
Some interpret the victory for Bănescu as the end of the myth that no one can win an election without the media's support. He did just that, but the price paid may be huge. The media lost credibility among much of the population and political class, and the president's supporters now display an open hostility toward journalists.



ROMANIA

Although Romania joined the European Union on January 1, 2007, international observers have noted little progress in the country since then, with ongoing political conflict stalling progress and becoming the new rule of the game. Against this backdrop, the perception of “objective journalism” became further endangered in 2009. Politicians levied charges against the media, labeling them either President Traian Băsescu’s pawns or anti-Băsescu mercenaries, based on any example of positive or negative coverage. Public television was a clear victim, as the government appointed a top politician to be its leader.

As 2009 was an electoral year, some media owners decided to play openly in politics, supporting the anti-Băsescu candidate in the run-off of the presidential elections. Observers indicated that this was the dirtiest campaign to date—extreme even by local standards. A huge coalition of media owners, political parties, and business interests supported the opposition Social Democrat leader, Mircea Geoană, but he failed to defeat Băsescu. Carried by support from Romanians living abroad, Băsescu edged out his competitor with a small margin of 70,000 votes. Some interpret the victory for Băsescu as the end of the myth that no one can win an election without the media’s support. He did just that, but the price paid may be huge. The media lost credibility among much of the population and political class, and the president’s supporters now display an open hostility toward journalists. On the other hand, the same hostility is visible among journalists, since many of them took sides in the electoral battle. The minority of journalists who supported Băsescu accused the rest of selling their souls for their owners’ money.

Meanwhile, the media continue to confront the same threats pinpointed in last year’s MSI. The owners have the upper hand in their relations with the journalists, ensuring that professional ethics remain a problem. But the economic crisis brought new problems, too. The media “salary bubble” that developed from 2006 to 2008 burst, and many journalists saw their wages cut drastically. To keep their jobs, journalists sometimes resorted to self-censorship, negatively impacting professionalism.

All five MSI objectives decreased in 2009 compared with 2008. The MSI Romania panelists gave Objective 1 the most similar score, reflecting a relatively stable legal framework. Objective 4, whose indicators measured the dramatic changes brought by the economic crisis, showed the biggest decrease in score.

ROMANIA AT A GLANCE

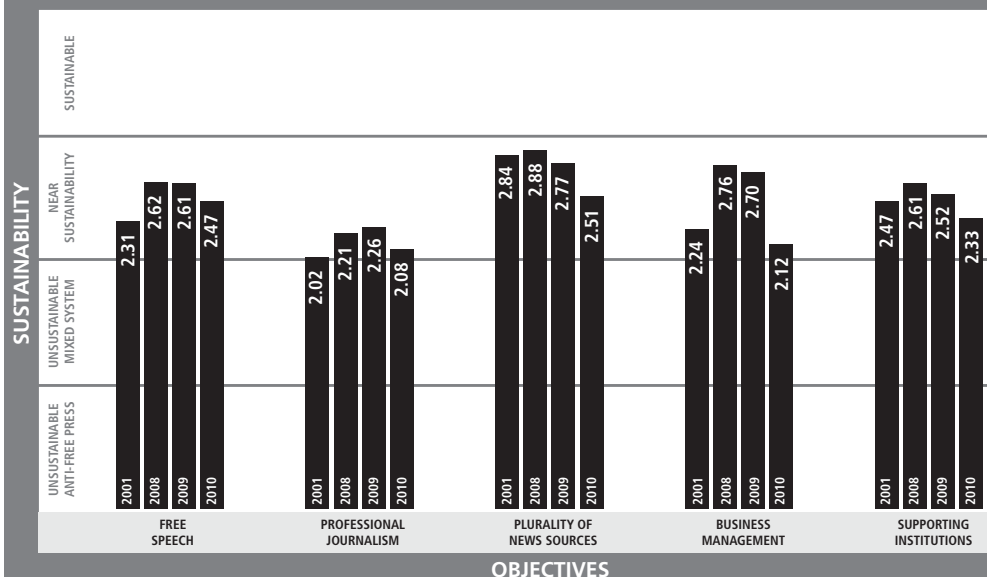
GENERAL

- > **Population:** 22,215,421 (July 2009 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 (including all sub-denominations) 86.8%, Protestant (various denominations including Reformed and Pentecostal) 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%
- > **GNI (2008-Atlas):** \$170.6 billion (World Bank Development Indicators, 2009)
- > **GNI per capita (2008-PPP):** \$13,500 (World Bank Development Indicators, 2009)
- > **Literacy rate:** 97.3% (male 98.4%, female 96.3%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** President Traian Băsescu (since December 20, 2004)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 1000+, exact numbers not available; Radio stations: N/A; Television stations: N/A
- > **Newspaper circulation statistics:** Top ten papers have a combined circulation of approximately 757,000 (Audit Bureau of Circulation, 2008)
- > **Broadcast ratings:** Top three television stations: Pro TV (2.6%), Antena 1 (1.6%), Acasa TV (1.1%) (paginamedia.ro)
- > **News agencies:** Medifax (private), Agerpress (state-owned), NewsIN (private)
- > **Annual advertising revenue in media sector:** Approximately \$768 million (paginamedia.ro)
- > **Internet usage:** 6.132 million (2008 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ROMANIA



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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: 2.47

Romania's gap between media law and practice has shown little sign of closing over the years. Panelists universally expressed frustration with the state of freedom of speech. "There is still a difference between law and practice. Formally speaking, things look relatively well [according to the law]," said Ciprian Stoianovici, editor-in-chief of the private station Radio 21. According to Ioana Avădani, director of the Center for Independent Journalism, "There is no social value associated to freedom of speech, neither politically nor socially." Realitatea FM Editor-in-Chief Teodor Tita agreed, and noted that "freedom of speech violations do not trigger public outrage."

