
The RMCG case eroded public trust in mainstream media, which the protestors targeted alongside politicians.



ROMANIA

Romania was relatively quiet in 2013 despite a constitutional crisis in 2012 that took its toll on media caught-up in a politically charged environment. Media institutions within the country continue to be politicized and affected by prevailing business interests, which weaken neutrality and freedom of the press.

The media industry in Romania has suffered since the economic crisis hit in 2008, with a 17 percent decrease in the total circulation for the top 10 dailies in 2013 compared to 2012. Given the current economic environment, reports of media outlets filing for bankruptcy are on the rise.

The private media landscape witnessed significant changes in ownership in 2013. A sector once controlled by powerful businessmen with deep political ties saw many of these owners charged with corruption and even sentenced to prison. For example, the biggest private media conglomerate—Intact—is owned by Senator Dan Voiculescu and has openly contested President Traian Basescu’s policies. Any journalist who questioned Intact’s practices or coverage was subsequently removed. Voiculescu, however, was found guilty of corruption and sentenced to five years in prison, although appeals are still ongoing.

However, there are still many business elites who manage media companies and continue to maintain close ties with government. Sebastian Ghita, a member of parliament (MP) from the Social Democrat Party, and a close friend of Prime Minister Victor Ponta, had successfully won the most contracts with state institutions to the benefit of his television station. This trend has undeniably impacted freedom of the press in Romania, as Ghita’s station has been widely considered for example, to be a public relations arm for the prime minister. According to the panelists, rule of law is still protected only by the intervention of EU and US officials.

Overall, the public’s trust in media has decreased, as seen with the controversial Rosia Montana Gold Corporation (RMCG), a Canadian company exploring mineral resources in central Transylvania. The project has been met with protests across Romania from environmental groups and citizens since September, who assert that significant environmental impacts will result from the mining of gold and silver. Controversy over government corruption and environmental concerns culminated in the biggest street protests Romania has seen in the last decade.

In order to influence public perceptions and the overall mood of the country, and maintain pressure on decision makers, RMCG spent a significant amount of money on advertising the benefits of the project. The advertising money invested by RMCG in an impoverished media industry raises concerns about the pressures that face journalists, and the growing self-censorship in Romania. The RMCG case eroded public trust in mainstream media, which the protestors targeted alongside politicians. The link between the presence of RMGC advertisements and the disappearance of any critical reporting on the project by media accepting such advertisements has been documented by media watchdogs.

ROMANIA at a glance

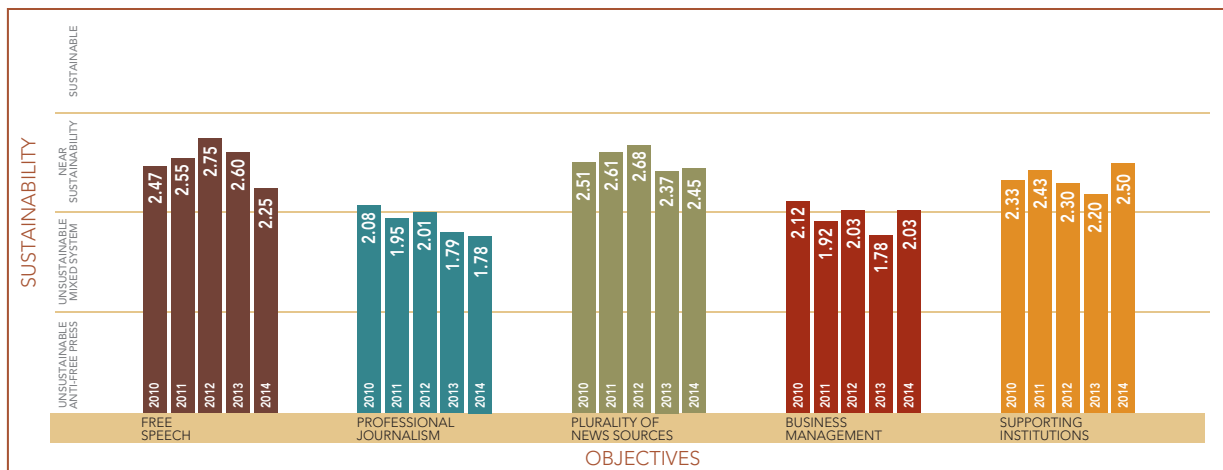
GENERAL

- > Population: 21,729,871 (July 2014 est., *CIA World Factbook*)
- > Capital city: Bucharest
- > Ethnic groups (% of population): Romanian 83.4%, Hungarian 6.1%, Roma 3.1%, Ukrainian 0.3%, German 0.2%, other 0.7%, Unspecified 6.1% (2011 est., *CIA World Factbook*)
- > Religions (% of population): Eastern Orthodox (including all sub-denominations) 81.9%, Protestant 6.4%, Roman Catholic 4.3%, other (mostly Muslim) and unspecified 0.9%, none 0.2% (2011 est., *CIA World Factbook*)
- > Languages (% of population): Romanian 85.4% (official), Hungarian 6.3%, Romany 1.2%, other 1%, Unspecified 6.1% (2011 est., *CIA World Factbook*)
- > GNI (2012-Atlas): \$ 188.1 billion (World Bank Development Indicators, 2013)
- > GNI per capita (2012-PPP): \$ 16,860 (World Bank Development Indicators, 2013)
- > Literacy rate: 97.7% (male 98.3%, female 97.1%) (2011 est., *CIA World Factbook*)
- > President or top authority: President Traian Băsescu (since December 20, 2004)

