

The public press in Romania has been under constant pressure from politicians and has become increasingly dependent on the national budget over the past two years. Within the private companies the situation is much not better. In PB 63 we analyze the most important effects of the involvement of politicians in the media landscape

A black and white photograph showing the silhouette of a person from behind, looking at a screen. The screen displays a dense, textured pattern of small, light-colored dots or pixels. The person's head and shoulders are visible against the dark background.

Media clientelism in Romania 2016-2018

The elimination of the radio-TV tax by the Social Democrat Party was probably the most important political initiative that will turn the public media even more clientelistic, as both the national radio and TV companies become strictly dependent on the will of the politicians. The public media in Romania have been under constant pressure from politicians and have become more dependent in the last two years from the national budget.

In the past months, a series of visible derailments in terms of independence and orientation on public interest of TVR have been visible, as some shows have been either reduced or totally removed from the program. On the other side, the performance criteria for the management of the institutions are rather fuzzy and long term discussions lead to no result.

Maybe some of the clearest positions regarding the political perspectives on the role of the public media was expressed by Lucian Romaşcanu, former member of

the Parliament and Minister of Culture that declared that the modernizing of the public media should transform them into "professional bodies of communication of the Romanian state"¹.

The mission of the public media remains a difficult question, due to the lack of specific indicators and premium products that can draw the audience. Their financing does not seem to be directly tied to products of the public mission.

Cristina Lupu, media expert in Bucharest stated in an intervention during a public debate organized by EFOR that things are going backwards and the situation of the media is getting worse due to political pressures². The pressures also come from other institutions that are used as a tool to silence journalists. If bad articles are written about some of them, than the risk of an immediate fiscal or labour related control is imminent.

On the other side, the National Audiovisual Council continues to be a weak and politicized institution, with rather slow and soft reactions towards the derailments. Its faulty functioning has been criticized by the civil society, but also by the general public, as the institution was a target of the protests in 2017³.

Clientelism appeared in relatively common mechanisms to state-owned companies: excessive hiring, nepotism,

"arranged" procurement and over-valued or underestimated sales. But there were also specific forms, such as the aversion to risk. The investigative segment of national television and radio stations is low or non-existent due to official management policy; the absence of such production is evidence of a submissive behavior that must not affect the decision makers.

The management of the public media and CNA had integrity issues and they were under criminal investigations or marked by incompatibilities. The appointment and dismissal procedure for the presidents of the public media remains a vulnerability, as the Parliament can change the leadership of the companies early; this procedure might also be extended to the national press agency, Agerpres.

Significant derailments from the professional standards have been visible during the elections in 2016 and the protests in 2017. The justice reform has been a fertile ground for disinformation, propaganda, conspiracy theories or fake news, widely propagated by TV stations such as Antena 3, B1 TV or Romania TV, but also by newspapers such as Evenimentul Zilei. Some of them have been the target of a public campaign of boycotting their advertising contracts with some companies. A part of the big clients stop broadcasting their commercials on

http://economie.hotnews.ro/stiri-media_publicitate-22057593-alexandru-giboi-acuza-intr-scrisoare-deschisa-adresata-ambasadelor-doreste-transformarea-agerpres-radioului-televiziunii-publice-din-organizatii-media-scopul-informare-profesionista-birouri-presa-fact.htm

¹ http://economie.hotnews.ro/stiri-media_publicitate-22057593-alexandru-giboi-

www.expertforum.ro
[acuza-intr-scrisoare-deschisa-adresata-ambasadelor-doreste-transformarea-agerpres-radioului-televiziunii-publice-din-organizatii-media-scopul-informare-profesionista-birouri-presa-fact.htm](http://economie.hotnews.ro/stiri-media_publicitate-22057593-alexandru-giboi-acuza-intr-scrisoare-deschisa-adresata-ambasadelor-doreste-transformarea-agerpres-radioului-televiziunii-publice-din-organizatii-media-scopul-informare-profesionista-birouri-presa-fact.htm)

² Cristina Lupu (CJI) despre presa în 2017, resurse publice si clientelism în mass media locală, <https://www.youtube.com/watch?v=WvUbbVZhkJI>

³ <http://www.cna.ro/Comunicat-de-pres,8186.html>

Antena 3 or Romania TV for a short period of time⁴.

