

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2022

Country report: Romania

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Research Project Report

Issue -
June 2023



TABLE OF CONTENTS

1. About the project	4
1.1. Overview of the Project	4
1.2. Methodological notes	4
2. Introduction	6
3. Results of the data collection: Assessment of the risks to media pluralism	10
3.1. Fundamental Protection (37% - medium risk)	14
3.2. Market Plurality (85% - high risk)	17
3.3. Political Independence (67% - high risk)	20
3.4. Social Inclusiveness (72% - high risk)	23
4. Conclusions	26
5. Notes	29
6. References	31
Annexe I. Country Team	
Annexe II. Group of Experts	

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Published by

European University Institute (EUI)

Via dei Roccettini 9, I-50014

San Domenico di Fiesole (FI)

Italy

ISBN:978-92-9466-457-0

doi:10.2870/738653



With the support of the Erasmus+ Programme of the European Union. The European Commission supports the EUI through the EU budget. This publication reflects the views only of the author(s) and the Commission cannot be held responsible for any use which may be made of the information contained therein.

1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool that is designed to identify potential risks to media pluralism in the Member States of the European Union and in Candidate Countries. This narrative report has been produced on the basis of the implementation of the MPM that was carried out in 2022. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

Authorship and Review

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 is carried out centrally by the CMPF team. The research is based on a standardised questionnaire that was developed by the CMPF.

In Romania the CMPF partnered with Raluca Toma, Dr. Marina Popescu and Roxana Bodea (MRC - Median Research Centre, Bucharest), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the 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 Annex II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

Risks to media pluralism are examined in four main thematic areas: Fundamental 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).

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

The Digital Dimension

The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digitally specific risk scores, and the report contains a specific analysis of the risks that related to the digital news environment.

The Calculation of Risk

The results for each thematic area and Indicator are presented on a scale from 0 to 100%.

Scores between 0% and 33%: low risk

Scores between 34% and 66%: medium risk

Scores between 67% and 100%: high risk

With regard to the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

Methodological Changes

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. For the MPM 2023, no major changes were made to the questionnaire, except for the Indicators Transparency of Media Ownership, Plurality in Digital Markets and Editorial Independence from Commercial and Owners Influence (Market Plurality area), and Protection Against Disinformation and Hate Speech (Social Inclusiveness area). The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

In the Market Plurality area, the names of three Indicators have changed. The former indicator on "News Media Concentration" is now named "Plurality of Media Providers"; "Online Platforms and Competition Enforcement" has been renamed as "Plurality in Digital Markets"; "Commercial & Owners' Influence Over Editorial Content" has been renamed as "Editorial Independence from Commercial and Owner Influence".

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2023 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2023, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

Country overview

- Romania has 19 million residents (Institutul Național de Statistică, 2022a) and a surface area of 238.4 thousand square kilometers (World Bank, n.d.). It is the sixth largest European Union member state by population size and the eighth largest by surface area.
- Ethnic Hungarians are the second most populous group, accounting for 6% of the population about whom we have such information, according to data from the 2021 census. Roma persons make up another 3.4%, according to census self-reports. Because the census does not reach all people, especially those in more underserved communities, and because not people with Roma heritage self-declare as Roma in the census, the official number is thought to be an underestimate, but it is not clear by how much (Institutul Național de Statistică, 2023a; Agenția Națională pentru Romi, 2020). Other ethnic groups include Ukrainians (0.3%) and Germans, Turks, Russians and Tatars (approximately 0.1% each).
- The idea of a “minority group” in Romania has been strongly tied to linguistic and ethnic criteria historically. The constitution grants “national minorities” parliamentary representation, and at the moment eighteen ethnic minority groups have parliamentary representation based on special electoral provisions.^[1] Romania also made a set of commitments related to a recognized set of “minority languages” by ratifying European Charter for Regional or Minority Languages through Law 282/2007.^[2] There are also eighteen religious communities that have official state recognition. However, anti-discrimination legislation references a very broad number of criteria by which institutions and individuals may not be discriminated against, from ethnic and linguistic to those related to sexual orientation or socio-economic status.
- Norms of political and social tolerance are not fully established (Median Research Centre, 2017a; Toma, 2020; Popescu, Tóka & Chiru, 2018; Popescu et al., 2019a). Under Nicolae Ceaușescu’s authoritarian regime, state institutions cultivated ethnic nationalism, and after the 1989 revolution, such tendencies were not abandoned quickly or fully.

Economic situation

- Real Gross Domestic Product (GDP) grew by 4.8% in 2022, according to a March 2023 estimate (Institutul Național de Statistică, 2023b). It was a slightly slower growth than in 2021, when real GDP had grown by 5.8% compared to 2020 (Institutul Național de Statistică, 2022b). Inflation reached levels not seen since the early 2000s; the estimated inflation rate in 2022 was 13.8% (Institutul Național de Statistică, 2023c).
- Income inequality and poverty levels are among the highest in the European Union (Eurostat, 2023a; Eurostat, 2022). Both the education and health system underperform on certain key indicators: Romania registers some of the highest shares of early education leavers (Eurostat, 2023b) and lowest PISA scores in Europe (Zay 2019) and has major problems with healthcare service delivery (Björnberg and Phang, 2019). Levels of government spending on healthcare and education, as a share of GDP, are among the lowest in the EU (Eurostat, 2023c; Eurostat, 2023d).

Political situation

- Romania is a democracy but not a full-fledged liberal democracy. The country is classified by V-dem (Varieties of Democracy) as an “electoral democracy”. An electoral democracy has freedom of expression and of association, universal suffrage and free and fair elections for elected officials (see note for context and explanations), but it falls short of qualifying as a “liberal democracy” because it does not meet all the qualifications in terms of democratic checks and balances, protections for civil liberties and equality of all citizens before the law (Papada et al., 2023, p. 9).^[3]
- In terms of particular pressure points, there is a slight downward trend in terms of freedom of expression and availability of alternative sources of information in Romania: the score of the Freedom of Expression and Alternative Sources of Information index went from 0.91 (0-1 scale) in 2020 and 2021 to 0.76 in 2022 (V-Dem, 2023a).^[4] This is of particular note given the subject of the Media Pluralism Monitor as well as the alarm bells that we have raised in this report and in past reports in terms of the risks for the Fundamental Protection area of the MPM.
- In addition, of particular note for Romania’s democratization level and for the risks to media pluralism are deficiencies with regard to legislative and judicial constraints on executive power, as captured by V-Dem ratings (V-Dem, 2023b).^[5]
- The executive was led in 2022 by a recently retired army general, Prime Minister Nicolae Ciucă^[6]. Ciucă went from an army post as Chief of the General Staff (2015-2019) straight into the position of Minister of Defense, in November 2019. In October 2020, Ciucă joined a political party – the Liberal Party (PNL) that had brought him into the cabinet – when he competed on the PNL lists for the parliamentary elections, earning a seat in the Senate. Starting November 2021, Ciucă served as PM backed by a PNL coalition with the Social Democratic Party (PSD), the Democratic Alliance of Hungarians in Romania (UDMR) – a coalition government formed after a protracted political crisis in 2021.
- Romanian politics is characterized by polarization on symbolic issues, while public policy positions of the main parties have been inconsistent in time (Borbáth, 2019).
- State capacity and quality of government are low (Coppedge et al., 2019; Kaufmann and Kraay, 2018; Rothstein, 2021). This affects the media sector in a number of ways, such as the governance issues with public service media (PSM) (Toma et al., 2022; Median Research Centre, 2017b) and the superficial discussions about public media and the audiovisual regulatory agency (CNA) in the parliament, as well as the lack of evidence-based parliamentary initiatives to address the challenges facing journalism. Additionally, some politicians try to undermine watchdog or oppositional journalism, including via strategic lawsuits against public participation (SLAPP).

Media market

- The market for news and public affairs-related content is relatively small and poor.
- Romanians consume much less news than other Europeans (European Commission, 2022, pp. 16, 19;^[7] Newman et al., 2021^[8]). The relatively high trust in media reported in surveys (European

Commission, 2022, pp. 29–31, 38-40; Newman et al., 2021, pp. 18, 99) may be due to self-selection into partisan media echo chambers.

