

# **MEDIA SUSTAINABILITY INDEX**

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**2008**

**The Development  
of Sustainable  
Independent Media  
in Europe and Eurasia**



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The Development of Sustainable Independent Media in Europe and Eurasia

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*The media confront the same threats pinpointed last year. Ownership is concentrated and many outlets have no clear legitimate resources to support them. Professional ethics remain a problem. Public debates on issues such as the relationship between journalists and owners represent important steps forward, but they have yet to bear fruit.*



ROMANIA

In 2006 political stalemate gripped the country as President Basescu squared off with his rivals in Parliament. Despite this, that year's MSI panel was optimistic, returning slightly increased scores. A divided government, they felt, could not inhibit media freedom, as was the case before the 2004 elections.

Romania joined the European Union on January 1, 2007; the political crisis reached its peak shortly afterward. The president's opponents in Parliament initiated impeachment proceedings against him, even though the Constitutional Court had cleared him of violations. A referendum in May on the impeachment led to a landslide victory for the president.

This intense political conflict endangered the perception of "objective journalism." Politicians variously charged media outlets with being Basescu's pawns or tormentors. Public television was a clear victim, as a top politician was appointed to lead it.

Despite previous resiliency in the face of political turmoil, this year's panel reflected a gloomier mood, with a decrease in the overall average from 2.78 to 2.62. Objectives 1 and 2, freedom of speech and professional journalism, suffered the largest decreases. Objective 1 fell from 2.90 to 2.62 and Objective 2 decreased from 2.56 to 2.21, the lowest score of the five objectives. Objective 3, plurality of news, remained the highest scoring, with only a slight drop to 2.88.

In light of EU accession, this drop might seem surprising. EU membership was the climax of a major undertaking that focused public and political attention for at least eight years. However, such gloom is not limited to the media sector, but extends throughout politics and civil society. It is obvious that major reforms pushed forward by the European Commission enjoyed neither genuine political will nor a critical mass within the public. For example, the new anti-corruption office created with EU support is now constantly harassed by the Parliament after it started prosecuting important politicians.

For years the EU supported Romanian journalists and, indirectly, Romanian media freedom. Yearly European Commission reports on the media obliged the government to act. Progress was made under EU pressure, from the regulation of state advertising to scrapping calumny offenses from the Penal Code. But now that Romania is a full EU member, the Commission's influence over the Romanian government has decreased, allowing a return to old habits.

Meanwhile, the media confront the same threats pinpointed last year. Ownership is concentrated and many outlets have no clear, legitimate resources to support them. Professional ethics remain a problem. Public debates on issues such as the relationship between journalists and owners represent important steps forward, but they have yet to bear fruit.

# ROMANIA AT A GLANCE

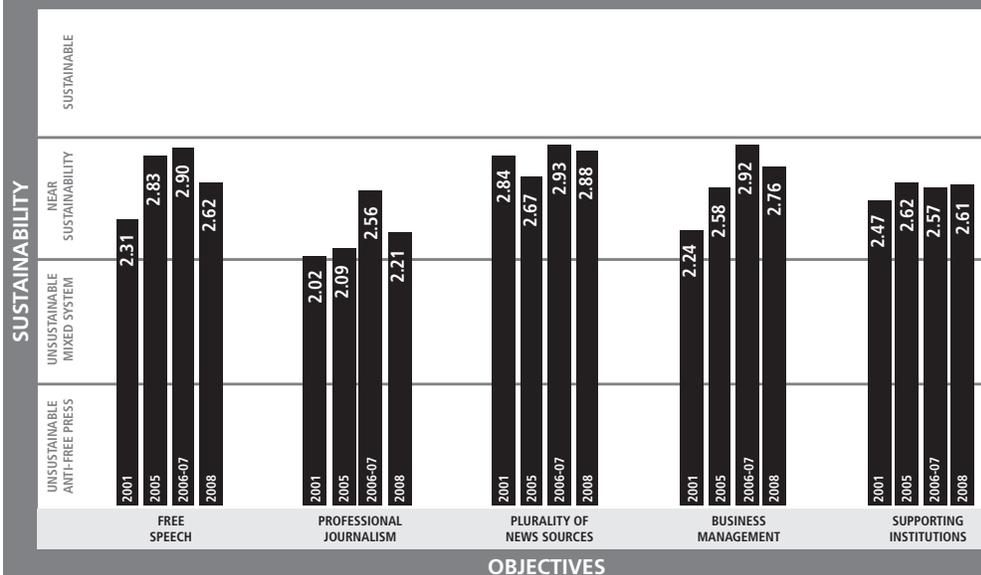
## GENERAL

- > **Population:** 22,276,056 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Bucharest
- > **Ethnic groups (% of population):** Romanian 89.5%, Hungarian 6.6%, Roma 2.5%, Ukrainian 0.3%, German 0.3%, Russian 0.2%, Turkish 0.2%, other 0.4% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox 86.8%, Protestant 7.5%, Roman Catholic 4.7%, other (mostly Muslim) and unspecified 0.9%, none 0.1% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Romanian 91% (official), Hungarian 6.7%, Romany 1.1%, other 1.2% (*CIA World Factbook*)
- > **GNI (2006-Atlas):** \$104.4 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$9,820 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 97.3% (male 98.4%, female 96.3%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** President Traian Basescu (since December 20, 2004)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 1000+, exact numbers not available; Radio: N/A; Television stations: N/A
- > **Newspaper circulation statistics:** Top ten papers have a combined circulation of approximately 650,000 (Audit Bureau of Circulations, 2007)
- > **Broadcast ratings:** top three: Pro TV (3.1%), Antena 1 (2.4%), Acasa TV (2.0%) (TNS-AGB)
- > **News agencies:** Mediafax (private), Rompress (state-owned), NewsIN (private), AM Press (private), Romnet (private), AMOS News (private)
- > **Annual advertising revenue in media sector:** Approximately \$550 million (2006 panelists)
- > **Internet usage:** 5,063,000 (2006 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: ROMANIA



### Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

### Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

### Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

### Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

## OBJECTIVE 1: FREEDOM OF SPEECH

### Romania Objective Score: 2.62

Objective 1 scores fell noticeably from 2.90 last year to 2.62 this year. Few of the indicators scored near this average. Indicators 3, 8, and 9, market entry, media access to foreign news sources, and free entry to the journalism profession, scored very well: one point or more higher than the average. However, Indicators 5, 6, and 7, preferential legal treatment for state media, libel laws, and freedom of information fared poorly, as each was nearly a point or more lower than the average.

The National Council of Broadcasting (CNA) controls broadcast licensing and nominally is an autonomous body subordinated to the Parliament. The 11 CNA members are appointed by the president, the government, and the parliament. Panelists expressed doubts that this mechanism ensures the autonomy of CNA. Cezar Ion, the director of editorial production department within public television said that "CNA is a sort of cooperative, strongly politically manipulated. The most recent CNA newcomers have a perception that slightly touches horror about what is happening there." Ciprian Stoianovici, editor-in-chief of the popular Radio 21 underpins this point: "CNA member selection is a political process and not a transparent one. And the politicization is stronger now than ever."

In 2006, the political factions in parliament were unable to reach an agreement to appoint new members to the CNA. Some MPs wanted to change the law to increase the number of members to 13 in order to overcome this deadlock and please all those involved. The then-president of the CNA, Ralu Filip, protested and threatened to resign. His position being supported by most prominent NGOs, this idea was dropped. Unfortunately, Filip died at the beginning of 2007. His vacant chair became the object of an odd political bargain. Since the president of public television resigned around the same period, the ruling National Liberal Party and the opposition PSD traded these positions among them in order to gain an advantage in their common struggle against President Basescu.

Ion detailed this scandal: "There was a political bargain between liberals and social-democrats for CNA leadership versus television leadership. Nobody would publicly admit to the bargain but it was obvious from procedures unfolding in the Parliament. Because they did not trust each other, they delayed the vote for the whole summer and appointed interims to lead the institutions." PSD appointed as a CNA member Valentin Nicolau, the former head of the public television, who had resigned among accusations of corruption and editorial interference formulated in a parliamentary report. He tried to compete for the position of CNA chairman,

a move contradictory to the bargain made by his party, which traded this position for the control over the public television presidency (see the below discussion about television). Ion confirmed this, reporting, "PSD withdrew its support to Nicolau because he tried to run for the CNA chairmanship." Nicolau resigned completely from CNA, charging that people there "are blackmailed and there are pressures made upon one institution which pretends to be independent."<sup>1</sup>

Panelists were also skeptical of the broadcast license granting process, saying it lacks clear procedures. "The granting process is made upon CNA members' wishes, none of them having expertise in the media field or running a radio or TV station for at least 10 minutes," said Ciprian Stoianovici. Comparing with the last years, the panelists questioned more the monitoring and regulatory activities of CNA. Under the law, CNA is the guardian of public morality and fairness in broadcasting. It monitors the airwaves and intervenes with warnings and fines against the broadcasters that breach the rules. But panelists considered its decisions as being biased depending on how powerful the different media owners are. "CNA gets fixated on some TV stations. On the other hand, in some cases of flagrant infringement, the regulatory body turns tolerant, as a result of negotiations made by those who represent political forces within CNA," said Ion.

Since the CNA interventions have an impact on the media market, some panelists are discontent with its lack of transparency and accountability. George Ene, general-secretary of the Romanian Press Club (CRP) said that "the decisions transmitted by CNA are not supported by arguments, there is not a public justification." Ion even believed that there are "negotiations on how the decision should be publicly communicated," since they can affect advertising contracts. However, some improvement has been noticed in CNA's behavior as a public institution. It regularly advises broadcasters about public interest issues such as journalism ethics, protection of children, correct use of the Romanian language, etc. "CNA has a sanitary role which I appreciate," said Stoianovici, although he is very critical of other aspects of the institution's activity. Editor-in-chief of a local newspaper and a local radio station, Catalin Moraru considered that, "CNA's activity improved compared with the past. At least you can change their decisions without one setting themselves on fire in front of their building."

Market entry for a media business is no different than for other businesses, and panel participants agreed that this was not a problem for Romanian media. However, Razvan Martin, program coordinator for Media Monitoring Agency, underlined the point he made in last year's report: "only commercial companies have the right to get TV-radio license."

<sup>1</sup> "Nici n-a venit bine ca a si plecat," *Gandul*, June 28, 2007

*Ciprian Stoianovici, editor-in-chief of the popular Radio 21 underpins this point: "CNA member selection is a political process and not a transparent one. And the politicization is stronger now than ever."*

Thus the NGOs and community-based organizations are excluded from registering broadcast activities. But this is not an effective barrier in practice for powerful organizations. The Romanian Orthodox Church obtained licenses for a network of radio and television stations in the eastern region of Moldavia, under the initiative of Bishop Daniel. The Church exercises the control through intermediary companies. CNA encouraged this tendency by granting preferential treatment for church-controlled firms, as the late CNA president Ralu Filip publicly acknowledged. In 2007, Daniel was elected as patriarch of Romanian Orthodox Church and expressed his desire to expand the local religious media network at the national level.

