instances lawsuits are initiated on the grounds of publishing official reports, letters from readers, or even cartoons. According to Romanian legislation, the defender is the one who has the burden of proof, whereas the offended party does not have to prove falsity and/or malice. Even if journalists are acquitted under the Penal Code, they can still face civil suits and get fined for “image spoiling.” Fines are very high by Romanian standards (US\$400-20,000; the average monthly salary is about US\$100). Article 238 of the Penal Code sanctions an “offense against state authorities,” a crime punishable by fine or imprisonment. Dissemination of false information, offence to state symbols, and defamation of state and nation are also criminal offences.

The former justice minister, Valeriu Stoica, initiated modifications to the penal code in order to bring it in line with international standards. Even if his modifications fell somewhat short of achieving complete decriminalization they were a big step forward. The revisions were passed by the Chamber of Deputies in 2000 and were pending debate in the Senate. However, in May 2001, the media unveiled the fact that the current Justice Ministry was working on a draft law to reverse the changes adopted by the Chamber. Article 238 was to be reinstated, with even more restrictive provisions: not only persons representing authorities, but also institutions (presidency, parliament, government, constitutional court, ombudsman, etc.) were protected by this article. The media and NGO community protested, but it is still possible that the Senate will endorse such changes.

Panel participants agreed that investigative reporters are the most exposed to risk. They noted that reporters rarely enjoy public compassion; indeed they often feel hostility directed at them. One panel member said, “Violent crimes against journalists are still absent in Romania, but just because we are lucky.” All the participants complained about the judicial harassment of journalists and stressed that it is the main way to inhibit freedom of speech. They noted that Romanian judges show incompetence when dealing with defamation and libel lawsuits: cases were not properly understood and sometimes documentation was not carefully reviewed.

By law, state media—radio, TV and the national news agency—receive no special treatment in terms of access to information. The boards of the national radio and TV are appointed by the president, the parliament and the government, but employees can also appoint their own representatives. In practice, state media get more official information, and their editorial content is affected by the control and information channeling exercised by the powerful of the day. State media programming is a mixture of “political influences and personal agendas,” said one panel participant. Oftentimes the political bias in the news programs is obvious. Several panelists argued that the compulsory subscription to state radio and TV envisioned by broadcast law is clearly preferential treatment of state media. For one of the panelists, the political obedience of state media is nowhere near to disappearing in Romania; the only “advantage” is that this servitude is more sophisticated than 10 years ago. Another panelist mentioned that state outlets have a professional code of ethics, but news departments are completely controlled by politicians.

The national news agency is in a very difficult situation. Prime Minister Nastase made it responsible to the newly created Ministry of Public Information, indisputably transforming it into a government agency. Once the main information provider, the national news agency has lost almost all its clients to the private news agency Mediafax. Panelists agreed that media outlets have unrestricted access to news agency information. The only limitations are the high costs for Internet connections and news agency subscriptions. Participants unanimously agreed that, basically, there are no legal restrictions to the free flow of information. No special restrictions are imposed or licenses are needed to join a journalism school or the profession.

**Attribute #2: Journalism meets professional standards of quality**

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

Romanian journalism does not distinguish between fact and opinion. Many journalists feel free to express their personal opinions, which mislead some readers into expecting “guidance” and solutions from journalists. The MSI panel believed that there is a lack of professionalism in Romanian media, especially in the local outlets and in the tabloid-style media. They noted that there is no concern for objective information and the lack of carefully checked news is often coupled with a lack of respect for their users. The low level of education among reporters contributes to the low quality of their products. Several panelists agreed that the quality of journalism had not improved significantly in the last few years. One panelist said that Romanian journalism had witnessed a “devolution” of professionalism. Given the fierce competition in a large but poor market, media outlets yield to sensationalism. Scandals, crimes, rapes, acts of violence, or celebrity events are holding the front pages of most newspapers. Key issues for the Romanian society in transition (privatization, political and institutional reforms, EU accession) are addressed in a rather “technical,” dry and dull way. Cases of corruption are revealed almost every day, but investigations do not go much beyond the surface or proceed solely based on information leaked to editors. Poverty, health care, and unemployment are topics rarely covered by media, which focus more on high-level politics. Local media do a better job serving community interests and providing local readers with practical information.