- Television is the preferred medium for news; but the public broadcaster commands a very small audience (Bambu, 2022). For news about national affairs, TV is the number one or number two source for 82% of respondents in Standard Eurobarometer 92 - followed by radio (33%) (European Commission, 2020, p. 49) ^[9].
- The size of the audience for online news is unclear. In Eurobarometer 92, only 20% of respondents in Romania mentioned “online websites” as one of their top sources for news and 19% mentioned “social media”. The daily number of unique devices accessing websites monitored by the Study of Internet Audience and Traffic (SATI) - conducted by the BRAT (Romanian Joint Industry Committee for Print and Internet) - was around 10 million in early 2023.
- News outlets were over-reliant on advertising for their revenue and had limited resources even before the economic crisis of the late 2000s. After the crisis, print revenue for newspapers went down by 80%, and growth of online audiences has not entirely offset that loss (Bodea and Popescu, 2018).
- Television commands most of the ad revenue. In 2022, television and digital ad expenditure was estimated to grow by 7% and 7.7%, respectively, according to WARC. Radio and print ad revenue was effectively stationary, according to the same estimates.
- Rank-and-file journalists tend to be in a relatively vulnerable financial and professional position. The working conditions for journalists make it challenging but no less pressing to engage in innovative projects, professional development activities or to get organized to advocate for better labor conditions and establish and enforce professional norms.
- In addition to scarce resources, another obstacle to cooperation among journalists and media institutions is the lack of consensus around journalistic norms in the media industry in the country (Fengler et al., 2015; Lupu, 2021, 2020). What is more, there are few efforts to communicate those norms that are agreed on by at least a segment of a media to the public and few initiatives to engage with a broad and socio-demographically diverse public and embody the values of transparency and accountability.

Regulatory environment

- Regulatory change in the media field is typically preceded by a very short, superficial or even cynical preparation and discussion phase. Civil society experts not infrequently question the seriousness of political commitment to consultation and/or achieving the ostensible intended outcome of legislation (Anonymous, 2023a; APADOR-CH, 2023a).
- With an approximately one-year delay past the EU deadline and at the tail end of a contested process, the Parliament passed a Law 361/2022 transposing EU Directive 2019/1937 on Whistleblower protection. The law that went into effect is flawed - especially due to lack of clarity on some aspects - according to civil society experts, but less flawed than an earlier version that had passed Parliament and was sent for reexamination by the President (APADOR-CH, 2023a).
- Romania also belatedly transposed EU Directive 2019/790 on Copyright in the Digital Single Market,

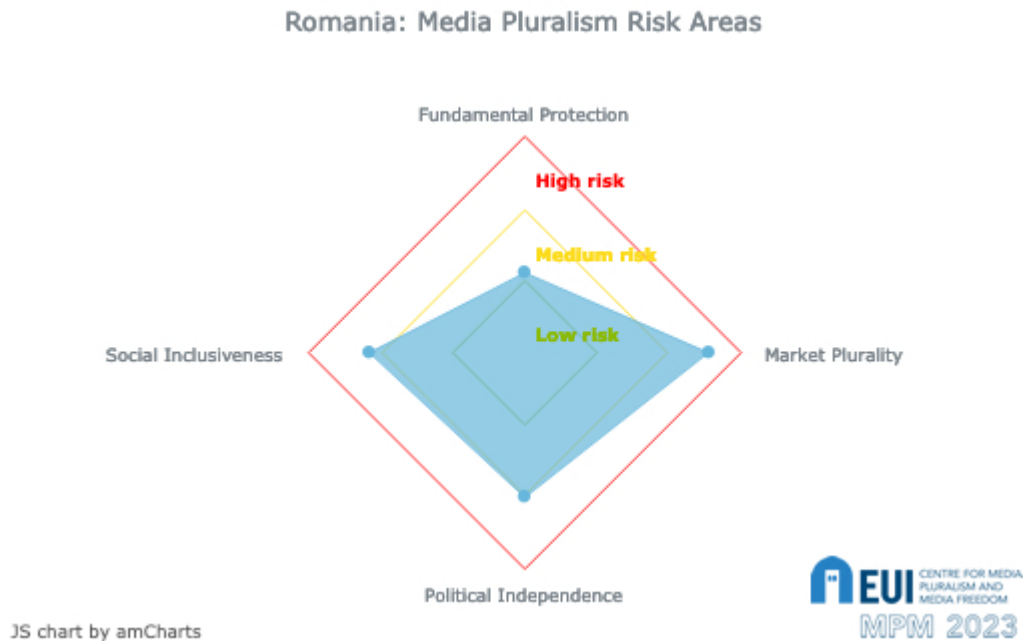
through Law 69/2022.

- EU Audiovisual Media Services Directive 2018/1808 was transposed through Law 190/2022. The law introduced a tax on streaming services and added some new responsibilities for the audiovisual media regulator CNA (Consiliul Național Audiovizual).

Covid-19

- In 2022, there were minimal restrictions in place related to the Covid-19 pandemic and with no differentiation between rules for the vaccinated and the unvaccinated (Covid-19 Stringency Index, 2023; Hale et al., 2021). Covid vaccination rates are low: only approximately 43% of the population received at least one dose; and only 13% received a (booster) third shot (Ministerul Sănătății, 2023).
- Unemployment was stationary in the fourth quarter of 2022, compared to the same period in 2021 (just under 6%), and the occupation rate was also similar (approx. 62%) (Institutul Național de Statistică, 2023d, 2022c).

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



The MPM assessment referring to the year 2022 has produced a high risk score in three areas - Market Plurality, Political Independence and Social Inclusiveness. One area, **Fundamental Protection**, has a medium risk score. This is the same breakdown by large risk categories (low, medium and high) that resulted from the assessment for 2020, whereas in 2021 Political Independence had rated slightly short of high risk.

Despite certain fluctuations in discrete areas and, consequently, some variations in indicator risk ratings, the issues that undermine media pluralism and the media's ability to fulfill its democratic mission are the same we have discussed in past reports.

We maintain that the crux of the matter is the lack or the inadequacy of key institutions and mechanisms - public and private, regulatory and self-regulatory - to encourage the production of journalism that is free of undue influence, compliant with high professional standards and concerned with the public interest (Popescu, Bodea and Toma, 2021; Toma, Popescu and Bodea, 2022).

The **Fundamental Protection area risk score for 2022 is 37%**, close to the score for the previous two years (39%). Key points:

- Problems with meeting Freedom of Information requests persist, and the situation has not significantly changed compared to past years.
- A new whistleblowing law (361/2022) transposed EU Directive 2019/1937. The text is seen by human rights organizations as somewhat flawed but an improvement over an earlier version that narrowly missed becoming law.
- Many rank-and-file journalists work in precarious conditions, in terms of financial and job security. The vulnerability and over-extension of resources that journalists and newsrooms face makes it more difficult, though no less important, to innovate or organize collectively for better working conditions.
- Journalists are not entirely free from attacks or threats, with several cases of privacy violations and

threats documented in 2022.

- No anti-SLAPP legislation is in place, and in recent years there appears to be a proliferation of cases that could be considered as such, although some of this could also be because of increased attention to and recognition of this phenomenon.

Market Plurality has a high risk score in 2022 (85%), two points higher than in 2021 and one point higher than in 2020. Key points:

- Transparency of ownership is not total, although it has improved somewhat in recent years. The public can now find information about the ownership and shareholders of companies holding licenses issued by the audiovisual regulator CNA on the CNA's own website, instead of having to request access to the data from the national trade register office (ONRC). Still, only audiovisual companies are subject to more stringent and media-specific regulations, and existing ownership regulation does not have a cross-media component.
- Limited data availability is still a challenge for assessing media viability. We rely on ad revenue figures from WARC and Media Fact Book reports as a proxy measure for media revenue because there is no aggregated public data on media revenue overall. Television still takes most of the ad money according to our sources. In 2022, while television and digital ad spending went up (by 7% and 7.7% respectively), radio ad revenue stagnated and print ad revenue went down.
- Editorial independence from commercial and owner influence remains a very high risk area. Editors-in-chief and newsrooms are as vulnerable to changes in ownership or editorial policy as they were in previous years, due to the lag of legal or self-regulatory protections against arbitrary appointments, dismissals or undue pressure.