MEDIA-SPECIFIC

- > Newspaper of active print outlets, radio stations, television stations: Print: 136 publications (BRAT); Radio Stations: 605 terrestrial, 35 satellite (CNA Annual Report 2010); Television Stations: 43 news stations, 12 music stations, 11 sports-oriented (CNA Annual Report 2012)
- > Newspaper circulation statistics: Top ten papers had a combined circulation (June–September 2013) of approximately 353,700 (calculated by the authors based on Audit Bureau of Circulation)
- > Broadcast ratings: Top three television stations: Pro TV (8.7%), Antena 1 (6%), Kanal D (5.1%) (paginamedia.ro, October 2013)
- > News agencies: Mediafax (private), Agerpres (state-owned)
- > Annual advertising revenue in media sector: about €295 million (a small decrease), of which €183 million on television, €19 million on radio, and €46 million on Internet (Media Fact Book 2013)
- > Internet usage: 8.9 million (2013, Gemius Research)

MEDIA SUSTAINABILITY INDEX: ROMANIA



MEDIA SUSTAINABILITY INDEX 2014: OVERALL AVERAGE SCORES



CHANGE SINCE 2013

▲ (increase greater than .10) □ (little or no change) ▼ (.10)

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.

Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscorers.xls

OBJECTIVE 1: FREEDOM OF SPEECH

Romania Objective Score: 2.25

Against the backdrop of economic fragility and political interference, panelists noted that journalists in Romania have been subjected to ongoing harassment over the past few years. Several years ago, President Traian Basescu initiated a new “national security strategy,” which listed “media campaigns” as one of threats against the state. Razvan Martin, program coordinator at the media watchdog organization, ActiveWatch, added that the Romanian Intelligence Service (RSI) has been targeting “investigative journalists who threaten national security.” Cristi Godinac, the president of MediaSind (a trade union) stated that the media community in response “initiated a petition to the European Parliament regarding the issue of media seen as a threat to national security,” whereas the “Romanian Parliament has not voted on [Basescu’s] strategy for two years.”

Razvan Martin noted that there are “serious” and ongoing abuses of the justice system in Romania that continue to “affect individual rights and freedom of the press. He added, “For the journalist Narcis Daju (from Gorj county), and his newsroom colleagues, electronic communications have been intercepted under a court order issued without justification.” Moreover, the prosecutors’ request “contains

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 or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > 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 available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets’ access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

no evidence that the journalist had any connection” with “any criminal activities,” as later confirmed.

Panelist Razvan Martin described the case of the local Targu Mures branch of the National Anticorruption Directorate (DNA) investigation of local journalists at Radio Targu Mures. The DNA requested information regarding an interview conducted in May with Barboly Csaba, President of Harghita County Council, who was indicted by the DNA for alleged corruption. However, without presenting identification, DNA officials interrogated a journalist and the deputy director at Radio Targu Mures. Martin considered the actions of the DNA to be intrusive in the way information was garnered, which can lead to self-censorship among journalists and impact freedom of the press.

Ioana Avadani, director of Independent Journalism Center, highlighted the gap between the legal norms and their actual implementation, stating that enforcement of the law is weak; however “social norms are even weaker.” Adrian Voinea, owner of *Gazeta de Sud*, added that he feels “protected by legal norms,” however does not feel “protected by the social norms.”

The National Council of Broadcasting (CNA) is an autonomous body that controls broadcast licensing and enforces the legal obligations of broadcasters, and is formally under parliamentary control. Its 11 members are appointed by the government and parliament; their terms do not coincide with the political elections, however from 2012 to 2013, the CNA saw the appointment of new members by the new majority and winners of the 2012 elections. Thus, the 6-year mandate of six of the 11 CNA members ended in December 2012. They were replaced by three new members appointed by the ruling coalition, one by the government, one by the Hungarian-minority party (not part of, but supporting the ruling coalition) and one by the president. Thus, the parliamentary majority is over-represented in the new body.

Panelist Costin Ionescu, journalist with the Hotnews web portal, asserted that the former methodology used to structure membership of the CNA was somewhat “politically balanced,” however, the current system does not render this balance. The new majority has isolated older members appointed by President Basescu or the former government, which led to a publicity war between the two camps. The conflict escalated, according to Ionescu, when the president of CNA sent an open letter to a member from the other camp “urging him to attend the regular meetings.” The minority accuse the majority of the CNA of acting based on political motivations and protecting media outlets favorable to the government and critical of the President. Ionescu

For example, the mayor of Navodari, Social Democrat Nicolae Matei, threatened journalists from Casa Jurnalistului through a post on his Facebook page as a result of a story published (that was widely quoted in international media) regarding corrupt practices within his office.

concluded that “CNA members should disregard their political background” once appointed.

Nadina Digioiu declared that “the [CNA] lacks credibility in all respects.” The other panelists explained that the new leadership began 2013 with a bold approach to tackle such issues facing the CNA, however, this approach later degenerated into discord following deals between powerful media owners and the politicians who appointed members of the CNA.

The CNA, according to Razvan Martin “seemed to somehow awaken this year and sanctioned a number of media outlets” irrespective of media ownership. The Social Democrat representative in the CNA, Monica Gubernat, fiercely opposed granting a television license to a media group in Craiova County due to conflict between the media group and the head of the Social Democrat branch in Craiova County.