Some of the biggest media companies are still marked by legal issues, as owners either have been arrested, convicted or are under criminal investigation for varied crimes of corruption, but also blackmail or economic misdemeanours. These owners – such as Dan Voiculescu or Sebastian Ghiță - also used their own media in order to support their cause and fight against the stability and independence of justice.

A rather high number of pressures on journalists have been reported. In some situations, politically tied owners impose their vision over the news; journalists are fired for public comments; whistleblowers are dragged into commissions for speaking out about the abuses in their institutions. Some of the well-known journalists have run for political offices in 2016; names such as Robert Turcescu were elected in the Parliament. Two members of CNA have shown their intent to candidate in the elections.

Media policy is rather unpredictable and based on political priorities instead of arguments and data; there is low political will to fight clientelism in the policy development process. By short, the public policy in the media sector is either random or based on political interests. Although there are some positive amendments to the legislation regarding the media or the transparency, the last two years brought a series of initiatives targeted to erode the rule of law and the freedom of speech. We can mention

attempts to criminalize insult or calumny, to impose very harsh sanctions for “social defamation” or to introduce more severe rules for data monitoring.

The last 2 years represented a positive trend from the financial perspective, as several major media companies made a profit; there are still media outlets that register losses rather than profit, such as Realitatea TV. Overall, lack of money remains a major problem in the media market, especially in the local media. The media advertising market seems to follow ascending trends, reaching towards the profit records in 2008, before the crisis. Online and TV remain the most used channels, while the printed media is constantly thinning, together with the advertising. Local media remains captive, with low resource and dependent on the capacities of the owners, including politicians or politically connected leaders in the communities.

Investigative journalism had some successes, as online platforms or independent projects such as Rise Project have published highly viewed articles about important politicians or corruption cases. The independent platforms have had a slight increase in the last two years and some of them are supported by public contributions. However, the question remains about their long-term sustainability and whether they can become functional based on a commercial pattern. The investigative segment in the national TV and radio stations is reduced or inexistent, due to the official politics of the management; the absence of such production is a proof

⁴ https://economie.hotnews.ro/stiri-media_publicitate-21605668-analiza-cum-resimt-antena-3-romania-

of safe behaviour and does not affect the political decision makers.

Clientelism-free media policy is rather far away

One of the media experts we consulted considers that *there are no efficient barriers to clientelism. The only barriers that may bring some support is provided by the audiovisual legislation that limits ownership on AV media based on a complicated algorithm to measure "editorial influence" (involves shares and audience rates).* Moreover, *despite some mechanisms in place, the country is not able - or interested - to deal systematically with clientelism in the legislative process.*

Generally speaking it seems that the Romanian state has a chronic lack of vision and arguments when it comes to legislating. One of the experts states that *apart from the AV media ownership data collected by CNA, no other data regarding the media sector is collected and published by the state. Media policy is not based on data, also starting from the fact that the media sector is one of the least researched sectors in Romania.* Moreover, *media policies are themselves clientelistic and adopted in order to serve party interests.*

One of the major amendments to the legislative framework is the elimination of the radio TV tax that was highly

prompted during the electoral campaign for the Parliamentary elections in 2016. Through a populist initiative, in an electoral year, the Social Democrat Party (PSD) eliminated 102 taxes⁵, including the ones covering the TV-radio tax. Although it was one of the lowest taxes in Europe (1.5 EUR), it covered a part of the expenses for the already indebted public media companies. According to the amendments, through the annual budget law, the Romanian Radio Society (SRR) and the Romanian Television Society (SRT) receive funds for functioning and development. The Romanian TV was given 211 million EUR, while the Radio received 85 million EUR; in comparison, all the publicity in the private media gathers 350 million EUR per year⁶. SRT received in 2017 from the government an increase of 662% compared to 2016; the sums also cover a historic debt of more than 150 mln. EUR⁷. The difficult financial situation led to the suspension from European Broadcasting Union (EBU); TVR was not allowed to broadcast Eurovision. The populist decision may have a significant impact on the independence of the public media and might have opened a wide opportunity for consolidating the political clientelism; the decisions were highly criticized by the civil society and the public opinion⁸.