The **Political Independence area has a high risk score for 2022 (67%),** four points higher than for 2021. Key points:

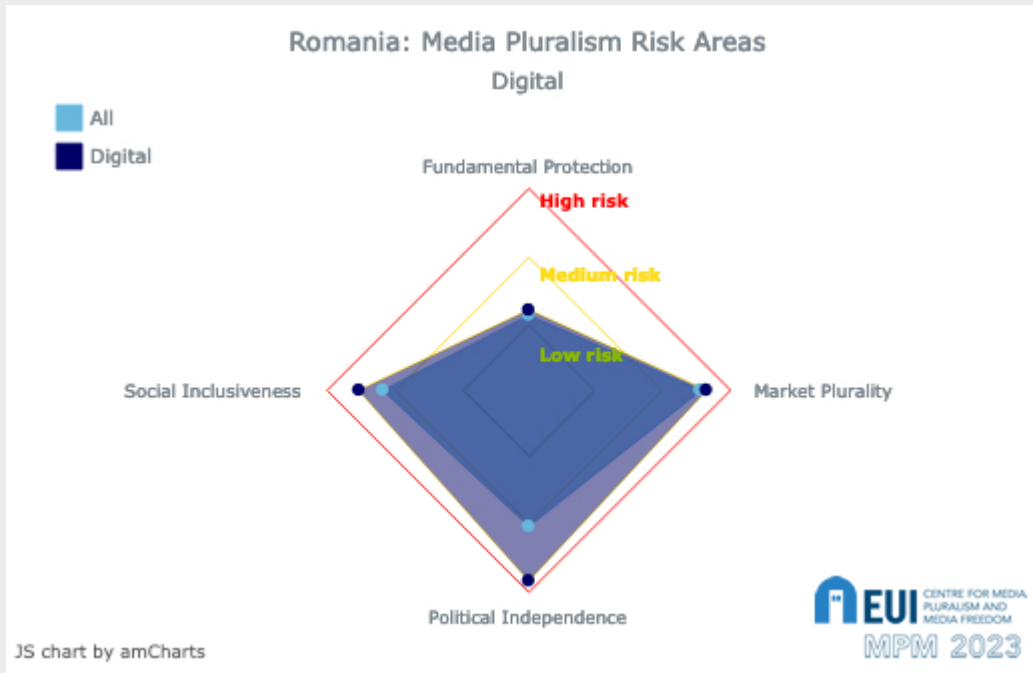
- Two root causes of problems in this area are low institutionalization and lack of regulation (or self-regulation) to protect journalists from political or commercial pressures. The lack of regulation and agreement on journalistic norms - and enforcement mechanisms - also ultimately undermines the quality of information provided to the public.
- There is no state support for the media, essentially. A reduced VAT rate for print makes almost no difference due to low print circulation, and there are no (other) subsidies nor discussions in the public space about evidence-based policies that could be put in place to encourage the production of high quality media about public affairs.
- The institutional design of the public radio and television companies is not conducive to independence, planning and performance. As we have written before, both dismissal and funding allocation are not tied to performance targets and assessments. Appointment processes are openly treated as a horse-trading exercise - and reported on as such by the media as well, when they are not ignored altogether. And the role of parliamentary committees and the plenary in oversight and appointment and dismissal

decisions is essentially that of a rubber stamp.

The **Social Inclusiveness area has a high risk score for 2022 (72%)**, five points higher than for 2021. Key points:

- Broadcasters are obligated to do very little to cater to persons with disabilities, and they comply with the minimal legal requirements. Television channels do not offer any audio description, and sign language interpretation of news and public affairs content is limited to what is mandated by law, according to our research.
- There are few community media initiatives, and there is no state assistance or specific legal framework for community media. Local media also receive no specific assistance, other than the fact that cable providers are obligated to pick up certain local or regional channels through must-carry rules.
- There are some areas of quasi-gender parity in Romanian media, such as at the very top of certain media companies. But quasi-gender parity at the top does not equal gender equality among rank-and-file journalists in the newsroom. Moreover, compared to men, women experts and panelists are significantly less frequently invited on Romanian media.
- Media literacy remains a very high risk area. Some elements of critical thinking and media literacy education can be found in the state educational curriculum, but they are snippets taught in a variety of classes, and there are no actual media literacy classes in the core (mandatory) curriculum. NGO experts agree that it is necessary for the state to do more to impart these skills.
- The indicator on protection against disinformation and hate speech has a high risk rating in part due to certain arguably misguided attempts to combat disinformation, which we discuss in the section on Fundamental Protection. To know the true scope of the problem of dis- and mis-information, more high quality studies are needed.

Focus on the digital environment



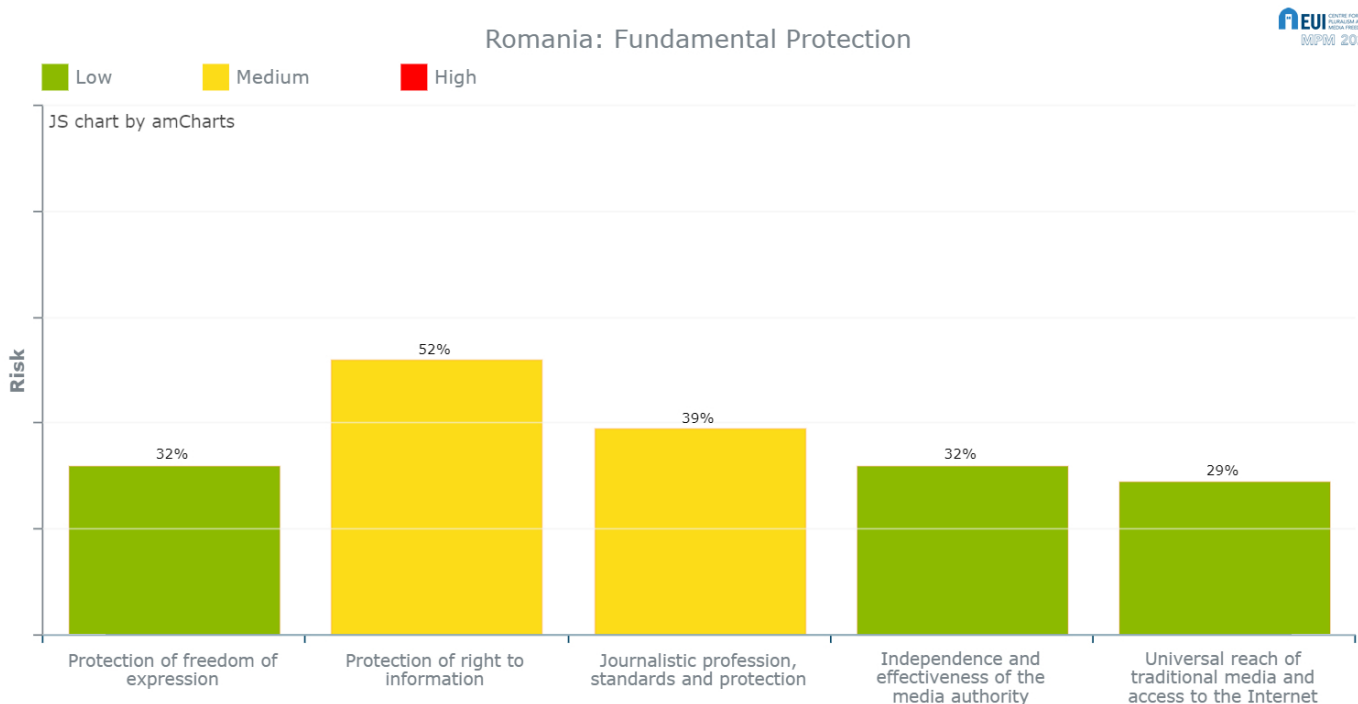
The legislative framework affecting freedom of speech (still) meets the fundamental democratic standards, but in recent years we observe a trend towards blunt, insufficiently justified and arguably disproportionate measures to surveil and curtail online speech, a trend that did not abate in 2022. With shaky legal and evidentiary grounds, certain sites have been designated purveyors of fake news, fraud and/or malware attacks related to the war in Ukraine and have therefore been blocked. And a new law on cyber security, adopted in late 2022, introduced a number of institutional and regulatory innovations that experts from online privacy NGOs and human rights NGOs characterized as deeply troubling (read more about these developments in the sections on Fundamental Protection and Social Inclusiveness).

Ultimately, the law is a blunt tool for dealing with the proliferation of what is not always intentionally false or unlawful speech. It is recommended to put more resources into enhancing the ability of the population to select high-quality sources and information and to make reasoned decisions, as well as creating incentives for the production of high-quality information - especially about public affairs.

Deficient regulation on political advertisement and a lack of industry-level agreement on basic journalistic norms - and of mechanisms to enforce these norms - has led to a situation where a reader of an online article on an ostensibly independent and well-reputed website may be reading political ads that are passed off as news. Major parties and a number of media outlets have colluded to post unmarked sponsored content on news websites, as press revelations in the past few years have uncovered. This is part of the reason that the risk score with regard to Political Independence in the digital environment is very high (94%).

3.1. Fundamental Protection (37% - medium risk)

The Fundamental 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 the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The Fundamental Protection area risk score is 37%, corresponding to a “medium risk” rating. Following a pattern established in previous years, compared to other areas, Fundamental Protection as an area registers less risk. The risk score for 2022 is 37%, two percentage points lower than for 2021 and 2020. Two indicators - referring to the right to information and to the journalistic profession - have a medium risk score, as they did in the past three assessments.

The risk score for **Protection of freedom of expression** remains the same as last year (32%). The relatively low score under this indicator is in part due to Romanian legislation satisfying some basic standards. But in recent years we observe a trend towards blunt, insufficiently justified and arguably disproportionate measures to surveil and curtail online speech, a trend that did not abate in 2022.

Protection of the right of information has a medium risk score (52%), the same as in the past two years. The main problems with how freedom of information (FOI) requests are dealt with are the same as those described in previous MPM reports (Toma et al, 2022; Popescu et al, 2021) and documented by civil society experts (APADOR-CH, 2021), and no major developments occurred in this area in 2022.

