



Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019

Country report: Romania

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TABLE OF CONTENT

1.	About the project	5
1.1.	Overview of the project	5
1.2.	Methodological note	5
2.	Introduction	7
3.	Results from the data collection: assessment of the risks to media pluralism	8
3.1.	Basic protection (41% - medium risk)	9
3.2.	Market plurality (76% - high risk)	11
3.3.	Political independence (74% - high risk)	12
3.4.	Social inclusiveness (70% - high risk)	14
4.	Pluralism in the online environment: assessment of the risks	16
5.	Conclusions	19
6.	References	20

Annexe 1. Country Team

Annexe 2. Group of Experts

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States and Candidate Countries of the European Union, and considering both online and offline news environments. This narrative report has been produced within the framework of the implementation of the MPM carried out in 2019, under a project financed by a preparatory action of the European Parliament. The implementation was conducted in 28 EU Member States, Albania and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological note

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF.

In Romania the CMPF partnered with Marina Popescu, Roxana Bodea, Raluca Toma (MRC - Median Research Centre, Bucharest), who conducted the data collection, scored and commented the variables in the questionnaire and interviewed relevant experts. The report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts).

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1 below).

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for people with disabilities
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Media literacy

Table 1: Areas and Indicators of the Media Pluralism Monitor

The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor allows for an extraction of a digital-specific risk score and the report contains a specific analysis of risks related to the digital news environment. The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are

considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk.

On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2020 scores may not be fully comparable with MPM2017 ones. For more details, see the CMPF report on MPM2020, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

With a population of 19.4 million (INS 2019) and a surface area of 238.4 thousand square kilometers (World Bank), Romania is one of the larger members of the European Union, which it joined in 2007. Ethnic Hungarians are the most numerous minority (6%), while Roma account for 3% of the population, although this is considered to be an underestimate (INS 2011, Kearney 2017). Many other ethnic minorities are also recognized by law, and eighteen have special parliamentary representation, which however does not reflect a culture of social and political tolerance at the societal or elite level (Median Research Centre 2017).

Despite an increase in GDP by 4%, it remains one of the poorest and most unequal countries in Europe (Eurostat 2019a). The education system has a poor performance – producing some of the lowest PISA scores in Europe (Zay 2019) –, there are high rates of early school-leaving – 16.4% in 2018 (Romania Insider 2019) –, as well as major problems with healthcare service delivery – second-to-last place in the Euro Health Consumer Index 2018, for example (Björnberg and Phang 2019). These problems are barely addressed, as evidenced by the fact that Romania spends less on its education and healthcare system, as a share of GDP, than most European countries (Eurostat 2020, Eurostat 2019b).

Throughout the post-communist period, Romanian politics has been polarized on symbolic issues and dominated by parties' inconsistent positions on substantive policy issues (Chiru 2015, Borbath 2019). State capacity and quality of government have generally been low (Coppedge et al. 2019, Kaufmann and Kraay 2018). They travel to the media sector, as seen for instance regarding public service media, the legal and practical implementation of GDPR, the dearth of parliamentary initiatives that would address the challenges facing journalism in an evidence-based way, as well as politicians' attacks on uncomfortable oppositional journalism (IREX 2019, Activewatch 2019).

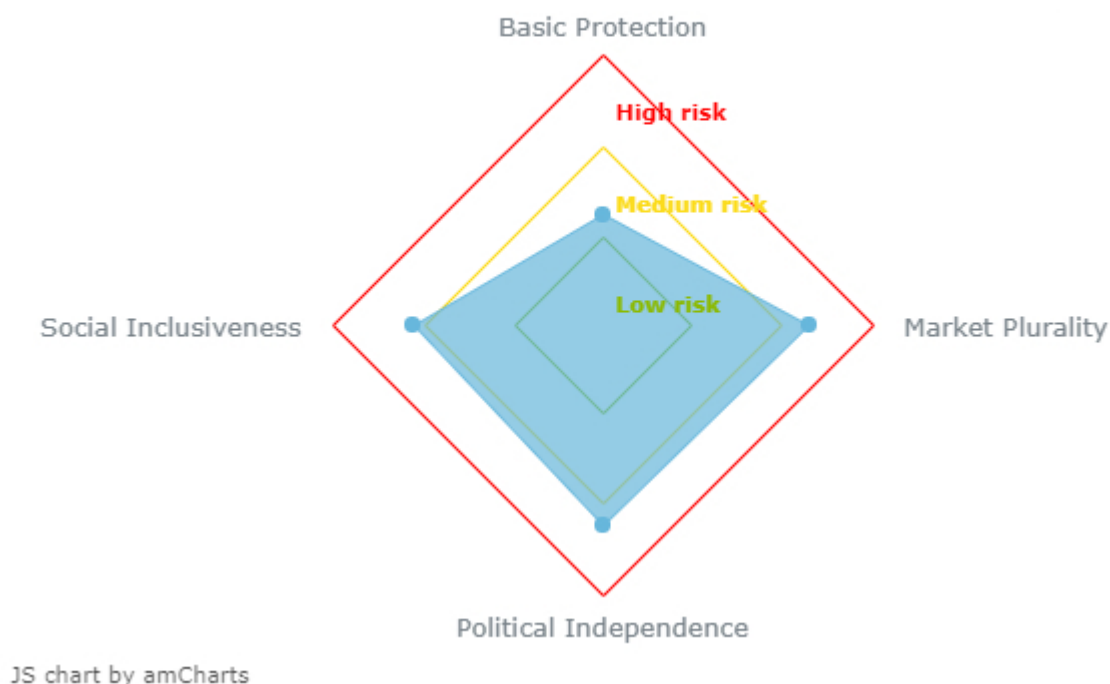
The vast majority of Romanian adults (77%) cite television as their number one or number two source of public affairs information, a level of consumption and dependence on television that is quite exceptional (European Commission 2018). Similarly exceptional is the low popularity of the public service broadcaster (TVR). There is high trust in mass media – which could be due to self-selection into partisan media camps – but low media consumption. In Romania we find an unusually low newspaper readership and the lowest overall level of news exposure/consumption though any medium within the EU. In fact, 17% of Romanians do not look for news content at all (European Commission 2018). Estimates for the size of the online news audience vary, though according to a 2016 report it was around 3.8 million, rather small for a country this size (Gemius 2016).