Journalism ethics is a topic for seminars and meetings rather than a day-to-day concern for the media community. Although some media professionals have suggested the adoption of an ethical code for all journalists, this seems impossible because of the lack of solidarity among them. The only group that has adopted and is consistently enforcing such a code is the Association of Hungarian-Language Journalists. There are numerous examples of the unethical attitudes of media professionals. Although nationalistic, offensive language is less apparent today, journalists still use disparaging terms to describe the Roma population. In crime reporting and in comments about social problems, the ethnicity of Roma perpetrators is mentioned on a regular basis. There are also cases of journalists taking bribes to write favorable articles, but the practice is not too widespread. One panelist said that the journalistic profession lacks self-control and self-regulation. Moreover, he added, one can notice the appearance of “Mafia-like” regulations, with one association claiming to represent the only authority in the media field. To him, these were signs of the “cartelization” of media.

Separation between editorial and business aspects of media management does not exist and often journalists are prevented from covering certain topics by business interests. A number of public institutions—courts, the church, the army—do not grant journalists access. Panelists agreed that there are famous journalists who are paid to support and promote the interests of certain financial and political groups: “There are journalists paid to write or to keep silent about certain topics; this distorts the goals of the profession.” Other journalists are pressured by editors not to cover certain topics; still others get the editors’ instructions on preparing final conclusions. The harsh punishments in the penal code also push journalists to self-censorship: “Self-censorship is a frequent phenomenon; the idea of conscience simply does not exist any more.” Many papers, in an attempt to avoid possible trouble, print a disclaimer stating that journalists are solely responsible for the content of their articles.

The average reporter's salary is a bit higher than the national average income (around US\$80-100). According to panelists, this is not high enough to discourage corruption: "Journalists are earning a bit more now, but it is totally insufficient to withstand temptation." There is no disparity between salaries in print and broadcast media (except for TV celebrities). Journalists in the countryside tend to get smaller salaries. Many panelists complained about disparities between private and public media incomes (private media pay higher salaries) and between journalists of one and the same newsroom. Panelists mentioned that freelancing is not very popular, because media owners do not trust those who contribute to several media outlets. One participant complained about the trend toward burdening journalists with too many tasks, so that "they use their work time to the full." Because of high taxes, many media outlets prefer to hire journalists as contractors and pay them less than salaried staff. In some media organizations, journalists receive small fixed wages (taxable to the employers) and bigger sums as "bonuses per article" (taxable to the journalist). This system forces journalists to focus more on the number of articles than on their quality. One panelist said that for some people journalism is a springboard to higher positions in business or politics. Some experienced journalists move to other professions (especially to public relations and communications) mainly for more lucrative salaries.

News remains the most important part of media programming. Radio stations air news every hour during the day, with two or three more detailed programs in the morning and in the evening. TV stations also center their programming on news. Even if entertainment programs enjoy large audiences, news is always at the top of ratings. Entertainment programs are interrupted for breaking news or live transmissions. Although newscasts enjoy most of the audiences' attention, "infotainment" has also gained ground recently. Scenes of domestic violence, crimes, and local political or administrative scandals have begun to take hold in programming. Panelists agreed that sensational news and yellow journalism are clearly present in many TV programs. "Public opinion is manipulating the media by its preference for entertainment. There is also a trend to focus on the show-like aspects of newscasts rather than on their content." All panelists agreed, however, that entertainment is still far from eclipsing the news.

There are serious disparities in terms of access to equipment among various media outlets. The most powerful outlets (including the national state media) have high-tech equipment, including digital technology; smaller operations tend to use old-fashioned technology. The high cost of communications (phone, fax, Internet connections) severely restricts access to information in the smaller newsrooms. Many newspapers, especially those in the countryside, have bought second-hand printing facilities from abroad, trying to gain more independence. Panelists agreed that the level of technology is not directly influencing the quality of programming, but does have an impact on working conditions: journalists have to work harder to keep up with the competition.

Many panelists complained about the low level of education for journalists and the lack of specialization in different types of reporting. They mentioned that the number of good specialized reporters is small. "The only quality niche reporting in Romania is sports," said one of the participants, adding that "niche journalism is poorly understood." The group also agreed that the newsrooms' middle-level management is not able or willing to provide the much-needed coaching for younger journalists. Participants also stated that journalists are rarely familiar with the country's legislation. One member gave an example of how for many years most media outlets have preferred to send only inexperienced journalists to report on government affairs, which resulted in some misinterpreted information and poor reporting.