A new whistleblowing law (361/2022) transposed EU Directive 2019/1937. The text is seen by human rights organizations as somewhat flawed but an improvement over an earlier version that narrowly missed becoming law. That bill was put together by the Government and swiftly passed Parliament via an emergency procedure, despite the critiques of many civil society organizations (APADOR-CH, 2022a; Şerban, 2022). The President then sent it back to Parliament for reexamination, where it was headed for reapproval without any changes, when at the last minute the Government withdrew support and requested

changes to address comments received from representatives of the European Commission. Whistleblowers from the private sector are now also protected by the law, although one of its weaknesses is that it only obligates institutions and companies to protect whistleblower anonymity if there is “solid evidence” that the actions reported are unlawful (and it is unclear what may count) (APADOR-CH, 2023b).

The problems in the area of the **Journalistic profession, standards and protection** are the same, as is the risk score (39%).

Many rank-and-file journalists work in precarious conditions, in terms of financial and job security. Industry-wide issues we have reported before include relatively low salaries, the wide use of freelancing contracts that do not include social security benefits and healthcare coverage by default and have fewer employee protections; routine extra hours without pay; and long unpaid internships (Popescu et al., 2019, p. 66; Paylab.ro; Ionescu, 2019; Lupsa, 2020; Surugiu, 2013).

Journalists are not entirely free from threats. In 2022, Parászka Boróka, a journalist working for a local branch of the public news radio station Radio România Actualități, was the target of what can be characterized as incitement to violence by Bartha Barna, a far right politician from Hungary giving a talk in Transylvanian town Târgu Mureș (Council of Europe, 2023). Also in 2022, personal photos of journalist Emilia Sercan were posted on adult websites. The journalist Emilia Sercan reported that she had faced numerous “pressures” after publishing articles about the purportedly plagiarized doctoral thesis of Romanian Prime Minister Nicolae Ciuca (ActiveWatch, 2023). Additionally, the house of Alin Cristea, a local journalist from Braila, was raided by DIICOT (the Directorate for Investigating Organized Crime and Terrorism) in January 2022. He was accused of possessing “child pornography” on account of an article, where his publication showed blurred images of a 17-year-old being beaten by an adult, a video he'd received from a source. But not long before the raid he had published articles critical of the police commissioner, which had led to his demotion, leading to suspicions that he was targeted because of that. Ultimately the DIICOT abandoned the charges, and the journalist himself filed a complaint against them, a local court ruling that the charges were indeed unjustified (Bambu, 2022; Irimea, 2022; Bunea, 2022a).

There is still no anti-SLAPP legislation in place. In recent years, there appears to be more coverage of cases that could potentially represent SLAPPs. It is unclear if the strategic use of the courts and other institutions against journalists is increasing or if it is, instead, attention to them, recognition of them as such and discussion of these cases as falling under the same umbrella that is increasing.

The **Independence and effectiveness of the media authority** have the same risk rating as last year (32%). Generally MPM assessments for the media regulator CNA (Consiliul Național al Audiovizualului) are good when it comes to transparency, independence and the relevant regulatory framework. But the role imagined for CNA by the elites and the drafters of the law is quite limited and consequently so is funding and access to expertise. As a result of the adoption of Law 190/2022 - which transposed the Audiovisual Media Services Directive - the CNA has a few additional tasks, but it is not clear how much additional funding it will receive to accomplish them.

The indicator on **Universal reach of the traditional media and access to the Internet** has a reduced risk score this year (29%) compared to the previous year (42%), due to updated numbers on broadband access, broadband subscriptions and average internet connection speed.

Focus on the digital environment

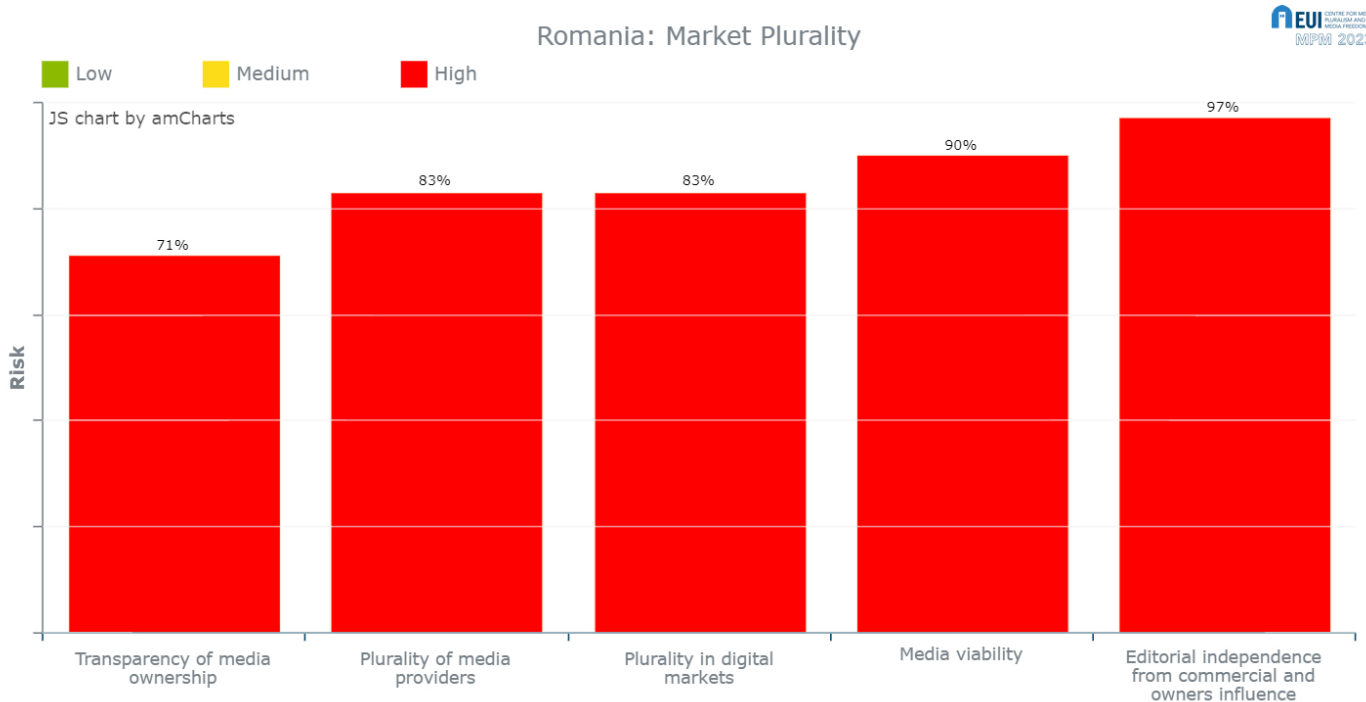
Starting in March 2022, certain sites have been designated purveyors of fake news, fraud and/or malware attacks related to the war in Ukraine and have therefore been blocked in Romania. For some of the sites, the legal ground for blocking is provided by EU Council Decision (CFSP) 2022/351; and many persons and organizations with expertise in the area of speech regulation have questioned whether the measures it set out were legitimate, proportionate and necessary. For a few other websites blocked for “fake news”, there appears to be no legal basis for the decision (nor transparency about how the assessment was made).

A new law on cyber security, adopted in late 2022, introduced a number of institutional and regulatory innovations that experts from online privacy NGOs and human rights NGOs characterized as deeply troubling (APADOR-CH, 2022a; Valică, 2022). For instance, the law gave the Ministry of National Defense (MoND) responsibilities with regard to the defense of not just military and defense IT systems, but also civil systems. Additionally, the law amended the National Security Law, adding online “propaganda or disinformation campaigns” to the list of national security threats“ (art. 3, Law 51/1991). Thus, a number of institutions were tasked to combat this threat, including intelligence services.

Also in 2022, leaks to the media revealed that the Government was considering collecting online content with certain keywords and coordinating and dispatching institutional representatives through a working group to issue rapid responses to “misinformation”. Among the examples of search terms, found in a memo leaked to the press, was the association of the names of the president and prime minister with “incompetence” and “corruption“.

3.2. Market Plurality (85% - high risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



The Market Plurality area has a high risk score (85%). As it did previously, this area has the highest risk score, and all indicators under it register high risk. Limited data availability continues to be a challenge for assessments in this area, in particular.

Transparency of media ownership has a 71% risk score for 2023, similar to the score for the previous year (69%). One development in 2023 has been the publication, on the website of the CNA (the audiovisual regulator), of ownership and shareholder data for audiovisual companies holding licenses issued by CNA; previously, such information was harder to access for the public. Important deficiencies remain in the area of ownership and financial transparency, however. In terms of ownership disclosure, of all media companies, only those in the audiovisual sector are subject to media-specific regulations; for other companies, the relevant law is the general Law on Societies (31/1990), which covers all companies and has less extensive demands than the Audiovisual Law (504/2002). There are also no media sector-specific financial disclosure rules.