While violence against media in Romania became less spectacular over the past several years, harassment continues. There were no direct attempts to assassinate journalists, but a number of cases occurred when reporters and cameramen were physically assaulted while gathering information.

#### LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

##### FREE-SPEECH INDICATORS:

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

Razvan Martin is in charge of monitoring assaults against journalists within the Media Monitoring Agency. He said, "There were some violent attacks, especially sport related, around the stadiums. Media pressures made the authorities react." In 2006, a cameraman with the public television was severely beaten by a soccer fan. Ene expressed his outrage that "this man is free now." Panelists agreed that Romanian society does not properly value freedom of expression. Stoianovici thought that "Aggressions against journalists do not trigger public outrage; when it comes to public mentality we are very far away. We have the legal basis but we don't have a real public exercise of freedom of expression, there is no public desire to protect freedom of expression. Some attacks are even welcomed by the public."

President Basescu displayed a sad example of this. On the very day of the referendum over his impeachment, Basescu went shopping with his wife, driving his personal car. A pushy reporter from Antena 1 (a television station that Basescu considered unfairly attacking him) hammered him with trivial questions ("what did you buy, what book is that you bought, how come you did not read it up until now, etc."). He confiscated her recording device and drove away in his car, with the device still turned on in his pocket. While leaving, the president said to his wife: "Look at this stinky Gypsy." He later gave back the recording device, but failed to delete his recorded words. Although the journalist was not Roma by origin, Basescu's remarks were considered racist. This incident overshadowed his landslide victory in the referendum with over 70 percent.

The National Anti-Discrimination Council publicly warned the President for discriminatory behavior. He attacked this decision in court saying the remarks were made in private circumstances for his wife's ears only. The court rejected this claim, saying that an important public figure does not enjoy the same right to a private life as ordinary citizens do.

It was not the only aggressive remark Basescu made towards journalists. Razvan Martin counted "three or four such reactions." CRP filed a claim against Basescu for stealing the recording device. It is not clear under the law if the president can be prosecuted for such an offense. Ene, working for CRP, said, "The charges against Basescu are passed on between different institutions" and considers this to be proof that institutions lack the will to act. Moreover, Basescu's popularity made his supporters consider his actions to be in self defense and led them to condemn the journalist involved. Ene said, "After the 'stinky Gypsy' event, when we announced our action to denounce the theft, we received about 100 emails of outrage from citizens and only 10 supporting our action." Iulian Comanescu, a media consultant and well-known blogger writing about media, considered that, "There is a

sort of aggression [resulting] from the political environment and the journalists don't have the means to react." Moraru saw a positive aspect in the functioning of judiciary, "which is more independent," as was visible in the intervention of Antidiscrimination Council and the failure of the president to reverse the decision in court.

Public media include Romanian Television (TVR, with four channels), public radio (four channels), and the public news agency, Rompres. The president, the Parliament, and the government appoint the boards of national radio and television stations, according to the 1995 law. While a public debate took place in 2005 over efforts to change the law, no changes were ultimately made. The NGOs working for media protection participated in these debates and endorsed the final draft prepared by Raluca Turcan, the head of Media and Culture Committee of Parliament. Razvan Martin who participated in this debates representing Media Monitoring Agency criticized the MPs for failing even to discuss the bill: "The draft law lies down in a drawer." Ion indicated a political motivation for blocking the draft: "It is blocked because is promoted by Raluca Turcan." Turcan is a part of a dissident faction within National Liberal Party that split from the party because of its anti-presidential stance.

Currently, public television still functions according to the outdated 1995 law. Ion, who works in an editorial top management position within the public television, thinks that the Board appointed according to this law "is set up based on political procedures. The law does not require any professional criteria; therefore none of the members is obliged to prove any competence in the field." Stoianovici also thought that public television "is affected by the political environment. All political actors admit the laws are bad, but they use them all the same."

Despite good intentions displayed by some in control of TVR, panelists characterized the situation there as depressing. The former president of TVR, Tudor Giurgiu, who was appointed after the 2004 elections, tried to reform the institution, but the politically appointed board asked the Parliament to remove him. Giurgiu resigned, but not before making the controversial decision to publicly announce his intention to dismiss Rodica Culcer, the editor-in-chief of the news department. Culcer had succeeded in reshaping the news, and the motivation for her dismissal was unclear.

After Giurgiu's resignation, the above-referenced political bargain allowed Alexandru Sassu, a former MP and a top-management member of the Social Democrat Party, formerly in charge of communication strategies, to become the head of TVR. Culcer kept her job. The transfer of a party spin-doctor directly to the top of public television showed the lack of any scruples on the part of Romanian politicians. Sassu

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was the first-ever head of TVR coming openly and directly from the staff of a political party. Until then, parties used to appoint apparently independent public figures close to their views or linked to their leaders through social ties.

The effect of this move was immediately felt by journalists working for the public broadcaster. The Anti-Corruption Department (DNA) started the prosecution of the Minister of Agriculture for accepting a bribe. TVR obtained some images featuring the minister allegedly negotiating the bribe. The images were broadcast and this led to a conflict between Sassu and the head of the news department, Rodica Culcer. The public debate was hijacked and diverted from the spectacular bribe case to the supposedly unethical behavior of TVR, which publicized images from a judicial dossier that was supposed to be confidential under the right of a fair prosecution.