**Attribute #3: Multiple news sources provide citizens with reliable and objective news**

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Romania enjoys access to many public and private news sources. It is generally believed that the multiparty system and the multitude of media outlets are the only indisputable achievements in the country after 1989. A decade later, more than 14 Bucharest-based daily newspapers are on the market. In the main cities, one can get 3-4 local daily newspapers. About a hundred magazines and monthly publications are distributed nationwide. New private broadcast media outlets have been launched, mostly after 1993. In Bucharest, the national station Antena 1 started operating in 1993; TheTele-7 abc channel was on in 1994; the nationwide PRO TV went on air in December 1995; and Prima TV was launched in 1997. Numerous smaller TV stations are operating in the countryside. Since 1992, 235 TV licenses have been awarded and 115 stations received operating authorizations (CNA report, at <http://www.cna.ro/licente.html>). There is at least one TV license granted in 39 out of 42 counties, while TV stations are operating in 37 counties.

Starting a broadcast operation involves a two-step process: getting a license from CNA based on a project, then an operating authorization from the Communications & IT Ministry, certifying that the technical criteria in the project submitted to the CNA were met.

Public television has three channels. The first is national and its programming contains mainly news, current affairs, and entertainment. Public TV is reputed to pay more attention to the government than to the opposition, a condition that does not change with new governments. Many editors and journalists do not understand their public service role and the duty to be nonpartisan. The second public TV channel airs more educational and cultural programs and its audience rates are improving. The third station, TVR International, is perceived as a tool for keeping Romanians abroad in touch with Romanian realities.

Over the last ten years authorities have received more than 1,800 requests for radio licenses. The CNA has granted 301 local radio frequencies, and in 2001, 231 radio stations were operational (CNA report, at <http://www.cna.ro/licente.html>). Most of these are located in Transylvania (119 licenses, with 86 authorizations) and Muntenia (61 licenses, with 48 authorizations). All 42 counties of Romania have been granted at least one radio station license, and there are 41 operating stations. Public radio broadcasts on three channels, providing news, culture, and programs for the young. Public radio programs are more balanced and better represent the mission of a public broadcast service.

In rural areas, small incomes make print media a luxury. A daily newspaper costs up to 12 cents; a weekly or monthly magazine costs an average of US\$1. Moreover, the distribution system is rather slow and inefficient. Newspapers can take more than 24 hours to reach readers in the countryside. TV set owners, however, can receive national public television no matter where they are located. The same goes for the national radio broadcast. While urban centers can get many TV stations via cable, rural areas receive only the national state radio and television programs. People cannot afford satellite dishes, because of the high price—about US\$150. Only 9 percent of TV subscribers own a satellite dish (Communications and Information Technology Ministry (CIT), [http://mcti.ro/Comunicatii/indicatori\\_CO.htm](http://mcti.ro/Comunicatii/indicatori_CO.htm)). As a rule, bigger cities have better chances to access multiple news sources. Some central papers print two different editions each day: one closing early in the evening, to be distributed in the most remote cities, and

another, closing around midnight, to be distributed in Bucharest and neighboring cities. However, it is harder for publications from the countryside to be distributed in Bucharest or in the regions other than the one in which they are published or printed.

Cable channels include programs from CNN, BBC, Euronews, TV5, Arte, three Italian channels, Discovery, Animal Planet, National Geographic, TVE (Spanish Television), ZDF (German), RTL, Pro 7, the Cartoon Network, Fox Kids, MTV, VH1, and MCM, as well as TV Dubai and some Turkish channels. In 2001, 71 percent of TV owners had cable: this is the highest rate in the Central and Eastern European Countries (CEE) countries (CIT, [http://mcti.ro/Comunicatii/indicatori\\_CO.htm](http://mcti.ro/Comunicatii/indicatori_CO.htm)). Meanwhile, 560,000 Romanian households do not yet own televisions.

