

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN MEMBER STATES AND CANDIDATE COUNTRIES IN 2023

Country report: Romania

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Research Project Report

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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	9
3.1. Fundamental Protection (36% - medium risk)	13
3.2. Market Plurality (84% - high risk)	17
3.3. Political Independence (67% - high risk)	21
3.4. Social Inclusiveness (80% - high risk)	24
4. Conclusions	28
5. Notes	31
6. References	34
Annexe I. Country Team	
Annexe II. 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 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 2023. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This year a part of the MPM has also been piloted in Bosnia and Herzegovina and Moldova. 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. 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 Annexe 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).

• 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.

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

• 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. 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/>.

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, MPM2024 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 MPM2024, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

Country overview

- Romania has 19 million residents (Institutul Național de Statistică, 2023a) 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.
- Hungarians are the second largest ethnic group, accounting for 6% of the population, according to 2021 census data. 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 all people with Roma heritage self declare as Roma in the census, the official number is thought by many to be an underestimate of the total number of people of Roma descent (Institutul Național de Statistică, 2023b; Agenția Națională pentru Romi, 2020). Other ethnic groups include Ukrainians (0.3%) and Germans, Turks, Russians and Tatars (approximately 0.1% each).
- Historically, the idea of a “minority group” in Romania is tied to linguistic, ethnic and religious background. For example, the constitution recognizes the rights of “national minorities,” who are guaranteed parliamentary representation based on special electoral provisions^[1]. Romania also recognizes some “minority languages,” having ratified the European Charter for Regional or Minority Languages through Law 282/2007.^[2] There are also eighteen religious communities that have official state recognition.
- There are legal tools to attack discriminatory acts, including speech acts (OUG 137/2000, Penal Code art. 369, Audiovisual Law 504/2002) and some institutional actors tasked specifically with enforcing this (e.g. the National Council on Combating Discrimination). Still, social norms of political and social tolerance are not fully established (Median Research Centre, 2017a; Toma, 2020; Popescu, Tóka & Chiru, 2018; Popescu et al., 2019a).

Economic situation

- Real GDP grew by 2.1% in 2023, less than in 2022 (4.7%). In the first year of the pandemic, real GDP went down by 3.7% but then in 2021 it went up by 5.7%. Inflation reached record highs in 2022 and continued to grow in 2023. Per the inflation indicator used for EU comparisons - called HICP (Harmonized Index of Consumer Prices) - consumer prices grew by 12% in 2022 compared to 2021 and by 9.7% in 2023 compared to the previous year (Eurostat 2024a). Income inequality and poverty levels are among the highest in the European Union (Eurostat, 2024b; Eurostat, 2022).
- The education system is low-performing: among EU member states, only Bulgaria has lower PISA scores (Pantazi, 2023); and in 2022, Romania topped the EU charts on the rate of early school leaving (Eurostat, 2023a). Government spending - as a share of GDP - on education is among the lowest in the EU (3.2% in 2021).

Political situation

- Romania is a democracy but not a fully-fledged liberal democracy. The country is classified by V-dem (Varieties of Democracy) as an “electoral democracy” (Nord et al., 2024). An electoral democracy has freedom of expression and of association, universal suffrage and free and fair elections for elected officials, but it falls short of qualifying as a “liberal democracy”. That is 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.
- V-dem characterizes Romania as undergoing an “autocratization” episode since 2020 (Nord et al., 2024). Their latest report notes a slight deterioration of Romania’s performance on its “Deliberative Component Index”, capturing “respect for opposition, pluralism, and counterarguments” (Nord et al., 2024, p. 23).
- There is also 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 and 0.75 in 2022 and 2023 (V-Dem, 2024b).
- The executive is headed by Social Democratic Party (PSD) leader Marcel Ciolacu, who heads a coalition government of his party and the Liberal Party (PNL). Ciolacu replaced retired general Nicolae Ciucă as Prime Minister in June 2023 (Ciucă is from PNL but also backed by the PSD-PNL Coalition) .
- 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.

Media market

- The news media market is relatively small and resource-poor. News consumption has historically been comparatively low in Romania.
- Television is the number one source of news for most Romanians, followed by radio in most surveys (European Commission, 2020, p. 49) although in some surveys the second most popular source is the internet (European Commission, 2021, p. 12).
- While the public radio news station (Radio România Actualități) is among the top stations in the country (12.3% total market share) (Asociația Română pentru Radioaudiență, 2023), the public television lags well behind. In 2023, the main channel (TVR1) did not even crack the top ten in prime time audience shares (Obae, 2024).

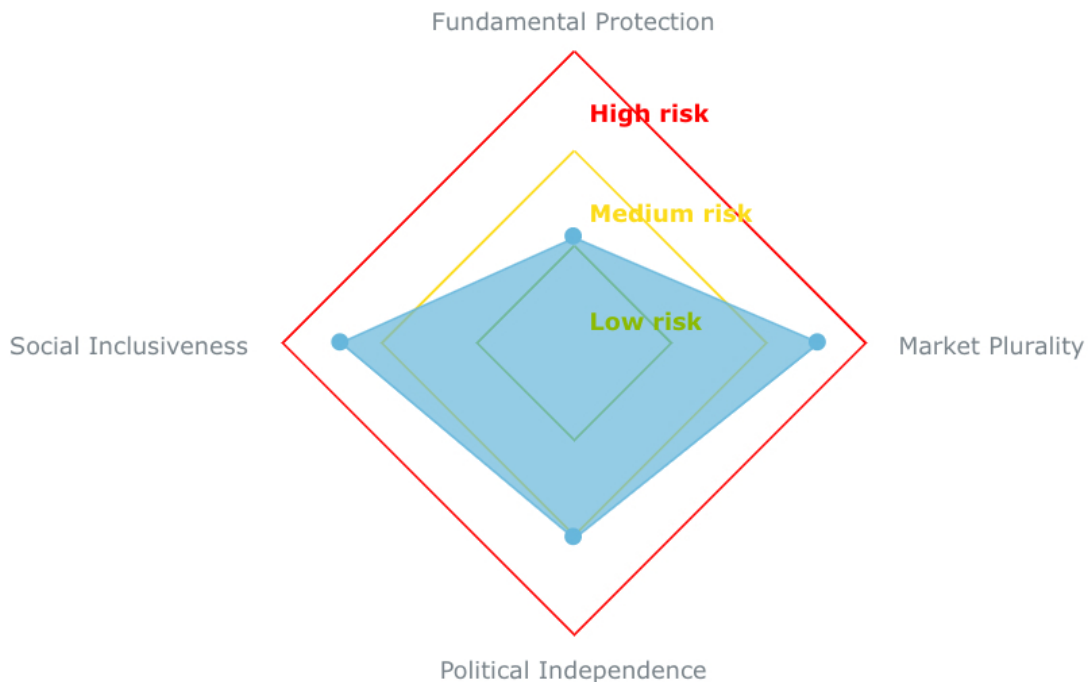
- The size of the audience for online news is unclear. In Eurobarometer 94, 21% of Romanian respondents said that they used the internet to access information about European political themes (European Commission, 2021, p. 12). In Eurobarometer 92, 20% of respondents in Romania mentioned “online websites” as one of their top sources for news and 19% mentioned “social media” (European Commission, 2020, p. 49). 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.
- Most of the ad revenue still goes to television. In 2022, 53% of ad market revenue went to TV, more than double the European average (20%) (European Audiovisual Observatory, 2023).

Regulatory environment

- Executives routinely bypass the normal legislative process (Toma, 2020) by abusing the instrument of the emergency governance ordinance (OUG), a tool designed for exceptional circumstances. Civil society organizations have repeatedly raised the alarm about this. In 2014 APADOR-CH reported that in the previous 10 years governments had issued an average of 134 emergency ordinances per year (APADOR-CH, 2014). A 2024 report published by a coalition of CSOs counted 129 emergency ordinances in 2023 (Centrul pentru Inovare Publică et al., 2024).
- Regulatory change affecting the media is often preceded by minimal debate in and outside of legislative fora and minimal consultation of experts and stakeholders, leading to a perception among CSOs that the steps preceding adoption are rarely conducted with a genuine commitment to accessing outside expertise and points of view (Anonymous, 2023a; APADOR-CH, 2023a).
- The EU Copyright Directive (2019/790) was transposed in 2022. 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 and Article 13, on a negotiation mechanism for the access to and availability of audiovisual works on video-on-demand platforms.
- The Directive on Minimal Corporate Taxation (2022/2523) was transposed at the very end of 2023. It is not clear how this new law will ultimately affect the tax obligations of large platforms in Romania.
- Romania has designated ANCOM (the National Authority for Administration and Regulations in Communications) to be in charge of enforcement of the Digital Services Act and cooperation with member states on this from the Romanian side, but it is as yet unclear whether ANCOM will receive additional resources to take on this task.
- In 2023, a bill on cyber security discussed in the previous MPM report became Law 58/2023, introducing a number of measures that civil society organizations raised serious concerns about from a freedom of expression and information perspective (more on this in the Fundamental Protection chapter).