Plurality of media providers - formerly called News media concentration - has an 83% risk score, almost the same as for 2021 (85%). The only media-specific concentration regulations cover only broadcast media (Audiovisual Law 504/2002), and there are no cross-media concentration regulations either.

The print newspaper market is extremely small now – in terms of newspapers and readers alike - something that is reflected in the low circulation numbers and high concentration figures. For example, the top daily in terms of print circulation in July-September 2022 was the tabloid Click, which had a 36,000 daily circulation.

In terms of print circulation, the top four newspaper owners are: the Romanian Orthodox Church (owner of the Lumina newspaper daily and Sunday weekly) - 25.4%; Adevarul Holding SRL (owner of Adevarul and Click) - 24%; Ringier Romania SRL (owner of Libertatea and Gazeta Sporturilor) and Inform Media Press SRL (owner of Jurnal Aradean, Bihari Naplo and Jurnalul Bihorean) - 9.2%. The digital news media market is more fragmented. In December 2022, the top four owners of online news websites were: Ringier Romania SRL (7.5%); RCS&RDS SA (7.5%); RTV Properties Management SRL (6.8%); and Pro TV SRL. Together their properties amounted to a 28% audience share. There is no cross-ownership legislation in Romania and regulation is not tailored to the media sector. Moreover, there are regulatory or other types of incentives offered to the media sector to encourage the production of public interest information (Popescu, Bodea and Toma, 2021, p. 14).

Media viability had a medium risk score (65%) in the assessment for 2021 because of an apparent significant revenue growth in almost all media, but this trend did not last in 2022, and the indicator returned to high risk levels (92%).

A few publications shuttered in 2022. Niche narrative journalism monthly Decat o Revista (DoR) issued its last print number and produced its last pieces of online content in December 2022, having announced its upcoming closure a few months prior (Diură, 2022). During the summer of 2022, it had already gone from 25 to 10 employees. A few print magazines owned by City Publishing shuttered in 2022: Cosmopolitan Romania, National Geographic Romania and Harper's Bazaar Romania (Bunea, 2022a, 2022b; Obae, 2022). According to press reports, the publisher of the magazine, which declared bankruptcy in 2022, had fallen behind on paying its employees' salaries by several months. Outside of reports in news media - particularly media and advertising news outlet Pagina de Media - we lack information about layoffs or salary cuts. We consequently cannot assess the full scope of the problem.

Because there is no aggregated total revenue data, we use ad revenue as a proxy measure to assess revenue trend in the media, and the numbers we rely on (from WARC and Media Factbook) come with certain footnotes.^[10] According to WARC data, in 2022 it was only television and digital that really experienced ad revenue growth (and that is without taking into consideration inflation). Television ad revenue grew by 7% in 2022 (to 381.8 million EUR), and digital ad spending went up by 7.7% (144 million EUR). Radio ad revenue was virtually stagnant (+1.35%, reaching 30 million EUR in 2022). And newspaper ad revenue went down by 10% (to 2.8 million EUR).

Over-reliance on advertising revenue contributed to the hard-hitting effect of the economic crisis of 2008-2009 on the Romanian media, and this remains a risk factor.

Experiments with developing new business models are still few and far between in Romania. As discussed in the next chapter, there are effectively no subsidies, and there is also no political will or pressure from relevant stakeholders to develop a scheme to support the production of public-interest information.

The economic viability and sustainability of media has ramifications that affect other areas as well, such as independence from commercial and political pressures and working conditions for journalists, as we discuss in the relevant chapters and in the introduction.

Editorial independence from commercial and owner influence remains a very high risk area (97%). Editors-in-chief and newsrooms are as vulnerable to changes in ownership or editorial policy as they were in previous years, due to the lag of legal or self-regulatory protections against arbitrary appointments,

dismissals or undue pressure. No codes of conduct or mechanisms to lay down and enforce journalistic norms for the entire industry have been developed in recent years, although some outlets or groups of outlets have their own ethical codes.

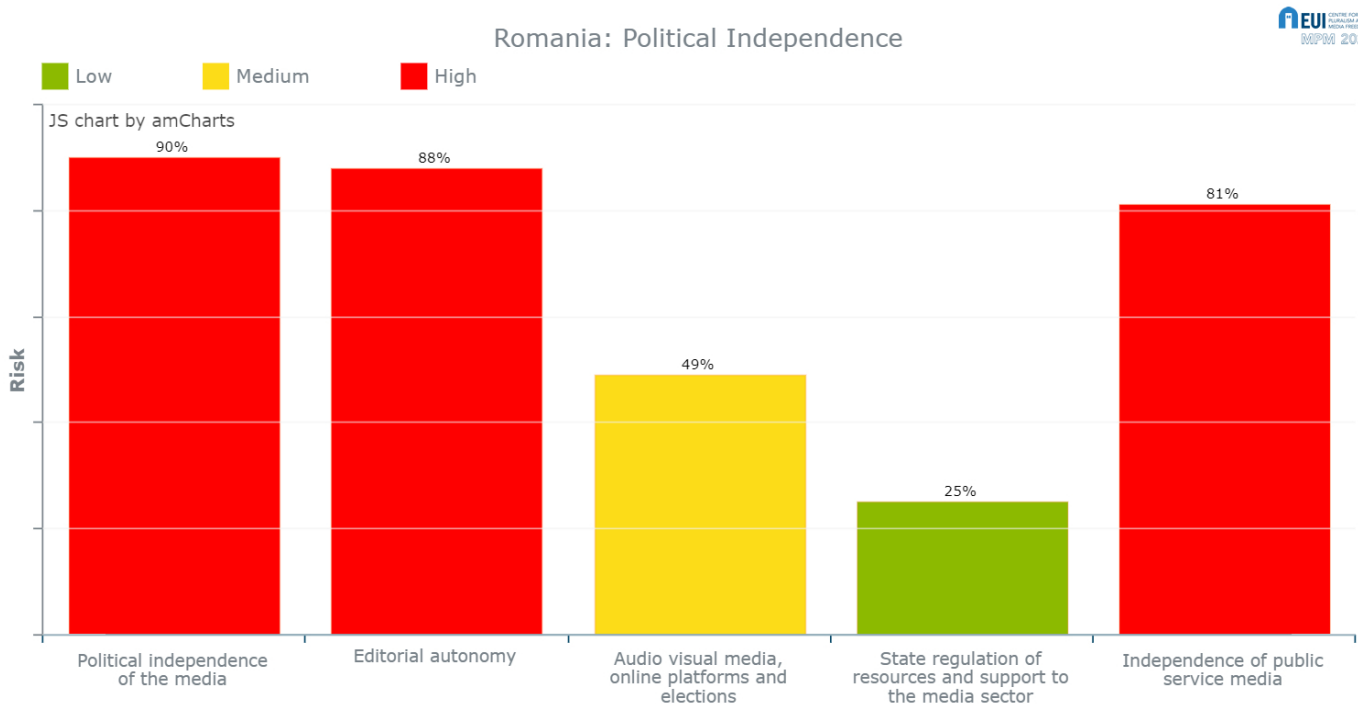
Focus on the digital environment

Plurality in digital markets - formerly called Online platforms concentration and competition enforcement - is a high risk area (83%). In 2022 the risk score was reduced compared to 2021 (when it was 97%) in part due to the transposition of EU directives. Romania transposed EU Directive 2019/790 on Copyright in the Digital Single Market through Law 69/2022, which amended Law 8/1996 on copyright and related rights. According to our research, however, no mechanisms and/or agreements have been put in place nor dialogue started in Romania related to the implementation of Article 17, on the use of protected content by online content-sharing service providers (aggregators and platforms) and Article 13, on a negotiation mechanism for the access to and availability of audiovisual works on video-on-demand platforms. Additionally, EU Audiovisual Media Services Directive 2018/1808 was transposed through Law 190/2022. The law introduced a tax on on-demand downloads and streaming subscriptions amounting to 3% and 4%, respectively, of each transaction. Limited or missing data remains a problem for this indicator. For instance, do not have access to data that would enable us to assess audience concentration of the four online players, if the assessment is to include platforms, and we do not know exactly how dominant platforms are in the Romanian digital ad market.

For all other indicators the situation online is much the same as it is for broadcast or print media.

3.3. Political Independence (67% - 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 the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



Political independence has a risk rating of 67%, just barely qualifying as high risk, in 2022. As they did in the past year, three indicators register high risk scores.