In 2009, the Romanian government assumed the responsibility for new penal and civil codes—essentially a way to fast-track legislation. This method gives parliament limited possibility to change drafts, but grants it some power to stop laws from being adopted. After media NGOs protested, the government allowed the parliament to comment. The initial drafts were not favorable to freedom of expression, but parliament improved them partially following the NGO intervention. Still, Stoianovici complained, "the new codes ensure the protection of private life to the detriment of freedom of information." Avădani said that she disagrees with the philosophy behind the codes. "They do not even mention the right to freedom of speech. The parliament changed the texts minimally upon our reaction," she said.

The National Council of Broadcasting (CNA) controls broadcast licensing and nominally is an autonomous body subordinated to the parliament. The president, the cabinet, and the parliament appoint CNA's 11 members. Each year, the MSI panelists have criticized this mechanism for failing to ensure CNA autonomy. "CNA members are nominated by political parties, and it is clear that they return the favor to the parties. The licenses are given based on influence," Tita said. The director of ARBOMedia advertising company, Silviu Ispas, was even more critical: "We are in the Dark Age. We are fighting to be honest, and the rest of society is in the Dark Age. Licenses were granted horribly."

Although the council granted no new licenses in 2009, its other processes still impact the media. The panelists turned their attention to the post-granting monitoring process and management of digitalization, and some panelists saw an improvement in the CNA deliberative process when the council appointed more reputable professionals. "Serious people are now within CNA—for example, Cristian Mititelu,"

Stoianovici said, referring to the former head of the BBC Romanian bureau. "At least we have a partner."

Panelists doubted the council's capacity and willingness to ensure rules enforcement. For local broadcasting, the enforcement issues center around CNA's limited monitoring capacity. According to Cătălin Moraru, editor-in-chief of a powerful local newspaper that also owns a local radio station, "People from CNA who monitor locally surface occasionally, when necessary. The control over local content is absent most of the time." This creates the opportunity to cheat, according to Moraru. "Many promise local content in order to grab the license, then after they secure it, they notify CNA that they provide local content for only 30 minutes per day, which is the legal minimum level," he said.

With regard to national broadcasting, the panelists expressed concern about CNA's monitoring capacity as well as lack of will to enforce the rules. Petrișor Obae, an independent media blogger, accused CNA of being disjointed in its dealings with different players on the market. "CNA has a problem with being consistent," he said. "Big players, important trusts are protected." He said that CNA punishes the smaller stations more harshly than the big companies, and gave the example of CNA's actions toward Kanal D, a smaller outlet, versus Antena 1, a major outlet owned by a large media company. "Two months ago, Kanal D was fined, and shortly afterwards, when Antena 1 committed the same mistake, CNA oscillated and the fine was smaller."

During the presidential electoral campaign, CNA tried to ensure some fairness in broadcasting, but its efforts meant little in a media landscape where owners and journalists take open stances for some political parties. The two main television news stations campaigned overtly against Băsescu, and their owners made little secret of their positions. CNA administered fines of around €60,000 from October 23 through December 6, but this method was clearly ineffective. CNA handed one of the biggest fines to Antena 3 news station, which organized an election-day talk show and invited only politicians and personalities known as fierce Băsescu opponents.

The OSCE report on the fairness of Romania's election mentioned imbalances in the broadcast media as well. The political fragmentation within CNA itself was visible in many cases, with council members appointed by the anti-Băsescu camp defending the behavior of anti-Băsescu broadcasters, and those appointed by the presidency or pro-Băsescu party trying to prevent more abuses. The respected blogger and journalist Cătălin Tolontan published the information that Narcisa Iorga, a member of CNA, was engaged actively

in Băsescu's electoral team.¹ Iorga denied the allegation, saying that she was present at the electoral headquarters by coincidence, but the case still implies that CNA members care little for CNA's credibility.

Digitalization also looms, yet panelists said that neither CNA nor political leaders see any urgency. In the dialogue surrounding the digital transition, the philosophy of the process has shifted away from considering digital licenses and open competition a new public good. Instead, CNA is leaning toward a more conservative approach of simply transferring old licenses, with broadcasters keeping their rights. Avădani said that CNA played the major role in adopting the new conservative perspective, in order to protect the big players already in the market. Other panelists working for broadcasters strongly disagreed. As the editor-in-chief of a major radio station, Stoianovici said, "I have a different opinion. I believe that granting digital licenses to the companies owning the current ones is a reasonable solution; otherwise, they should [be] introduced again in the granting process—a process which frightens me; we all criticized it here."