Panel participants agreed that Romanians enjoy a plurality of public and private news sources. But they noted that the relatively high prices are affecting public access to a number of media products. Panelists were unanimous that urban areas account for the highest readership and broadcast audiences: “People in the countryside cannot afford to buy a paper every day.” Rural areas are not only poorer than urban ones, but also less interested in issues of national importance in political, economic, and social realms. They are usually more responsive to local information. Several panelists stated that print media are much less in demand today, given the ever-increasing level of poverty all over the country. But the decrease of the number of people buying newspapers is paralleled by the increase of those watching TV, definitely a cheaper source of information: the panelists concurred that “as people get poorer, papers lose circulation, but the national TV gains new viewers.” Participants agreed that for the rural areas the only TV channels available are state-owned. Cable TV does not reach the majority of Romanian villages, with the exception of the western parts of the country. One panelist stated that Romania has less than 400,000 Internet users. Panelists also agreed that the media landscape might look diverse, but the real power is concentrated in the hands of a few media conglomerates.

Romanian legislation sets no restrictions on access to foreign news (print, broadcast, or the Internet). The only limitations are the prohibitive prices: a foreign magazine costs approximately US\$5. Panel participants confirmed these observations: “International press is hardly affordable in Romania and it remains largely unread.” They also added that foreign editions could only be found in Bucharest and a handful of other big cities. The use of the Internet as a news source is very limited: relatively few people own computers and the connection costs are rather high. However, Internet is regularly used at transnational companies and at many media outlets (although executives do impose some restrictions, due to costs). It is also used in universities and in some primary and high schools. Internet cafes are a flourishing business (rates stay at US\$1 per hour), but the number of people with Internet connections at home is small (3-5 per cent of the population). According to the data provided by the Romanian Ministry of Communications, some 5,000,000 people use the Internet on a regular basis. However, the Internet is used for e-mail, chat, and games rather than for information access: it is not generally perceived as a source of news.

There are several active news agencies in Romania. The most important is the private Mediafax, which, in only a few years, has managed to beat the state news agency ROMPRESS in the news market and has almost brought it to a state of collapse. Mediafax is now the main news provider to both public and private outlets in Romania, although the price of their products is rather high. There are some other private news agencies (A.M. Press, A.R. Press), but they are less popular than Mediafax. In early 2001, Nastase’s government issued a decree placing the state agency under the control of the newly created Public Information Ministry. Several panelists expressed their concern over the affordability of services provided by news agencies; they stressed that a monthly subscription to Mediafax services costs US\$600-800, which many local media outlets cannot afford. Mediafax has no real competitor at this time, even with the existence of three other private news agencies. One of the panelists said that the state monopoly on information was being replaced by a private monopoly: “It is unhealthy to have a single powerful organization on the information market.” Other participants agreed that Mediafax information often



“reflects the economic interest of their owners” and that it was “unhealthy to have a dominant private monopoly on the news market.”

On transparency of media ownership, many panelists pointed out that the public is aware of the majority of media owners. One participant mentioned that some owners even seek more publicity because it boosts their image and influence as media and business entrepreneurs. On the other hand, owners seem to hide other collateral businesses they possess, because they would like to keep the public unaware of the links between their media operations and their side businesses. “Transparency is not the rule,” said one panel member. Information on ownership is available through the chambers of commerce, but one has to be interested and committed to researching the issue. A trend toward consolidation of media ownership was noted. One panelist stressed that owners are not buying existing outlets, but creating new ones. Panel members agreed that the media market is too fragmented and overcrowded and it cannot tolerate such abundance of media outlets. Thus, panel members thought, a certain degree of merging of media outlets would be beneficial for media and for the audiences. One participant, currently working on a draft media antimonopoly law, said that the crucial question is the degree to which such a concentration is healthy, and that this issue is even more relevant given the level of interference of owners in editorial matters. Another panelist mentioned that a foreign media trust could dominate the Romanian market, by simply buying out one of the Romanian-owned media conglomerates. Most panelists were of the opinion that media owners interfere with editorial policies: “a definite yes: owners do interfere in editorial matters.”

There are two powerful media trusts now disputing ratings and audience shares: Media Pro (founded by Adrian Sarbu, a former movie director turned successful media boss), and Intact Corporation (set up by Dan Voiculescu, a close friend to Ceausescu’s family, now President of the Romanian Owners’ Association). Both media trusts have their own national television network, nationwide radio stations, newspapers, magazines, and distribution and printing firms. They are also successfully lobbying influential political and business circles. It is quite rare that big business conglomerates own media outlets.