Political independence of the media and **Editorial autonomy** both have high risk ratings (90% and 88%). As we have written in the past, two root causes of problems in this area are low institutionalization and lack of regulation and self-regulation. The lack of regulatory and self-regulatory protections leaves journalists open to political and commercial pressures and also undermines the professionalism and the public-interest orientation of the members of the news media industry (Popescu, Bodea and Toma, 2021; see also: Lupu, 2020, 2021, Ganea, 2014). For example, there are no regulatory safeguards against conflicts of interest in the media sector. The Audiovisual Law (law 504/2002), regulating the ownership regime for radio and television, does not contain any reference to conflicts of interest between media owners and political parties. There is no specific legislation conceived for the written press or digital media ownership, these being regulated only by the general law on commercial enterprises, which does not include such stipulations. And the law on conflicts of interest (Law 161/2003), which makes holding leadership positions in various kinds of companies incompatible with certain types of public office, does not address media ownership.

The rating for **Audiovisual media, online platforms and elections** (49%) is the same as last year, reflecting a situation that has not fundamentally changed (for more details, see also Popescu, Bodea and Toma, 2021, p. 16). Among the weaknesses of the regulatory framework is the limited amount of information that parties are obligated to disclose about campaign expenditures as well as other political ad

expenditures outside of campaign periods. Specifically, with regard to campaign ads, parties must disclose how much was spent by broad category of expense (outdoor, print, audiovisual, online, brochures and handouts) but do not have to provide a detailed breakdown of where and from whom ad space was bought. Similarly, in the monthly reports parties must publish on expenditures from government subsidies, there are just broad categories like “media and propaganda” or “opinion polls”.

In the area of **State regulation of resources and support for the media sector** the score (25%) and the situation in 2022 were the same as in 2021. The risk score is low, chiefly because there are virtually no subsidies and not much regulation to speak of. A reduced Value Added Tax rate for print is fairly and transparently given out but makes little dent because of low print circulation. Government purchase of ad space - e.g. during 2020, for public health messages - has been discussed by some as “state aid” for the media sector. But as we wrote last year, state subsidies or emergency help for the media, on the one hand, and state advertisement, on the other hand, should not be confused with each other because they have different goals and different mechanisms (Toma, Popescu and Bodea, 2022, p. 19).

Finally, in terms of the **Independence of public service media (PSM)** governance and funding (81%) the fundamental problems also remain the same and no serious attempt at change in this area was made in 2022. Last year we discussed at length how part of the problem is the ease with which - with no real deliberation - annual reports of the public radio and television companies can be rejected and their boards and presidents thereby dismissed and we recounted how for several years the annual reports went unexamined and undiscussed only for them to be abruptly rejected in 2021 (Toma, Popescu and Bodea, 2022, p. 20). The current institutional and legal set up does not incentivize planning or performance, as there are no performance targets and there is no norm of analysis and deliberation prior to funding decisions or appointments or dismissals (Median Research Centre, 2017b). Heads of the public radio and public broadcaster rarely serve a full term, historically (Median Research Centre, 2017b), and appointments are often treated as an exercise in political horse-trading - by politicians and media alike - and Parliament acts as a mere rubber stamp once the requisite backroom deals have been made (Toma, Popescu and Bodea, 2022, p. 20; Stanescu, 2021; Andrei, 2021c; Eremia 2021; Neacșu and Otopeanu, 2021). A proposal made in 2021 (PI-x. nr. 262/2021) to change some aspects of the organization of the PSM - including splitting the “president-director” position of the television and radio companies into two separate ones - would not actually change the fundamental problems discussed above and in previous reports.

Focus on the digital environment

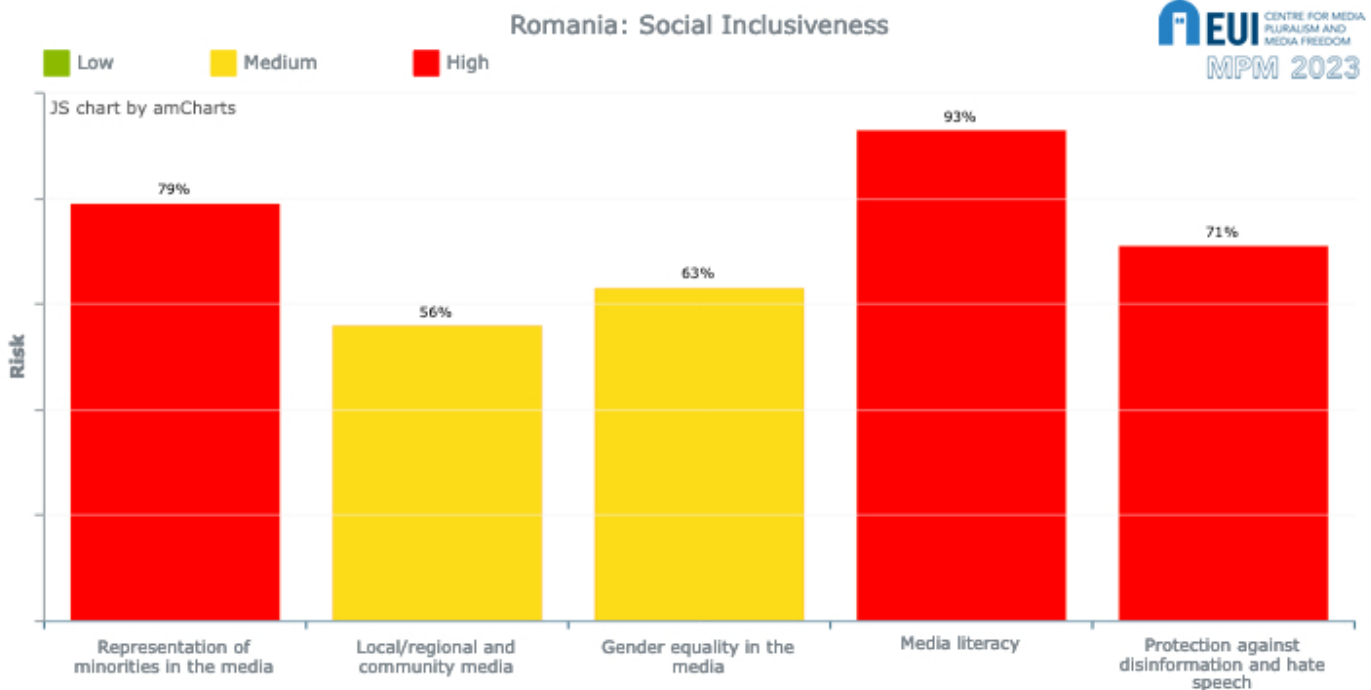
The political independence risk score for the digital environment is 94%.

One regulatory deficiency that affects the risk score for **Audiovisual media, online platforms and elections** is the fact that while audiovisual, outdoor and print ads must be labeled as such, no such requirements are made for online ads in the relevant law (Law 334/2006).

The deficient regulation and self-regulation has contributed to a status quo wherein it is not always possible for the public know what is "news" and what is, effectively, an ad. And some outlets and parties have exploited this situation. In 2022, journalists from Free Europe (Romania) and Recorder obtained leaked contracts and corroborating statements from sources indicating that a number of websites and television channels have been receiving money from parties like PSD and PNL in exchange for the production or publication of certain kinds of material (Ilie, Voinea and Delcea, 2022; Andrei, 2022; Crăițoiu, 2022). At least some of this material was never marked as advertisement or as sponsored by a particular party. The websites and channels involved included 24-hour news and commentary channels and digital natives and they ranged in reputation from those seen as more partisan-leaning or sensationalist (e.g. Antena 3) to those perceived as more high-brow and less partisan (e.g. Hotnews).^[11] In the case of the TV channels involved, it is not entirely clear from the investigations published so far whether these deals always had a bearing on their broadcasts or whether they were mostly (or strictly) related to some pieces published on their websites.

3.4. Social Inclusiveness (72% - high risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against disinformation and hate speech.



Social inclusiveness has a high risk score (72%). Whereas for 2021, two indicators registered high risk score, for 2022 an additional one - Protection against disinformation and hate speech - registers high risk, in part due to blunt and, arguably, disproportionate and unjustified measures taken to surveil and suppress certain online sources and content.

Representation of minorities in the media (79%) has a higher risk rating than last year (67%) not because of any negative evolutions in 2022 but mainly because we reconsidered the appropriate rating for the legislative framework and policy on media access for people with disabilities. Broadcasters are not legally required to provide any audio description and do not do so, and they have very few legal obligations to provide sign language interpretation for news and analysis content - and they comply with these minimal requirements. As for media access for minorities, there is very little on television and the radio in minority languages like Hungarian. For instance, the public broadcaster only provides a short news show in Hungarian on one of its regional branches, and the public news radio (Radio România Actualități) only has Romanian language news shows.

The indicator on **Local/regional and community media** has the same risk rating as last year (56%). There are few community media initiatives - two we have discussed in the past include two local radios founded through an ActiveWatch project - and there is no state assistance or specific legal framework for community media. Nor is there any state assistance for local media; among the few things the state does for local media is to require cable providers to pick up some local/regional channels, via must-carry rules.