The small, poor and advertisement-dependent (news and public affairs) media market had limited resources even before the collapse of the business model of legacy media. Reflecting the continued dominance of television, in 2018 the lion's share of ad spending continued to go to TV: 300 million (up from 273 million in 2017), compared to 85 million for the Internet, 26 million for radio and 13 million for print but the sums remain low as a percentage of GDP (0.22% in 2018 compared to 0.37% in 2008). For newspapers, digital revenues cannot offset the 80% drop in revenue that registered since the economic downturn of 2008-2009 (Bodea and Popescu 2018).

As a result, journalists face continued professional and financial uncertainty, even precariousness. This, in turn, limits the openings for innovation, professional development or activism in favor of professional and labor protections. Shared journalistic norms remain elusive (Fengler et al. 2015), just like their communication to those 'formerly called the audience' and across social and political divides, given the few forays into transparency and accountability by journalists and newsrooms.

3. Results from the data collection: assessment of the risks to media pluralism

Romania: Media Pluralism Risk Areas



JS chart by amCharts

Romania registers a high risk in three of the four areas of MPM2020 assessment (market conditions, political independence and social inclusiveness). These risk levels reflect the failure of crucial formal means and mechanisms necessary to safeguard public interest information production and to uphold at the same time the freedom and professional standards of journalism. Because the necessary institutional enablers are not in place in Romania, even in the age of online information abundance and despite buoyant online independent journalism and investigative reporting, accurate, reliable and (internally) politically and culturally diverse information is not available for all.

Basic Protection registers the best score for Romania, with a medium risk at 41%. The two indicators that present a low risk are still in the upper tier of that category, with freedom of expression at 23% and a borderline 33% for the independence and effectiveness of the media authority. The Protection of the right to information registers a medium risk (46%) due to issues with the enforcement of FOIA regulation and protections for whistleblowers. The highest risk in the area comes from the indicator on Universal reach of traditional media and internet access, there is a medium-high risk (60%). The indicator on Journalistic profession standards and protection scores a medium risk at 43%: the major threats in this case come the fact that, even though the access to the profession is formally unrestricted, it is however significantly constrained by personal, economic and professional precariousness and the lack of specific safeguards for editorial independence.

As for the digital developments, a serious threat comes from the implementation of GDPR provisions in the Romanian legislation and its practice, as the national version of the GDPR does not feature adequate protections for journalistic work.

Market Plurality is the domain with the highest risk (76%). This score reflects how crucial the economic and market factors are in shaping the opportunities of Romanian media and journalism to fulfill their basic democratic roles. Two indicators reach the highest risk level, at 97%: Commercial and owner influence over editorial content and Online platform concentration and competition enforcement. As for the influence of business, the high risk is due to practices that have been documented repeatedly, and to the lack of safeguards for journalistic standards and independence. The alarming high risk for Online platform concentration reflects the fact that pre-existing risks are reproduced and

amplified online, due on the one hand to the dominance of players like Google and Facebook on the digital advertising market and on the other hand to people's reliance on intermediaries to access news.

News media concentration also displays a high risk, at 81%. The major concerns come from the lack of reliable data and from the regulatory framework. With the exception of broadcasting, there are no specific provisions on news media concentration tailored to the distinctive traits and functions of the media sector, including no cross-media concentration regulation. Transparency of media ownership remains at a medium risk level, but close to high risk (60%). Media viability scores medium risk, but this result may be an underestimate due to the lack of data.

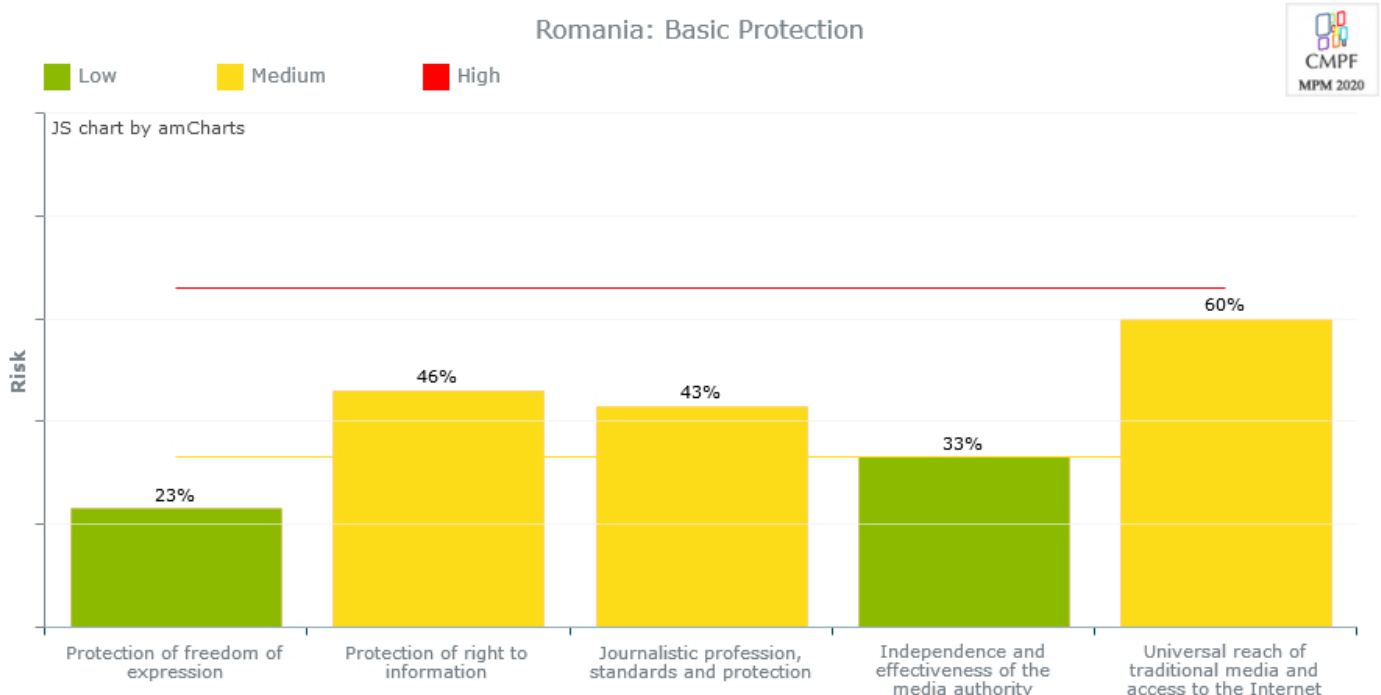
The **Political Independence** domain also registers a high risk level (74%), stemming mainly from issues with legislation and regulation – or the lack thereof. The indicator on Independence of PSM governance and funding reaches an extremely high 97% risk level. This is due to perverse incentives and lack of accountability, given the dismissal and oversight provisions, accompanied by non-transparent funding allocation. There are no guarantees for the Political independence of media (90% risk) and Editorial autonomy (88% risk), as there is no legislation or self-regulation across outlets or somehow binding at the level of the profession or the market in order to prevent conflict of interests, limit direct or indirect control by political parties, or to safeguard media autonomy in the nomination of editors in chief.