CRP intervened and stated that the TVR journalists did what every journalist was supposed to do after obtaining such information. But CRP also considered that TVR committed a mistake by not mentioning that the source of the images was DNA (although no one ever confirmed that was the source). This was enough for Sassu to punish Rodica Culcer. In order to avoid the law that protects journalists working there, Sassu simply promoted Culcer to a higher position within the newly created News and Sport Department and emptied the new position of any managerial or editorial responsibilities (Culcer filed a law-suit against this decision). To replace her, Sassu brought in a new editor-in-chief, a journalist previously working for Antena 1, a private station owned by Dan Voiculescu, head of the minor Conservative Party and a harsh enemy of President Basescu. The effect was immediately visible. Journalists working at TVR publicly complained that they were forced to broadcast pieces of news about the Conservative Party even though the images were covering two-day old events. The media monitoring also reveals an imbalance in the coverage of the different political forces.<sup>2</sup>

<sup>2</sup> According to a study released by Monitoring Media, the ruling Liberal Party made up for 44 percent of the stories in the main newscast of the public television, compared to 22 percent last year. See [http://www.hotnews.ro/stiri-politic-2250501-liberalii\\_fac\\_aproape\\_jumatate\\_din\\_stirile\\_politice\\_tvr1.htm](http://www.hotnews.ro/stiri-politic-2250501-liberalii_fac_aproape_jumatate_din_stirile_politice_tvr1.htm)

*Moraru said that reporting “is not fair and impartial. The professional quality of Romanian journalists is very poor. Journalism as a job has a very bad image. The quality of reporters gets even poorer from one year to another.”*

Political tensions also transformed into tensions among journalists. Since the new management team installed after 2004 brought new people, the “old guard” within TVR waited for the right moment to fight back. Once Culcer was marginalized, reporters no longer respected the editors she selected via public competitions. A spectacular conflict occurred between the editor Radu Gafta and reporter Marius Zamfir. Gafta edited a piece of news by eliminating the name of a commercial bank specifically appearing in a story. Zamfir was upset and a fistfight occurred between the two. The picture of the editor’s swollen face covered the front pages of the next day’s newspapers. Sassu and the disciplinary committee of TVR later made the astonishing decision to sanction Zamfir by only decreasing his salary 10 percent. Because he was considered close to Culcer, Gafta was removed from the position of editor for the main news bulletin. Ion, who works for TVR, explained the benevolence shown towards Zamfir by the fact that “he was covering the government and Liberal Party. I think there was an intervention in his favor, but I don’t know exactly who made it.” Gafta resigned later from his job within TVR. At least three other pieces were later reported in the media as being stopped from broadcasting by the new editorial team, two of them covering corruption cases.

The Romanian parliament passed a law in 2006 that eliminated prison terms for libel. However, the Constitutional Court reversed this decision on the grounds that the honor of a person cannot be defended only by receiving money. The Court’s decision cannot be overruled, and it makes it compulsory for the parliament to maintain libel in the Penal Code. To date, however, the Parliament has not taken any action to re-introduce libel into the Penal Code. The situation creates problems of interpretation, even for legal experts. Moraru said that the confusion has a positive side for the time being: “a person who wanted to sue us was advised by the lawyers to go under civil law, not the penal one.” All panelists criticized the decision of the Court. Martin said he downgraded his score because of this decision, and other panelists agreed that they had done the same.

Romania adopted a Freedom of Information Act in 2001. In 2006, a significant improvement was made to the law

by including all national companies and state-owned firms. Nonetheless, the implementation of the law still encounters problems. Ene said: “I still have the feeling that people paid by us don’t have the conscience to report back on their work.” Stoianovici also felt that the “law is not helping me too much, because the information comes too late.” A 2006 law on public procurement included a special transparency clause, making all procurement files accessible to the public. Ioana Avadani, who contributed to drafting the new provision also observed problems in implementation: “The transparency of public procurements does not function. When the web-news portal Hotnews requested information on facilities obtained by three big companies from the Romanian government, the same government that negotiated the transparency clause said this was not public information.”

Free of any legal restrictions, panelists did not consider access to international media to be a problem. Further, there is no need for a special license to practice journalism in Romania. Some voices from within the industry want to require special certificates to be issued by professional organizations, but this idea remains unimplemented. Avadani thought, “From time to time, this discussion comes up about who is a journalist. While kept in a professional environment, without state intervention, it is a healthy discussion.”

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Romania Objective Score: 2.21

In this objective, panelists’ scores resulted in a perceptible drop of 0.35, from 2.56 last year to 2.21 this year. While most indicators were not far from the average, startlingly, four of them were rated below 2.00, the lowest being Indicator 3, self-censorship. Indicator 7, modern equipment and facilities helped to keep the average up somewhat, with a score almost a point-and-a-half higher than the average.

Panel participants generally expressed dissatisfaction with the quality of reporting. Catalin Moraru said that reporting “is not fair and impartial. The professional quality of Romanian journalists is very poor. Journalism as a job has a very bad image. The quality of reporters gets even poorer from one year to another.” The group split on the subject between pessimistic and optimistic. Manuela Preoteasa saw a positive sign: “I believe the trend is positive. The audience is moving toward quality information. The channels with good information are winning the audience, for instance Realitatea TV.” This station is the first private all-news channel in Romania (there are three of them now). But Ciprian Stoianovici rejected the argument: “Realitatea TV is becoming a tabloid. The best selling newspapers are one tabloid

(*Libertatea*) and one tabloid that pretends to be quality (*Jurnalul National*). About 80 percent of Romanian journalists are working in a tabloid related environment.”