Avădani also raised the issue of discrimination against the local stations. "Only national licenses go automatically from analog to digital. Local stations will be reintroduced in the process and will be reexamined," she said. Panelists explained that the difference in treatment is due the influence of ARCA, the association representing big national broadcasters, which quietly negotiated the proposals with the decision makers. Manuel Preoteasa, an Internet media manager, noted, "There is also a competence deficit. The digital issue is difficult—no one has expertise. ARCA takes advantage because nobody else knows."

CNA also did little to protect local media as national stations bought local stations; in fact, its licensing choices furthered the process. "CNA destroyed the local radio stations by granting local licenses to national radios," Ispas said. But other participants said that the new CNA approach makes more economic sense. According to Obae, "Local radio does not have enough power to sustain a 24-hour license. They don't have the money to support the production. Economic issues determined this situation." Speaking as a national station employee, Stoianovici said, "You are right, theoretically, to defend the local stations. But in practice, the local licenses are generally taken by people who want to use them for political purposes, or to sell them to the national stations. If we have enough economic interest in a local station, we develop it as such, but this is not a very frequent situation."

¹www.tolo.ro; "Sef din CNA in campania lui Traian Basescu. Cine-i pazeste pe paznici?"; December 1, 2009

Market entry for a media business is no different than any other business—a point upon which all panelists agreed. But the special circumstances of the economic crisis made some of them question the state's general behavior towards the media industry. While the government stepped in to help other industries, no such gesture was made for the media, although it was affected by the crisis. Moraru, editor-in-chief of *Monitorul de Botosani*, said that the state should put its money where its mouth is and help media actively. This would not mean major bail-outs, but minor adjustments specific to the industry. "The state should have clever means to help the press. An idea, for instance, could be to subsidize the local press distribution," Moraru said. Other participants strongly opposed any preferential treatment for media, fearing hidden conditionality from the politicians. Tita rejected the very principle of government intrusion in the media sector. "I am against state intervention because we risk breaking the whole industry," he said.

Romanian journalists are rarely victims of violent actions. No journalist has been killed or injured in recent years, but some cases of harassment still occur. Razvan Martin, responsible for the protection of journalists within his role at the NGO Media Monitoring Agency, said that "there were fewer incidents this year and less violence." However, Obae noted that "there is a popular anti-journalism sentiment. The press lost its credibility."

President Băsescu was again blamed for his statements against media. Even panelists that saw a general media bias against Băsescu confirmed this to be true. "There was a wave of accusations made by the president and his advisers. They were right in principle, but they are too aggressive with the journalists and they tend to speak in a generalist manner, not making the necessary differentiations. This way, any crazy person could attack a journalist thinking that he is attacking an enemy of the president," Tita said. But Ispas said that media members who behave more like propagandists should not ask for the usual protection given to journalists. "This is not an aggression against journalists," he said. "They are journalists only by name."

Public media include Romanian Television (TVR, with four channels), public radio (four channels), and the public news agency, AgerPres. The president, the parliament, and the cabinet 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 made ultimately. 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. A supporter of the draft, Avădani said, "We have been struggling for six years to pass

that law,” and concluded that there is no political will to change the status quo.

Alexandru Sassu, a former spin doctor of the Social Democrat Party, runs TVR currently. He took the job in 2007 after a deal between his party and the Liberals, who took the leadership of the CNA. Sassu dismissed the previous head of the news department, Rodica Culcer, by reshaping the organizational chart—which became a regular scheme within TVR to avoid the legal protection of the journalists. Culcer was “promoted” as head of a newly created “News and Sports” department, but with no editorial authority over the news. Culcer started a lawsuit against TVR and won, but Sassu appealed to a superior court, where the case is still pending. Meanwhile, Sassu was temporarily appointed his protégé, Madalina Radulescu, as the head of news. With Radulescu still in the position after two years, what started as a temporary job has ended up a permanent arrangement.

Appointing temporary people for what should be permanent, stable positions became a practice during Sassu’s presidency to increase executive power over journalists. A similar case is Cezar Ion. A former head of the editorial department with supervision over many programs, Ion had his position restructured also, so Sassu could take over Ion’s responsibilities. Ion also went to court and won, but Sassu refused to implement the court’s decision. In response to the refusal, Ion started a new lawsuit, which is pending. The case is visible because Ion is the acting president of the Association of Romanian Journalists (AJR).

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.

While TVR has internal rules and mechanisms to protect editorial independence, they are rather symbolic. “Internal mechanisms are not helping,” Martin said. “TVR’s ethics commission issued courageous decisions that were not applied. The commission is mentioned in the organizational law, but its decisions do not have force.” Martin also noted the commission’s role in the Liviu Dragnea scandal. Dragnea was the Social Democrat Party campaign chief in the European election of 2009. He was invited to TVR’s news program after the official end of the electoral campaign, which triggered a fine from CNA. Three editors refused to accept any responsibility and publicly blamed Madalina Radulescu for inviting Dragnea and establishing the issues to be discussed during the interview. The case went before the ethics commission, which criticized Radulescu, but nothing happened because the head of TVR refused to apply any sanctions.

The panelists said that AgerPres plays a role but does not compare well with Romania’s other news agencies. “AgerPres has been comatose for a long time. They produce a lot of news, but it is irrelevant,” Tita said. Stoianovici agreed, saying, “AgerPres does have a good thing, but it makes it poorly—local news. This is in contrast to the private news agencies, which present local news only if it has national impact.”