Panel participants thought that minority press and broadcasters do not suffer from restrictions in Romania. On the contrary, seventeen national minorities (out of the 18 recognized in Romania) have their own publications, subsidized by the state budget. Their circulation is small, and the fact that some materials are in the minority language restricts these publications even more from entry into the national market. These editions are not sold in kiosks. Journalists working for the minority media complain about the lack of interest by the majority media in their work and publications. Some panel members complained, “Only key minority events are discussed by national papers.” The Hungarian minority media are a special case, since the Hungarian population constitutes the largest minority in the country. Romanian public TV and radio have special programs for Hungarians even though the timing and duration have been subject to unfavorable changes as compared to the period before 1989. There are nine local dailies in the Hungarian language, most of them based in Transylvania. Some Romanian-owned companies active in the regions where Hungarians live are launching Hungarian-language publications. Romanian media sometimes quotes Hungarian newspapers, especially when Romanian-Hungarian relations are discussed. In Transylvania, the Hungarian Duna TV channel (broadcast from Budapest) is generally receivable.

Panel participants acknowledged the efforts of smaller independent broadcast media to produce their own news programs, but noted that the quality of these programs is often unsatisfactory due to economic constraints. They agreed that journalists in local media work in more difficult conditions than those in Bucharest. One of the panelists, the head of a local branch of the national TV, stressed how important TV newscasts are for local communities: “At news time, the entire city is watching TV.”

Most of the panelists complained about the quality of national TV. All agreed that TVR does not fulfill its educational role. The head of a local branch of national TV said that the institution is not consistently funded, which forces it to compete with commercial outlets, to the detriment of its educational role. Another participant said that state TV was always seen as an institution obediently backing political

power, and that there are many cases when political leverage is used to gain personal benefits: “Personal agendas in the public media negatively impact the quality of the programming.” Participants agreed that the situation is much better in public radio, which preserves its high standards of educational programming. They also admitted that recently the second channel of national TV (TVR2) has improved its educational programming to include more art movies, educational documentaries, and cultural news.

**Attribute #4: Independent media are well-managed businesses, allowing editorial independence**

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

After 1990, printing houses were rapidly privatized. Buyers were insiders from the print field: typographers, famous journalists, and other media-related people. The panel agreed that printing companies are numerous, diverse, and well managed, and printing poses no obstacle to media development. The high number of printing companies keeps costs low. Several participants pointed out that influential media companies, such as MediaPro and Intact Corporation, have their own printing and distribution facilities. Many newspapers have their own printing presses. The only obstacle mentioned was the monopoly on newsprint held by the only print mill in Romania, the state-owned Letea Bacau; however the situation has greatly improved since the early 1990s due to the access to imported print.

Panel participants compared printing and distribution facilities: “Printing in Romania is good, but distribution is a disaster.... All print news media are private, yet the distribution system is state-owned.” The state-owned RODIPET distribution company still largely dominates the market and panel members commented that its business practices are neither fair nor loyal. The state network distribution was characterized as “slow, biased, and inefficient.” RODIPET has contracts with many publications and local distributors, but it gives preference to its own kiosks, which are the primary beneficiaries of all fresh editions. It is only after kiosks satisfy their markets of operation and are unlikely to sell more copies that RODIPET channels copies to private distributors. Moreover, RODIPET charges its clients for returning unsold copies. One panelist noted that the distribution system is Bucharest-centered and controlled. In order to sell nationally a newspaper produced in the countryside, the paper must be sent first to Bucharest, then distributed from there.

Two other important private distribution companies, HYPARION and NDC, were mentioned. They are trying to distribute nationwide, but their resources are limited. Moreover, they have copied the work habits of the state-owned distributor. Some panel members said that they distribute publications with delays of up to two or three days, act on a preferential basis, and sometimes impose “exclusive distribution” contracts on their clients. Another panelist stressed that the entire distribution system is based on “Mafia-like agreements” and that blackmail is not a rare occurrence in the relations between papers and distributors. Panelists agreed that the distribution market resembles a jungle and poses threats to the free flow of information: “Blackmail, sabotage and mafia—this is the distribution market here.” Another panelist said that broadcast distribution is in better shape. Transmission using ground relays is quite bad, but the cable and satellite transmission make up for it. Panelists agreed that, thanks to cable and satellite, broadcast companies are no longer dependent on state-controlled ground transmitters, which were used in the past as a substantial “manipulation tool.”