Romania has many different professional codes developed by various organizations and associations. The journalistic community started a series of debates in 2005 to adopt a unified code, but little progress has been made to the date. The most prominent existing codes are those adopted by the Convention of Media Organizations (COM) and by CRP. Ioana Avadani, the informal leader of COM, said, “The discussion related to merging the two deontological codes is on the agenda but nothing has happened so far. It takes time for the idea to mature into action.” In 2006, an ethical code was imposed as an annex to the collective contract for the media industry, signed between a trade union and some owners’ associations, but this has had little impact on the profession to date.

Stoianovici thought, “Ethical rules are not known by the journalist.” But Martin considered this not a problem anymore: “They know the rules but they do not apply them, they are not reflected in the journalistic product.” A significant case happened in late of 2007. Bogdan Chireac, deputy editor and share-holder to the influential newspaper *Gandul* and a daily presence on television screens as a political analyst was accused by another newspaper, *Evenimentul Zilei*, to be the owner of a company that intermediated sales of communication equipment to the Romanian secret services. Chireac recognized the validity of the information but rejected any link between his journalistic activity and his other businesses. Taking into account the influential public figure Chireac was in Romania, one can wonder if his company would have been granted contracts

*Preoteasa observed a paradoxical situation: “Profitable institutions pay less than the ones losing money. The spine starts to bend. Local moguls are paying better than foreign investors.”*

by the state without his involvement in media. However, Chireac’s colleagues were taken by surprise by his involvement in the otherwise flowering business with the state and he later resigned from the editorial position, accusing unspecified higher interests of attacking him. He continues to be a successful businessman and popular guest commentator on political events. Martin considered that, “In Chireac’s case there were good reactions both in the press and in the Romanian Press Club.” This case revealed the importance of dealing with the issue of conflict of interest from the professional and ethical point of view, as Chireac’s actions did not breach any legislation or conduct rules in place.

Participants agreed that the biggest threat to journalists’ freedom in Romania is not coming from politics anymore, but from ownership. They pointed out towards the involvement of rich businessmen in media, who have no immediate interest in obtaining profits but who use them as a political weapon. President Basescu attacked these people by naming them “media moguls.”

Stoianovici exemplified the situation of Intact Media Corporation. Controlled by the powerful businessman Dan Voiculescu (via his daughters to whom he sold his shares), who is also the leader of the Conservative Party, Intact was used for increasing his party’s potential for alliances (see the MSI 2004 and 2005 for details). Thus, the small party led by Voiculescu entered the Parliament and became a key player in forging parliamentary majorities. Voiculescu became one of the most vocal enemies of President Basescu and he led the parliamentary committee that initiated the impeachment of the president. Intact Media Group (owning the second most watched commercial television station, second most watched television news station, and second largest newspaper by circulation) adopted a clear anti-Basescu editorial policy, with Antena 3 (news television) organizing obsessive campaigns against the president no matter the issue. Stoianovici said, “There have been so many journalists working within Intact company and doing anything other than journalism in the last two years. Intact performs press manipulation, the journalists working there are no longer journalists.” Preoteasa agreed, “They manipulate over there, but in the way they organize debates, not the reporting. The above overall conclusion is

#### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

##### PROFESSIONAL JOURNALISM INDICATORS:

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

*Panelists expressed concerns that this concentration left few possibilities and options open for journalists if they were to flee pressures from owners. Cezar Ion said, "Those who did not join the politically-backed media outlets have a fragile job."*

pertinent but there are some good journalists working there and the news reporting is acceptable." Stoianovici maintained his initial point adding: "I don't deny that many of them are doing their job honestly; I only criticize the overall product which is so obviously lacking objectivity."

However panelists agreed that self-censorship is more prevalent in Romania media than direct intervention from the ownership. Stoianovici maintained his pessimistic opinion: "There is a general lack of ethics in our society, journalists are not threatened by the employers, there is no need for that." Preoteasa agreed this time: "Self-censorship is related to ethical principles. When you are lacking principles, you become insecure. A huge uncertainty is developing and that is when self-censorship occurs." Avadani also supported the conclusion: "The journalists are not forced into covering or not covering an issue, it is a voluntary choice."

Although they did not consider that any thorny issues are taboo for Romanian media, panelists still observed some tendencies in avoiding various subjects. Iulian Comanescu observed, "It is difficult to write about corporations." In 2007 Romania adopted a compulsory contribution to a private pension system. The companies running pension funds savagely competed for the newly created market and invested significant amounts of money in advertising. Cezar Ion linked this money to the coverage of the subject: "Pension funds appeared in the media only at the advertising level. Private systems' risks were not reported." But panelists generally agreed with the conclusion drawn by Moraru: "There is not a single subject risky for all journalists," so sooner or later an issue is going to be reported by someone.

Last year's MSI report observed a rapid increase in journalists' pay. This tendency slowed down in 2007. Comanescu observed that the salary bubble started to break. The difference between Bucharest-based and local media is still sizeable. Panelists estimated pay ranges for entry level to editor at €300 to €2000 in Bucharest but only €250 to €400 in the regions. The panelists still considered wages for experienced journalists in Bucharest to be unrealistically increased after

years of investment from "the moguls" in opening new outlets. "Several years ago we used to say that journalists are not well paid, now it is the other way around," Avadani said. Preoteasa observed a paradoxical situation: "Profitable institutions pay less than the ones losing money. The spine starts to bend. Local moguls are paying better than foreign investors." Other panelists did not agree that there is a connection between payment level and corruption: "The ones which want to be corrupt are so, regardless the amount," Moraru said.