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

Romania: Media Pluralism Risk Areas



JS chart by amCharts



The Media Pluralism Monitor (MPM) assessment for 2023 in Romania resulted in a **high risk score in three out of four areas: Market Plurality, Political Independence and Social Inclusiveness**. The **Fundamental Protection area received a medium risk rating**. This follows a pattern observed in previous years: the situation in the **Fundamental Protection** area appears less concerning in comparison with the other three, reflecting the fact that some of the most basic preconditions for media pluralism and freedom are satisfied. Yet, as the Fundamental Protection chapter shows, this does not mean that there are no risks to freedom of expression, of information and the journalistic profession.

Moreover, even if categorized under one area of the MPM, **risk factors are inter-connected within each of the four areas and across areas**. The high risk ratings in the **Market Plurality** and **Political Independence** areas are also indicative of serious dysfunctionalities in the media market and gaps in the regulation and self-regulation of the industry, with far-reaching consequences. For instance, reliance on a failing, overly ad-dependent business model and lack of regulatory protections from conflicts of interest and undue ownership and commercial interference compound each other and create conditions that make it harder for journalists to do their job not only independently but also with a mind towards the public interest. Low social trust, a small market for news media and lack of resources and time combine to foster a competitive mindset that is skeptical of the possibilities to agree on a set of rules and create enforcement mechanisms to help protect journalists and basic journalistic standards. Thus, the risk factors cataloged under **Market Plurality** and **Political Independence** have broad ramifications, influencing the degree to which media are able to fulfill their various roles. This includes the role of watchdog, including in terms of recognizing and flagging threats to democratic rights measured under Fundamental Protection; their role of delivering high quality and politically relevant information; or that of raising attention to and serving the needs of various cross-sections of society discussed under the **Social Inclusiveness** Area.

The **Fundamental Protection area risk score for 2023 is 36%**, almost the same as in 2022 (37%) and three points lower than in 2021. Key points:

- With Law 361/2022, Romania transposed EU Directive 2019/1937 on the protection of whistleblowers with a delay of approximately one year relative to the deadline. In 2023, one aspect of the law that civil society experts had critiqued was fixed;
- Job insecurity and somewhat precarious working conditions persist as a problem: salaries are relatively low, freelance contracts with fewer benefits and protections abound;
- Sometimes journalists face threats: in 2023, there was at least one threat and one attempt of intimidation against journalists. Two investigations into threats and breaches of privacy against a high-profile journalist were abandoned with tenuous justifications, casting doubt on the commitment of the authorities to penalize such acts;
- There is no legislation in place aiming to prevent strategic litigation against public participation (SLAPP).

The **Market Plurality area risk score for 2023 is 84%**, one point lower than in 2022 and one point higher than in 2021. Key points:

- There are multiple regulatory gaps, especially with regard to non-audiovisual media. In 2023, audiovisual regulator CNA (Consiliul National al Audiovizualului) published the ownership structure of all companies holding radio and television broadcasting licenses on its website, thereby considerably easing public access to such information. But there are no media-specific ownership and financial disclosure rules for non-audiovisual media.
- There are no media-specific concentration regulations, except for those covering audiovisual media (Law 504/2002), and no cross-media concentration regulations. The available information suggests that there is a high degree of concentration in the media market.
- Media viability is a major risk factor, as it has been in all years. Lack of comprehensive, precise and aggregated data is still a challenge, but according to the data we have access to, in the past few years, television ad revenue has been growing slightly (into account real GDP growth), while radio ad revenue is stagnant and print ad revenue has decreased. The digital ad market is growing but it is not possible to say at this point how much of the revenue goes to media organizations.
- Undue ownership and commercial pressure has always been a very high risk area, and this year some of these risks materialized in a public fashion at two major publications: Gazeta Sporturilor (GSP), the most popular sports news publication, and Libertatea, one of the top newspapers, both owned by Ringier Sportal, a joint venture of the Swiss Ringier and Bulgarian Sportal Media. A brewing conflict over ownership attempts to control over coverage that could affect owner business interests - in particular in the betting industry - culminated with the firing of GSP's editor-in-chief and the editorial coordinator of GSP and Libertatea, well-known investigative journalist Catalin Tolontan. Additional departures and firings from both publications followed.

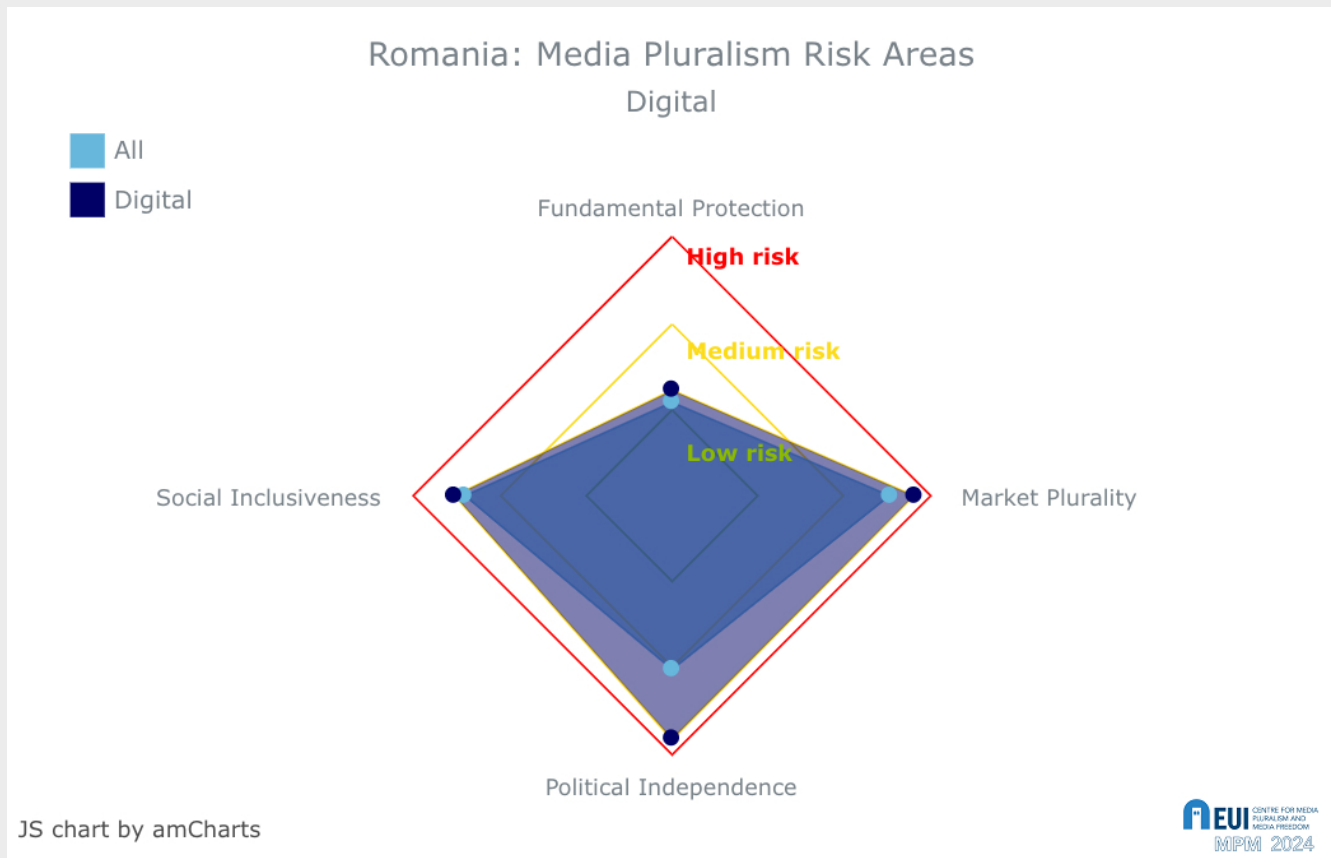
The **Political Independence** risk score is 67%, the same as for 2022 and four points higher than for 2021. Key points:

- There is a lack of regulation of potential conflicts of interest: the Audiovisual Law does not contain any reference to conflict of interests between media owners and political parties or partisan groups. There is no legislation conceived for the written press or digital media ownership;
- There is also no law containing limitations to direct and indirect control of media by party, partisan group or politicians;
- Private TV channels do not do enough to inform the audience about the distinction between different types of content, especially between their own editorial content and airtime bought by the parties, and to signal who is paying for the content. Small amendments to the Audiovisual Law made in 2023 cannot fix the problem, as the previous version of the law already forbade sponsorship of news and current affairs programmes.

The **Social Inclusiveness** area has a risk score of 80% for 2023, eight points higher than for 2022. Key points:

- Programming catering to the needs of minorities or representing minorities is limited. There is little programming in minority languages among public media, and none among the top commercial media;
- In most counties, citizens have few local news sources to choose from. Rural areas are among the most vulnerable to lack of options in terms of locally-relevant media and over-reliance on television as a news source;
- Almost all media literacy training initiatives come from NGOs and consequently cannot serve the needs of the population in the way that a comprehensive and evidence-based state policy would;
- The Romanian authorities view the problem of disinformation mainly from a national security perspective, with important consequences for the kinds of measures prioritized so far: measures that are focused on suppressing speech seen as a threat by institutions that arguably have no business deciding what is illicit speech in a democracy;
- A bill intended to regulate deep fakes put forward in late 2023 has been criticized by CSO experts as being both redundant in parts and excessively restrictive in other respects, as well as generally seemingly ill-informed about the latest developments.