⁵ http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=15991

⁶ <http://www.tolo.ro/2017/01/23/guvernul-da-televiziunii-si-radioului-public-300-de-milioane-de-euro-aproape-atit-cit-iau-din-economia-privata-impreuna-toate-sutele-de-siteuri-radiouri-ziare-si-televiziuni-private-la-un-loc/comment-page-1/>

<https://www.paginamedia.ro/2016/05/media-fact-book-piata-de-media-in-2016-estimata-la-351-de-milioane-de-euro>

⁷ <https://www.paginamedia.ro/2017/01/buget-tvr-2017>

⁸ <http://bucurestifm.ro/2016/10/19/ong-urile-critica-propunerea-de-eliminare-a-taxelor-radio-tv/>

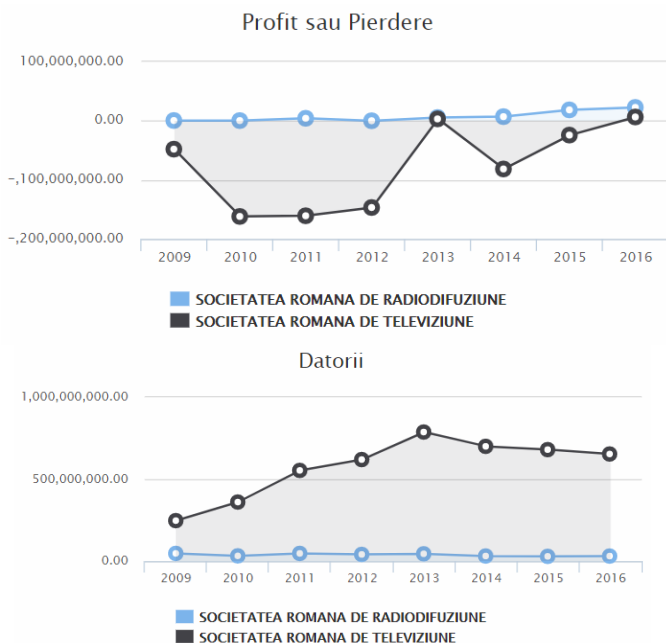


Figure 1 Profit or loss SSR vs SRT; debts
Source: termene.ro

Another potential clientelistic initiative was promoted through Law 83/2016 amending Law 8/2006⁹. Journalistic associations – amongst others - have been included on a list of retired creators that can receive a compensation that represents 50% of the pension, but no more than 2 gross salaries; they have to be members in a union of creators with public utility status. Still, only the Union on Professional Journalists in Romania/ Uniunea Ziaristilor Profesioniști din România seem to be eligible; therefore, the law can be considered to have a clientelistic potential. The press wrote that three members of the council have the rank of colonel in the army; and *Senator Voichițoiu acknowledges from the*

statement of reasons attached to the bill that the idea came from UZPR¹⁰.

Another controversial initiative of the same UNPR senator, Haralambie Voichițoiu is the instauration of the Day of the Journalist for 28th of June¹¹. The project has been criticized by civil society organizations and regarded as retrograde and rather restrictive; the project is still in the Parliamentary process¹².

Law 504/2002 of the Audiovisual was slightly amended in 2016. The media covered by the law must ensure the political and social pluralism, diversity and education of citizens, with the enforcement of human rights and liberties. Also, the media providers must assume cultural and scientific responsibilities; initially, the TV stations were bond to include in their programs at least one minute of scientific and technological information, but the law was changed in the Senate¹³. In 2016 and 2017, the Audiovisual Code was amended and included changes referring to the protection of the minors, discrimination (making the provisions more inclusive) and a few new rules for publicity.

Law 144/2016¹⁴ modified the FOIA legislation by extending the categories envisaged for providing information. The amendments added categories such as public utility operators, political parties, sports federations and public utility NGOs

⁹ <http://www.lexex.ro/Legea-83-2016-146627.aspx>

¹⁰ <https://pressone.ro/uniunea-ziaristilor-cu-epoleti/>

¹¹

http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=15575

¹² Activewatch, *Freeex Report, Libertatea presei în România 2016-2017*,

<http://www.activewatch.ro/Assets/Upload/files/Raport%20FreeEx%202016%20-%202017.pdf>

¹³ http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=15322

¹⁴

<http://legislatie.just.ro/Public/DetaliiDocumentAfis/180069>

that receive public funding¹⁵. Moreover, in 2016, the government amended the norms for Law 544/2001 and introduced some provisions that enhance transparency¹⁶. Some of the most important are related to the provision of information in certain formats, including open ones; clarifications regarding costs of information and timeline; accessibility for persons with disabilities; providing templates; procedures regarding complaints.