Panelists complained about the increased amount of entertainment in media products. Ion said, "News on TV is shown on anything. They avoid political news and they excuse themselves by saying they only adjust to what the public asks for." Stoianovici agreed: "It is not the entertainment that overshadows the news, but the news that became entertainment."

Panelists did not perceive the technical capacity of media to be a problem, given the broad access to high-tech technology in Romania. The only problem observed by panelists was that some media outlets, especially at the local level, still use illegal software.

The market for niche publications is developed and continues to grow. Specialized magazines for IT, autos, women, fashion, and pets are strongly market-oriented and flourish. A special problem, however, is community-oriented reporting, as some cable television companies stopped producing local news. Stoianovici considered that, "The financial media is the most functional one." Indeed there are four weekly magazines and three dailies covering economic issues. One wonders if the Romanian economy produces enough news and subjects for such diversity. Martin thought that, although developed in terms of number of outlets, "The niche media is poor in quality."

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

#### Romania Objective Score: 2.88

After a slight increase in 2006, this objective stayed essentially the same, with a negligible decrease from 2.93 to 2.88. However, the panelists expressed a rather pessimistic opinion despite the increasing number of the media outlets in Romania, mainly due to the effects of the political crisis on the media. Most indicators scored in line with the average. Indicator 2, public access to media, scored well in the lead, approaching a point higher than the average. However, Indicator 3, state media reflect the political spectrum, scored more than one point lower.

More than 17 Bucharest-based daily newspapers are on the market, and one can get three to four local daily newspapers in the main cities. The public television has four channels. A multitude of private broadcasters have established themselves, including all-news channels. Urban areas receive a variety of television stations via cable, and in recent years, more cable firms have penetrated the rural areas.

The concentration of the ownership in media is a problem. A special report<sup>3</sup> prepared by the Center for Independent Journalism reveals the build-up of five major media conglomerates:

- Around Sorin Ovidiu Vantu. A highly controversial businessman that built his fortune through an investment fund that left 300,000 Romanians without their life's savings, Vantu organized a media empire using various intermediary persons. He controls (without owning them on paper) 14 print outlets, three television stations (including the leading news channel), a radio network, and the second biggest news agency. Of note, Vantu has a criminal record for fraud and, under the Romanian broadcast law, he cannot own a broadcast license, hence his need for intermediaries.
- Owned by Dinu Patriciu. The richest Romanian, a highly controversial businessman, and former politician, Patriciu is involved in the oil industry and currently being prosecuted for manipulating the stock exchange. He owns one newspaper and four magazines.
- Around Adrian Sarbu. This includes five television stations (among them the most popular commercial one, Pro TV), six Bucharest based publications, two radio networks, a network of local newspapers, and the main news agency.
- Around the Voiculescu family (see above for details about Dan Voiculescu). Five television stations, six Bucharest based publications, and a number of radio stations are controlled by the family.
- Ringier. A foreign company based in Switzerland, it is the biggest foreign investor in Romanian media, with three newspapers (among them the most circulated Romanian newspaper, the tabloid *Libertatea*), an economic weekly, and several magazines.

Those five conglomerates control 45 percent of the television market in terms of audience (with TVR controlling another 22 percent) and 90 percent of national newspapers (in terms of circulation). Panelists expressed concerns that this concentration left few possibilities and options open for

<sup>3</sup>Centrul pentru Jurnalism Independent. "Tendințe în Reflectarea Presei în Presă (III)." Studiu de caz: Concentrarea proprietății și a competențelor în mass media românească ianuarie - martie 2007

journalists if they were to flee pressures from owners. Cezar Ion said, "Those who did not join the politically-backed media outlets have a fragile job."

Panelists agreed that people's access to media in Romania is not a problem. The legislation sets absolutely no restrictions on access to foreign news. The only limitations are dictated by the prohibitive prices, but this could be overcome by the Internet, as Romania leads in Eastern Europe for broadband connections.

With the above-described situation of TVR in 2007, the gloomy expectations of state-owned outlets expressed by the panelists came as no surprise. An insider when it comes to TVR, Cezar Ion said, "Under former [TVR] president Tudor Giurgiu there was no intervention at all on the editorial side. Now the interventions are quite visible." All panelists criticized the appointment of Alexandru Sassu, a prominent party leader, as president of TVR. Preoteasa said, "Until Sassu's arrival, the situation was relatively OK." Ioana Avadani added, "We are talking about a clear regression after Sassu's arrival. The comeback of random, arbitrary will of superiors is obvious."

The state-owned news agency is formally controlled by the parliament, but its market position is rather poor. The most important news agency is the privately owned Mediafax, which has been the only relevant player on the market for the past decade. But a new agency, NewsIn, entered the market in 2006. Moraru, who heads a local newspaper and is highly dependent on agencies for national news, welcomed the new arrival. He said that NewsIn brought real competition and led to a decrease in prices. But Stoianovici is not satisfied with the content provided by the new agency: "NewsIn rarely

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

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

*For Iulian Comanescu, “media concentration in five conglomerates is very concerning. The small press owners are taken over by moguls. On the other hand, it may be good for the media, because they get the needed financial force.”*

has news which Mediafax would not have. They move slowly and they are making more mistakes. They still have to prove they are reliable.”

All television stations produce their own news programs. Most radio stations do also. Martin is worried because “Many local TV stations broadcast national programs, they are not producing any local information.”