Focus on the digital environment



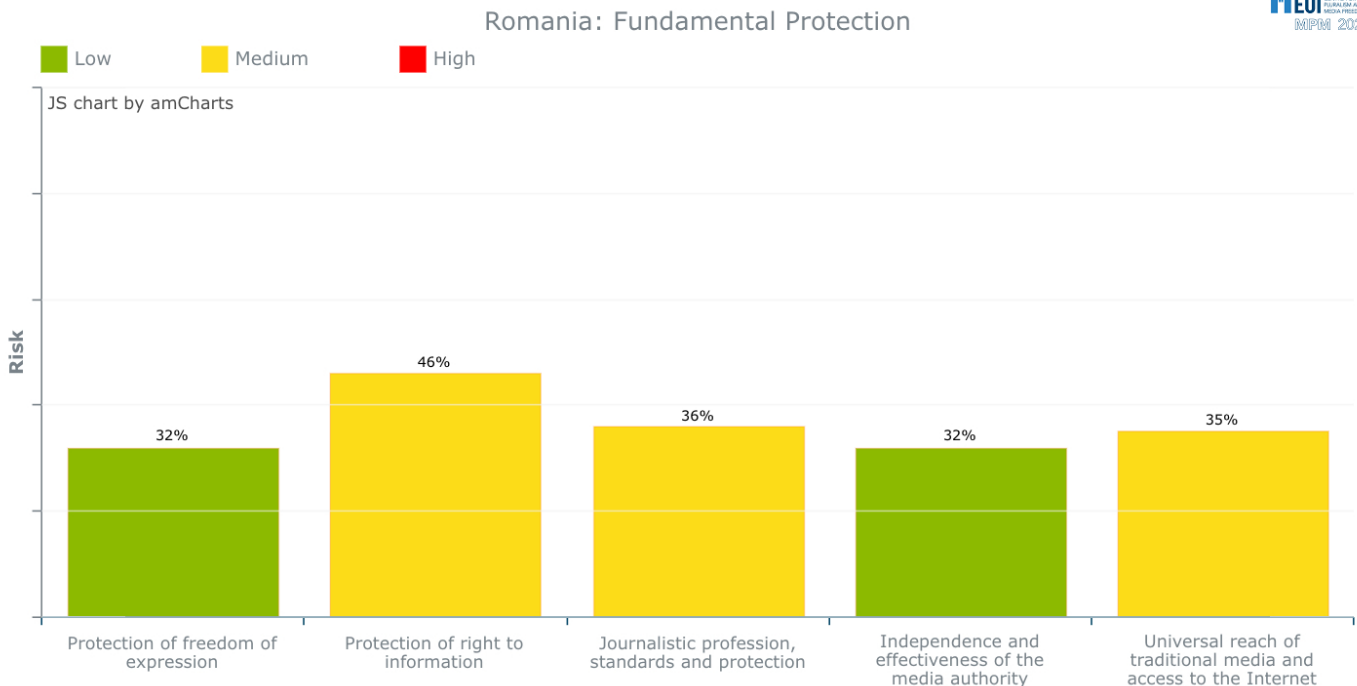
Challenges to media pluralism and freedom offline are replicated and even amplified online. The Fundamental Protection risk score, for example, is slightly higher in the digital realm due to some increased risks to freedom of expression posed by regulations and measures that specifically target online speech and sources of speech.

Law 58/2023 on cyber security is a 2023 development that impacts freedom of speech and of information (covered in the Fundamental Protection area) but also relates to the fight against disinformation (discussed under Social Inclusiveness). The law is an illustration of the lens through which the authorities see the disinformation problem and its solutions. It added online “propaganda or disinformation campaigns” to the list of national security threats, thereby extending the portfolio of institutions in the defense and security state apparatus into combating such “campaigns”. The law was strongly criticized by privacy and human rights experts.

The Political Independence area has a particularly high risk score in the digital realm due to the very limited transparency of campaign and non-campaign political spending online. The regulatory framework on political advertising and political sponsorship of media content online is particularly deficient. Parties must label audiovisual, outdoor and print ads - e.g. name of the electoral competitor ordering the ad and company producing it - but no such requirements are made for online ads. Furthermore, leaked contracts and source statements appearing in some outlets in the past few years have shown that some TV channels and online outlets have accepted money from political parties in exchange for publishing certain kinds of content, sometimes without signaling the content as sponsored to their audience (Ilie, Voinea and Delcea, 2022; Andrei, 2022; Crăițoiu, 2022).

3.1. Fundamental Protection (36% - 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 for 2023 is 36%, corresponding to a “medium risk” rating. Following the same pattern as in previous years, this area has the lowest risk score. Three indicators - one more than last year - have a medium risk rating.

Protection of the freedom of expression has a 32% risk score, as it did in the past two years, in part because key Romanian legislation in this area observes international standards (Centrul pentru Jurnalism Independent, 2013). For example, defamation has been decriminalized since 2006,^[3] while protections remain in place in the Civil Code for the right one's reputation, image, privacy etc.^[4]

This risk score should not be interpreted as reassurance that there are no risks, however. The legal foundation protecting freedom of expression risks being corroded by measures adopted in recent years - some temporary, others not - that have empowered authorities to curtail speech in the name of protecting national security or public health. In this regard, see the special digital section below.

Protection of the right of information has a 46% risk rating, slightly lower than last year (52%). Romania transposed the EU Directive 2019/1937 on the protection of whistleblowers with a delay of approximately one year relative to the deadline, in 2022. At the time, experts from Civil Society Organizations (CSOs) saw the adoption of the new law (361/2022) as a win for whistleblower protections, albeit a qualified win and a hard fought one, considering some issues with the bill were only fixed after pressure from the European Commission. Even after significant changes at the last minute, some flaws remained. One was the fact that

the law only obliged institutions and companies to protect whistleblower anonymity if there was “solid evidence” that the actions reported are unlawful. In 2023 the word “solid” was eliminated from the law. Another flaw remains, though: whistleblowers may, according to the law, share the information to the public, but only if they have reason to believe reporting to the authorities would result in retaliatory action and/or the public’s safety is at stake.

Citizens, CSOs and journalists still face challenges accessing public interest information - challenges discussed in previous reports as well. Over the years, CSOs have reported some patterns that point to deficiencies in Law 544/2001 or in its enforcement (see, e.g., Centrul pentru Inovare Publică et al., 2024, pp. 20-26). For instance, authorities sometimes invoke privacy law and personal data regulation to avoid disclosing certain information, even if those laws do not actually apply; institutions often share data in formats that are not user-friendly; institutions sometimes deny information requests because answering them requires “data processing”. Although there are legal avenues for contesting refusals to share information, these are onerous because it can take years for a court case to reach a verdict.

Journalistic profession, standards and protection has a 36% risk rating, just 3 points lower than it did in the previous edition. As discussed in previous reports, working conditions are somewhat precarious, in terms of security and compensation: salaries are relatively low, freelancing contracts with fewer benefits and employee protections are widely used in the industry, and unpaid overtime or unpaid internships are common (Popescu et al., 2019, p. 66; Paylab.ro; Ionescu, 2019; Lupsa, 2020; Surugiu, 2013; Bădoiu, 2023). Problems like low pay observed at the national level are often exacerbated at the local level, where resources and jobs are (even) more scarce (Wall-street.ro, 2023).

There are sometimes threats against journalists. In 2023 we identified one threat issued against a journalist as well as an incident involving potential attempted intimidation. The Deputy Secretary General of the National Liberal Party (PNL) threatened journalists from G4Media.ro via Facebook in December 2023. According to the Romanian authorities’ response to the Council of Europe on the matter, Manastire was asked to resign his PNL position and complied (Council of Europe, 2023). Additionally, in May 2023, a journalist reported that representatives of the Ministry of Environment berated and attempted to intimidate her during a lengthy meeting at the ministry offices, where she had been invited after filing multiple FOIA requests as part of her reporting on illegal logging. Among other things, the journalist reported that a ministry representative at the meeting “became increasingly aggressive and shouted [at her] in a misogynistic and intimidatory manner. At one point, he told her that he had friends in the forestry industry and that her requests for information about logging could harm the interests of private forest owners” (Mapping Media Freedom, 2023).

The seriousness and speed with which threats against journalists are handled by law enforcement and prosecutors is inconsistent. For instance, on the one hand, the perpetrator of a threat against PressOne journalist Emilia Sercan in 2019 was not only identified but also tried and sentenced within less than two years (Popescu et al, 2022). On the other hand, in the fall of 2023, two cases investigating threats and intimidation attempts against Sercan were closed without any results. In October, the prosecutor's office in Bucharest's Sector 4 closed its case investigating a threat Sercan received via Facebook in January 2022, a day after writing a piece alleging that then-Prime Minister Ciuca had plagiarized his PhD dissertation. She later received at least one more online threat and filed police complaints on them. The reason cited for the closure of the case was that there was no public interest rationale for continuing to pursue the case (Diură, 2023). Additionally, in November, the Bucharest Court of Appeal ordered the closure of another case, looking into the publishing of sensitive photos of Emilia Sercan and leakage of information from a police file

regarding those sensitive photos. A number of international and national organizations have raised serious concerns about the threats facing Sercan and the authorities' handling thereof in the past year (ActiveWatch, 2023).