For the Political Independence area, as well as for Market Plurality, the digital variables register predominantly high risks.

The **Social Inclusiveness** area scores 70% (high risk). Here the main drivers of the risk come from Access to media for minorities (75%) and from Media literacy, which registers the highest risk (89%) and taps into media literacy policies, digital skills and policies to counter online intolerance. This is in part due to most digital components registering high risk, but also to the lack of a coherent approach in terms of policies on media literacy. The low levels of digital skills in the population (29% basic digital skills and 35% above basic) are particularly alarming.

3.1. Basic Protection (41% - medium risk)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector, and the reach of traditional media and access to the Internet.



Across domains, **Basic Protection** registers the best score for Romania, but at 41% it still represents a medium risk. Moreover, the two indicators that present a low risk are still in the upper tier of that category, with freedom of expression at 23% and a borderline 33% for the independence and effectiveness of the media authority.

Risks to the **Protection of freedom of expression** (low risk - 23%) tend to come from problems with implementation and enforcement rather than the legislative framework. For instance, there are documented cases in which journalists found it hard to access legal remedies when their freedom of expression was violated on national security grounds (see *Garleanu v. Romania* at the ECHR; it took 13 years for his case to work its way all the way to an ECHR conclusion). There are also inconsistencies in the interpretation of the law and the gravity of the penalties applied against journalists who are judged to have run afoul of legislation meant to protect people's dignity and reputation (Activewatch 2019), legislation that nevertheless requires the right to reputation and dignity being balanced against freedom of expression, which has proven difficult to do consistently in practice.

The **Protection of the right to information** registers a medium risk (46%) due to issues with the enforcement of FOIA regulation and protections for whistleblowers. When authorities deny FOIA requests arguing that the information does not exist or that it is covered by exceptions (e.g. security and public safety), proving otherwise can be hard, not least because a court case is a costly and time-consuming process. The cases documented are particularly high profile ones, and ones in which court cases resolved in favour of journalists (Activewatch 2019), but an accurate assessment of how widespread is this problem is not possible without a systematic review. Whistleblower protections, for their part, are in place but only for public sector employees. Furthermore, while the law has meant that some people cannot be let go in retaliation for their actions, whistleblowers complain that they still face harassment and marginalisation in the workplace. Those who have had to resort to the courts to resolve conflicts with their employers have found that judges may not take their status as whistleblowers seriously (Activewatch 2019).

The risks to **Journalistic profession standards and protection** are estimated at 43% (medium risk). Access to the profession is unrestricted, as guaranteed by the Constitution, and this contribute to lower the risk level. However, it must be said that the access to profession is significantly constrained by personal, economic and professional precariousness and the lack of specific safeguards for editorial independence and professional norms, either through legislation or self-regulation, is particularly alarming. Professional norms are established at the level of the newsroom or publisher. In all contentious cases, issues like journalistic access and use of documents or protection of sources, decisions are adjudicated in court following ECHR case law. Even though there are no cases of killings, arrests or imprisonments, the threats to the personal safety of journalists are quite considerable, and so are attacks from politicians to discredit unfavourable media and journalists. (Activewatch 2010, Mediafax 2009).