Romanian media outlets are hardly profit-generating businesses. Many media owners are regularly injecting funds into their media operations from their side businesses. Newspapers rely heavily on sales.

Subscriptions account for just a small part of the circulation (5-10 percent) and newspapers cannot count on guaranteed sales revenues. In order to encourage subscriptions, newspapers offer big discounts, which further affect revenues. Sometimes, subscription revenues do not cover even production costs, which are met by publishers: “subscriptions are subsidized by publishers,” noted panel members.

There are many advertising agencies active in Romania including some well-known international companies such as McCann-Erickson, Saatchi & Saatchi, Lintas, Tempo, Leo Burnett, BBDO, Exclusive media, MindShare Media, Scala Thompson Communication, and Young and Rubicam. Despite the large number of local agencies, some 80 percent of advertising revenues belong to international agencies. Obviously, the bulk of ad money (71 percent or US\$273 million) goes to television, while print media gets 20 percent (US\$78.06 million), and radio only 3 percent (US\$11.82 million). The two major commercial TV stations—PRO TV and Antena 1—get more than 60 percent of all the ad money for TV. Prices for TV ads are high—about US\$5,000 per 30 seconds. In the print market, the bulk of ad money (85 percent) is going to 10 print editions. The newspaper with highest ad revenues (19 percent), *Ziua*, is not among publications with the highest circulation (52,261 copies— certified by the Romanian Audit Bureau of Circulation). The same goes for *National*, a tabloid-style newspaper, which ranks second in ad revenues with 11 percent. *Adevarul*, the paper with the largest circulation, ranks only fifth in terms of ad profits. Advertising by state-owned enterprises presents a special case. These agencies are managed by the State Ownership Fund (FPS), also a big advertiser, known for distributing ads on preferential grounds. It is largely believed that FPS is trading ad money for silence, “bribing” newspapers for not publishing negative articles about the Fund.

Revenues from advertising are insignificant and fluctuate a great deal. Many panelists observed that the ad market is well “populated”: the main international actors are present in the country, but the economic situation has made that market unreliable and unstable. One panelist said that specialized publications and glossy magazines receive 80-90 percent of their revenues from advertising. At the same time, advertising accounts for only 20 percent of papers’ revenues. The panel agreed that only the nationally distributed print media earn a decent amount of money from ads. Panelists from the countryside said that advertising companies are not interested at all in local audiences and media outlets. Another panelist said that national publications often blackmail advertising agencies or clients in order to force them to sell advertising. The mafia-like structures within the advertising industry and influential media outlets are operational and effective, agreed several panelists. In the radio market, two major networks, Contact and PRO FM, have the largest share of ad revenues at 61 percent combined.

Private media do not receive public subsidies, agreed all panelists. However, some public money is directed towards private outlets, as was seen when the FPS bought enormous ad spaces in private newspapers. The FPS later silenced the newspapers when they attempted to report on privatization activities conducted by the Fund. “They bought themselves some tranquility with public money,” said one panelist. The most important daily newspapers in Romania have been blackmailed at least once by the FPS into working with them, alleged the panel. Public radio and TV stations receive state subsidies via subscriptions, which are obligatory. Also benefiting from state subsidies are the cultural magazines of national minorities. One panelist said that subsidies impact editorial content negatively, because they are granted automatically, with no evaluation of performance, and oftentimes based only on political grounds.

There is no tradition in Romania of using market research, even if there are some good polling companies offering this type of service. “Media do not use market research,” said panelists: “they hardly know it exists, they are not aware of how to use it, and on top of all that, it is rather expensive.” The research is expensive and media outlets cannot afford to commission the studies. Newspapers run some polls on their pages but their work can hardly be deemed professional or scientific. The foreign media companies (e.g., Ringier, Bertelsman, Romanian Publishing Group, and VNU-Hearst) that run a number of glossy magazines such as the Romanian editions of *Avantaj*, *Elle*, *Unica*, *Viva!*, *Cosmopolitan*, *Madame Figaro*, *FHM*, *Playboy*, and *Hustler*, conduct their own market research.