Gender equality in the media has the same risk score as last year, and the situation remains much the same as well (63%). There are some areas of quasi-gender parity in Romanian media. For example, the

share of women among leading news media in television, radio, print and digital is 50%.^[12] Half of members of PSM boards are women, and one of the PSM (the news agency Agerpres) has a female General Director. The share of women among management boards of the top TV and radio companies is 31% (although the share of women among executives is lower, 12%).^[13] Still, quasi-gender parity at the top does not equal gender equality among rank-and-file journalists in the newsroom. Moreover, compared to men, women experts and panelists are significantly less frequently invited on Romanian media (Macharia, 2021, p. 94; Leșcu and Chiorpec, 2013).

Media literacy remains a very high risk area (93%). Civil society organizations like the Center for Independent Journalism (CJI) and MediaWise run media literacy projects for young people and adults (e.g. teachers) but as NGO representatives and researchers underline, there is a need for the state to develop a well-thought-out policy and step up its efforts in this area because the non-profit sector cannot cover the needs of media education of an entire population. At the moment, some elements of critical thinking and media literacy education can be found in the state educational curriculum, but they are snippets taught in a variety of classes, and there are no actual media literacy classes in the core (mandatory) curriculum. As we wrote last year as well, experts say that critical thinking is taught too little and sometimes poorly, and that media literacy elements are taught inconsistently across schools and not featured enough in the curriculum (Ion, 2021; Peticilă, 2019; Peticilă, 2018).

The indicator on Protection against disinformation and hate speech has a high risk rating (71%), in part due to misguided attempts to combat disinformation that we discuss in the chapter on Fundamental Protection as well. Part of the challenge with both assessing the scope of the challenge and drawing up policy responses to the dissemination of false or misleading information and to intolerant discourse is that high quality data is needed, and especially with regard to the spread of “disinformation” and “hate speech”, there is not enough of this, as we discussed at length in the previous two reports (Popescu, Bodea and Toma, 2021; Toma, Popescu and Bodea, 2022).

A further challenge is that while there is extensive legislation against discrimination and against certain types of discriminatory or inciteful speech, the state lacks the capacity, the planning - and perhaps the political wherewithal - to tackle this as a mass phenomenon with proactive tools, such as engendering mutual tolerance and other democratic values via the educational system. Existing institutions tasked with tackling discrimination, such as the CNCD (the National Council for Combating Discrimination) only have the capacity to deal with a limited number of cases per year, and they focus on high-profile cases - where sometimes they respond to official complaints and other times take the initiative - and to discrimination complaints that are filed with the institution itself, with regard to potentially discriminatory acts that are not limited to speech acts.

Focus on the digital environment

With regard to mis- or disinformation, Romanian authorities appear increasingly preoccupied with the danger of “fake news”, misinformation and propaganda campaigns (by adversarial states or non-state actors) and other threats propagated online.

Among a number of recent legislative and law-enforcement initiatives discussed also in the chapter on Fundamental Protection, 2022 brought updates to the national security law (Law 51/1991), with the following addition to the list of national security threats: “actions undertaken by a state or non-state entity, by conducting propaganda or disinformation campaigns in cyber space that are of such a nature as to affect the constitutional order” (Art. 3, line (p)). This gives a number of institutions competencies to combat this threat: the Romanian Intelligence Service, the Foreign Intelligence Service, the Protection and Guard Service, the Ministry of National Defense and the Ministry of Justice (art. 6, Law 51/1991). This is seen as problematic for a number of reasons, chief among which is the fact that it is, arguably, not the task of defense and intelligence institutions to decide on what misinformation is and undertake efforts to combat it. Additionally, previous attempts by the state to combat misinformation with blunt and legally questionable tools have already created a climate of distrust (see more in Popescu, Bodea and Toma, 2021; Toma, Popescu and Bodea, 2022).

As we wrote in the previous report, part of the issue with an approach that is too law-enforcement-oriented is that the law is often too blunt a tool to tackle problems like the spread of wrong or misleading information. Additionally, any regulatory innovations that have the potential to affect freedom of speech and of information must be carefully considered from the perspective of their potential benefits, versus the risks to civil rights, and must be deliberated on and justified with evidence.

This also applies to EU-level regulations that are transposed and enforced at the national level - as we saw in 2022 with EU Council Decision (CFSP) 2022/351, which itself was criticized for setting out by many persons and organizations with expertise in the area of speech regulation that have questioned whether the measures it set out were legitimate, proportionate and necessary. Decision 2022/351 prohibits the broadcasting of information from a list of sources (e.g. Russia Today) designated as “propaganda” vectors. This decision has been attacked in court on the grounds that the Council has no legal standing to issue such regulation and that the regulation itself violates freedom of expression. Additionally, as ARTICLE 19 has pointed out, “While it is to be determined whether the Russian state-controlled media as the agents of the State can invoke a right to freedom of expression, the ban does affect the right of individuals in the EU to freely receive information of “any kind” under Article 19 of the ICCPR. It has been also argued that while restrictions on the right to information are possible, the EU has not provided sufficient evidence that would such a ban is legitimate, proportionate, and necessary. In this respect, ARTICLE 19 notes that any justification on the basis of public order and security is unlikely to be pertinently convincing, given that the EU is not directly engaged in an armed conflict with Russia and in light of the limited distribution and impact of these media in the EU countries.” (ARTICLE 19, 2022).

4. Conclusions

A number of factors undermine media pluralism and, ultimately, Romanian citizens' access to high quality information that they can use to make decisions as individuals and as citizens of a democracy.

- There are inadequate protections for journalists and for the journalistic profession and its norms. Both need protecting not just from gross political or commercial interference, and not just from physical or cyber threats or from strategic litigation, but also from more insidious and subtle forms of influence, pressure and dilution of professional principles.
- Our research indicates that there is seemingly little interest in Romania in establishing legal protections for the profession and its members, and there is also no real progress towards more self-regulation and labor organization in the industry in the past few years.
- State and political actors also appear to have no interest in creating policies to support or incentivize the production of high-quality information on public affairs.
- Many, if not most, media outlets have questionable financial prospects, but few are exploring new and more sustainable funding models.
- Public radio and television have a flawed institutional design, which is not conducive to independence, long-term planning and performance, and the kind of reform that would be needed does not appear likely in the near future. Decisions related to appointments, dismissals and funding are treated largely as an exercise in behind-the-scenes political horse-trading, and parliament acts virtually as a rubber stamp.
- Policy- and law-making in areas that affect the information environment is all too often not informed by solid evidence, genuine dialogue with relevant stakeholders and with experts and consultation of experts and careful deliberation.

The challenges described above are interrelated and often compound each other. Aspects that are given a particular focus in one area of the Media Pluralism Monitor assessment also influence the situation in other areas. For instance, over-reliance on selling eyeballs to advertisers - and economic inviability in general - tends to make media outlets more exposed to undue owner and commercial influence. Insufficient professionalization and the lack of agreement on journalistic norms leaves journalists more vulnerable to political or owner interference as well as questions about the media's commitment to its democratic mission and service to society. And the difficulty the citizen experiences in locating accurate, complete and comprehensible information makes it difficult for them to make well founded decisions and avoid false or misleading information.

To address these problems, we make a number of suggestions for each of the four Media Pluralism Monitor areas, some of which we also discussed in the previous report (Toma, Popescu and Bodea, 2022, p. 27).

Fundamental Protection

- To address the vulnerabilities and precarity of journalistic work, policy-makers should consider, with advice from experts and taking in consideration positive examples in other countries, what legal,

regulatory or policy measures could help safeguard journalistic work and improve working conditions for journalists.

- To ameliorate working conditions and secure better contractual terms, as well as address the risks of undue pressures exercised on journalists, members of the profession should organize in unions and/or professional organizations to engage in collective advocacy efforts.
- To increase the quality of information citizens have access to as well as address the lack of transparency on the part of certain political and media actors - e.g. with regard to unmarked political ads - journalists and publishers should coalesce in industry and/or professional organizations at the level of the media sector and agree on a set of journalistic norms and enforcement mechanisms thereof.
- To reduce some of the challenges citizens face in accessing public interest information, the relevant law (Law 544/2001) should be amended, taking into consideration the long-standing recommendations of advocacy and expert organizations.

Market Plurality

- To improve the information environment, policy-makers should consider creating assistance schemes that support the dissemination of high-quality information about public interest issues, in a way that follows best practice examples from abroad.
- The regulatory framework could also be strengthened by ensuring that regulation on concentration is media sector-specific - even for non-broadcast media - and includes provisions related to cross-media concentration.
- For the sustainability of their operations in the long run, media outlets should experiment with new funding models, following successful test cases in other countries.