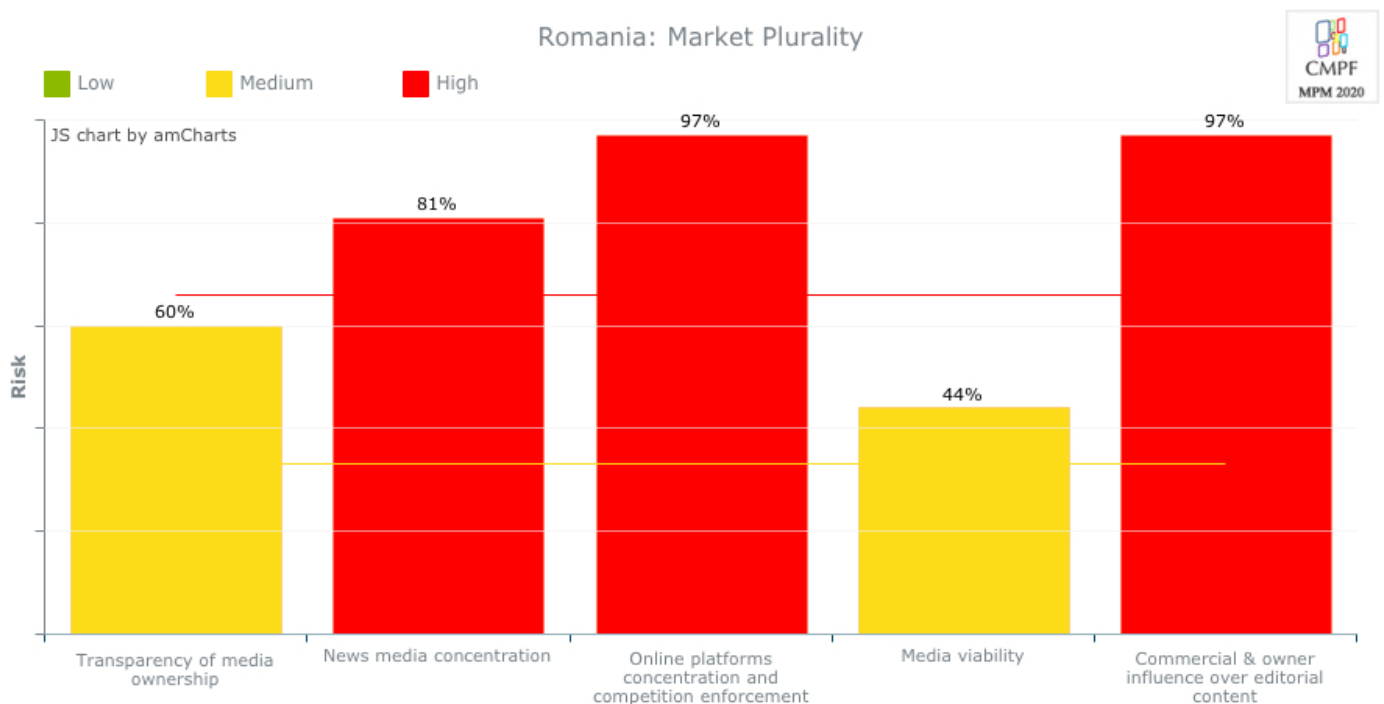
The **Independence and effectiveness of the media authority** scores a low risk (33%). The weight of legal provisions, of basic and formal aspects of implementation (e.g. transparency) contribute to this assessment, which is worrisome not only because it is very close to the threshold of medium risk, but also for the situation as it stands. There are issues with quorum and inconsistencies in decision-making, as noted also by the group of experts consulted. One expert wrote that "the Council fails to promote an unitary, predictable and transparent approach and methodology when evaluating various infringements". This is not necessarily attributable to political influence related to the way the members are appointed. The subindicators on Appointments procedures, budgetary independence and Independence of media authority for Romania score Medium risk. Limited expertise of some of those appointed and a lack of consensus about norms among the members - and in media and journalism circles in general, in Romania - are more subtle, harder to measure but critical causes. Similarly, although risks associated with under funding are captured in the measurement, they could be underestimated by not taking into account its chronic nature and the minimalistic idea of what functioning of the CNA is expected to mean (Popescu et al 2019). It is notable that there has no been any CNA research or analysis, at least as publicly communicated, for over 5 years and the amount was minimal and not of comparable level with that of more effective regulators.

With regard to the **Universal reach of traditional media and internet access**, there is a medium risk (60%), very close to the threshold of high risk. PSM has near universal coverage, but broadband coverage (at 30 Mbps) has reached

less than 76% of households.

3.2. Market Plurality (76% - high risk)

The Market Plurality indicators examine the existence and effectiveness of provisions on transparency of media ownership and the existence and effectiveness of regulation or self-regulation against commercial & owner influence on editorial content. In addition, they assess the risks related to market concentration in the production as well as in distribution of news: as for production, considering separately horizontal concentration in each sector and cross-media concentration; as for distribution, assessing the role of online platforms as gateways to news, the concentration of online advertising market, and the role of competition enforcement and regulatory safeguards in protecting information pluralism. Moreover, they seek to evaluate the viability of the news media market.



Market Plurality is the domain with the highest risk (76%). This score reflects how crucial the economic and market factors are in shaping the opportunities of Romanian media and journalism to fulfill their basic democratic roles. The assessment for this area has been characterized by a pervasive lack of data, which is a risk in itself; the lack of data may have brought to underestimate the risks to media viability.

Two indicators reach the staggering 97% risk level: Commercial and owner influence over editorial content and Online platform concentration and competition enforcement (discussed in the section on digital variables). News media concentration also displays a high risk, at 81%, and is an indicator that poses significant measurement challenges, due to both data availability issues and the complexities of a media system that is at the same time fragmented and concentrated (Popescu et al. 2019). Transparency of media ownership remains at a medium-high risk level.

Transparency of media ownership is only partial, something reflected in the medium risk rating (upper tier of medium, at 60%). Regulation is more stringent in the case of audio-visual media, but print media ownership disclosure is governed by the same law that regulates any other company in Romania, and it has two loopholes: bearer shares, a form of secret ownership, are allowed, and companies can be owned by other companies that in turn can be owned by entities abroad with undisclosed ownership.

News media concentration is at a high risk level of 81%. The high news media concentration is a result of a lack of updated and reliable data, especially for the online outlets or digital native ones. It also stems from the different ways online traffic is measured, which very rarely match across sources. While the audience concentration for audiovisual media is 59 and 65 respectively (measured with the Top4 index), the numbers go way up for newspapers, where the

readership concentration for the Top4 newspapers in the country reaches 95. This highlights the reduced number of print titles still available in the country, as well as the high fragmentation of the online news media, where the audience concentration of the Top4 players is 41.

A major concern comes from the regulatory framework. With the exception of broadcasting, there are no specific provisions on news media concentration tailored to the distinctive traits and functions of the media sector, including no cross-media concentration regulation. The law leaves a lot of room for the competition agency to define the relevant market for which concentration and threats to free competition are assessed. This legislative loophole poses a distinct and higher risk than a lack of prerogatives or the quality of implementation. Provisions that lack specificity are prone to inconsistent application and open to abuse, even if this has not been the case. They also stand in the way of properly addressing digital developments.