The panel consistently expressed concerns and mistrust towards the licensing process in Romania over the past years, and 2013 was no exception. Mihnea Maruta, a freelance journalist, added that “obtaining a license” is tied to political connections and capacity to lobby. Maruta added that, generally speaking, existing players in the media market have greater chances of obtaining a new license than emerging outlets who intend to enter the market.

Adrian Voinea, as owner of a local newspaper and a radio station in Craiova County, had tried to obtain license for a television station, however given the “discretionary manner” in which licenses are administered, CNA explained that their decision to reject the application was due to the fact that the station’s acronym was similar to an NGO based in Bucharest. Panelists regarded this example as a pretext, as the CNA was “compelled to respond within 30 days” but never did. The CNA did in fact grant many licenses in 2013, but Nadina Digioiu attributed this increase to the forthcoming elections in 2014.

CNA is legally entitled to police the content of broadcasting in Romania. Some of the panelists appreciated a more proactive approach of the new leadership of the Council, but they criticized the inconsistent manner in which CNA imposes fines against radio and television stations. The CNA’s decisions are rendered according to the votes of its members, who vote not only whether to sanction but also on the amount of the fine levied, which leads to endless negotiations on the amount of the fine and the unpredictable nature of the CNA.

Adrian Moise, vice-president of Mediasind the journalists’ trade union, attended a meeting of the CNA and observed how sanctions were imposed, and the politics of decision making, including how “different outlets received different fines for the same offences.” Ioana Avadani, director of the Center for Independent Journalism, referenced two examples of how CNA’s decisions are inconsistent: “The decisions are frantic, going with the law, but overreacting.” For example the CNA fined a television station €2,200 for homophobic remarks made by a rap singer, while fining a public television station €11,000 for broadcasting a traditional song that included anti-Semitic lyrics. Avadani observed that this inconsistency extends a perception that it is more serious to “offend Jews than the LGBT community.”

When submitting a request for a license, each broadcaster includes a content proposal that is taken into consideration by CNA before making a decision. The panelists agreed unanimously that CNA is not monitoring the content contained within the submitted editorial plans. In practice, CNA has influence over editorial content only in cases in which broadcasters require permission to change the license. For example, the media group Intact had to change their license for channel Antena 2 to increase their entertainment programming. Intact was denied a license initially due to the CNA’s concerns that the channel would feature a controversial figure. However Intact launched attacks against the CNA leadership, who convened a special meeting to approve the change of license. Adrian Voinea was not happy with the special treatment Intact received, as he shared his frustration over an ongoing delay over a license requested. On the other hand, Iulian Comanescu believed that CNA’s refusal to approve the license due to the “presence of a controversial person” could set a dangerous precedent for censorship of Romanian media outlets.

With the exception of the licensing procedure described above, there are no special market entry conditions for media in Romania. However, this year panelists criticized the government for creating a special insolvency procedure for television stations. The general insolvency law was

modified to include a provision that terminates the license of television stations entering into insolvency. Therefore, while other insolvent companies may operate with a plan to reorganize the company, the change in law forced insolvent television stations to cease operations.

The secretive manner in which the government adopted this change raised suspicion, as the move was seen to indirectly benefit Sebastian Ghita, owner of RTV, a social-democrat MP, and a close friend of Prime Minister Victor Ponta. Ghita was a shareholder of Realitatea TV, another news station, and after failing to take over Realitatea TV, Ghita split the editorial team and started RTV (which is largely seen as prime minister's favorite station). According to the panelists, Realitatea TV entered the insolvency procedure but continued to function, therefore, the new regulation was seen as a tool used against Realitatea to help Ghita eliminate competition. The measure was immediately criticized by human rights organizations and media watchdogs such as Active Watch, Center for Independent Journalism, and the Helsinki Committee, for introducing "discriminatory" procedures that were inherently biased and not contrary to media freedom.

Moreover, nearly 100 television and radio stations were affected by the proposed insolvency procedure despite the lack of any similar procedure in the CNA's own regulations. In the end, the Constitutional Court rejected the new law on procedural grounds, stating that the government was not entitled to pass an emergency ordinance on insolvency matters. The panelists were extremely critical with the government decision and welcomed the court's intervention; however, Nadina Dogioiu expressed concerns that the government's overall motives behind these changes represents an ongoing threat to media in Romania.

While critical of the government intervention in this case, other panelists were quick to add that the rules governing insolvency in the media industry should be changed. Calin Juncu, managing director of the Romanian Association for Audience Measurement, said, "In Romania insolvency does not work anymore." There are many companies, Juncu added, that declare insolvency, but do not devise a plan for reorganization, declare bankruptcy, or pay their creditors. Catalin Moraru added that insolvency is used by media owners as a tactic to clear debts. Juncu concluded, "Insolvency should be valid only for a limited period of time. But through various legal ways, it is postponed."

Panelists expressed concern over the increasing number of threats leveled by some journalists against others. Nadina Dogioiu said that the only time she was threatened and

blackmailed was by another journalist. Razvan Martin cited the example of Mircea Badea and Mihai Gadea, a famous moderator and general director of Antena 3 (owned by Dan Voiculescu, a senator and close ally of Prime Minister Victor Ponta) respectively. Badea and Gadea virulently attack other journalists who disagree with their editorial line, and have engaged in targeted character assassination campaigns against officials, journalists, and activists who criticize Voiculescu.