There is no legislation in place aiming to prevent strategic litigation against public participation (SLAPP). Attention to and discussion of such cases has certainly increased in recent years, but it is not possible to say with any certainty at the moment whether the phenomenon itself is growing or how its size compares to what is happening in other countries. The advocacy group CASE (the Coalition Against SLAPPs in Europe) mapped approximately 0.13 SLAPP cases per 100,000 persons in Romania in a 2023 report. Countries with a similar number of SLAPPs CASE mapped were France, Hungary and Switzerland (with 0.12/100 thousand people) (Coalition Against SLAPPs in Europe, 2023).

The risk score on **Independence and effectiveness of the media authority is 32%**, and neither the score nor the situation itself have changed compared to last year. One weak point is the limited amount of resources allocated to CNA, more compatible with a somewhat minimalistic idea of what the CNA can or should do. While CNA funding has grown, but not significantly, if one takes into consideration the inflation and additional tasks for CNA arising from the adoption of Law 190/2022, which transposed the Audiovisual Media Services Directive. CNA's 2022 budget was 14.4 million RON, and the last public budget for 2023 was 18.7 million RON (30% more, while inflation from 2022 to 2023 was 10.4% per December data from the National Institute of Statistics). We do not have recent employee data, but at the end of 2022, CNA had 124 total employees, 10 less than at the end of 2021.

The indicator on **Universal reach of the traditional media and access to the Internet** has a 35% risk rating, and it has fluctuated significantly in the past few years due to changing statistics related to internet access and speed. It is important to note that rural-urban disparities persist in this area. Although Internet penetration has been growing, there are still almost 2 in 10 households that do not have internet access, per Romanian statistics, and this is more common in rural than in urban areas (Institutul Național de Statistică, 2023).

Focus on the digital environment

In March 2023, a legislative initiative on **cyber security** discussed in the previous MPM report (PI.-x 773/2022) became Law 58/2023. It introduced a number of institutional and regulatory changes strongly criticized by privacy and human rights experts from civil society organizations (APADOR-CH, 2022a).

Among other things, the new law added online “propaganda or disinformation campaigns” to the list of national security threats (by amending Law 51/1991 on national security at art. 3). CSO experts warned that this puts combating such “campaigns” under the purview of a number of new institutions, such as intelligence service. This was seen as problematic for a number of reasons, chief among which is the fact that it is not normally the task of defense and intelligence institutions in a democracy to make judgments on what kinds of speech is allowed in the public sphere (Valică, 2022).

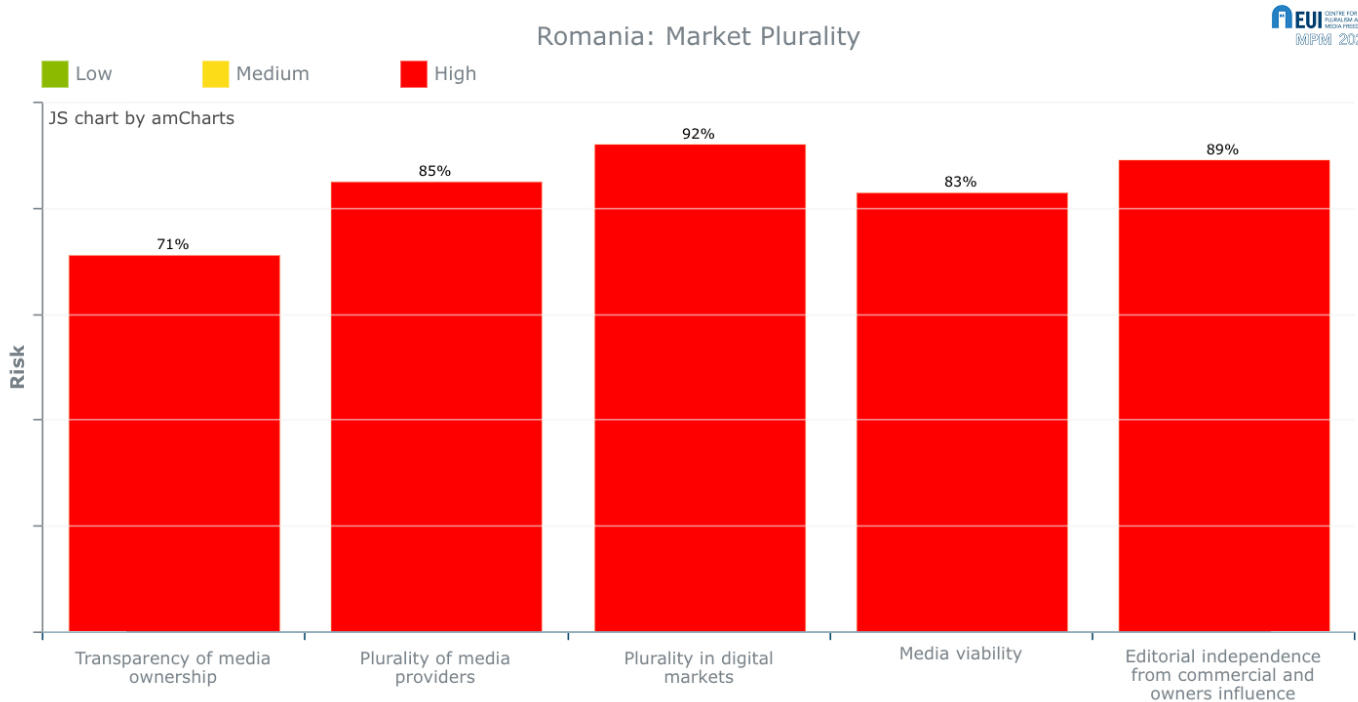
Concerns raised by CSOs about excessive controls on freedom of speech and of information were further stoked when, commenting on the prerogatives and responsibilities derived from the cyber security law, the leader of a division on cyber intelligence from the National Intelligence Service (SRI) stated that if one of the electoral competitors in the upcoming elections in Romania were to engage in “hybrid actions” cyber security authorities would have to step in. “If we get to people we know for sure are doing such things [disinformation campaigns], it’s the same, we get a national security warrant in less than an hour electronically signed by a director, a prosecutor, the general prosecutor, a judge from the High Court”, the official stated (Pora, 2023).

So far the Constitutional Court (CCR) has upheld the constitutionality of the law. In late 2023, the People’s Ombudsman, which had previously filed a request for the CCR to examine the law, refused a CSO request to do so again, arguing that the CCR has already ruled on this and intelligence agencies will, at any rate, only go after the most serious disinformation offenders (APADOR-CH, 2023).

In terms of the implementation of the **Digital Services Act** in Romania, the telecommunications regulator (ANCOM - the National Authority for Administration and Regulations in Communications) will oversee enforcement and handle cooperation with other Member States on the Romanian side. It is not clear whether ANCOM will receive additional resources to take on this responsibility.

3.2. Market Plurality (84% - 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 the highest risk score (84%) among the four MPM areas, as it did in previous years as well. All indicators register high risk scores.

Transparency of media ownership has the same risk score for 2023 as it did for 2022 (71%). One development in 2023 was the publication of the ownership structure of all companies holding radio and television broadcasting licenses, on the website of the regulator (CNA). Previously, this data would have been available - upon request and for a fee - from the National Trade Register Office (ONRC), so the CNA decision to publish the information made the information more accessible.

Still, the lists now published by CNA only cover audiovisual market players, and the requirements were already more strict for audiovisual media (per Audiovisual Law 504/2002). Meanwhile, for non-audiovisual media, there are no media-specific ownership and financial disclosure rules (the relevant law is just the general Law on Societies (31/1990). Completely full transparency is also hindered by the fact that media companies can be owned in part or in full by companies registered abroad whose ownership may or may not be fully known depending on regulations in the relevant country.

Plurality of media providers has the same risk score (85%) as in 2021, and 3 points above 2022. Audiovisual Law 504/2022 provides the only media sector-specific regulations on concentration, and it does not cover non-audiovisual media or cross-media ownership.

There is significant concentration in the media industry. The top four TV owners in Romania by audience share in 2023 were CME (PPF Group), Intact Media Group, Dogan Media and RCS (Digi Communications), as data from the European Audiovisual Observatory shows. In total the Top 4 owners account for 73% of total audience share in 2023. In 2022, the last year for which we have data, these four players commanded 70% of the TV ad market revenue (Initiative Media, 2023).

The top radio owners in terms of audience in 2023 were Radio Holding (Kiss FM, Magic FM), Europe Developpement (Europa FM), Media Camina (Radio Zu) and RDS/RCS (Digi FM), with a total audience share of 43%, per Radio Audience Study data. Media Fact Book estimates had the total ad revenue share of these companies at 91% in 2022.

In November 2023, the top four owners of online news media were Ringier Romania, RCS/RDS, PRO TV; and Adevarul Holding. Ringier owns Libertateea, which with 8.6 million unique visitors (counted as unique devices visiting) in November, appeared to have an approximately 86% audience share, if we are to go by 2023 estimates by industry group BRAT regarding the size of the online audience (approximately 10 million devices). RCS/RDS own the website for 24-hour news channel Digi 24, which had 8.4 million unique visiting devices in the same month. PRO TV owns the stirileprotv.ro website, which had 5.6 million unique visiting devices. Adevarul Holding owns both adevarul.ro (5.1 million unique visitors) and click.ro (4.3 million unique visitors).