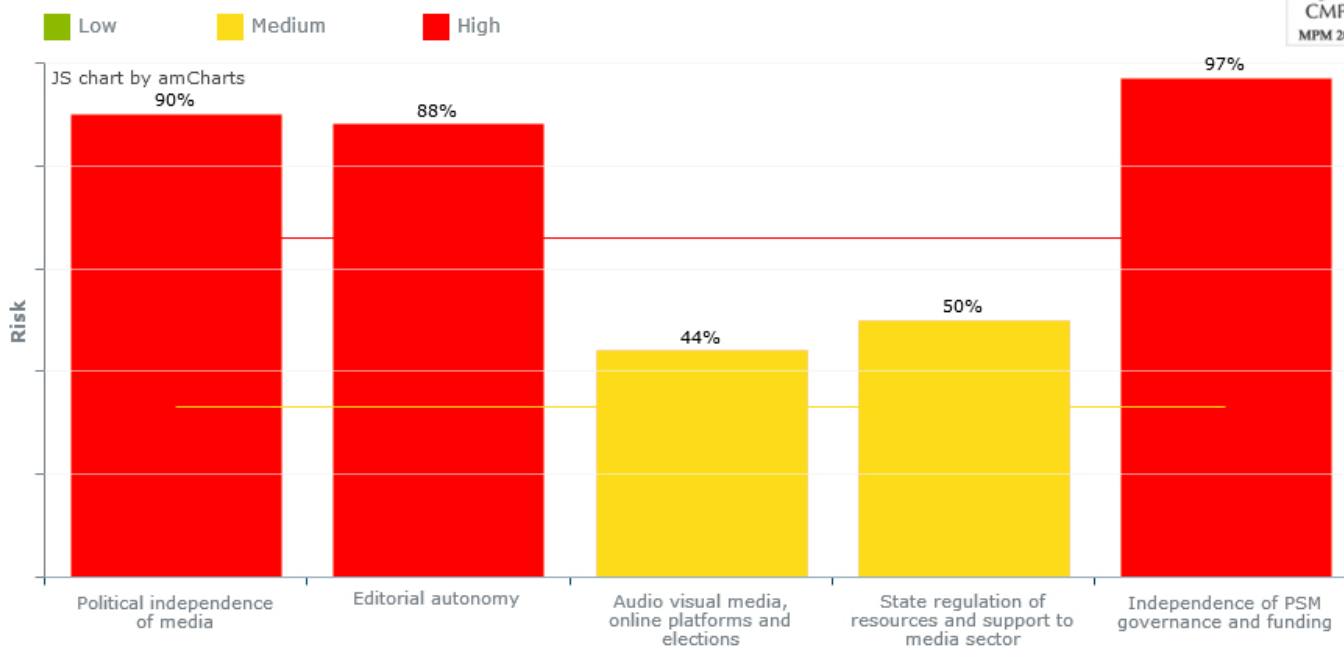
In spite of the high risk registered for the other indicators under Market Plurality, the indicator on **Media viability** remains at a lower level of risk (44%, medium risk). For this indicator, a risk in itself is represented by the lack of market-specific data with regard to the increase or decrease in the number of journalists and revenues for all types of media. Even if missing data is evaluated as a risk, according to MPM methodology, the final score could still be underestimated. The lack of data is an obstacle not just to assessment, but also to evidence-based policy development. While in terms of expenditure, some areas – like audiovisual and online media – have seen some increases, others – like print – are in a stalemate. It is important to understand that even when the Romanian news media market was seeing bigger advertising expenditure, as it did before the financial crisis, it was still in the low numbers compared to Western media markets (Bodea 2014). When the crisis moment came, the drop was very significant especially for newspapers, and a slight increase in revenues in the past year has more of a symbolic value, without making a real difference in terms of viability. It is also hard to properly evaluate the situation, when there is no systematic data and when media companies rarely make public any information about their revenue streams, to say nothing of providing numbers.

Commercial and owner influence over editorial content reached the highest risk level. This is due not only to practices that have been documented repeatedly, but also to the lack of safeguards for journalistic standards and independence (see above). On several sub indicators the risk remains high, especially when it comes to appointments and dismissals or editorial decision-making. Journalists are not protected by law in the face of changes in ownership, not even for editor-in-chief positions. This in spite of some ethical codes being produced by media associations or NGOs, but not implemented across the media sector. Some editors-in-chief might try to protect themselves through their individual working contract with the media company.

3.3. Political Independence (74% - high risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of public service media. Furthermore, the area concerns with the existence and effectiveness of (self)regulation in ensuring editorial independence and availability of plural political information and viewpoints, in particular during electoral periods.

Romania: Political Independence



The **Political Independence** domain also registers a high risk level (74%), stemming mainly from issues with legislation and regulation – or the lack thereof.

Nowhere are the in-built legislative flaws clearer than in the case of **Independence of PSM governance and funding**, which reaches an extremely high 97% risk level. Considering there are almost no positive incentives to operate independently, this is not so surprising. Whether the goal is to ensure the survival of a particular leadership team or to bring appropriate funding, in the current context, to accomplish that goal, good performance from a journalistic point of view is not as valuable as being liked by the parliamentary majority. Dismissal procedures are the weakest link: board members of the PSM executive board, including the president, can be dismissed at any time by a parliamentary majority, as well as following yearly reports, which do not have to be assessed following performance targets. To stay in office, a board needs only to be liked by a parliamentary majority; no further conditions need to be met. Since no specific explanations are required – and setting and meeting targets is not a priority – being disliked is a good enough reason for dismissal. Similarly, funding decisions have been discretionary, without following a transparent allocation procedure and without being linked to a performance evaluation. The same type of arbitrariness was in place regarding the quantum of the licence fee and of the state support for the TV-relevant telecommunication infrastructure, which is included in the budget and falls within the responsibility of the public broadcaster.

Similarly, there are no formal enablers/guarantees for the **Political independence of media** (90% risk) and **Editorial autonomy** (88% risk) as there is no legislation or self-regulation across outlets or somehow binding at the level of the profession or the market in order to prevent conflict of interests, limit direct or indirect control by political parties, or to safeguard media autonomy in the nomination of editors in chief. There is a dominance of informality and few institutionalized professional standards at the level of outlets/publishers. It is hard to ascertain whether codes of conduct are enforced where they exist, but multiple cases of abuse were recorded even at outlets that have codes of ethics (Activewatch 2019, IREX 2018).