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 with monetary awards. The court’s decision cannot be overruled, and makes it compulsory for the parliament to maintain libel in the penal code. To date, however, the parliament has not taken any action to reintroduce libel into the penal code. The situation creates endless problems in practice, with judges taking inconsistent views on whether libel is within their jurisdiction. “We don’t know if libel is or is not in the penal code, Avădani said. “We have a Constitutional Court decision which is ignored by the parliament. Some judges consider it under the penal law, others do not. We replaced a bad and predictable law with no law.” Moraru said that from his experience with local judges, they tend to consider libel outside the penal issues and reject such claims against journalists.

Other panelists raised the issue of journalists’ access to information. They gave the example of Emilia Sercan, a former investigative journalist who started to work as freelancer and blogger and requested accreditation from parliament. “She obtained it for the Senate, but not for the Chamber of Deputies, because the accreditation is given to the press institution, not to individual journalists. But she is a freelancer now. They said that receiving bloggers there would mean that too many people will be coming over,” Martin

said. However, other panelists agreed with the decision, saying that a difference should be maintained between journalists and bloggers.

Romania adopted a Freedom of Information Act in 2001. In 2006, the government made a significant improvement to the law by including all national companies and state-owned firms. A comprehensive report² published in 2009 showed that 39 percent of citizens had heard of the law, and one out of five used it to get public information. As for journalists, the reports showed that all 68 journalists interviewed know the law and 60 percent use it frequently. The editor-in-chief of a local newspaper, Cătălin Morar, has found a downside to the law, however. "I discourage my journalists from using this law. I have a reporter who was doing only that. He was filing requests, lost his importance, and nobody is taking him seriously. We use this law only for important cases where classic means are not helping," she said. Avădani noted another strange effect: "The law forces the institutions to have spokespersons. In practice, that dilutes communication, since the journalists are sent to the spokespersons instead of getting the answers directly."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 2.08

The panelists complained about the generally low quality of reporting in Romania. The real debate between participants was whether the quality of reporting is actually decreasing or simply remaining at a constant low. Stoianovici said that the economic crisis increased the pressure on journalists to lower standards. "It is even worse because there is less money; less capacity," he said. "There are fewer journalists, with smaller salaries, although there is more activity." Obae said that the crisis introduced perverse incentives into the media industry. "The media outlets that fired people started with those having personality, character, with something to say. There are many in this profession willing to accept the status quo; they are afraid of being fired. They do not have time to make their work better," he said.

The panelists also observed a trend to practice journalism exclusively from the office, without original ideas but just representing a narrow range of issue promoted by news television. "Everybody talks about the same thing; everybody watches Realitatea television and writes about subjects as presented there, Stoianovici said. "PR companies

² Public Policy Institute and Center for Independent Journalism, "Informația de interes public un drept fundamental și o responsabilitate pe măsură - Studiu privind stadiul actual al aplicării prevederilor legii nr. 544/2001 privind liberul acces la informații de interes public"; Bucharest, October 2009

promote the idea that journalists should be given the news already written."

Moraru described an even gloomier situation for local newspapers. "Local press is weaker. Not because they don't have resources, but because there is a lack of good journalists to hire. Many of the best left to serve state institutions as spokespersons. During the crisis, the pressure is bigger and taboos are growing." Manuela Preoteasa, editor of EurActiv.ro, placed the blame not on journalists' shoulders, but on the editors and heads of news departments. "Look at a press conference—check the questions. They are pertinent, but they are not seen on television. The journalists are doing their job; the problem is what happens when they hand over their work," she said.

Romania's various organizations and associations have developed many different professional codes. The journalism community started a series of debates in 2005 to adopt a unified code, but they have made little progress to date. The process to unify the two most preeminent codes (from the Convention of Media Organizations and the Romanian Press Club) started two years ago, but the press club blocked the discussions, which frustrated the media NGOs represented by the convention. They indicated that 2009 registered no progress with unifying the ethics code—to the contrary, the new tensions made the possibility even more remote.

AJR and the Romanian Press Club formed an ethics committee, which, while largely dormant, was involved in the "Chireac-Rosca" case. Chireac had his own talk show on public television and was a permanent guest in the Realitatea TV news station. Chireac mediated a meeting between journalist Rosca Stanescu and Cătălin Macovei, the president

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).

of the National Agency for Integrity, which controls officials' wealth declarations. Stanescu wanted some information about two ministers' accounts, and blackmailed Macovei with an old document showing his involvement in a private debt affair (not illegal, but controversial for a person in his position). The conversation between the three was recorded and published before the electoral campaign. It showed Chireac and Stanescu using the media as a personal weapon, blackmailing and manipulating the public agenda for profit. The ethics committee intervened and discussed the case in a public meeting. It decided to recommend that all media outlets avoid inviting Chireac or Stanescu to their shows, or at the very least, not call them "journalists," since they no longer deserved the title.

Stoianovici was satisfied with the committee's response. "It was the first time that representatives of the profession made a decision cooperatively," he said. But Avădani raised doubts about how fair it is to call the committee representative of all journalists, while Liana Ganea criticized the substance of the decision. "The committee's decision was bad, even though courageous. Ten people gathered and decided who can be called a journalist," she said.