Progress was made in the last couple of years toward more transparency of media ownership. Now, panelists felt, transparency by itself is not a problem. The Center for Independent Journalism developed the project Media Index, a web portal with details about the official ownership of all media outlets, detailed down to individuals. The maintenance of the portal is currently not financed since it was developed as a donor-supported project. Ioana Avadani, director of the Center, observed, “Media ownership became a subject of debate in the press. It is discussed over and over. What is the consumer doing with this information? Usually nothing. Intact trust for example, its situation is well known, the political involvement of its owner is openly admitted, its content is heavy with the Conservative agenda, but ratings did not drop, the party did not rise in the polls. Why is the voter smarter than the viewer?” Stoianovici agreed, “Progress was made in terms of transparency, but we still have a problem with the public reaction.” Moraru still considered that, “This progress was registered only at a national level and less for the local media.”

Avadani considered that there are some important issues not covered by Romanian media, such as the situation of persons infected with HIV or mental health. Also, Stoianovici expressed his worries concerning the rise of racist opinion stirred up by the well publicized case of a Roma Romanian who allegedly killed an Italian woman. Italian authorities passed a special piece of legislation to make it easier to deport immigrants, which primarily affects the one-million-strong Romanian community there. The common attitude in the Romanian media was to say that “we” should not pay for something that Roma did. “We got rid of guilt by blaming it on others,” said Stoianovici.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Romania Objective Score: 2.76

This objective showed a small drop compared to last year, going from 2.92 to 2.76. All indicators close to the objective score, with Indicator 5, government subsidies for private media, in the lead and Indicator 1, media are efficiently run businesses, bringing up the rear.

Panelists observe two main trends: while Romanian media have become more and more concentrated, they also tend to be more professionally managed. For Iulian Comanescu, “media concentration in five conglomerates is very concerning. The small press owners are taken over by moguls. On the other hand, it may be good for the media, because they get the needed financial force.” Panelists also raised concerns that media is not yet a business-oriented domain. Although the investment in new outlets is impressive (new financial dailies appeared in 2007), few newspapers generate profit. Panelists restated last year’s observation that 10 local newspapers at the most function as self-sufficient businesses, which is a small percentage of the more than 150 local papers. For Bucharest-based newspapers, several of the key papers appear profitable, such as *Libertatea*, *Jurnalul National*, and *Evenimentul Zilei*.

The print media still have problems with the Romanian Post Company, which handles subscription-based distribution. The company operates slowly and inefficiently. For direct sales distribution, the market is still dominated by the formerly state-owned company Rodipet, privatized in 2003. Nothing has changed after privatization: Rodipet still delays payments, causing financial problems for many publications.

### INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

#### BUSINESS MANAGEMENT INDICATORS:

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

Generally speaking, the print media depend too much on sales. The situation is better for the large papers in Bucharest, where the advertising market is better developed. Here, panelists estimated the proportion of advertising in total revenues at around 60 percent. Some local newspapers also reached this level. One of the most powerful local dailies, *Monitorul de Botosani*, led by panelist Catalin Moraru, receives 70 percent of revenue from advertising.

There are many advertising agencies active in Romania. Among them there are the big international players: McCann Ericsson, Grey, Saatchi & Saatchi, Leo Burnett, BBDO, Young and Rubicam, etc. Despite a large number of indigenous agencies, some 80 percent of advertising money is circulated among these international agencies. Preference is given to large media outlets with national distribution and to television stations. Ioana Avadani said, "All big international agencies are present here. The market is getting professional; the advertising agencies are working full speed." But Cezar Ion still noted some questionable practices by these agencies: "The advertising market is not mature. The advertising agencies practice some forms of blackmail over the editorial teams: if you do this you have the contract, if not, I won't give it to you."

There are no direct subsidies for media outlets in Romania. In previous years, the MSI had identified state advertising as a form of hidden subsidy. After the 2004 elections, the new government quickly passed a law to establish a more transparent and competitive mechanism to allot and pay for state advertising. As an indirect result, the total amount spent by the state on advertisements in 2005 decreased to €4 million, from €14 million in 2004. The panelists maintained last year's conclusion that the problem of state advertisement was no longer jeopardizing the media industry, despite an inconsistent and imperfect application of the law.

For the first time in Romania, MSI panelists expressed some doubts concerning the accuracy and honesty of market research. The Romanian Audit Bureau of Circulation (BRAT) was founded in 1998 as an independent, non-for-profit organization. Many advertising agencies have set the existence of a BRAT certificate as a precondition for allocating any advertising contract. Also, BRAT developed the National Readership Survey (SNA), research that approximates the total number of readers for publications and establishes the demographic data. Iulian Comanescu said: "the audience indicated by SNA raises some doubts, I've heard it is an industry's 'sold game.'"

Through the broadcast law adopted in 2002, the state interfered with the broadcast rating system by allowing CNA to select a single rating system, which is currently in place. The system functions as a private operation and not all

ratings data are freely accessible. Avadani considers that to be a problem: "The ratings' measurement is for the first time challenged in public. We don't have any way to monitor and evaluate the situation, as we don't have access to TV ratings, at least a minimum public data. This is why Dan Diaconescu always brags about his ratings." He is the owner of a small, tabloid style television station that proclaims each night that it has the biggest audience in the country.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Romania Objective Score: 2.61

Objective 5 experienced a minor increase over last year of 0.04, reflecting a situation that is unchanged. Indicator 6, access to printing facilities and newsprint, scored more than a point above the average, while Indicators 1 and 4, trade associations and academic journalism programs, scored noticeably behind the rest of the indicators.