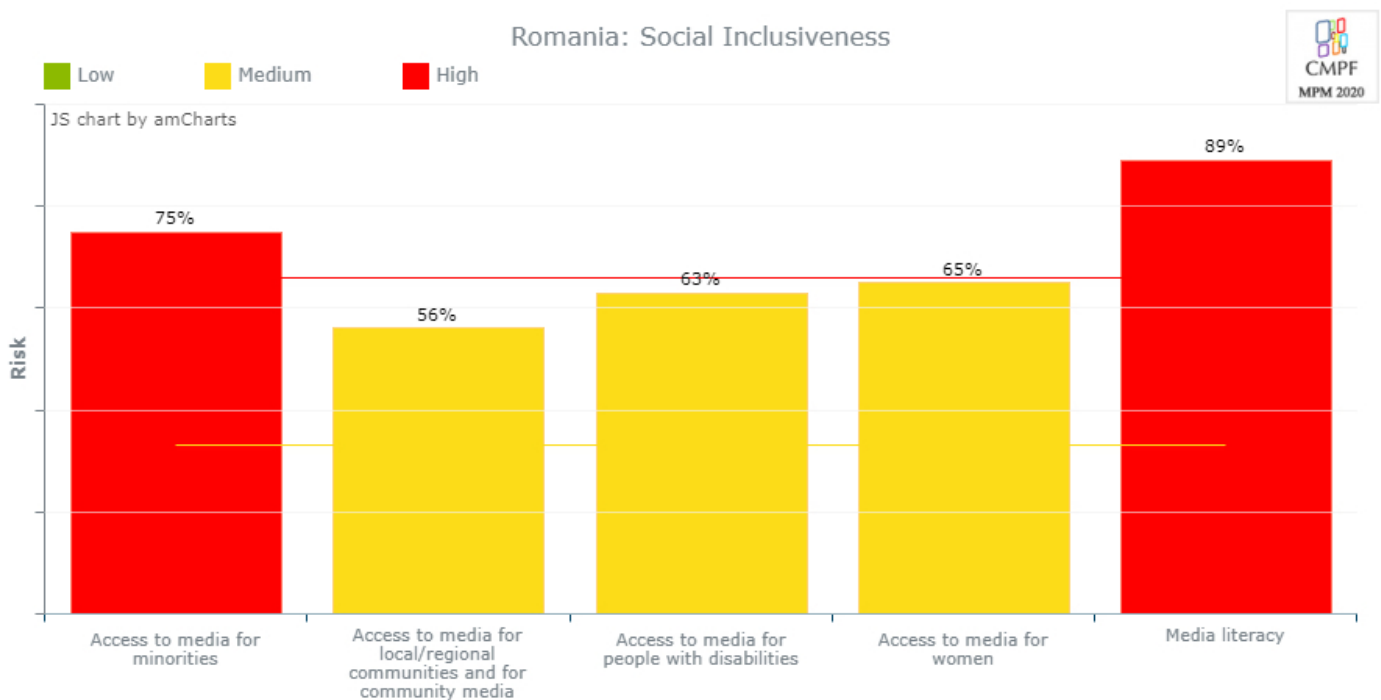
State regulation of resources and support to media sector outside of PSM comes out as medium risk, at 50%. But this is only because no regulation is considered better than bad regulation, given the need for political/ideological impartiality of indicators. There are no indirect state subsidies for public affairs media/journalism, therefore issues of fairness in distribution do not apply. High risks come from state advertisement, which continues to be a readily available method for state interference.

At elections time, things are more clearly and strictly regulated. The not very high risk level for the indicator on

Audiovisual media, online platforms and elections (medium risk of 44%) is related to better regulatory frameworks. The law guarantees equal access to airtime on both public and private channels for parties during the campaign, but performance in terms of fair and impartial coverage remains somewhat problematic both from private and public broadcasters, and it has worsened online. Moreover, there are regulatory gaps in terms of campaigning online, and there is very little transparency regarding campaigning by political parties on social media – or how social media enforce their own (self-imposed) rules, something that we discuss in the section on Pluralism in the online environment.

3.4. Social Inclusiveness (70% - high risk)

The Social Inclusiveness indicators are concerned with access to media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country's media literacy environment, as well as the digital skills of the overall population.



The main drivers of the risk come from Access to media for minorities (75%) and a composite indicator called Media literacy, which registers the highest risk (89%) and taps into media literacy policies, digital skills and policies to counter online intolerance.

Access to media for minorities is available only on public service media, but the way programming is distributed is not proportional to the share of the population that the main minorities represent. Specifically, the amount of programming for Roma is much smaller than programming for the German minority, even though the former represent at least 3% of the population and the latter less than 0.2%. Here we must note that proportionality may not be the only criteria of fairness, as it is in the MPM indicator (Interview with Marius Cosmeanu conducted for MPM 2016, see Popescu et al. 2016). And given the depiction of minorities in most programming, relegating the presence of minorities and issues of interest to minorities primarily to programming in the minority languages in reserved slots is not conducive to mutual understanding and does not encourage shared spaces, which cannot be left to the market (Szabo 2020). Ethnic Hungarians are part of a separate media system dominated by Hungarian state-funded and/or Fidesz-supporting media both from Hungary and local (Felseghi, 2019, Kiss 2018, Sipos 2018, interview with Istval Szekely for MPM Digital Report 2019).

Access to media for disabilities scores medium risk (63%). The policy on access to media content by people with

disabilities is not comprehensive as most of the measures are focused solely on people with hearing deficiencies, not including specific measures for the blind or partially sighted, and that the available policy frame is doubled by insufficient monitoring and oversight of representation issues.

Access to media for local communities and community media emerges as a medium risk indicator (56%), as it did in previous years too. New developments include the appearance of two community media, facilitated by EU funding (Tupa 2019). But community media still lack a legal definition, and there is no support for either community or local media.