The Ministry for Public Consultation and Civic Dialogue and Expert Forum published a manual covering court decision related to Law no. 544/2001 regarding the free access to information of public interest, especially exceptions from the information that must be published. Most difficulties are encountered in providing information on how to spend public money and public procurement¹⁷.

Several new laws or amendments seem to have the purpose to limit the freedom of speech and to serve party interests:

- The initiative of Liviu Dragnea, president of the Social Democrat Party related to the social defamation attracted harsh critic from the public opinion¹⁸ due to the fact that imposed high sanctions for unclear and discriminatory provisions. For

example, defamation can be considered a simple declaration through which a person is put into an inferior position on the basis of its membership to a certain social group – which is quite a vague and potentially abusive provision. The project has received a negative vote and for more than a year is idle in the Parliament¹⁹. Still, during the extraordinary congress PSD held in March 2018, Liviu Dragnea upheld the nationalistic speech, by stating:

Let's start saying some truths. Romania is a sovereign state, but when politicians, heads of institutions, known voices of the society sabotage the country, with anti-Romanian statements, we lose independence, dignity, respect and we do not win anything in return. The defamation of one's own country through a lie is a very serious deed²⁰.

- At the end of 2015, the controversial former ALDE senator Cristiana Anghel proposed a series of amendments to the Criminal Code in order to reintroduce calumny and insult; this can prove to be a serious threat for the

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<http://legislatie.just.ro/Public/DetaliiDocumentAfis/180069>

¹⁶

<http://legislatie.just.ro/Public/DetaliiDocument/179920>

¹⁷ <http://expertforum.ro/jurisprudenta-acces-informatii/>

¹⁸ <http://activewatch.ro/ro/freeex/reactie->

⁶ <rapida/apel-catre-deputati-fiti-toleranti-nu-votati-legea-defaimarii>, [<legii-dragnea-o-lipsa-cronica-de-intelegere-a-fenomenului-discriminarii/>, <http://www.comanescu.ro/lectia-facebook-pentru-liviu-dragnea.html>](http://www.apador.org/proiectul-</p>
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http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=15191

²⁰ <https://www.hotnews.ro/stiri-politic-22333537-live-text-congres-psd-alegeri-pentru-noua-conducere-nationala-presedinte-executiv-secretar-general-16-vicepresedinti.htm>

journalists²¹ and is part of a longer series of similar proposals. In 2016 it was rejected by the Senate²². In 2017, the Government has advised negatively the act and the project has not evolved in any direction.

- The “Big Brother” odyssey continued, although it was frequently criticized by the civil society and journalists²³. The law refers to the obligation for telecom operators to retain data and to make it available to investigators with the consent of a judge. In 2014, the Constitutional Court (CCR) considered some provisions of the law illegal. George Maior, Director of the Romanian Intelligence Service (SRI) resigned due to this fact. In 2016 CCR decided – through Decision 621/2016 - that the new piece of legislation is constitutional. Law 203/2015 allows SRI to access data from the internet suppliers, but only with the approval of a judge. The users are monitored when they access the internet, the equipment used and the browsing history. The information is kept for at least three years²⁴. The most important and contested provision states that at the request of the courts, prosecutors or bodies with

attributions in the field of defense and national security, with the prior authorization of the judge, the providers of public networks make available the information in no more than 48 hours.

An initiative that failed to be adopted by the Parliament stated that all TV and radio broadcasters have to play the national anthem²⁵. CNA has voted against the legal proposal.