Journalists have also received threats from politicians. For example, the mayor of Navodari, Social Democrat Nicolae Matei, threatened journalists from Casa Jurnalistului through a post on his Facebook page as a result of a story published (that was widely quoted in international media) regarding corrupt practices within his office. Matei was found guilty of bribery and spent five months in prison.

Due to financial difficulties, the Romanian Public Television (TVR) now has four channels after pulling the news and cultural channels. TVR was bankrupt in 2012 and has since received a loan from the government with the condition to implement reforms. These reforms consisted of rolling back on staff after a contested personnel evaluation. The majority of the board members of TVR are appointed by the Parliament (9 out of 13). Like CNA, the board sends an annual activity report to Parliament. Unlike the CNA however, if the report is rejected by parliament, there are no ramifications apart from changes to the board and director of TVR. This mechanism was included in the 1994 law that governs TVR and meant to ensure parliamentary control of the institution, which according to the panelists, contributes to the politicization of the station. After each parliamentary election, the new majority rejects the board's report and appoints new members.

As in past years, panelists criticized the influence and political control the government exercises over public television. Media analyst Iulian Comanescu explained, "The laws of public radio and television are the same," and continue to affect audience ratings, financial situation, and politics of these outlets. Nadina Dogioiu added that there is "no political will" to challenge existing laws to help protect state/public media from political control and thereby increase their editorial independence. Therefore many of the panelists do not consider TVR to be a credible outlet. Parliament replaced the TVR board and director in December 2013, due to party conflict between the Liberal and Social Democrat partners in the coalition government. The sacked board had been appointed in 2012 and had the expressed intention to restructure TVR, downsize, and provide a plan to resolve the €140 million debt. The restructuring process

was in fact a purge: journalists with a lot of experience were destroyed professionally, and nearly 1000 staff have since departed. At the end of 2013, the TVR director reinforced its role as a government mouthpiece, as the station TVR signed a memorandum with the Ministry of Agriculture to extend its third channel to rural areas in order to inform the citizens about rural policies.

As with TVR, the Romanian Radio Actualități (RRA), the public radio channel, functions under the same legal mechanism whereby the board and director are appointed by the government. After the parliamentary election, the new director, Ovidiu Miculescu, was appointed; Miculescu formerly worked at a private radio station and is close to the prime minister. Panelist Adrian Moise, who led the RRA trade union, was elected by the employees to be their representative within the board at RRA, but was later fired by Miculescu and denied access to the board meeting, as Moise had been critical of Miculescu and because the trade unions had filed a complaint against Miculescu for conflict of interest as he held two positions at the same time. Moise argued, "The [RRA] should be de-politicized, and as long as individuals are politically appointed, nothing will be solved."

The public news agency Agerpres is considered by panelist Catalin Moraru as "government's news agency," which continues to propagate the state agenda. However panelists noted that Agerpres has significant human resources at its disposal and has access to events where private media are barred. Agerpres in 2013 published an "extremely flattering" interview with then Transportation Minister Relu Fenechiu on the day before a verdict was rendered on an anticorruption case against Fenechiu. Fenechiu was eventually found guilty and sentenced to five years in prison. Agerpres thereafter removed the interview from the website, stating that the information was not in accordance with the principles of the agency. The current director of Agerpres is the former public relations manager of the Social Democrat Party, which reinforces that there is a clear lack of editorial independence.

In December, the Romanian parliament passed several controversial laws on what commentators called "Black Tuesday," and tried to pardon common criminals in order to allow politicians previously convicted on corruption to be released. The laws proposed on Black Tuesday included the reintroduction of libel and calumny in the Penal Code; however MPs temporarily backed away from the proposal after public backlash and criticism from western embassies.

The panelists criticized the manner in which parliament debated the laws; however, they felt that there could be more sanctions against journalists who abuse basic principles

that govern freedom of expression. Nadina Dogioiu explained that freedom of expression is misconstrued in Romania, and abuses are committed under the guise of free speech. For example, Cristi Danilet, a judge and member of the Superior Council of the Magistrates (the elected body that governs the judicial system), was photographed with a young girl and Antena 3, a television station that fiercely attacks magistrates who do not advocate for anti-corruption initiatives, implied Danilet was a pedophile. The young girl proved to be Danilet's daughter; this case left panelists outraged, saying that freedom of speech does not equal defamation and calling for tougher laws. But Ioana Avadani was quick to state that "Danilet did not file a complaint," and has the opportunity and ability in Romania to address defamation. She concluded that if the state is forced to protect the "dignity and honor" of the journalism profession, then the government will ultimately only protect a few, therefore tougher legal instruments are not an ideal approach.

Romania adopted a Freedom of Information Act (FOIA) in 2001, in consultation with NGOs and inspired by the model used in the United States. As in previous years, panelists complained that the implementation of the FOIA remains to be seen. Mihnea Maruta, who worked as a journalist both in Bucharest and in Cluj, explained that the FOIA has not stopped journalists from seeking information from the communication departments of state institutions, which continue to remain unresponsive in order to protect their institutions. Maruta added that seeking legal recourse is not a solution as employers are not interested in suing local governments and "are not willing to spend money on lengthy litigation." Iulian Comanescu agreed, reinforcing that "the procedure for obtaining public information is cumbersome," and "authorities were using the law in order to discourage journalists" from requesting information. According to Catalin Moraru, this includes "even minor or trivial data that would otherwise be obtained easily and immediately." Ioana Avadani also pointed out that freelancers and bloggers often experience discrimination, as many institutions ask that requestors be registered with a media outlet in order to submit FOIA requests.