In general, the panelists complained about the journalist community's devaluing of ethics. Obae noticed that "in the case of yellow newspapers, the competition became fiercer, and now they are playing dirty." The Media Monitoring Agency and the Center for Independent Journalism conducted a research survey³ in 2009 of a representative sample of journalists. More than 500 journalists were interviewed, and 32 percent of them think that ethical norms are respected in Romania. Sixty percent of them blamed political pressures as the main cause for unethical behavior, and only half of the journalists could describe the content of some ethical codes. Approximately 30 percent admitted that they are involved in securing advertisement contracts—a practice that they consider normal, as a way to enhance their incomes. (Although in a significant difference, local journalists are apparently involved on a larger scale than their Bucharest-based colleagues.)

All participants agreed that the electoral year showed media owners involved increasingly in the editorial side of their businesses. President Băsescu accused the so-called "media moguls" of prodding media outlets to criticize him. The Intact media corporation (which owns a television news station and several publications) has always maintained an openly anti-Băsescu stance. Intact's television news station, Antena 3, organizes daily shows with clear anti-Băsescu content,

³ Center for Independent Journalism & Media Monitoring Agency, 'Autoreglementarea presei din România Cercetare cantitativă - octombrie 2009.'

accusing the president of all sorts of problems, from common sense criticism to conspiracy theories. This orientation made the station largely ineffective as a political weapon, with a limited impact over the general public.

The main news station, Realitatea TV, also adopted an anti-Băsescu attitude and many explained this by the conflict between its owner Sorin Ovidiu Vintu and the president. Vintu is a controversial figure who made a fortune in the early 2000s with a Ponzi-like investment scheme which bankrupted 300,000 ordinary Romanians. He escaped trials due to his political influence and started aggressive media investments. Why Băsescu turned against Vintu (or as a matter of interpretation, Vintu against Băsescu) was never clear; but the rupture was visible in the editorial content of Realitatea TV.

Media Monitoring Agency/ActiveWatch criticized⁴ the television stations' attitude in the electoral campaign, saying: "The media was aggressive towards one candidate, while giving support to the others. The journalists and moderators communicated transparently the opinions and beliefs of their owners." The news television monitoring conducted by ActiveWatch during the electoral campaign showed that stations dedicated one-quarter of programming to transmitting information and three-quarters to endless talk shows with little connection to news information.

The panelists identified owner pressure as the main cause for censorship. "Self-censorship comes from economic reasons; if I worked with Intact corporation, I would not say that Băsescu is smart, because I know I would lose my job. I know this; nobody has to tell me," Stoianovici said.

An insider in Vintu's company, Tita described the way in which the editorial direction is communicated to the journalists. "It is not said directly that we are supporting Geoană, for instance. It happens like this: Several messages are transmitted. The journalist realizes. When he goes to the editor, he notices in which direction the news goes. At the same time, the editor receives the message from above. The newsroom is pyramidal. The order is transmitted only to top level. The lower the level, the more diffuse the message is."

Romanian media does not have taboo topics so much as particular blindspots for each media outlet, depending on the owner's interests. Avădani blamed the journalists for focusing on "unimportant stuff more than on substance." Moraru explained this by the public's tendency to pay attention to trivial issues. "We conducted research on the public, and there is a big difference between what readers think is fair and what we think about this," he said. "We saw that in the

⁴ România liberă; 'Active Watch condamna comportamentul irresponsabil al televiziunilor în Campania electorală.' December 7, 2009

surveys. People want yellow media kind of issues and good news. We say in the newsroom: 'today you have to write this positive stuff.' The public also demands more reaction towards authorities; they are not satisfied only with the facts. That explains the love for Mircea Badea," he said. (Badea is the host of a one-man show, full of vitriolic attacks on public personalities, which has good ratings.)

Last year's MSI reported that after several years of sharp increases in journalists' payments, the salary bubble was showing some signs of bursting. This was exactly what happened in 2009. The internal crisis of the Romanian media, with an investment bubble as well, was sealed by the general crisis of the economy. Media corporations dealt differently with the problem. At the beginning of the year, Intact corporation announced a general decrease in its employees' salaries of 20 percent, while Realitatea corporation made the unfortunate choice to publicly announce that its salaries will remain the same. But this was for a short period, and that announcement came back to haunt the company. Later it announced a sharp decrease in salaries of 50 percent for senior editorial positions, and journalists working for its newspaper, *Cotidianul*, were reduced to minimum wage.

Moraru, in his top editorial position, said that he faces new difficulties. "There is an incredibly huge pressure from the marketing department to lower the standards due to this crisis," he said. Stoianovici also mentioned that it is harder for journalists to resist pressures, with the value of holding a job having increased so dramatically. "People know that finding a new job is much harder," he said. However, the panelists tended to agree with Tita's conclusion that "the level of salaries has no connection with the corruption—not a direct connection. It is a personal decision to resist or not, and it may be related to the environment, but not to the payment level."