Law 66/2017²⁶ modifies OUG 25/2013 (anti-rebate ordinance) that practically eliminated publicity agencies from the relation between beneficiaries and audiovisual entities. The current law eliminates the article that states that buying ad space can only be done by an intermediary in the name of the final beneficiary, with no negotiation space. OUG 25 was badly received by the agencies, as their incomes have gone down significantly due to this provision²⁷. The conclusion related to the legislative framework is drawn by one of the experts we consulted: *there is legal framework, but not effectively applied.*

The incapable guardians

The National Audiovisual Council (CNA) is the institution that oversees the quality of TV and radio productions and supervises the media market. The members of the CNA are named by the Parliament and

²¹

<https://www.senat.ro/FisaSenator.aspx?ParlamentarID=0e8578f8-3b96-49d2-9391-636ff922b861>

²²

http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=15557

²³ <http://expertforum.ro/legea-securitatii-cibernetice-inca-o-tentativa-a-serviciilor-de-intra-in-viata-privata-a-cetatenilor-e-neconstitutionala/>

²⁴ <https://privacy.apti.ro/2016/02/09/scrisoare-deschisa-pentru-o-securitate-informatica->

<sanatoasa-5-principii-pentru-un-act-normativ-coerent/>

²⁵ <http://www.mediafax.ro/cultura-media/cna-nu-este-de-acord-cu-obligarea-statiilor-radio-tv-private-de-a-difuzarea-zilnic-imnul-national-15366681>

²⁶ http://www.cdep.ro/pls/proiecte/upl_pck.proiect?cam=2&idp=15567

²⁷ <https://www.paginademedia.ro/2017/03/profitro-ultima-ramasita-a-ordonantei-anti-rebate-a-fost-eliminata>

monitored by a parliamentary commission that debates the annual activity and budgetary reports in April of each year. In the online and printed media there are no institution that can oversee the activity.

CNA's activity has been publicly criticized for politicization and clientelism. The members of the board are nominated by the political parties and their activity is frequently viewed in connection to the interests of political entities. Also, civil society frequently criticized CNA in 2016, especially due to the fact that it was an electoral year, with both local and parliamentary elections. The institution was blamed for not apply the law, as the members do not meet with the required frequency and the sanctions applied to the media outlets are often not dissuasive²⁸.

A monitoring of 2016 shows that the members of the board did not held 17 meetings due to lack of quorum²⁹. In 2017 they held 62 meetings (compared to 52 in 2016) and gave a number of 46 sanctions summing up to 350.000 EUR³⁰ out of 4250 complaints received.

The electoral campaign was marked by nationalistic, xenophobic messages, with significant derailments. The media and the social media represented an

important tool for the distribution of such messages. In 2015, the legislation was modified and for the first time in the elections that took place in 2016 on-line political advertising and TV received more importance.

Conspiracy theories and disinformation were strongly used by parties such as United Romania (PRU) or the Social Democrat Party (PSD). The reactions of CNA were rather weak and late³¹. Most of the sanctions were applied for breaking the regulations related to the electoral campaign (the presence of a single candidate, masked advertising, electoral campaign during the e-day etc). Some of the most toxic messages were produced by Romania TV, one of the media outlets that strongly insisted on the involvement of George Soros in the electoral campaign and protests. The television was fined with 30.000 lei for fake/fabricated news; actually it was the most fined TV station in 2017. Some other fines were applied in the beginning of 2017, the most important quantifying the sum of 100.000 lei. B1 TV station was fined with 5.000 lei for potential fake news. Antena 3 and Romania TV got the most significant fines in 2016³².

Antena 3 was fined by CNA for presenting a re-enactment in which Mihai Goțiu, a politician from an opposition party

²⁸ *Somnul CNA naște monștri mediatici. Apel pentru deblocarea și evaluarea activității CNA*, 25.01.2017, <http://www.cji.ro/somnul-cna-naste-monstri-mediatici-apel-pentru-deblocarea-si-evaluarea-activitatii-cna/>; Activewatch, Freeex Report, Libertatea presei în România 2016-2017, <http://www.activewatch.ro/Assets/Upload/files/Raport%20FreeEx%202016%20-%202017.pdf>

²⁹ <http://www.paginademedias.ro/2017/01/reactie-activewatch-somnul-cna-naste-monstri-mediatici-cerem-verificarea-de-urgenta-a-situatiei-dezastruoase-a-consiliului-in-sedinta-publica>

³⁰ <https://www.paginademedias.ro/2018/03/raportul-de-activitate-cna-2017>

³¹ <http://www.activewatch.ro/ro/freeex/reactie-rapida/consiliul-national-al-audiovizualului-martor-pasiv-al-intoxicarilor-si-manipularilor-de-la-romania-tv>. See also the electoral monitoring report published by Fiecarevot campaign / Expert Forum - <http://expertforum.ro/raportul-de-monitorizare-a-alegerilor-parlamentare-din-2016/>

³² <https://www.paginademedias.ro/2017/02/amenzi-cna-2017-romania-tv-si-antena-3-mai-amendate-intr-o-luna-decat-in-tot-anul-2016>

chambers in the Parliament³⁹. Miculescu was dismissed by the Parliament and replaced by Georgică Severin in 2017.