Panelists reported no restrictions on accessing and using other sources of media, either from within Romania or foreign countries. The panelists likewise agreed that there are no restrictions to work in the Romanian media. No special permits or registration is required. However, some of the panelists considered total access as a problem that affects the quality of journalism.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 1.78

As in previous years, the panelists criticized the quality of reporting in Romania. Silvia Vranceanu, editor-in-chief of the local newspaper *Ziarul de Vrancea*, discussed her struggle to survive local political pressures from county councils. Vranceanu added that the lack of resources and solidarity between journalists fostered an environment where professionalism is not valued. Media analyst Iulian Comanescu also explained that investigative journalism is rare, and in fact “documents are leaked by politicians” who are interested in attacking “their adversaries,” concluding that the “media do not look for the story anymore; the story comes to the media.”

Few media outlets have an editorial policy grounded in ethical standards, and often decisions are dispensed by the editor-in-chief rather than referring to an organization’s charter. Media analyst Petrisor Obae estimated that “around 10 percent of the media organizations respect ethical codes,” and only if the CNA has questioned the outlet’s practices. Obae added that the CNA’s request for television stations to adopt ethical standards was part of an attempt by the former majority of the Council to create a buffer between journalists and media owners. These codes, some CNA members assumed, in theory could protect journalists from media moguls who were interested using their journalists to launch political attacks.

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 and retain qualified personnel within the media profession.
- > 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 exist (investigative, economics/business, local, political).

The quality of media has decreased in order to compete with “yellow journalism” to the point that one can hardly discern the truth. “News broadcasts have become entertainment shows,” Petrisor Obae added.

Ahead of a European Commission report in January 2014, panelists expressed doubts over the seriousness of CNA’s efforts to enforce ethical codes at television stations. In Romania, there is an ongoing problem of how the media treat the judiciary and the magistrates, as many of the media owners are involved in cases involving corruption. The open partisanship that is practiced by some media outlets has generated general suspicion towards journalists. However, Petrisor Obae was quick to note that even if an ethical journalist criticizes a public figure, the immediate tendency is for the figure to claim that it is personal, leaving the public to question if a story is true.

Both public television and radio have ethics committees whose members are elected directly by the employees. However, their functionality has been affected by the frequent changes of board members and by the fact that their decisions are not enforced.

Self-censorship was identified as a problem by the panelists. Nadina Dogioiu estimated that “it is practiced in 90 percent of the cases,” and the economic crisis has since heightened the problem. As Antoaneta Cote, an independent media consultant, explained, “It is difficult for journalists to find another job,” and therefore they are forced to practice self-censorship. Increasingly, media companies, according to the panelists, are including specific clauses within contracts that forbid journalists from criticizing a particular organization and/or person. For example, a journalist with the television station that specializes in sports broadcasting violated a contractual clause that forbade him from criticizing the Romanian Football Federation; as a result he was fired. Panelists added that sometimes journalists are personally obligated to pay fines levied by CNA. Razvan Martin considered the practice to be abnormal, asserting that the “presence of such clauses in working contracts” creates “enormous pressure” for journalists and broadcasters.

Cătălin Moraru added that even young journalists are engaging in self-censorship, citing a case when a young reported asked Moraru how a news piece on public

transportation should be portrayed. However, there is a trend among young journalists to launch new and independent outlets in which they are also the owners. Although the impact of these emerging independent outlets is limited and they mostly survive on special projects involving civic action or are funded by niche advertisements, they provide an alternative to mainstream media and a way out. The most successful independent media outlets are *Decat o Revista* and the Internet-based Casa Jurnalistului.

In the aforementioned Rosia Montana Gold Corporation case, Razvan Martin considered the corporation's advertising led to self-censorship among journalists, since advertising is "a vital source of income for media." The editor of Ziare.com, Nadina Dogioiu, however argued that the protesters' "radicalism" forced some journalists to self-censor. Dogioiu added, "There are journalists who censor themselves in order to remain in the comfortable majority."

The panelists noted that the lack of resources among media outlets in Romania continues to hinder in-depth coverage of key events and issues throughout the country. For example, the health care reform package that was recently proposed by the Ministry of Health was not properly debated; also, the state budget received little attention beyond reporting the official statements of the politicians involved, Nadina Dogioiu posited. The quality of media has decreased in order to compete with "yellow journalism" to the point that one can hardly discern the truth. "News broadcasts have become entertainment shows," Petrisor Obae added.

The panelists considered the level of the wages as a problem for media professionals. The sharp decline of the advertising revenues after 2008 has significantly affected salaries. According to estimates by the MediaSind trade union, 6,000 journalists were sacked after 2008 and those still practicing are in a weak position to negotiate. Panelists estimated average monthly wages at national newspapers to range from €250 for entry level positions up to €750 for top editors. However, for local newspapers and websites, the panelists cited €200 a month for entry level positions and up to €550 for senior editors. Finally, television stations were purported to pay €350 per month for entry level positions and up to €900 for senior positions. These estimates do not include the salaries of notable moderators and columnists who have negotiated special deals with owners.

Generally speaking, salaries in public television and radio are higher than in the private sector. The general average salary in the Romanian economy is around €350, so journalists are in line with this average. What makes the industry special is a widespread use of non-permanent contracts. Many journalists are paid through "intellectual rights contracts," which do not provide any stability. Mihnea Maruta said this

form of contracting is another sign of the general economic instability of the media industry; the purpose of these contracts is to avoid paying full social taxes that would be included in a permanent contract.