Media viability has a risk score of 83%, and it is an indicator whose risks have ramifications across all areas. In the past few years, TV ad revenue has tended to grow somewhat, even taking GDP growth and inflation into consideration. Digital revenue has been growing, and in 2022 it took 35% of ad revenue across all media, but TV still takes the greatest share of revenue (54% in 2022) (Initiative Media, 2023).

In 2023, mid-year estimates from Media Fact Book projected that television ad revenue would remain stationary that year, at approximately 350 million EUR (p. 19), while real GDP grew by 2% per INS. Radio ad revenue decreased in the context of the pandemic and began to grow after but not on pace with inflation and GDP. In the previous few years, print ad revenue overall has decreased, and the same trend was estimated to continue in 2023, as well, with Media Fact Book publishing estimates of 11% print ad revenue loss. The digital advertising market experienced significant growth in 2022 (25%), reaching a value of 232.9 million EUR. But mid-2023 estimates from Media Fact Book projected that by the end of 2023, the digital ad market would grow by (only) 9% compared to 2022. According to the latest Media Fact Book, Google Search accounted for 43% of total digital ad sales (Initiative Media, 2023, p. 20).

Generally, given the lack of resources and the predominant commercial logic, innovation in any respect is limited in mainstream media, including in terms of revenue options. Audience membership as a source of revenue as well as crowdfunding are mostly used by startup journalistic organizations. In 2022 Libertatea - the second biggest news media website in Romania in terms of audience and second most popular daily newspaper - launched a donations campaign in 2022. It is a blended model relying on donations from readers who get some perks in return, like an ads free website, information about the newsroom's work in advance, the digital edition of the printed newspaper etc. It is the first example of a mainstream publication to ask for donations from the readers. Recorder, another niche media focused on video investigations, is one of the most successful examples of crowdfunded media content in Romania. It received almost 650.000 EUR from donations under different forms from companies and the public in 2021 (the most recent data). It also launched an online shop which sells T Shirts inspired by their investigations, just like another independent media outlet focused on investigations, Rise Project.

Editorial independence from commercial and owner influence has always been a very high risk area (89% this year). In 2023, some of these risks materialized at Gazeta Sporturilor and Libertatea, two of the top publications in sports news and general news, respectively.

Following disagreements with and pressures from the ownership on the newsroom leaders, in the fall of 2023, the Ringier Sportal bosses abruptly fired Catalin Tepelin, then editor-in-chief of Gazeta Sporturilor (GSP.ro), one of the largest sports news websites in Romania. Ringier Sportal is a joint venture between Ringier AG in Switzerland and Sportal Media Bulgaria, and it owns GSP, Libertatea and other publications. Tepelin cited several attempts at interference in editorial content from the company's management, related to the coverage of betting companies' activities. According to Tepelin, the ownership had also asked that they be shown articles related to betting companies prior to publication, a demand that was rejected. In an open letter, the GSP newsroom protested Tepelin's sacking, as well as management's intent to change editorial direction and interfere with the separation between the commercial and editorial sides (Dumitrescu, 2023, Redacția Libertatea, 2023a).

Less than a month after the Gazeta editor-in-chief's dismissal, the ownership also fired the editorial coordinator for both Libertatea and Gazeta Sporturilor, Catalin Tolontan, abruptly announcing the shut down of the print edition of Gazeta newspaper and making Tolontan's position redundant (Diură, 2023b, Redacția Libertatea, 2023b). Tolontan, who is one of the most reputed investigative journalists in the country, recounted in one of his last editorials on GSP.ro how at the beginning of the year the Bulgarian bosses urged Gazeta's newsroom to set up a lobby association for the betting industry. This would have followed the Bulgarian example, where the Sportal owner Stilian Shishkov set up and leads a lobby group for the betting industry. The newsroom leaders rejected the idea. For their part, Ringier Sportal maintained in several press releases that it was all a misunderstanding.

While no ownership-editorial conflicts of the kind we saw at Ringier came to a head in 2023, it is not uncommon for Romanian news media owners to face potential conflicts of interest, due to their other business ventures and the lack of regulation in this area.^[5]

There are no regulations or broadly-adopted (and enforced) self-regulations to prohibit the interference of owners or commercial parties with editorial content. There are no mechanisms, neither in the national legislation, nor in self-regulation, to protect rank-and-file journalists, either, in cases of change of editorial policy or ownership. This goes together with the lack of broad-membership and strong journalist's associations or trade unions to defend their rights.

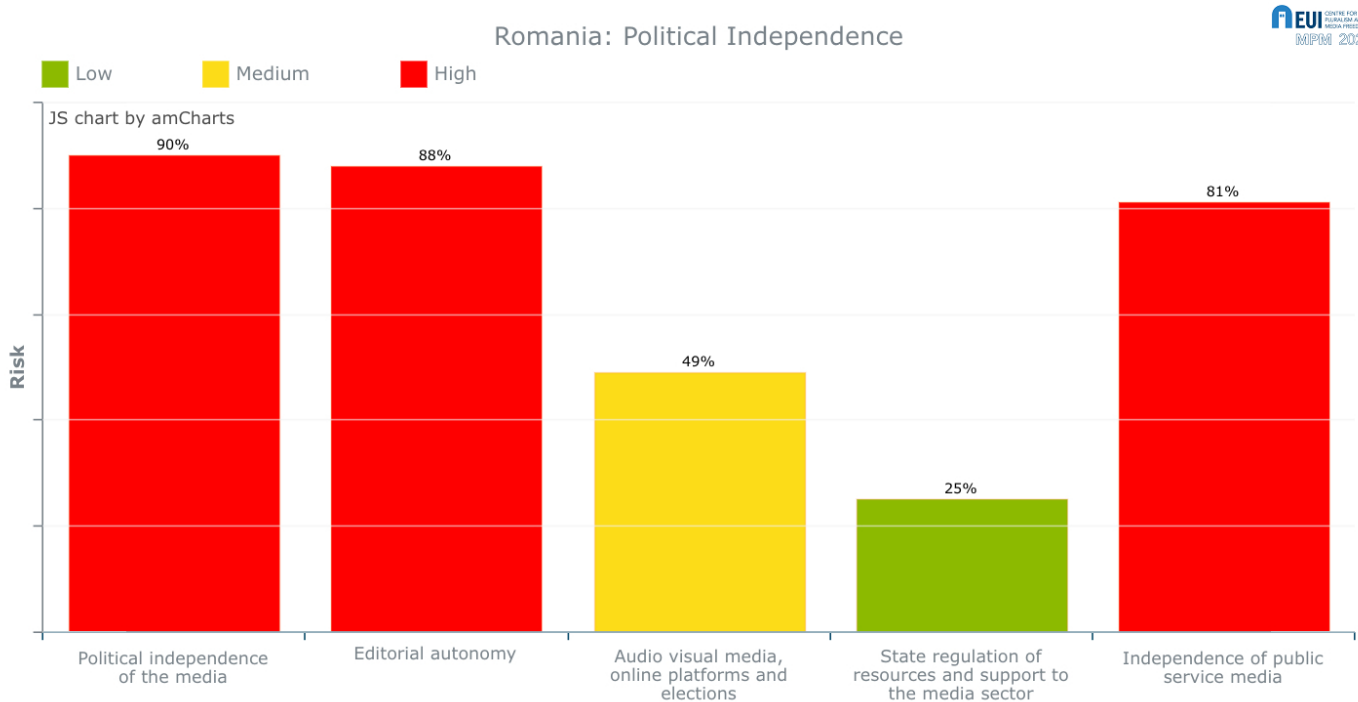
Focus on the digital environment

Lack of data is a significant challenge for assessing **Plurality in digital markets**, as well as other indicators in the Market Plurality area. The EU Copyright Directive (2019/790) was transposed in 2022, through Law 69/2022, thereby amending Law 8/1996 on copyright. 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, the National Strategy in the field of Intellectual Property adopted in 2023 does not address the issue of negotiating mechanisms or facilitation thereof at all.

The European Council Directive on Minimal Corporate Taxation (2022/2523) was transposed at the very end of 2023, through Law 431/2023. As tax experts explain it, the element of this law that enforces a minimal tax rate of 15% will affect companies only if the effective tax rate on them at the moment (in Romania) is less than 15%. The first deadline to report and pay up is in 2026. Given the intricacies of the law itself and of the legal situation of large streaming companies or social media platforms, it is as yet unclear how this new law will ultimately affect their tax obligations in Romania (Boiciuc, 2024, Avocatnet, 2024).

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.



The Political Independence area has a high risk score for the year 2023 (67%), the same one as in the previous year, reflecting a context that has suffered no significant changes. All indicators have the same risk scores as one year before.

The biggest issues in this have to do with **Political independence of the media** and **Editorial autonomy**, two indicators that are even more interconnected than other MPM indicators and that are both affected by the lack of regulation and self-regulation in some key areas. For example, the Audiovisual Law regulating the ownership regime for radio and television media does not contain any reference to conflict of interests between media owners and political parties or partisan groups. 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. There is also no law containing limitations to direct and indirect control of media by party, partisan group or politicians.