In 2016, the anticorruption prosecutors started an investigation at TVR regarding procurement procedures organized between 2005 and 2016 for commercial services⁴⁰. An investigation was also started at SRR for conflicts of interests and abuse in office as 11 members of the board have given contracts to companies that they controlled in an indirect manner⁴¹.

In 2016, respectively 2017 the boards of the national TV and radio have been dismissed by the Parliament as the activity reports were rejected. The proposals for the position of President Director of the SRT have been rejected several times by the Parliament, causing protests from the opposition parties, but also from the employees of the television in multiple occasion. The new President, Irina Radu, was dismissed after a year⁴². A new president was appointed in September 2017, Doina Gradea.

The experts we consulted marked the institutional framework in a rather negative manner and characterized it as *inconsistent*.

Basic rights and media freedoms – are they really there?

³⁹ <https://www.paginademedia.ro/2017/02/40-de-angajati-ai-radioului-catre-consiliul-de-administratie-va-cerem-urgent-o-sedinta-despre-incompatibilitatea-presedintelui-ovidiu-miculescu/>
<http://expertforum.ro/scrisoare-incompatibilitate-miculescu/>

⁴⁰ <https://www.agerpres.ro/cultura/2016/09/05/tvr-dna-desfasoara-o-actiune-de-verificare-ce-vizeaza-contracte-comerciale-din-ultimii-10-ani-15-15-40>

⁴¹ <http://stiri.tvr.ro/perchezitii-la-radio-romania-sunt-vizati-membri-ai-consiliului-de-administratie-->

One of experts stated that *the Code for Audiovisual prescribes some norms, but their implementation is weak*. Another one stated that *ethics is not a barrier, freedom of the press is disregarded inside media community*.

In 2016 and 2017 several journalists working in the private media have been fired or quit the newsrooms accusing censorship or politicization. Pressures on journalists have been reported at the national radio. Gabriel Basarabescu stated as whistle-blower that a show was taken for him due to his coverage of Moldova and the new bureaucratic Ciolos Government; the reasons stated by the management are related to the fact that Basarabescu did not follow the requested format⁴³.

Whistleblowing remains a sensitive topic, as practically the adequate protection is still not in place. Alexandru Rusu and Cătălin Gomboș are journalists working for Radio Romania that have been under investigation as they have criticized the way the management of the institution ran a campaign against the modification of the Law 41 (referring to the separation of the Director and President positions). The former president – director of SRR, Ovidiu Miculescu decided the set-up of a preliminary disciplinary commission to investigate the two journalists, with the possibility to apply sanctions according to

[a-fost-inceputa-urmarirea-penala-fata-de-11-persoane_80590.html#view](http://www.agerpres.ro/cultura/2016/09/05/tvr-dna-desfasoara-o-actiune-de-verificare-ce-vizeaza-contracte-comerciale-din-ultimii-10-ani-15-15-40)

⁴² http://adevarul.ro/news/politica/irina-radu-fopst-demisa-psd-dragnea-sa-mi-ceara-mie-scuze-minciunile-le-a-crezut-felul-micuti-jurul-lui-1_59ccb8fe5ab6550cb89bdee6/index.html

⁴³ http://economie.hotnews.ro/stiri-media_publicitate-21396092-noi-acuzatii-derapajecenzura-presiuni-asupra-angajatilor-radio-romania-cazul-gabriel-basarabescu-matinalului-sau-duminical.htm

the labour legislation⁴⁴, as they participated in a public debate organized by Frontline Club⁴⁵ as whistleblowers and in a meeting of the National audiovisual Council. In September 2016, several NGOs criticized⁴⁶ the enquiry procedures and drew the attention over the violation of free speech. In October 2016 several employees protested against the commission⁴⁷ and accused the abuses in the institution. In November 2016, the President-Director published an order that established that the employees have to send the complaints to the internal management and not to the public opinion, restraining the provisions of the whistleblower legislation and opening the possibility for abuse⁴⁸.