The journalistic community in Romania remains generally skeptical of joining a trade union. Although started with promise, the MediaSind union did not make significant progress. In 2004, it signed a collective labor agreement for the media industry. The contract establishes the clause of conscience as one of the fundamental labor rights for journalists. It was reinforced in 2005 and 2006. Its membership remains generally unclear regarding benefits and few journalists mention publicly their affiliation. Panelists were asked if they are members or even if they had heard about journalists being members of MediaSind. Catalin Moraru said: "I never heard about a journalist being a member of MediaSind." Most panelists shared this opinion, with the exception of Manuela Preoteasa, who

## SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of private media owners and provide member services.
- > Professional associations work to protect journalists' rights.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs that provide substantial practical experience exist.
- > Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- > Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

*The journalistic community in Romania remains generally skeptical of joining a trade union. Although started with promise, the MediaSind union did not make significant progress.*

declared, "I am a member, since MediaSind is affiliated with the International Federation of Journalists I wanted their internationally recognized card and thus I was made a member of MediaSind also."

The Association of Local Editors and Owners gather the most important local newspapers in terms of circulation. At the national level, the CRP used to be the most powerful media organization, counting the most important media outlets and journalists as members. CRP experienced a self-imposed revolution in 2007 and at the beginning of 2008, and was radically transformed. The president of CRP, Cristian Tudor Popescu, started a process to separate the journalistic side of CRP from the media owners. Thus was created the Association of Romanian Journalists (AJR) that undertakes from CRP the representation of journalists. At the beginning of 2008, panelist Cezar Ion was elected the first president of AJR. He described AJR not as a union but as a professional organization. To become a member one needs three years of experience in media and recommendations from two members of the Board. Stoianovici was involved in the creation of this AJR. He thinks that "The Romanian Press Club will stop protecting directly the owners' interests; it will remain the place where owners and journalist meet and negotiate." The owners' representatives from CRP started legal procedures to officially create the Association of Media Owners.

Broadcasters have their own organization called ARCA, but it does not deal with editorial matters. There are some 40 journalists' associations, but most of them are low-profile, inactive, or immature. Several exist only on paper.

The most important NGOs dealing with media freedom are the Center for Independent Journalism (CIJ), Media Monitoring Agency, and the Romanian Helsinki Committee. They act as an informal coalition and on numerous occasions have defended press freedom. The group also kept international observers informed and succeeded in placing media on the agenda of international organizations. Since they were highly dependent on international support there are concerns about their survival now that Romania is a full member of the EU. The attention of international donors is moving toward other parts of the world. Panelists expressed concerns that an internal critical mass is not yet present that

is able to protect media freedom against the pressures of politicians and owners. Speaking about the creation of AJR, Stoianovici said: "These NGOs that have supported media freedom may die and we are not even grown up. They stood up in the role that professional associations [should have played but] were not up to." An old activist in the field of media freedom, Razvan Martin said, "This job became more and more frustrating and a lousy thing to do."

There are 20 journalism university programs across Romania, both state and private. The average number of students per class is 60, so a huge number of new journalists floods the market every year. Panelists working in top editorial positions are not impressed by the newcomers. Stoianovici said, "I couldn't care less if they graduated journalism or not." Ion added, "We have many students coming to work voluntarily but they are weak, from the point of view of the professional skills, and are also poorly educated."

After the closing of the BBC School in 2001, the CIJ remained the only short-term training provider. The CIJ provides courses for journalists, journalism students, and students in related fields such as political science, economics, and law. CIJ also provides targeted assistance to media outlets. Visiting professionals from abroad (mostly from the US) also provide instruction at CIJ. According to Avadani, the CIJ director, over 5,000 journalists and other media professionals, journalism students, and high-school pupils have attended CIJ courses and programs since November 1994.

Panelists agreed that newsprint and printing facilities are widely available. Most of the newspapers own a printing house in order to reduce their costs. A single newsprint factory exists in Romania. Its owner is a very controversial businessman and politician. The plant does not function in a customer-oriented manner, but it is preferred over imported paper because it costs about 10 percent less.

Kiosks for media distribution are, in principle, independent and free. The largest print media distribution company, the former state-owned Rodipet, is still inefficient, and cases when it generated financial problems for media outlets appear quite often. In 2006, the weekly financial magazine *Saptamana Financiara* wrote articles about the new owner of Rodipet, and the firm counterattacked by refusing to distribute the magazine that day.

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## List of Panel Participants

**Adrian Voinea**, director, *Gazeta de Sud*; vice-president, The Association of the Local Publishers, Craiova

**Catalin Moraru**, editor-in-chief, *Monitorul de Botosani*, Botosani

**Cezar Ion**, editor-in-chief, editorial productions department, Public Television, Bucharest

**George Ene**, general-secretary, Romanian Press Club, Bucharest

**Ioana Avadani**, executive director, Center for Independent Journalism, Bucharest

**Iulian Comanescu**, freelance journalist and blogger specialized in the media, Bucharest

**Liviu Avram**, investigative journalist, *Cotidianul*, Bucharest

**Manuela Preoteasa**, editor, EurActiv.ro, Bucharest

**Ciprian Stoianovici**, editor-in-chief, Radio 21, Bucharest

**Razvan Martin**, program coordinator, Media Monitoring Agency, Bucharest

### Moderator and Author:

**Cristian Ghinea**, journalist, *Dilema Veche*, Bucharest

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