Although panelists observed a general tendency of lowering standards, even among the quality media outlets, the panelists did not agree on whether this should be blamed on the journalists or on the public itself. Some said the media is just following its public, which is consuming "easy subjects" more than serious analysis or reporting. Some panelists compared Romania's situation with other countries with a more consolidated media and powerful yellow newspapers, such as the United Kingdom, but the general conclusion was that Romanian media do not always respect the border between quality and yellow media. Serious newspapers are downshifting their reporting in order to increase the circulation, resulting in a permanent mix between the two categories.

Panelists did not perceive the technical capacity of media to be a problem, given the broad access to advanced technology in Romania. But with their lower economic capacity,

local outlets still seem to suffer from some technological underdevelopment.

Romania has a developed market for niche publications and it continues to grow. Specialized magazines for IT, vehicles, women, fashion, and pets are strongly market-oriented and flourish. Economic reporting has actually suffered during the financial crisis.

OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.51

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

Media outlets tend to be concentrated in several big companies. Romania has five big conglomerates:

- Linked to Sorin Ovidiu Vantu. A highly controversial business owner that built his fortune through a fraudulent investment fund, Vantu organized a media empire using various intermediaries. He controls 11 print outlets, three television stations (including the leading news channel), a radio network, and Romania's second largest 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. Vantu took an anti-Bănescu stance during 2008-2009, which translated into a change in the editorial attitude of his outlets towards the president. Immediately after the announcement of Bănescu's victory in the run-off of the presidential election, Vantu decided to withdraw the financial support for all of the print outlets. *Cotidianul* newspaper and the two business magazines will be transferred to the editorial managers. As they are not profitable, they have little chance to survive.
- Owned by Dinu Patriciu. The richest Romanian, a highly controversial businessperson, and former politician, Patriciu was involved in the oil industry and prosecuted for manipulating the stock exchange. He had an aggressive investment approach but he surprisingly limited himself to print media in a country where television stations are the most influential. He owns the leading quality newspaper and one leading yellow newspaper, along with five quality magazines (among others, the local editions of *Forbes* and *Foreign Policy*). Patriciu involved himself personally in the

electoral campaign against Băsescu, but in a rather strange move, kept the publications outside this field—the editorial management stated that the quality newspaper would stay away from politics, even refusing electoral advertisements.

- Around Adrian Sarbu. This includes five television stations (among them the most popular commercial station, Pro TV), six Bucharest-based publications, two radio networks, a network of local newspapers that was largely dismantled in 2009 due to the crisis, and the main news agency.
- Around the Voiculescu family. Dan Voiculescu is the informal leader of a small party which is allied with the Social Democrat Party. The party is insignificant, but enters the parliament regularly because its alliance with big parties offers positive coverage in Voiculescu's media outlets. In 2007, Voiculescu led the parliamentary committee that decided on the impeachment of President Băsescu. The family's company owns five television stations, six Bucharest-based publications, and a number of radio stations.
- Ringier. A foreign company based in Switzerland, Ringier 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.

Other media companies have developed around leading publications, such as Edipresse (several glossy magazines), Burda Romania, Sanoma-Hearst (with local editions of international titles such as *Cosmopolitan*, *FHM*, *National*

Geographic, and *Esquire*), and EDI-Lagardere (a French company owing three important radio stations).

According to a report prepared by the Center for Independent Journalism, in 2007–2008, the first five conglomerates controlled 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).

The panelists said Romanian media does not have a direct problem with concentration because of its several big players, but these players forge alliances on some subjects, as with their anti-Băsescu posture during 2009 electoral campaign. According to Ispas, "You can see a unified message which affects diversity. At any hour you watch Antena 3 and Realitatea TV, you see one direction." Obae echoed these comments, saying, "There are many voices which say the same thing." Stoianovici had a different perspective, however: "Overall, the market is pretty diverse. There is heavy political polarization and an abdication from principles. But we don't have a monopoly," he said.

Panelists agreed that citizen access to media in Romania is not an issue. 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 Eastern Europe in broadband connections. One genuine problem is the monopolistic tendencies of the television cable companies, which tend to split the territory among them in order to avoid competition. This restricts channel choices.

As discussed under Objective 1, the legal and practical arrangements for public media do not encourage editorial independence. Panelists accused public television of favoring the Social Democrat Party, the former party of its director, Alexandru Sassu. An example was its refusal to broadcast an electoral debate that took place before the first run of the presidential election. The university that organized the debate invited the three main candidates, but Social-Democrat Mircea Geoană did not attend. The debate consequently showed the incumbent Traian Băsescu facing the Liberal Crin Antonescu. Though it was broadcast by all major private stations and drew a record audience, TVR refused to retransmit the program. During the panelists' discussions, Tita said that TVR's decision not to transmit "is a good example of its behavior."

Parliament formally controls the state-owned news agency, 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. NewsIn entered the market in 2006 and challenged Mediafax.

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.

However, Sorin Ovidiu Vantu has said that he will no longer support the agency, calling into question its survival.

All television stations and most radio stations produce their own news programs. Ownership transparency was considered a problem several years ago, but is not a major factor now in the current situation, in the panelists' view. Information on who owns what is easily accessible by the general public, but as one panelist put it, the real problem is that money circulation is not transparent. A modification of the broadcasting law allows NGOs to possibly add more transparency elements, such as the balance of revenues and costs for the media outlets. CNA supported this idea and the government approved it. But the Media Committee within the Chambers of Deputies opposed the measure, with MPs saying that ownership is not information of public interest. The new rules are in place for the time being.