Gomboş talked more about the issues in the Romanian Radio during a debate organized by Expert Forum on political clientelism, in December 2017. He underline the clientelistic process of hiring obedient people in coordination positions which blocked or influenced the policies. Moreover, topics are avoided, especially related to politics. A third point is that the solidarity of the collective against abuse and clientelism is rather low⁴⁹.

⁴⁴ <https://www.paginademedias.ro/2016/09/radio-romania-ziaristi-cercetati-disciplinar-pentru-ca-au-vorbit-in-public-despre-o-campanie-activewatch-sunt-presiuni-impotriva-jurnalistilor-critici>

⁴⁵ <https://www.paginademedias.ro/2016/03/acuzatii-in-radio-romania-ni-s-a-impus-sa-ducem-o-campanie-falsa-salvati-radioul-public>

⁴⁶ <http://www.activewatch.ro/ro/freeex/reactie-rapida/noi-presiuni-ale-conducerii-srr-impotriva-jurnalistilor-critici/>

⁴⁷ http://economie.hotnews.ro/stiri-media_publicitate-21337992-cativa-angajati-radioulului-public-protesteaza-fata-cercetarea-disciplinara-unor-colegi.htm

Rise Project, an investigative platform published a series of articles related to the wealth of Liviu Dragnea, the president of the Social Democrat Party and the business of Tel Drum, a company that is allegedly controlled by him according to the press, both under criminal investigation⁵⁰. The tax inspectors controlled their office in the same day when an article should have been published. This was seen as a mechanism of intimidation⁵¹; a similar control took place at the office of Hotnews.

In February 2017, Carmen Dan, the Ministry of Internal Affairs publicly blacklisted a few of journalists and named them instigators during the protests in January-February 2017 against the Government (OUG 13). Ms. Dan mentioned named such as Cătălin Tolontan, Emilia Şercan, Mircea Marian or Ovidiu Vanghele, as well as opposition politicians such as Nicuşor Dan (USR). PMP and USR asked for her resignation, as well as two nongovernmental organizations, Activewatch and the CJI, accusing pressures of the totalitarian kind⁵².

At the beginning of the year the president of the parliamentary Commission of the Control of the Secret Service declared that

⁴⁸ <https://www.paginademedias.ro/2016/11/ordin-de-la-seful-radioului--angajatii-nu-mai-au-voie-sa-anunte-public-nereguli-in-institutie-inainte-sa-informeze-conducerea>

⁴⁹ Cătălin Gomboş (Jurnalist / Asociația Kompatibil) despre presiunile politice de la radioul public, <https://www.youtube.com/watch?v=G6uKmDmiEdA>

⁵⁰ <https://www.riseproject.ro/dragnea-conspiratia-si-neadevarurile/>

⁵¹ <https://www.occrp.org/en/investigations/6728-romanian-politician-named-in-scandal-hits-back-at-journalists-peace-is-over>

⁵²

<https://www.paginademedias.ro/2017/02/activewatch-critica-ministrul-de-interne>

it is legal for the secret service to infiltrate covered agents in the press and confirmed that there are such cases. ActiveWatch, Centrul pentru Jurnalism Independent, Centrul Român pentru Jurnalism de Investigație and Miliția Spirituală criticized the declaration and asked for the specific introduction of such incompatibility in the legislation and practice⁵³.

Several journalists quit their jobs/were fired and accused political pressures. On the other side, journalists were candidates in the elections. Moreover, some of them continuously published defaming articles about civil society and the opposition parties and therefore showing a strong ideological and submissive behavior.

Besides pressures, journalists have been threatened by politicians. Marian Vanghelie, the former Social Democrat mayor of 5th District in Bucharest threatened a journalist, as he was representing Romania TV⁵⁴, a TV station owned by Sebastian Ghiță. Cătălin Cherecheș, mayor of Baia Mare was accused by a journalist the he confiscate the recorder during a local council meeting; the recorder was given back, but without the memory card⁵⁵. Journalists were pushed out of the Malaxa hospital, as they were investigating the abuses of the manager of the institution, under criminal investigation. Several journalists have been aggressed during the protests in 2017 by protesters in front of

Controceni Palace (presidency) or were under pressure by the police⁵⁶.