The economic situation of the Romanian media also affects its capacity to produce independent content. Programs that are investigative in nature are rare and thus the few program that exist stand out, as these shows are expensive to produce. Panelists recommended *Romania, te iubesc!*, a weekly show on Pro TV (a commercial station with otherwise little interest in news) as a good example.

Aside from the economic reasons, Mihnea Maruta pointed out that investigative content also raises the risks for media owners who do not want to upset the political and business elite. However, a few journalists with experience in investigative reporting have started their own independent websites such as Rise Projects. However, this website is financed by international funds that support investigations of transnational crime and money laundering.

OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.45

Although there is a plurality of media in Romania according to the panelists, they noted that outlets are aligned with political parties and platforms. Thus, one has to follow several outlets in order to get to the heart of a story. But

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the 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
- > The media provide news coverage and information about local, national, and international issues.

few Romanians do, and therefore consumers follow one narrative that reinforces their personal social and/or political beliefs. For example, the panelists agreed that TVR lost audience share as the station became increasingly aligned with, and controlled by, the government. However, a few stories covered by TVR are good, and due to its robust reporting team, TVR often covers stories that are ignored by private media stations. Razvan Martin gave the example of shale gas, an issue that provoked public protests in the autumn of 2013 and yet was covered by TVR long before becoming such a hot topic in other media.

After the collapse of Newsin due to financial troubles, there were only two news agencies in the market in 2013, Mediafax and the state owned Agerpres. Panelists considered that Agerpres still functions as a government news agency with very little credibility. "We use Agerpres only for the photos," added Adrian Voinea. Even if Mediafax has little or no real competition, the company is struggling financially as the number of publications decreased and its potential market has thinned. Increasingly, fewer outlets are able or willing to pay for content. Moreover, the prevalence and access to websites that publish free content has rendered the paid news services obsolete. A client of Mediafax, Catalin Moraru's local newspaper is in a "good" position to bargain, and pays "25 percent below" what the paper used to pay for Mediafax's services.

Transparency of ownership remains less than ideal as in past years. Television stations have an obligation to inform CNA about their ownership but this may be avoided. Mihnea Maruta explained, "The most common method is to use an intermediary person or company." Several powerful media moguls once controlled many media outlets but only Dan Voiculescu remains an important owner due also to his political connections. Dinu Patriciu, who once controlled the biggest newspapers, went bankrupt and disappeared from public life. Sorin Ovidiu Vintu sold all his media operations and spent time in jail for blackmailing another media owner, Sebastian Ghita. The outlets once owned by Patriciu and Vintu were sold and split among various owners, some of them acting as intermediaries for political forces. Media analyst Iulian Comanescu defined the new landscape as the post-moguls era, yet many outlets continue to be controlled by politicians' intermediaries, which leave the press now, as ever, susceptible to political pressures.

Panelists were divided whether minority issues are given coverage in Romania. Some panelists considered that there is a politically correct approach towards covering the Roma people, for example, and yet some panelists disagreed. Nevertheless, panelists noted that compared with

Silvia Vranceanu, editor-in-chief of *Ziarul de Vrancea*, accused the president of her county's council of directing all the public contracts to *Monitorul de Vrancea*, another newspaper that provides positive coverage of the council president.

previous years, media coverage is less fervent regarding ethnic minorities.

However, Razvan Martin gave two examples where media coverage was biased against minority groups: the *ProSport* campaign against a handball player and the campaign regarding Romania's flag ribbon. In these cases, the media largely invoked nationalist and homophobic narratives. In January 2013, *ProSport* daily published a series of articles about the private life of a handball player according to her husband, who alleged her homosexuality. Other publications quickly republished the information and it turned into a traumatizing experience for the woman and her family. In the other example, on March 15, the National Day of Hungary, a teenager wore a Romanian flag ribbon at the Romanian-Hungarian College (in a region where Hungarians are a majority). Some in the region considered this action offensive to the country's Hungarian minority. Important media outlets started a vehement campaign to defend the honor of the young Romanian girl, utilizing very aggressive speech aimed at demonizing the Hungarian minority.

OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 2.03

Most of the media outlets function with some business plan, but few of them manage to make a profit and sustain their activity without owners' contributing funds from other activities. Petrisor Obae cited an exception: "The top [television stations] function for profit, with a business plan." The market for television advertising is around €200 million according to panelists, however, with more than 50 revenues are diluted.

Some newspapers also own a printing house and use this revenue to subsidize editorial activities, but this trend on the decline. Adrian Voinea, owner of the local newspaper *Gazeta de Sud*, used to generate profits by printing regional

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > 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.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

editions of some Bucharest based newspapers, but this side of the business registered losses in 2013, since “printed papers have since disappeared.” In 2012, the top 10 dailies sold 416,000 copies, however in 2013 this number decreased to 353,000 copies according to the Romanian Audit Bureau of Circulation (BRAT).

The pressure of Internet-based media and its revenue model has been largely the reason of lower revenues for media and, panelists said, weakening professional standards in Romania. “There is an excess supply” of websites, according to the panelists, for the advertising market to consider, and therefore overall income from advertising has decreased. Advertising revenue is now generated through clicks, or number of visitors per site. Catalin Moraru, editor-in-chief of *Monitorul de Botosani*, the flagship publication a poor county, added “There are 32 news websites in Botosani” alone, and that the newspaper has to repackage important topics so that they maintain readership and revenue.