Local survey companies such as the Institute of Marketing and Polls (IMAS), the Romanian Institute for Public Opinion (IRSOP), the Center for Public Opinion and Market Research (CSOP), the Center for Urban and Regional Sociology (CURS), the National Institute for Opinion Surveys and Marketing (INSOMAR) and Metro Media Transylvania, tend to study circulation and audience ratings. To these, one can add the international polling companies AC Nielsen, Gallup, and Mercury. The Romanian Audit Bureau of Circulation (BRAT) is an independent, nonprofit organization whose members include 48 publishing houses and 9 advertising agencies. BRAT is currently working on a National Readership Survey, the first in Romania conducted according to international standards. Fieldwork is due to start in September 2001, while the first results will be released in the early summer of 2002.

One panel participant said that broadcast programs are meant to meet advertiser needs rather than the audience interests, and another added that media outlets produce what “they assume the audience would want to read, see, or hear.” The latter panelist also cited the case of his former employer (a newspaper dominating the five counties of southwest Romania) which commissioned a market research project to the local university, but which never bothered to use the product. Some panelists mentioned that there are professional groups on the market, but publishers and advertisers find that their final products are contradictory, their strategies are nontransparent, and their methodology is not shared with the media outlets. On the other hand, panel members noted that many broadcasters have put pressure on polling agencies in order to get higher rankings, which would lead to more favorable advertising agency contracts. One panel member said that in the print market, the circulation figures not audited by the Bureau of Circulation are highly unreliable. Even inside the Bureau, some members have tried to “negotiate circulation figures.”

#### **Attribute #5: Supporting institutions function in the professional interests of independent media**

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

There are more than 40 media associations in Romania: some of them are professional associations, others are trade unions. There are also associations of journalists specialized in the fields of environment, health, sports, and photojournalism.

The Romanian Press Club (CRP) is one of the most influential and elite clubs for media owners, publishers, media directors, and most recently, editors. CRP is active in lobbying the government on taxation. The Club designed a code of ethics, which was offered to the journalistic community for discussion but was not largely accepted. Editors of local media who are not CRP members have established other associations, the most important ones being the Association of Local Newspaper Editors in Brasov and the Association of Editors in Cluj. These associations are trying to promote the interest of their members, but on a smaller scale and with much less impact. The broadcasters have their own organization, the Association of Romanian Broadcasters (ARCA). The association does not deal with editorial matters, only technical and business issues. ARCA is very active and successful in lobbying the government for allocation of more frequencies to private broadcasters. The Foundation of Independent Radio Stations represents some 60 small radio stations from all over Romania. The Foundation protects the interests of local radio stations in a market dominated by big national networks. The Association of Local Print Distributors serves the interests of its members by protecting them from the “autocracy” of national distributors.

Despite the growing number of journalists' associations, most of them are low profile, inactive, or undeveloped. The most influential associations are actively involved in issues pertaining to journalism standards, protection, and benefits. The Association for Promoting and Protecting Freedom of Expression (APPLE) runs a program monitoring cases of attacks against journalists (see <http://www.freeex.org>). The Society of Romanian Journalists (SZR), an affiliate of the International Federation of Journalists (IFJ), provides its members with legal assistance. APPLE, SZR, and the Center for Independent Journalism (CIJ) are also collaborating on a legal assistance project. Associations do not share the same opinions on freedom of expression. Both the CRP and the Union of Professional Journalists (UZP) have drafted press laws, although the common view within the media community is that no press law is needed in Romania. APPLE, CIJ, the Media Monitoring Agency, and the Association for Transparency and Freedom of Expression (ATLE), convened on May 2-3, 2001 for a "Forum of Media Associations." They discussed economic constraints on editorial independence, relations between advertisers and editors, flaws in the legal media framework, and the professional solidarity of journalists.

The MSI panel complained that trade associations are inconsistent and ineffective. They also mentioned that "trade associations are protecting exclusively the interests of media owners, which is different from media interests." The only press association engaged in efficient lobbying in order to reach its short-term goals is the Romanian Press Club (CRP). Several participants accused the CRP of monopolizing the national press interests for its own profit and warned that this situation could have a negative influence on the long-term interests of media community. They mentioned also that ARCA in some cases sides with the government. There are a number of trade unions within the state radio and TV communities, but none in the private sector. Some of these trade unions have managed to negotiate benefits for their members but many of them are inactive. All panelists noted the lack of sharp distinctions between professional associations, trade unions, and media owners' associations. They agreed that the number of such organizations is disproportionately high compared to the needs of journalists. The lack of solidarity among journalists depends on "the lack of clear definition of common interests." One panelist said that associations remain heavily dependent on political power and are unable to do away with the communist-style methods of work. She added that there was a lack of balance between the strong and well-connected owners' associations and the weak and inefficient organizations for journalists.