Editors-in-chief are vulnerable to arbitrary dismissals from owners, in part due to the lack of legal and self-regulatory protections. There is no law stipulating the conditions of appointing and dismissing editors-in-chief, this issue being left to the internal editorial regulations of each media company. For the most part, the top outlets in each segment of the market have an ethical code, but that is not the case with non-industry leaders. Moreover, not all ethical codes discuss editorial independence from political interference. Some ethical codes give owners significant leeway to influence editorial policy, as the code adopted by a number of television and radio stations reunited under ARCA does.^[6] Additionally, while posting an ethical code is

one thing, enforcement is quite another, as the case of Libertatea shows (2023 events at Libertatea discussed under Market Plurality).^[7]

The risk rating for **Audiovisual media, online platforms and elections** is unchanged (49%). Both media and political actors do no more than what is required by law, in terms of advertising, sponsorship and “collaboration” transparency, and what is required by law is very little.

Private channels do not do enough to inform the audience about the distinction between different types of content, especially between their own editorial content and airtime bought by the parties, and to signal who is paying for the content. Furthermore, because the law does not demand it, at the end of the campaign, there is not much transparency about how much various parties paid to which channels and for what content. To give one example, during campaigns one type of sponsored content that is allowed must be labeled as an “electoral show”, which can be paid for by one party and has more in common with an ad than with a regular show, but it can still feature the news/editorial personalities of the channel. There is no requirement to label a show as “content sponsored by [party name]”, and there is no reason to assume that regular people know how an “electoral show” is different from other types of shows.

Amendments to the Audiovisual Law made in 2023 cannot fully fix the transparency problems. First, these provisions are not entirely new. The new form of the relevant part of the law (Art. 34, para 2 on sponsorship) is “Sponsorship of news and current affairs programmes is prohibited”. The old form said that “Sponsorship of a programme service in its entirety, as well as of news, analysis and debate programmes on topical political and/or economic issues, is prohibited”. It is not clear why the latter is a significant improvement that would help avoid the problems revealed in the press and criticized by many observers. Additionally, the provisions of this law do not cover online media (or print).

Annual party spending reports that have to be submitted to the Electoral Commission and posted online only need to be broken down by large categories, such as “Protocol, ads and publicity” (Art 49 of Law 334/2006 indicates what goes into the reports and that they ought to be structured/broken down according to the Law on Accounting (82/1991). Parties can choose to provide more details but according to our research they do not.

There were no changes in the **State regulation of resources and support for the media sector** (25%). And a major reason why the risk score remains low is the lack of subsidies and regulation. The only indirect subsidy is a reduced Value Added Tax for print, but which makes little impact due to the low number and low circulation of print publications.

The issues with **Independence of public service media** (81%) remain the same as in previous years. The institutional design and the practice of Parliament so far do not provide incentives for public media to engage in long term planning and do not encourage performance, as there are no targets and no practice of debate and analysis prior to decisions about dismissals, appointments or funding (Median Research Centre, 2017b).

Focus on the digital environment

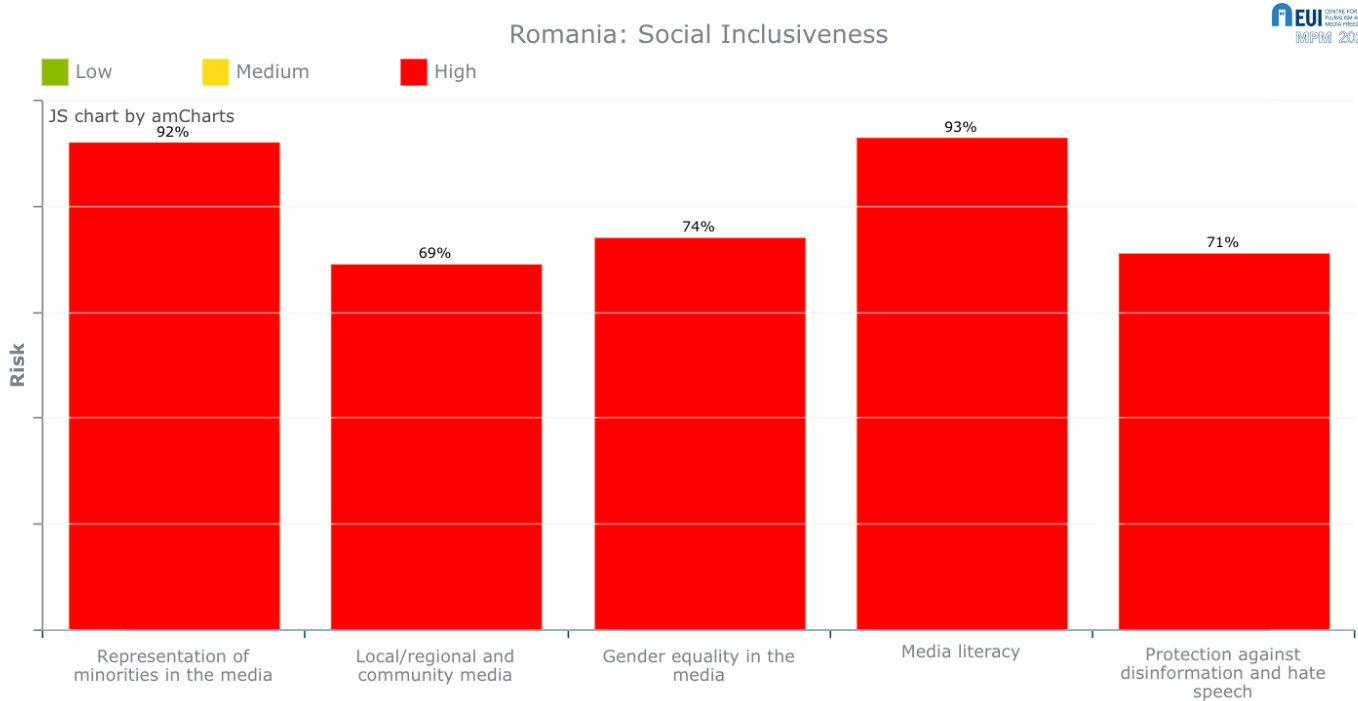
The regulatory framework on political advertising and political sponsorship of media content online is deficient, and that has remained unchanged since last year.

Law 334/2006 (art. 36(3)) lays out requirements that parties label audiovisual, outdoor and print ads - e.g. name of the electoral competitor ordering the ad and company producing it - but no such requirements are made for online ads.

Furthermore, leaked contracts and source statements appearing in some outlets in the past few years have shown that some top outlets (both television stations and online outlets) have accepted money from political parties in exchange for publishing certain kinds of content. At least sometimes, this was done without signaling this to their audience. A range of outlets has signed contracts with parties or intermediaries, both some perceived as more politically biased and some seen as less biased (Ilie, Voinea and Delcea, 2022; Andrei, 2022; Crăițoiu, 2022).^[6] In 2023 there were no regulatory or self-regulatory steps to change this.

3.4. Social Inclusiveness (80% - 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.



The Social Inclusiveness area registered a high risk score in the assessment for 2023 (80%), higher than for 2022 (72%). While for 2022, three out of five indicators registered high risk, this year all indicators had a high risk score.

Representation of minorities in the media has a very high risk score (92%), up 13 points compared to the previous assessment. The higher risk rating of this indicator is the result of some changes to the MPM questionnaire. A new variable - on diversity policies and their implementation in PSM, and there are no such policies in Romanian PSM.

Programming catering to the needs of minorities or representing minorities is limited. There is little programming in minority languages among public media, and none among the top commercial media. The main public television channel (TVR1) broadcasts its television news program only in Romanian. One of its regional branches provides somewhat shorter news shows in Hungarian.^[9] The public news radio channel Radio Romania Actualitati only broadcasts the news in Romanian. One of the regional radio channels has some news in minority languages, but they appear to cover only or mainly regional/local news.^[10] There are (minimal) provisions to facilitate some TV access for people with hearing deficiencies but not for people with sight deficiencies. The audiovisual law (art. 42) obligates broadcasters to provide at least 30 minutes of what it describes as programming on news, analysis and debate on political and/or economic themes related to current events" per day that features a sign language interpreter. Moreover, "programs of national importance" have to be interpreted in full or the broadcaster has to provide a summary in sign language.

The indicator on **Local/regional and community media**, which has undergone some expansion since last year, has gone up in risk rating (to 69%, from 56%). The high risk score on this indicator is in part due to the "high risk" assessment given to a new variable this year, related to the offer of local news services in local areas. In most counties of Romania, citizens have few local news sources to choose from. Rural areas are among the most vulnerable to lack of options in terms of locally-relevant media and over-reliance on television as a news source. Although Internet penetration has been growing, there are still almost 2 in 10 households that do not have internet access, per the available data, and this is more common in rural than in urban areas (Institutul Național de Statistică, 2023c). At the time of this writing, there are ten local news dailies registered with BRAT (Biroul Român de Audit Transmedia, 2024). We have no data on their penetration into rural areas but their circulation numbers are very low.^[11]

According to MRC estimates, there may be up to seven counties that have no regional or local media websites dedicated to those areas.^[12] In addition to the public regional stations, there are 14 television stations with local reach, based in cities, as well as a number of private regional TV stations, and almost all counties have at least one local radio station (Consiliul Național al Audiovizualului 2023a, 2023b). Due to lack of resources we are unable to collect data on how much news content is delivered by these stations. Civil society organizations and media observers have reported, in the past, that local media is very vulnerable to political pressure and have characterized some local media as outright politically controlled (Popa et al., 2014, Lupu, 2021, 2020).