The past year has seen a decrease in circulation and declining advertising budgets. Petrisor Obae explained “The advertising market crisis has led to a massive decrease of prices” as television advertisements were very expensive in 2008 and now companies that previously could not advertise now can. As a result of lower advertising prices in television, print media has suffered. “For print media, the market went down from a total of €80 million in 2008 to €20 million in 2013,” according to Adrian Voinea.

Most of the panelists also attributed the worsening economic situation of media in Romania to the advertisement agencies. Petrisor Obae said, “The

advertisement agencies forced prices to go down. The publishers are trying to decrease prices as much as possible, but agencies are doing so even more. Many newspapers closed down, yet none of the big advertising agencies did so.” Other panelists said that the rebate (discounts asked by the agencies from media partners) varies from 8 to 10 percent for television to 20 percent for print and even 30 percent for Internet. Costin Juncu, president of the Association for Measuring Audiences (ARMA), a professional association that includes agencies, defended the agencies, stating they do what they can to support media and most of them “are local branches of international networks.”

There are no subsidies for the Romanian media; however, panelists noted that advertising contracts in fact are paid by the state institutions. In 2005 a coalition of NGOs and professional associations worked with the government to establish some transparent and competitive rules to distribute this money. The rules were in place for some time but later annulled. Panelist Ioana Avadani, who led the 2005 coalition, stated “The big contracts are now European projects, and there is total flexibility regarding allocation, yet no transparency.” Other panelists confirmed that public money is used to favor outlets aligned with politicians. Silvia Vranceanu, editor-in-chief of *Ziarul de Vrancea*, accused the president of her county’s council of directing all the public contracts to *Monitorul de Vrancea*, another newspaper that provides positive coverage of the council president.

The media industry in Romania developed complex instruments to measure circulation and audience numbers. ARMA organizes regular competitions to select a company that assesses audience share numbers and another company to audit the process. For print media, the industry and big advertisers formed the BRAT in 1998 as an independent, nonprofit entity. BRAT represents the standard and its numbers are recognized within the industry. For many years BRAT generated circulation figures, for example the number of copies distributed. It later developed the National Readership Survey (SNA), which approximates the total number of readers per publication. For the Internet, BRAT developed the Study of Audience and Internet Traffic, an instrument to measure the number of website viewers.

Antoaneta Cote, who worked in the past both with BRAT and ARMA, argued that Romania uses the best market research methodology. However, as in previous years, some panelists criticized the SNA for inconsistent results, as the SNA measures more the notoriety of a media brand than the number of readers itself. Catalin Moraru stated that his newspaper stopped paying for this service since the advertisers attracted based on SNA numbers were

insignificant. However, Adrian Voinea added, “The problem with advertising agencies is that they hunt for rebates and special deals with media outlets rather than examining the results of research.” In other words, panelists asserted that there is no issue with the quality of the statistics generated, and more an issue with the way statistics are utilized.

Costin Juncu, the current president of ARMA, explained that all the statistics providers in Romania were selected in the bid to measure audience numbers, adding “Every year there was a general audit of the service.” Panelists concluded that international standards are respected; however, Costin Ionescu criticized ARMA for not being transparent enough. The two panelists debated the case of TVR, which criticized the statistics for underreporting its audience. Juncu rebutted by saying it was a last-ditch strategy to blame the messenger for the bad results: “[TVR] had to justify the audience decrease and they said it is a problem with measurements. It was not. TVR used to have a captive audience in the rural areas, but in the last years the technology changed; people have cable and [direct-broadcast satellite] antennas even in the villages and TVR lost them.” Other television stations with poor results contested ARMA numbers and this method seemed to become the standard justification for managers, Iulian Comanescu concluded.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.50

Journalists in Romania are not any better organized this year compared to previous years, and there are no new professional associations to help the community present a common voice. The largest trade union and only organization with a public presence is the Romanian Federation of Journalists (MediaSind). According to the panelists who are members of MediaSind, the union has around 10,000 members, most of whom are employees of public television, public radio, and state institutions from the culture sector. Some panelists criticized the activity of MediaSind, for example Adrian Voinea said, “The union is fighting mostly for the employees of the public television and the public radio.”

In 2011, the previous government adopted a reform of the Labor Code to overhaul state sponsored negotiations between unions and owners’ associations. The government reduced the number of sectors by merging many, resulting in a media sector uniting with the culture sector (largely comprised of state institutions). This forced MediaSind to unite with unions from cultural institutions, which reduced the relevance of the union for the media industry.

Nadina Dogioiu concluded, “The lack of a strong and credible professional organization is one of the serious problems of the Romanian media. CRP was such an organization in its glorious time, but it was dominated by the owners. Splitting media by political and hidden economic interests may be the main cause preventing such an organization to function.”

There is a general reluctance among Romanian journalists to participate in collective bargaining and action, despite the fact that 6,000 jobs were cut in the sector after 2008 when the economic crisis hit, according to Adrian Moise. Razvan Martin added that very few journalists go to court to protect their rights, despite the general trend that the rights of journalists are generally upheld in the court of law.