Political Independence

- Formally agreeing to some basic journalistic norms at the level of the news media industry and establishing some enforcement mechanisms could help build towards greater political independence and ensure that fundamental principles are not violated with impunity.
- There is also room for improving the legal framework on transparency of political advertisement and on media ownership and conflicts of interest. Lawmakers should examine good practice examples abroad and engage in a dialogue with key stakeholders to fill some of the regulatory gaps in these areas.
- For better performance and accountability of PSM, a number of changes to the institutional framework are needed, with regard to dismissals, parliamentary oversight, funding mechanisms and ensuring a multi-year framework for its activity.
- Currently, boards and directors of the television and radio serve, essentially, at the pleasure of the parliamentary majority, and they can be dismissed with a simple rejection of the annual report, requiring

little-to-no justification. Instead, appointments and dismissals should be connected to a journalistic and management plan and its accomplishment.

- At the moment, parliamentary oversight of PSM is occasionally intrusive and often purely formal. The mission of these institutions should be clarified, and parliamentary oversight should focus on whether this mission and the performance targets previously established are met.
- To make PSM funding decisions less arbitrary and more conducive to performance, the law should specify the criteria according to which funding is decided. The mechanism and the justification should be transparent, and the process should involve dialogue with all relevant stakeholders. Additionally, planning and funding should be done within a multi-year framework.

Social Inclusiveness

- To boost media literacy and critical thinking skills, an evidence-based policy response that is produced with consultation of relevant experts and stakeholders is needed. Media literacy should be incorporated into the core curriculum of obligatory state education.
- Measures to surveil or curtail online speech need to be properly justified and proportionate, carefully weighing the evidence, the potential benefits and the dangers to freedom of speech and of information. In general, they should not be the first line of defense against the proliferation of false or misleading information.
- To secure public access to information and boost trust in state institutions, authorities should increase transparency and provide comprehensive, relevant and easily understandable information about public interest issues, in a timely manner. The recommendations of civil society organizations to improve access to data and government transparency and the Open Government Partnership Action Plan should be implemented with alacrity.

5. Notes

- [1] Article 62 of the Constitution offers a guarantee that “national minorities” get at least one seat in the Parliament. The least populous groups among those national minorities represented with at least one seat in Parliament have as few as one thousand self-declared members (according to census data); these include groups like Armenians and Macedonians. There is not a clear definition in Romanian law, according to our research, for the term “national minority”. The Framework Convention on the Protection of National Minorities, ratified in Romania through Law 33/1995, does not provide a definition of “national minority”, giving signatory states some leeway to define the criteria, although some recommendations are provided (Council of Europe, 2016). In Romania, the law on parliamentary elections defines “national minorities” as those that are represented in the Council of National Minorities (Law 208/2015, art. 56(3)). Yet Governmental Decision 589/2001 on the establishment of the Council of National Minorities states, under art. 2, that groups eligible to join the Council are those represented in the Parliament.
- [2] Specifically, those languages Romania made commitments about are: Bulgarian; Czech; Croat; German; Hungarian; Russian; Serbian; Slovak; Turkish; Ukrainian. There are some legally recognized minority languages in which the state does not commit (through this particular law) to provide programming: Albanian; Armenian; Greek; Italian; Yidish; Macedonian; Polish; Romani; Ruthenian and Tatar (listed under Art. 2 of the above-mentioned law).
- [3] “V-Dem’s Liberal Democracy Index (LDI) captures both electoral and liberal aspects of democracy and goes from the lowest (0) to the highest (1) levels of democracy. The electoral component is measured by the Electoral Democracy Index (EDI) that captures the extent to which all elements of Robert Dahl’s (1971) famous articulation of “polyarchy” are present, including the quality of elections, individual rights, as well as the media and freedoms of association. The Liberal Component Index (LCI) captures the liberal aspects including checks and balances on the executive, respect for civil liberties, the rule of law, and the independence of the legislature and the judiciary. Dahl, R.A. 1971. *Polyarchy: participation and opposition*. New Haven: Yale University Press.” (Papada et al., 2023, p. 9). Of the fourth and fifth wave of EU accession countries from mainland Europe, only Czechia, Estonia, Latvia and Slovakia currently qualify as liberal democracies: while Bulgaria and Romania and Poland are considered electoral democracies (Poland having experienced an autocratizing trend that may have “stalled”, Hungary is considered an electoral autocracy).
- [4] This index measures government respect for press and media freedom, citizens' freedom of expression and "freedom of academic and cultural expression". Specifically, "The index is formed by taking the point estimates from a Bayesian factor analysis model of the indicators for media censorship effort (v2mecenefm), harassment of journalists (v2meharjrn), media bias (v2mebias), media self-censorship (v2meslfcen), print/broadcast media critical (v2mecrit), and print/broadcast media perspectives (v2merange), freedom of discussion for men/women (v2cldiscm, v2cldiscw), and freedom of academic and cultural expression (v2clacfree)." (V-Dem, 2023a).
- [5] The legislative constraints index of V-Dem tries to capture whether the legislature and institutions like the ombudsman (in Romania, "Avocatul Poporului") can question, investigate and exercise oversight of the executive. It is composed of variables on "legislature questions officials in practice (v2lgqstexp), executive oversight (v2lgotovst), legislature investigates in practice (v2lginvstp), and legislature opposition parties (v2lgoppart)" (V-Dem, 2023b). The judicial constraints index looks at judiciary independence and executive compliance with and respect for court rulings. It is composed of variables on "executive respects constitution (v2exrescon), compliance with judiciary (v2jucomp), compliance with high court (v2juhccomp), high court independence (v2juhcind), and lower court independence (v2juncind)".

- [6] This text was drafted in spring 2023. Some developments occurred shortly before the publication date of this report: Social Democratic Party leader Marcel Ciolacu became Prime Minister on June 15, 2023.
- [7] Romania sample: n = 1,033, computer-assisted in-person interviewing (CAPI), fieldwork 12 February - 8 March 2021 (European Commission, 2022, p. TS2-TS3).
- [8] Romania sample: n = 2,010, online survey, fieldwork late January-early February, 2021 (Newman et al., 2021, p. 5).
- [9] Romania sample: n = 1,058, computer-assisted in-person interviewing (CAPI), fieldwork 15-24 November, 2019 (European Commission, 2021, p. TS1).
- [10] E.g. Ad revenue figures issued in Media Factbook, for example, are estimates based on forecasts issued midway through the year. WARC data breakdowns are not equally detailed for all countries.
- [11] The outlets involved in this story are Antena 3, B1 TV, DC News, Digi 24, Hotnews.ro, Newsweek.ro, Realitatea TV, Romania TV and Stiripesurse.ro (Ilie, Voinea and Delcea, 2022; Andrei, 2022; Crăițoiu, 2022).
- [12] For TV, we looked at the heads of news at Pro TV and Kanal D, who are both women. For radio, we looked at Radio Zu - where the News Manager is a man - and Kiss FM, where the News Editor is a woman. 3) The editors-in-chief of the top two newspapers, Click and Libertatea, are men. The “News Coordinator” position at Fanatik.ro, one of the top two digital natives in December 2022, was a woman. And at Playtech.ro the editor in chief is a man.
- [13] The top two television companies in Romania are Antena TV Group SA (owner of TV licenses for Antena 1 and Antena Starz, Happy Channel among others) and Pro TV (owner of TV licenses for Pro TV, Acasa, Pro cinema and others). Pro TV is owned by CME Media Enterprises, which has a 10-person board made up of 3 women, according to our research. Antena TV Group has a 3-person board, with one woman. 0% of executives at Antena Group SA at the moment are women. One of the executives at CME is a woman - the Chief Financial Officer (25%). The CEO, deputy CEO and general counsel (chief legal officer) are men.

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ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2023 CT Leader
<i>Raluca</i>	<i>Toma</i>	<i>Senior researcher & programmes director</i>	<i>MRC - Median Research Centre, Bucharest</i>	
<i>Marina</i>	<i>Popescu</i>	<i>Research Director</i>	<i>MRC - Median Research Centre, Bucharest</i>	X
<i>Roxana</i>	<i>Bodea</i>	<i>Executive Director</i>	<i>MRC - Median Research Centre, Bucharest</i>	

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
<i>Ioana</i>	<i>Avădani</i>	<i>President</i>	<i>Center for Independent Journalism</i>
<i>Ionuț</i>	<i>Codreanu</i>	<i>Program Manager, Media and Society Program</i>	<i>Activewatch Press Monitoring Agency</i>
<i>Silvia</i>	<i>Branea</i>	<i>Conf. univ. dr., Dean, Department of Cultural Anthropology and Communication</i>	<i>Department of Journalism, University of Bucharest</i>
<i>Dragoș</i>	<i>Stanca</i>	<i>Vice-president</i>	<i>Romanian Transmedia Audit Bureau (BRAT)</i>

Research Project Report

Issue -

June 2023

doi:10.2870/738653

ISBN:978-92-9466-457-0

QM-07-23-215-EN-N



Publications Office
of the European Union