Further contributing to the high risk assessment under this indicator is the lack of subsidies for local and community media, as well as the lack of regulation on community media in general.^[13] There are few community media initiatives, according to our research. There are two community radio stations in Romania founded through a project by NGO Activewatch but operated now by community members.^[14] Additionally, there are and have been a few other initiatives that could count as community media in Romania, but only one of them is currently active and it is online only (Radio Shalom Romania).^[15]

Gender equality in the media also has a high risk rating (74%). The risk rating is even higher than for 2022, when it was 63%. But this is not indicative of a worsening of the "fundamentals" in this area, as much as it is reflective of fluctuation in the share of women at the helm of *sampled* media (as overall managers, board members or as editors-in-chief). In the absence of existing studies or statistics, for some sub-indicators we follow MPM procedure and sample the top two media. As a result, score changes can be generated by changes in what media are at the very top within each sector from year to year.^[16] For 2023 compared to 2022, the share of women among members of management boards of private TV companies has reduced (to 29% from 31%) and the share of women among editors-in-chief in the leading news media also went down (to 37%, from 50%). On other sub-indicators, like share of women at the helm of public media, coverage of women or share of women invited as experts ratings did not change (not enough data and "high risk", respectively).

More data is needed to fully understand the gender dynamics in media organizations and in their output. The news media industry still appears male-dominated in leadership positions, but we do not have systematic evidence. At the very top management level, the gender balance in the media is slightly better at PSM than commercial media, based on our review of a small sample. At PSM, for example, we find 48% women among management boards and 33% women among executives, compared to 29% and 12% respectively among the top commercial media sampled. Female experts and panelists are significantly less frequently featured by Romanian media (Macharia, 2021).

Media literacy policies are underdeveloped in Romania, which is reflected in the very high risk rating (93%, the same as last year). There is virtually no media competences training in schools and that almost all media literacy training initiatives come from NGOs (Amprenta Digitala, 2023a, Toma et al., 2023). Some of the elements that are part of a media literacy education can be found scattered in various classes that are part of the core curriculum, but we want to emphasize that there are no “media literacy” classes in the core curriculum. There are some NGOs that run projects that target local communities, young people directly or people who work with youth (e.g. teachers, librarians), for example Mediawise Society and the Center for Independent Journalism. But their projects are limited geographically and in the number of direct and indirect beneficiaries due to limited resources, and in any case NGO projects cannot compensate for deficiencies in the national educational system.

Protection against disinformation and hate speech also has a high risk rating (71%, the same as last year). Romanian authorities view the problem of **disinformation** mainly from a national security perspective,^[17] with important consequences for the kinds of measures prioritized so far. This assessment seems to be shared by other CSO experts, like MediaWise expert Nicoleta Fotiade: “The logic behind [efforts to combat] disinformation [from the state] is one that pertains to disinformation that comes from a foreign source - from a foreign enemy that is trying to destabilize democracy. And so the solutions go in the direction of national security and censorship and less of debate, transparency and good communication of what the government is doing” (Amprenta Digitală, 2023b). Some of the recent state initiatives to combat disinformation not only are of questionable efficacy but also of highly questionable legality and compliance with respect for freedom of speech and of information, as discussed in greater detail under Fundamental Protection.

We lack the studies and analyses to assess the efficiency of anti-**hate speech** efforts from non-state actors or the efficacy of the efforts conducted by state institutions, compared to the scope of the phenomenon. In fact, the true scope of the phenomenon itself is difficult to grasp. A number of recent publications on the topic in Romania, while informative, do not actually contain systematic analyses of hate speech, instead reviewing isolated incidents or discussing other types of speech that, however problematic, do not qualify as hate speech. And attention to terms used and criteria for applying those terms is important because different legal and social costs are associated with different speech acts. For instance, incitement to hatred or discrimination is a crime punishable by a fine or a prison term of 6 months to 3 years, according to the Penal Code (Art. 369). While it is a contravention - according to Government Ordinance 137/2000 - to “instigate racial or national hatred or to behave in such a way that targets or threatens one’s dignity or creates an atmosphere that is intimidating, hostile, degrading, humiliating or offensive against someone or a group of persons or a community, with regard to their belonging to a particular race, nationality, ethnicity, religion, social category or category that is disadvantaged, or with regard to someone’s convictions, sex or sexual orientation” (Article 15).

Focus on the digital environment

A novel initiative related to "deep fakes" (PI-x. 471/2023) appeared on the parliamentary agenda in late 2023, and it may be subjected to a final vote in 2024. The bill, which attempts to introduce new obligations to label manipulated media, has been criticized by NGO experts for a number of reasons. Expert critics argue that the bill is redundant in parts because it would introduce penalties for acts that are already unlawful per existing law, as well as attempting to regulate things that will already be covered by an upcoming EU Artificial Intelligence Act (Manolea, 2024). Critics also argue the latest form of the bill does not reflect or address the available technical options and common practices of manipulated image producers. Finally, they argue that in some parts the regulation is excessively restrictive and unrealistic, for instance by requiring that manipulated images / films have a label that occupies no less than 10% of its size and by not including exceptions for images produced for satirical or artistic purposes (Activewatch, 2024b).

4. Conclusions

Developments in the news media industry and information environment in Romania in 2023 followed patterns discussed in previous MPM reports and highlighted inter-related risk factors we have drawn attention to in the past.

Deficient institutions, broadly defined, and weak or non-existent efforts to strengthen them, lie at the root of many of the problems the Media Pluralism Monitor assessment in Romania reveals.

- There are not enough regulatory or self-regulatory protections for journalists and the journalistic profession, leaving both the people and the integrity of the work vulnerable to undue pressures and to the dilution of their journalistic mission in subtle and insidious forms;
- Transparency requirements in a range of areas - from online advertising to ownership structure and potential conflicts of interest - are insufficient, resulting in incomplete information presented to the public;
- Deficient regulation is met by limited interest in developing self-regulation and enforcement mechanisms among media organizations, fueled by skepticism about the existence of sufficient common goals and norms.
- Weaknesses in the institutional design of public service media - which does not encourage long-term planning, performance and accountability - remain unaddressed;
- Too few organizations are exploring new business models that are less reliant on advertising revenue. Additionally, neither policy-makers nor journalists appear to have an appetite for creating a system of incentives and support for the production of high-quality information about public affairs and politics.

Below we outline a number of recommendations for policy-makers, media organizations and professionals to address some key issues within each area of the Media Pluralism Monitor.

Fundamental Protection

- Commercial and political pressures, combined with relatively limited regulation, leave journalists and journalistic norms vulnerable to the whims of owners, clients and other factors. Journalists should try to organize both within and across newsrooms to agree on common principles and goals and advocate for both themselves, as professionals and the profession's integrity itself.
- To reduce some of the challenges citizens face in accessing public interest information, Law 544/2001 should be amended, taking into consideration the critiques and recommendations of civil society organizations with expertise in this area.
- To help citizens access relevant information and help build trust in state institutions, authorities need to redouble efforts to provide transparency about public policy and communicate clearly and in a timely manner about issues of public interest. The recommendations of civil society organizations to improve access to data and government transparency and the Open Government Partnership Action Plan should be fully implemented.

- Law enforcement authorities should swiftly investigate threats or attacks against journalists and pursue indictments, where evidence allows. If getting justice for a regular citizen were not reason enough to do so, the importance of the associated rights of freedom of expression and of information in a democracy should stand as added evidence of the “public interest [value]” of such an investigation.

Market Plurality

- To empower citizens to make informed choices about their media sources, there should be greater transparency requirements related to ownership structure of non-audiovisual media and more regulation to prevent excessive concentration, including cross-media concentration.
- To help ensure that citizens have access to high-quality information about public affairs, policy-makers should consider creating assistance schemes that support the production of such information, following best practices from abroad.
- Media outlets would benefit from engaging in experimentation with new funding models, following successful test cases abroad and among smaller outlets in Romania.
- Media organizations should adopt, publish and create enforcement mechanisms for Codes of Ethics - individually, if not collectively, within industry groups. Codes of Ethics should unambiguously address the terms and conditions of the relationship between the editorial and commercial operations, journalists and ownership.

Political Independence

- To ensure citizens have full and accurate information about the media content they consume, the legal framework can be improved in a number of areas. Improvements can be envisioned in the regulation of sponsored content. even in the most well-regulated sector: audiovisual media. For example, the Audiovisual Law or CNA could require broadcasters to be more explicit and clear about what kinds of programs are sponsored by political actors and how sponsored programs differ from regular ones, as well as how opinion/debate-driven shows differ from factual programs. The legal framework also needs to be revised to introduce strict provisions for the labeling of political advertisements online. More detailed reporting requirements for how parties spend money on advertising and “protocol” (e.g. events, meetings) would also increase transparency.
- Additionally, introducing some regulations on political (and commercial) conflicts of interest could help protect journalists from undue pressure and give media consumers more information about their sources.
- 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.