Panelists agreed that there are no powerful and valuable professional associations present in Romania. The once powerful Romanian Press Club (CRP) has since collapsed after the withdrawal of Cristian Tudor Popescu, its former president and a well-known columnist. Popescu attempted to organize CRP as an umbrella organization to gather both journalist associations and club owners. This plan was

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists’ rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

however unsuccessful. Ioana Avadani, director of the Center for Independent Journalism, which has collaborated with CRP in the past, stated, "I don't know what CRP is doing any more. They don't even reply to emails." Nadina Dogioiu concluded, "The lack of a strong and credible professional organization is one of the serious problems of the Romanian media. CRP was such an organization in its glorious time, but it was dominated by the owners. Splitting media by political and hidden economic interests may be the main cause preventing such an organization to function."

Very few NGOs are active in defending freedom of expression in Romania. These include the Center for Independent Journalism and ActiveWatch—Media Monitoring Agency. "Only NGOs are fighting for media independence and professionalism, with limited resources and, inevitably, limited results" according to Nadina Dogioiu. As there are only a few NGOs that provide a limited scope of activity, their work is largely ignored by decision makers, Dogioiu added.

Currently, if an organization is not receiving funds from international donors, then the work is unlikely to receive local funding. Antoaneta Cote explained that the past year has been hard for NGOs even compared with 2000 to 2004, a period dominated by former Prime Minister Adrian Nastase, and seen by many panelists as a dark period for media freedom in Romania. As the political opposition is weak, NGOs have neither allies nor leverage.

The panelists unanimously agreed that the number of students in journalism school is too large for the absorption capacity of the market. "There are 19 university programs for journalism in Romania. The number of students is 2,000. In an industry where 6,000 jobs have disappeared in the last years, you throw 2,000 new graduates each year. This is no way to respect the labor market or the graduates," Avadani added.

Journalists on the panel were very critical of existing courses offered at universities. In their opinion, most of the graduates are not adequately prepared in both theory and practical training. Moreover, many of the young journalists possess poor knowledge of grammar and therefore are ill-equipped to write for print outlets. Nadina Dogioiu argued, "Generally, journalism schools produce mediocrity. It's a usual practice to learn all you have to know directly in the newsroom and there is not real demand for professional journalists in the media market. Most of the media institutions prefer someone with other skills, like obedience and endurance." Other panelists lamented the lack of general professionalism among young journalists, and Catalin Moraru added that often they are interested in

the profession in name only but not interested in the hard work required.

There is a discernable gap in communication between journalism schools and media institutions, as these schools have not cultivated very many partnerships with media organizations to develop internship programs. Panelists added that in their newsrooms, those who are employed most often are graduates of journalism. "Out of the newly hired, more and more are journalism graduates," according to Adrian Voinea.

Although the owners of media outlets criticize the overall lack of professionalism in journalism, outlets are hardly willing to provide or pay for training. Journalists must pay for their own training and must take a leave of absence to participate. Silvia Vrinceanu lamented, "Mass media institutions do not support the efforts of employees to receive professional trainings. Personally, I have worked at a newspaper in Vrancea for 16 years, but the management did not provide any training programs; all the trainings I participated in were my own choices."

Traditional training organizations have failed to cultivate a sustainable link with employers, who show little interest in training their staff. Ioana Avadani explained, "We still organize trainings, but we don't know for whom to organize them. People now ask for unpaid leave to come to courses. Professional quality improvement is no longer the employer's task."

Cable companies in Romania are emerging as serious players in the media market, producing their own content. For example, panelists noted that RCS—RDS is the biggest cable provider in Romania and now owns several television stations, including the highly regarded, all-news, Digi 24. The company has been known to harass other channels in the past, according to panelists, for instance removing Discovery or Eurosport from packages to force their hand in negotiations. Ioana Avadani considered the presence of cable companies on the media market a "big problem" that presents a "huge conflict of interest." Adrian Voinea added that "it is not normal" to have cable companies "both producing and distributing the content."

Another problem raised by Voinea is the distribution of newspapers by the state-owned Romanian Postal Service, which is facing financial problems. Due to inept political management, the company sacked letter carriers, which reduced its reach in rural areas. "The Romanian Post has cut half of its personnel. Newspapers don't reach villages anymore," Adrian Voinea concluded.

The Internet infrastructure is relatively well developed in Romania, but there are differences in penetration and overall growth between rural and urban areas. Broadband Internet penetration is 46.2 percent for households, with a quarter of this percentage in the rural areas. Still, the growth rate for rural connections is higher than the rates for urban areas. Romania has one of the fastest Internet connections in the world (4th or 5th in the world, depending on the parameters of the assessment), with a 56 percent penetration rate for mobile Internet according to panelists, citing data provided by the National Authority for Communications.

List of Panel Participants

Adrian Valentin Moise, vice-president, MediaSind Romanian Federation of Journalists, Bucharest

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

Antoaneta Cote, consultant, Agent of Change, Bucharest

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

Costin Ionescu, journalist, *HotNews*, Bucharest

Cristi Godinac, president, MediaSind Romanian Federation of Journalists, Bucharest

Costin Juncu, managing director, Romanian Association for Audience Measurement, Bucharest

Hannelore Acarnulesei, editor-in-chief, *HunedoaraMea.ro*, Hunedoara

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

Iulian Comănescu, freelance journalist and media analyst, Bucharest

Mihnea Măruță, freelance journalist, Cluj-Napoca

Nadina Dogioiu, editor, *ziare.com*, Bucharest

Răzvan Martin, program coordinator, FreeEx ActiveWatch, Bucharest

Silvia Vrinceanu, editor-in-chief, *Ziarul de Vrancea*, Focsani

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