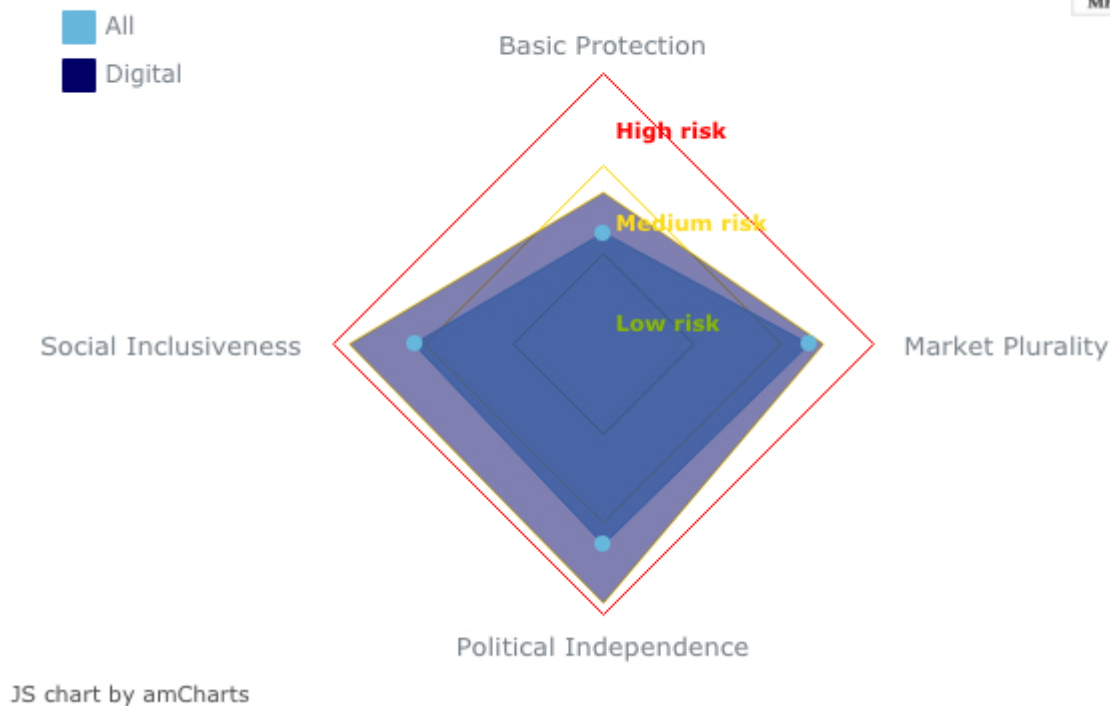
Access to media for women scores 65% (medium risk, but close to high). The chief executives of the public television (TVR) and of one of the main private channels (Antena 1) are women, and there is an even distribution of men and women among the editors-in-chief (and equivalents) in the top two news sources in various segments (print; television news; digital natives, radio). However, gender parity is hardly the case if one looks at the extended decision-making bodies both at the journalistic and the business level, and even more so in terms of real power dynamics given the dominance of informal arrangements. Women are systematically under-represented in expert panels - though this could also be because a smaller share of the women invited respond positively to invitations than men given the dominance of the omniscient commentator rather than experts.

Significantly, gender-stereotypical or demeaning ways of portraying women are quite frequent. Similarly, people with disabilities and minorities are often depicted in mass media in ways that “flatten” them into stereotypes or stand-ins for their entire group, even when the portrayal is sympathetic. Tropes like the model poor person (or minority), minority as victim, or the “brave” person with a disability or illness are common. It is rare for the person to speak with their own voice rather than be given a voice framed by journalists. There are no systematic analyses of these patterns, but expert responses to the European Media Systems Survey (EMSS 2017) indicated a perception that Romanian media are not able to consistently apply appropriate rules about when minority status should be mentioned or not and how minorities can be portrayed responsibly.

The composite indicator called **Media literacy** reaches a high risk of 89%, in part due to the digital components predominantly at high risk (discussed separately) but also due to the lack of a coherent approach in terms of policies on media literacy. Most efforts, including for teacher training and curriculum development, come from NGOs, but they cannot be sufficient, systematic or systemic.

4. Pluralism in the online environment: assessment of the risks

Romania: Media Pluralism Risk Areas - Digital



Digital variables reflect to a large extent threats that are not specific to Romania, such as those related to online platforms and tech giants, most of which were not yet tackled anywhere, while others reproduce in the digital environment the pre-existing national approach and its risks. As short-term indicators, as well as due to lack of data, the current digital variables cannot fully capture the truly dramatic situation of resource scarcity in Romania, especially for newspapers, from revenue losses to personnel and organizational challenges.

Following the measurement devised within the Media Pluralism Monitor, the aggregation of the specific digital variables remains in the same risk category of risk for all domains.

For the **Basic Protection** domain, the digital developments that pose a significant risk [fall within Freedom of Expression and data protection, and] refer to EU directives that had to be implemented in national legislation and reflect a trend of incomplete legislation accompanied by faulty implementation. They are a threat to journalism, and a most serious one comes from the implementation of GDPR provisions into the Romanian legislation and its practice. The Romanian version of the GDPR does not feature adequate protections for journalistic work, as multiple NGOs pointed out at the time (Pavel 2019). Apart from attempts to (ab)use the GDPR to limit transparency, in 2018 there was a high-profile attempt by data protection authorities to leverage GDPR in order to intimidate a news organization into revealing information about its sources (MPM Digital Report Romania 2019, Activewatch 2019, IREX 2019).

The top three ISP players command 86% of the market. There are some risks to net neutrality, including but not limited to so-called “zero rating” practices by ISPs - the practice of setting aside some applications or websites for which traffic is not counted by ISPs as part of one’s allocated per-month limit (that most mobile subscriptions have). There is no evidence that the state is engaging in arbitrary or large-scale filtering of online content, but there are some issues with transparency from both the state, ISPs and platforms, leading to medium risk ratings on certain variables. Neither ISPs nor platforms report transparently on how much content they block and why (unless they are advertising a particular action, such as Facebook’s occasional take-downs of accounts engaged in “coordinated inauthentic behavior”).

In terms of **Market pluralism**, the online platforms pose challenges that bring about new high risks derived from the

dominance of players like Google and Facebook on the ad market and to some extent on people's reliance on intermediaries, especially Facebook, to access news, while issues of measurement and data availability remain paramount.

Pre-existing risks are reproduced/duplicated and amplified/enhanced online.

- Concentration legislation is generally defective especially about not taking into account any specificities of the media sector. Taking a cross-media perspective, including to some extent digital, is what the authority have done in practice regarding recent mergers and acquisitions of print media with a digital component, but the lack of legislation prevents systematic assessment and is open to arbitrariness.
- Transparency of ownership remains problematic due to intermediaries and chains of companies in digital.
- Lack of regulatory incentives continue online as public support does not exist offline either.
- The same issues of lack of self-regulation and any formal safeguards to ensure *editorial autonomy* remain at the root of risks in terms of commercial and owner interference.

In turn, data availability issues prevent us from capturing the full extent of the risks on several indicators, not just news media concentration and media viability where we have the same issue of lack of data on revenues and number of journalists this time specifically for online media but also in terms of online platforms concentration.

As is the case in other countries, the digital advertisement market is dominated by Google and Facebook, which swallow a significant share of the digital revenue, currently approximately 70%, according to our data. Although there is no full picture specifically for news or public affairs information providers, this is what multiple reports from publishers and editors in chief suggest (IREX 2018, 2019, Bodea and Popescu 2018, Tolontan 2015).