The general pressure for lowering quality reduces the chance of media covering minority-linked issues, according to the panelists. Stoianovici again blamed the public for this tendency. "Everything related to minorities is underrepresented in Romania, but it is not the media's fault—rather the lack of appetite from the public." Martin brought up the issue of reflecting the ethnic tensions in media, especially after a Romanian handball player was killed in Hungary by several Roma. "The media reported the events blaming the Roma as a group," he said. Aside from the Hungarian minority, others, such as the Roma, do not have their own media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 2.12

The economic crisis powerfully hit the media industry in Romania, with drops in advertising revenues evaluated between 10 percent and 25 percent. An ARBOMedia evaluation shows that the ad market reverted in 2009 to the levels of 2005-2006 for broadcasting and of 2003-2004 for print media. Obae expressed doubts that any media outlets would end 2009 profitably. "Media companies expanded in the last years just for grabbing market share, without paying attention to the public," he said. Panelists still expressed a general mistrust towards Romanian ownership, saying that they trust more foreign media investors because they look only for profit, not to mix media with other political or business interests. Avădani said that "we have to draw a line between the media outlets made for profit and the ones built for other purposes. The problem is that the ones organized for profit took a hard hit."

That particular effect of the economic downturn was also noticed by Stoianovici. "This crisis had a perverse effect; media living from other sources than advertisement had money to survive. Those built for profit only are going down because of the crises. You can see this even inside the same trust. Vintu's company is selling magazines like *Tabu* or *Fishing Adventures* that were created to bring money. But the TV station Realitatea TV will not be shut down because it is bringing influence, although it consumes much more money."

Ispas, an advertising agency manager, brought up the issue of the massive investment made in recent years by "media moguls," which, in his opinion, muddled the market and left it more vulnerable in facing the crisis. "The entire industry was horribly polluted by people who have no connection with the press but wanted to do press. In 10 years, they will lose interest and they will leave. The institutions made by them weakened the others." A local newspaper manager, Adrian Voinea of *Gazeta de Sud*, gave the example of *Adevarul de Seara*, a new, freely distributed newspaper developed by Dinu Patriciu's holding. It created 30 local editions, which jeopardized the market positions of already weakened local publications. "It has no chance of making a profit, but it destroys everything around."

While the previous years' reports concluded that print media depend too heavily on direct sales, this actually turned out to be a blessing during 2009. "The crisis is changing the rules because the advertising income decreased a lot more than the sales income. Local press is more stable because it has more sources of income, they also have local advertising and small publicity announcements for the local people," Ispas said.

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.

Romania has many active advertising agencies. Among them there are the big international players: McCann Ericsson; Grey, Saatchi & Saatchi; Leo Burnett; BBDO; Young and Rubicam; etc. Although the country has many active local agencies, the bulk of the money is channeled through the big companies. This year's panelists showed a gloomy attitude towards the behavior of the agencies, accusing many of them of reviving such old practices as accepting bribes from media management to place advertisements. Ispas said, "The advertising market is very developed, but not for supporting the press as your methodology is assuming. The advertising agencies adopted a self-protective, short-sighted strategy to weather the crisis, and they renounce the rules. The agencies have a harsh attitude towards the media—only protecting their income, and they do not care if the press is dying."

Stoianovici described the situation as favoring only the agencies. "The lack of money brought to the surface practices that I thought were long-ago buried. The clients have little money and they want large volumes bought at small prices. Due to lack of money, the agency with a big account feels it is the master of the game. Bribes from press to the agencies reappeared." Ispas confirmed the lack of ethics: "We are definitely talking about corruption in the private area and blackmail of media outlets." A Romanian Press Club board member, Voinea told the panel that he tried to bring up the issue within the club, in order to marginalize the agencies with such practices, but the multinational advertisement companies opposed the idea.

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 was €4 million, down from €14 million in 2004.

State advertising was not considered to be a threat to media freedom in 2006 through 2008, but it returned in 2009. A scandal occurred this year when a newspaper accused the Minister for Sport and Youth, Monica Iacob Ridzi, of allocating preferentially some contracts that included clauses for reporting on ministry events. While she resigned after the scandal broke, not one of the television stations that had received these contracts (Realitatea TV, Antena 3, Pro TV) gave an official explanation about the story.

However, this case also showed some limitations of the law passed in 2005, as recognized by Avădani, one of its promoters. "The Ridzi scandal showed that new forms of financial legal transfers from institutions to media were created that were not covered by the law," she said. But

another panelist blamed the law for being too strict and creating blockages in practice because well-meaning officials are reluctant to spend legitimate advertisement money. "This law is perfectly inapplicable. We are talking about millions of Euros in public money which are not spent due to fear."

The Romanian media industry has developed professional forms of measuring audience and circulation for nearly all segments, including print, television, radio, and Internet. The Romanian Audit Bureau of Circulation (BRAT) was founded in 1998 as an independent, not-for-profit organization to bring together the media outlets, ad agencies, and clients playing for advertisements. The advertising agencies have set the existence of a BRAT certificate as a precondition for allocating any advertising contract. BRAT later developed the National Readership Survey (SNA), which approximates the total number of readers for publications and establishes the demographic data. While some panelists raised doubts over the accuracy of SNA data, Ispas, one of the founding members of BRAT and SNA, defended the study and said that Romania has the most sophisticated measuring instrument in the region. "It's amazing that our market, which is still poor, is able to afford such a complex study," he said.