There are quite a few human rights and media-related NGOs in Romania. The Romanian Helsinki Committee (APADOR CH) is particularly active in the legal field. APADOR CH and the Center for Independent Journalism (CIJ) are local partners for the Democracy in Practice regional program coordinated by the London-based organization Article XIX. This project is taking place in five countries within South Eastern Europe (Albania, Bulgaria, Croatia, Montenegro, Romania) and aims at improving freedom of information legislation and reducing the illegitimate use of defamation laws. The ProMedia II Program also works to improve media legislation. The program is run by IREX and the Independent Journalism Foundation in New York, through the CIJ office in Bucharest.

Other NGOs active in the field of freedom of expression and transparency are Pro Democratia, the Foundation for the Development of the Civil Society, the Romanian Academic Society, and Transparency International, Romania. Lately, some business associations have become interested in freedom of information and are exploring opportunities for cooperation with media associations. Panelists mentioned that "In Romania, there are more than 9,000 NGOs promoting cultural and media interests, but only a few of them are really efficient."

There are 14 journalism faculties within universities (both state and private) across Romania. The average number of students per class is 60, so the number of "qualified" journalists is huge. Journalism programs, however, are mostly theoretical and the faculty rarely has practiced journalism. Several panelists complained about the quality of journalism programs. One said that his experience with journalism graduates was disappointing, as they were not able to write a good news report. Students have no opportunity to get hands-on training, even though they go for three-week practical training seminars every year. Panel members also mentioned that there was no culture of coaching in most of the newsrooms,

while students do not know (and some do not care) how to make the best of their presence there. Most of the students join the profession for the wrong reasons: they love to write, want to be on TV, want to change the world, or simply want to get a diploma. The media market can absorb only a small fraction of the graduates (some 20 percent), while the rest go to public relations or communications-related jobs.

Journalism students have enough opportunities to study abroad. However, the information is not always properly circulated, so many people remain unaware of these opportunities. In other cases, students need to provide their own funding, which restricts the number of eligible candidates. Those who can cover their own costs are not always the best candidates. Some students studying abroad return to their country, while others prefer to work for international media. Starting in the fall of 2001, a special English-language program will be offered to select third-year students at the journalism school of Bucharest University. The program, developed by CIJ as part of the ProMedia II program, will include a strong hands-on component.

After the BBC School closed in June 2001, the Center for Independent Journalism remained the only short-term training provider for media courses in Romania. CIJ provides courses for journalists and journalism students, but also for students in connected fields (e.g., political science, economy, and law). CIJ also provides targeted assistance to media outlets. Most of the courses are taught by prominent local journalists and visiting foreign professionals from abroad. Courses in news reporting, news production for radio and TV, writing skills, investigative reporting, and photojournalism are in high demand. Panel members mentioned that few media institutions are interested in upgrading the professional skills of their employees. As a rule, these practical programs are much closer to the real needs of the profession than the academic courses.

### **List of panel participants**

1. Mircea Toma, journalist; President, Association for Protecting and Promoting Freedom of Expression
2. Silviu Ispas, Executive Director, RABC
3. Zoltan Kovacs, Publisher & Editor-in Chief, "Agenda" media holding (a daily, a weekly, an advertising agency, printing house), Timisoara
4. Alexandrul Lazescu, journalist; Founder of the Monitorul Network (the most successful network of local newspapers in the country)
5. Virgil Nitulescu, expert, Media Committee, Chamber of Deputies
6. Daniel Diviricean, Head of the Internal Communication Department of the Romanian Government; former journalist
7. Brandusa Armanca, Head of the Timisoara Branch of public television; university professor
8. Monica Macovei, lawyer
9. Daniela Frumusani, Dean of the Journalism and Communication Sciences School, University of Bucharest
10. Liviu Avram, Editor-in-Chief, Monitorul de Bacau
11. Delia Mucica, Ministry of Culture

### **Panel moderators**

Claudiu Saftoiu, MSI coordinator

Ioana Avadani, Director of the Center for Independent Journalism (CIJ)