Social Inclusiveness

- To provide more accurate and complete coverage and to ensure that relevant and credible sources are not systematically excluded due to factors like bias and routine, it would be helpful if media organizations developed policies on how they cover gender and minority issues as well as how they deal with and promote diversity of background within their organization.
- For both democratic and practical reasons, speech suppression cannot be the main strategy for mitigating the impact of mis- and disinformation among the population. But framing the circulation of bad information as primarily a defense and security issue, as available strategy documents do, favors solutions oriented towards speech suppression. Democratic norms and international legal commitments dictate that any restriction to the freedom of speech and information should be justified and proportionate, with careful consideration of the full scope of the problem and costs and benefits of different measures (ARTICLE 19, 2022).
- The capacity of Romanians to access a wide range of information and assess its quality in order to make well-founded decisions as individuals and as citizens of a democracy is in part dependent on their digital and media competencies. If the Romanian authorities are concerned about problems like the proliferation of mis- and disinformation, they need to develop a proper policy on boosting media competencies. Media competency training needs to be incorporated, preferably as a separate class, in the core curriculum, i.e. among the mandatory classes. How this is done should be decided in consultation with experts and stakeholders and taking into consideration examples from other countries.

5. Notes

- [1] 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] In 2021, the Constitutional Court declined to reconsider the constitutionality of the articles of Law 278/2006 that (first) decriminalized insults and slander/libel. Specifically, through Decision 234/2021, the Court rejected the issue raised by a Brasov Court of Appeal, all Constitutional Court judges arguing unanimously that there is no need to relitigate the constitutionality of those articles of law to address and resolve the case that the Brasov Court was actually facing. The case at hand had to do with whether Romanian authorities could and indeed had to abide by criminal warrants issued by Austrian authorities against a Romanian citizen, the Romanian having been accused of libel and deception (after accusing a Syrian citizen of being a terrorist). The Constitutional Court decided that there was no need to sort out the constitutionality of the articles of Law 278/2006 the Brasov Court had taken issue with in order to answer the legal question of whether the Austrian warrants had to be served or not.
- [4] The Civil Code does put in place some stipulations regarding one’s right to privacy (Art. 71), dignity (Art. 72) and the right to one’s own image (Art. 73). At the same time, the Civil Code also emphasizes the right to freedom of expression (Art. 70), and the law requires that the right to freedom of speech and the other above-mentioned rights be balanced against each other. For instance, according to Article 74(f), it is a violation of one’s private life if one publishes information about someone’s family or intimate life. But Art. 75 also says that none of the rights mentioned above (privacy, dignity, right to one’s own image) are violated by an action that is “permitted by law or international conventions or pacts regarding human rights that Romania is part of” (Art 70(1)) or by “exercising one’s constitutional rights and freedoms in good faith and while respecting international pacts and conventions that Romania is part of” (Art 70(2)). The Civil Code also includes Art. 253, which explains how people can pursue damages for violations of the above-mentioned rights (to privacy etc). Should a person succeed in such a court case, the offending party (e.g. news outlet) could be obligated to remove the content, pay damages or even publish the court ruling. However, according to Art. 255, in order to obtain a take-down of the content before all possible legal avenues have been exhausted (i.e. before the case has made its way through the courts to the point that there is no more room for appeals) the person filing a complaint has to prove that their rights were violated and that the damage they suffered is “severe”, that the actions that they were subjected to were not justified according to Article 75 and that the action of taking down the content would not be disproportionate to the damages brought upon the claimant.
- [5] The Grivco Group, Antena Holding SA and Antena Group are all controlled by various members of the Voiculescu family. The Grivco group has interests in a number of areas, including real estate and food production. Until last year, the owners of one of the top news sites, ziare.com, were also

majority stakeholders of a major bread and baked goods producer (Vel Pitar), which is part of what led to a conflict with the newsroom in 2020-2021 over pressure to publish some articles that made it sound like plastic-wrapped bread products are more COVID-safe than non-wrapped products (benefitting Vel Pitar) - a case we discussed in earlier editions of MPM. The owners of Ziare.com are a company that is also involved in real estate development. Digi Telecommunications, where Zoltan Teszari is the majority owner (over 78%). Digi Telecommunications, also known as RDS/RCS, is one of the top providers of Internet, television and phone services, as well as owner of Campus Media TV, which in turn owns the Digi TV and radio stations, including Digi 24, a 24-hour news and commentary channel. The relatively new owners of Hotnews.ro, a major news website, are also in the movie and ad production business, per media reports.

- [6] The ARCA code lists among its principles the idea that "Editorial integrity and independence must be preserved in the face of any external interests, any political or commercial pressures and any personal interests". However, it also says that "The broadcaster may intervene in editorial activity whenever it deems necessary, and in particular when the delegation of editorial policy does not produce the presumed effects." Moreover there are no specific clauses about avoidance of / interdiction of arbitrary dismissals, appointments, demotions, interference and so on.
- [7] Libertatea has a very brief code of conduct posted online and a Ringier code of conduct posted (Ringier Sportal is the owner of Libertatea). The Ringier code mentions independence very vaguely: "Journalistic independence is the basis of information and entertainment in the form of print, digital and online media and electronic media within Ringier. Media supports present freedoms, but also responsibilities, rights and obligations. As journalists of the Ringier Group, we act independently of individuals, companies and public authorities and avoid breaking the rules in our work." The Libertatea code makes a brief mention of the ideals of accuracy and balance and a commitment to "nonpartisanship", as well as to viewpoint diversity, explaining in addition that "The editorial staff follows the principle of "audiatur et altera pars" (let the other side be heard). The effort should be made whenever journalistic rules require it, not just on topics with potential for multiplication. This principle requires a careful attention to include stakeholders and relevant voices. Like any effort, it is made within the limits of resources, to ensure accuracy of content and by virtue of journalistic rules of verification and completeness of information."
- [8] Outlets reported as having contracts with parties or intermediaries include: 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).
- [9] TVR Targu Mures has a Hungarian-language regional news broadcast at 9 am (10m), 4 pm (10m) and 5.30 pm (25m).
- [10] This is as part of a one-hour slot that also includes music and other content (Radio Timisoara has a German slot from 7pm, a Hungarian slot from 8pm, and Serbian slot from 9pm).
- [11] Mean circulation for this group was 2,9 thousand in October-December 2023.
- [12] To gauge the number of local news websites, we compiled data from a number of sources: outlets registered with BRAT's Study of Audience and Internet Traffic (SATI), outlets included on the Media Cloud Romian local news lists and outlets on Similar Web. Note, however, that this is an estimate. There may also be some Facebook or social media pages delivering news- or news-like content, although they may be politically affiliated, as discussed in the 2019 online media environment report by MRC (Popescu et al., 2019), and that some national papers - notably Adevarul - publish some locally-relevant news.
- [13] There is no legal regulation of community media in Romania, aside from a definition provided by the Romanian Audiovisual Law, Art.1 (1) 6, namely that "a television or radio community service is a

service which broadcasts audiovisual programs destined for a public belonging to a specific community”. The definition does not include two of the main features usually assigned to community media in the literature, its non-profit nature and its independence from authorities and commercial subjects, thus much confusion can arise in establishing what constitutes community media in Romania.

- [14] In Sfântu Gheorghe (pop. under 1000, Tulcea County) and Varvoru de Jos (pop. cca. 3000, Dolj County).
- [15] For 2022, the following made the list: TV: Pro TV, Kanal D; Radio: Radio Zu, Kiss FM; Newspapers: Click, Libertatea; Digital native: Playtech; Fanatik. For 2023, the TV list was Pro TV and Antena 1, and the rest of the list was the same.
- [16] Radio Shalom is a radio that streams online and is run by the Jewish Community Center, an organization based in Bucharest. Additionally, Radio Pata is a radio project that is still in the works (not yet on air as of late November 2023), set up by three Romanian NGOs (AltArt Foundation, the Association of Roma from Coastei, the Center for the Study of Democracy) a Norwegian organization (BIT Teatergarasjen) and a state institution from Cluj.
- [17] The 2020-2024 edition of the National Defense Strategy - a regularly updated document outlining the threats to national security that Romanian state institutions involve in security and defense see and what solutions are considered suitable - talks about combating disinformation from a perspective that is very focused on the threat posed by hostile actors deliberately spreading false information (Strategia Națională de Apărare, 2020). It mentions “informational activities (hostile/influence activities in the public space, disinformation, the spread of fake news) as one of the recent trends that could affect the state’s security, outlining measures like “ increasing awareness about influence/hostile operations”; “boosting "critical thinking skills about the risks associated with informational aggressions” through the educational system; and “large-scale promotion of educational programs to boost digital and online security skills. Although the Supreme National Defense Council (CSAT) apparently approved a document called a “National Strategy for Strategic Communication and Combating Disinformation” in 2021, it has not been shared with the public anywhere, nor was it ever discussed with non-governmental stakeholders, according to our research. In a 2023 report, a Bucharest-based think-tank cited anonymous sources from inside public institutions saying that it was never implemented (Global Focus Center, 2023).

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ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2024 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>George</i>	<i>Chiriță</i>	<i>Executive Director</i>	<i>Romanian Audiovisual Communications Association (ARCA)</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>

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