While the print segment developed BRAT and SNA as unitary instruments, similar instruments were not possible for the TV segment. The state stepped in through the broadcast law adopted in 2002, which allowed CNA to select the single rating system that is currently in place. Though organized by the state, the system functions as a private operation and not all ratings data are freely accessible. A serious conflict occurred in 2008 between the polling company and the beneficiary (the broadcasters' association) over some technical problems in gathering the audience data. The two sides were close to interrupting their contract, but this could have left the industry without any audience data. The conflict was resolved, but some questions remain about the methodology— especially concerning the small number of the households included in the sample.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.33

Romanian journalists remain generally skeptical of joining trade unions, owing in part to the Communist regime's tainting of unions. Tita, editor-in-chief of Realitatea news radio, was put in the situation of having his salary halved suddenly in 2009, but still does not trust trade unions. "The decision about salaries was made without discussion—it was just announced. There is not a union in Realitatea, and I believe it is better this way." Stoianovici was also skeptical

about the utility of a union, saying that they “function only within the public media outlets and [are] there only to block any change.”

Although it 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, and remains in force until 2012. MediaSind claims to have 9,000 members, but it is not very clear from where, since few journalists mention their affiliation with this union. The Association of Local Editors and Owners gather the most important local newspapers in terms of circulation. At the national level, the Press Club of Romania (CRP) used to be the most powerful media organization, counting the country’s 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. This led to the creation of the Association of Romanian Journalists (AJR), which has taken over for CRP in representing journalists. As late as December 2009, the other half of CRP, media companies, announced the launching of the Association of Romanian Media Owners. The new organization includes 24 media companies, although some of them are formally registered as separate companies belonging to the same owner.

One of the most active members is Razvan Cornateanu, the manager of Adevarul (a media company belonging to Dinu Patriciu). Cornateanu stated that the new association will renegotiate the current collective working contract for the journalists. Cornateanu was involved in a public conflict with MediaSind union when it defended several journalists

that Cornateanu’s company mistreated. Cornateanu said that the contract between MediaSind and a generalist owners’ association (being formally compulsory for all media companies but largely ignored in practice) was outdated, “idiotic,” and not fit for the media industry. Given the creation of the new media owners’ association in December, and with Cornateanu as a leading figure, more conflict may arise between owners and unions. For the time being, MediaSind reacted publicly to Cornateanu’s announcement about renegotiating the collective contract by saying that this would be illegal, since the current contract is still applicable until 2011.

Broadcasters have their own organization, ARCA, but it does not deal with editorial matters. Romania has some 40 journalists’ associations with various specific functions, but most of them are low profile, inactive, or underdeveloped. Several exist only on paper.

The most important NGOs dealing with media freedom are the Center for Independent Journalism (CIJ), the 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 issues on the agenda of international organizations. Now that Romania is a full member of the EU and international donor attention is moving to other parts of the world, panelists were concerned for the survival of the coalition, which is highly dependent on international support.

Although seeing himself as a beneficiary of NGO activities, Stoianovici said that their impact is limited. “They have little effect among the journalists. Their actions are not known or understood by the journalists,” he said.

Romania has 20 journalism university programs, 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. As in previous years, panelists working in top editorial positions are not impressed by the newcomers. “It does not help that somebody comes from the University of Journalism from Bucharest—they do not know what to do,” according to Tita. Stoianovici said that the only exception is the Faculty of Journalism within Iasi University, which invested in creating its own newspaper and news agency to allow students to practice the profession.

After the closing of the BBC School in 2001, CIJ became the only short-term training provider. CIJ conducts affordable 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. Professionals visiting from abroad (mostly the United States)

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.

also provide instruction at CIJ. According to Avădani, the CIJ director, more than 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 available widely. Most of the newspapers own a printing house in order to reduce their costs. Romania has one newsprint factory, but its power to influence the market is limited due to the easily available imports. In principle, kiosks for media distribution are independent and free. The largest print media distribution company, the formerly state-owned Rodipet, is still inefficient, and quite often it generates financial problems for media outlets. The government privatized Rodipet with a controversial company that failed to relaunch it and did not respect the terms of the privatization contract. As a result, there are discussions now regarding renationalizing.

List of Panel Participants

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

Cătălin Moraru, editor in chief, *Monitorul de Botosani*, Botosani

Ioana Avădani, executive director, Center for Independent Journalism, Bucharest

Petrișor Obae, freelance journalist and blogger specialized in the media, Bucharest

Manuela Preoteasa, editor, EurActiv.ro, Bucharest

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

Razvan Martin, program coordinator, Media Monitoring Agency, Bucharest

Silviu Ispas, manager, ARBOmedia advertisement agency, Bucharest

Teodor Tita, editor-in-chief, Realitatea FM news radio, Bucharest

Moderator and Author

Cristian Ghinea, journalist, *Dilema Veche*, Bucharest

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