For the minority of people who access news online, there is often an intermediary like Facebook or Google involved but there is not much clear evidence about the extent to which this is the dominant route and for whom. The use of survey data for assessing media consumption is hardly recommended as years of research established significant distortions (Prior 2009), while online non-probabilistic sampling is particularly unreliable (American Association for Public Opinion Research 2013). However, according to the frequently cited Reuters Digital News Report survey, in 2019, in Romania 22% of respondents went directly to a news website or app as their main source of news in the previous week. Another 16% used a search engine to search for a particular news site, while the rest accessed news through social media, aggregators, and search engines (by looking for a topic, not an outlet). According to Flash Eurobarometer 437 (a small-sample online-only survey), of people who read news online, 37% reported mainly going to the app or site of the publisher directly, while 30% reported going to social media, 18% to search engines, and 14% to news aggregation services. In Eurobarometer 90 - a nationally representative survey with in-person fieldwork - 21.7% of the respondents reported getting at least some of their news from social media.

In terms of new sources of revenue, innovation is very limited, thus the high risk. There were some efforts over time (Bodea and Popescu 2018) but now this is the case mostly for small independent media that reach audiences sometimes so low that are not measured on tools like Similarweb.

The digital variables on **Political independence** register predominantly high risks, which are to a large extent a continuation of the status-quo ante, except for elections where digital developments represent a deterioration of the previously upheld standards, which had been attained with difficulty in the post-communist period (Popescu and Soare 2017).

Like in general, the independence of PSM is particularly problematic lacking not just adequate funding for online public service mission but any provisions for online development at all, as shown on the TVR website. Similarly, the lack of effectiveness of self-regulation remains a high risk, with no social media rules specific codes of conduct or guidelines for the use of social media by journalists, or at least none that are either made public or that can be detected from journalistic activity on Facebook.

Although the online environment provides more opportunities for independent journalism that would be less beholden

to political or commercial forces, that is not actually the case of some of the main players online or of the digital natives that command most of the online attention (Bodea and Popescu 2018, MPM digital report 2019). For example, the two most popular digital natives (stiripesurse.ro and dcnews.ro) among the top 4 that are included in the assessment have a reputation for bias and are connected to controversial political figures.

The new indicator of Audiovisual media, online platforms and elections emerges as medium risk (44%). Lack of transparency and - potentially - uneven enforcement of rules regarding political campaigning online lurk as potential threats. Meanwhile, other content deemed “political” is caught in the crossfires of Facebook’s ad-filtering machine, even if it is not partisan content. Additionally, little attention has been paid by the authorities to how personal data is collected and handled later on by political campaign staff.

The **Social inclusiveness** domain registers particularly high risk on the specific digital variables on the composite *media literacy* indicator due to deeply embedded societal features.

First, the low levels of digital skills in the population (29% basic digital skills and 35% above basic) are a major driver of the score. Digital skills levels are more a consequence of the socio-economic situation of the country, high poverty, multi faced inequality, low education attainment and should not be seen as an individual failure and a source of blame, which has been the case. There are policies to address digital skills directly but not sufficiently targeted at adults and are often disconnected from either a wider practical or media use (MPM Digital Report Romania 2019).

Second, there are serious difficulties in tackling hate speech online. Apart from the frequent issues of definition of hate speech and the worldwide inconsistency and limited transparency in the behaviour and policies on content removal by platforms, the challenges in Romania are bigger due to the sources and bases of hate speech. Even if somewhat declining, the social acceptability of intolerance, as well as of gender inequality and negative attitudes toward minorities are widespread, more inter-related and less determined by socio-demographics than elsewhere in Europe (Lup and Chilin 2017, Popescu et al. 2017, <https://lesshate.openpolitics.ro/en/>). Educational initiatives meant to raise awareness of and combat hate speech are small-scale, differ in methodology and are driven by the NGO sector.

5. Conclusions

The most serious threats to media pluralism in Romania are derived from the lack of economic viability of the media market, while neither the state, nor journalistic self-regulation can act as potential safeguards and even less as enablers in the provision of reliable information for all. Partisan polarisation in the media and society and low levels of public awareness of journalistic standards diminish the chances of a societal common ground and pose a major threat to democracy.

Public service media are designed to fail – but not for the reasons most frequently discussed (political appointment of the executive board, selection of the president of the board, lack of civil society input, direct state funding rather than a license fee). The weakest link is represented by dismissals and oversight, and the high risk level (97%) is just the tip of the iceberg, in terms of a recurrent pattern of the state limited relevance as a force for good. The defining features of the state relationship with the media sector are a lack of concern for public interest information and steadfast preference for partisan media, with lip-service being paid to EU directives, such as in respect for GDPR and a concern over media literacy.

Online developments interact with the deficient status quo. Dealing with the specific challenges posed by platforms and peer to peer communication is even harder to do when there is a limited tradition of good regulation and public engagement with issues of rights and freedoms. Anti-hate speech and media literacy policies need to be developed taking into account the societal context, from public attitudes to the multiple forms and (elite) sources of misinformation and intolerance (Popescu 2019).

The reduced availability of relevant data for this assessment is well beyond what might reasonably be expected, due to reporting methods and practices especially of commercial companies. These are symptoms of deeper structural problems, ranging from low state capacity and reduced research outputs to the limited institutionalization of the journalistic profession and of transparency as a practice. This lack of data is in itself a risk, not just to our assessment but to policy development; even if MPM scores the risk of lack of data according to its methodology, this could be in some cases underestimated.

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ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2020 CT Leader
Marina	Popescu	Research Director	MRC - Median Research Centre, Bucharest	X
Roxana	Bodea	Executive Director	MRC - Median Research Centre, Bucharest	
Raluca	Toma	Senior researcher & programmes director	MRC - Median Research Centre, Bucharest	

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
Ioana	Avadani	President	Center for Independent Journalism
Manuela	Preoteasa	Managing Partner	Euractiv.ro
Ionut	Codreanu	Project Manager	Activewatch Press Monitoring Agency
Nicoleta	Fotiade	President	Mediawise Society
Silvia	Branea	Conf. univ. dr., Dean, Department of Cultural Anthropology and Communication	Faculty of Journalism, University of Bucharest
Radu Bogdan	Herjeu	Council Member	National Audiovisual Council