Cătălin Rădulescu - PSD deputy - was aggressive with the mass media and declared during the protests in 2017 that he could shoot the protesters⁵⁷. He was suspended from the party and a criminal investigation started against him.

Who owns the media?

The owners of the media companies (TV, radio, print or online) can be verified in the Registry of Commerce. Also, the National Audiovisual Council publishes the ownership of TV and radio companies. Still, working with the Registry of Commerce is difficult and expensive. One of the experts we consulted stated that *the only ownership restrictions are applied to AV media. The National Audiovisual Council oversees the transparency of ownership (data are made public). The Competition Council evaluates the take-overs. For other media, there is no obligation to transparency of ownership.* Moreover, some *media ownership is hiding in off-shore companies.* Still, overall, the ownership of the media is rather transparent.

Most of the important media companies are tied to political parties or are involved in criminal activity including blackmail, tax evasion, corruption etc. The owners of some of these companies are important political donors, such as **Dan Voiculescu**, a media tycoon sentenced for corruption. Grivco, one of the companies owned by

⁵³ <http://www.activewatch.ro/ro/freeex/reactie-rapida/mass-media-trebuie-sa-ofere-informatii-nu-ordine-de-zi-pe-unitate/>

⁵⁴ <http://blog.activewatch.ro/freeex/jurnalisti-agresati-amenintati-insultati/>

⁵⁵ <http://www.domnuleprimar.ro/VIDEO-Episodul-Tiganca-Imputita-repeta-BAIA-MARE-Primarul->

[Catalin-Chereches-luat-reportofonul-jurnalistilor-ZiarMM-care-acuza-sustras-cardul-memorie-dpe-s64-a21449.htm](http://www.domnuleprimar.ro/VIDEO-Episodul-Tiganca-Imputita-repeta-BAIA-MARE-Primarul-Catalin-Chereches-luat-reportofonul-jurnalistilor-ZiarMM-care-acuza-sustras-cardul-memorie-dpe-s64-a21449.htm)

⁵⁶ <http://blog.activewatch.ro/freeex/jurnalisti-agresati-amenintati-insultati/>

⁵⁷ <http://romaniaibera.ro/politica/partide/viata-si-opera-deputatului-akm-443679> .

Voiculescu is champion in political donations, as it directed 727.000 RON to the Conservative Party. Antena 1 and Antena 3, part of the media empire, donated 63.745 RON to PSD+PC in 2008⁵⁸.

In 2016, the management of Antena Group, belonging to Voiculescu's family has been sentenced to jail for blackmail. The administrator of another media group, RDS-RCS has been blackmailed to be exposed with compromising information if the TV channels part of Antena Group are not broadcast by RDS⁵⁹. Camelia Voiculescu has been sentenced for accessory to blackmail. A criminal investigation was also started against RDS-RCS⁶⁰ for bribery regarding a contract for football broadcasting rights. **Sebastian Ghiță**, former PSD deputy and member of PRU, owner of Realitatea TV and later Romania TV has been indicted for blackmail against Theodor Berna, the owner of Tehnologica Radion, one of the most important construction companies. Ghiță, currently fugitive in Serbia, threatened him to broadcast compromising news about his company⁶¹. Although he is not the owner in official documents, he controls the TV

station in practice. Ghiță is also a political donor, to the Democrat Liberal Party in 2009.

Dan Adamescu (deceased), owner of Romania Libera has been indicted for bribing judges⁶². **Adrian Sârbu**, owner of Mediafax was indicted for tax evasion suming un 14 mln. EUR. Some of these tycoons have used the media channels in organize systematic campaigns against the justice system. Romania TV systematically published video tapes involving prosecutors and other high level public characters⁶³.

Dan Andronic, the editor in chief of Evenimentul Zilei is also under investigation for false statements and involvement in the illegal financing of the 2009 electoral campaign, as well as for complicity to illegal restitution of the Băneasa Farm.

The media environment is strongly politicised and the editorial policies are frequently influenced by the owners of the companies. The local media is fragile and dependent on the capacities of the owners; local media also depends on the advertising contracts from public funds⁶⁴. Official data shows that the companies in

⁵⁸ According to the Official Gazette
⁵⁹

<https://www.agerpres.ro/justitie/2016/05/12/alerta-dosar-rds-rds-dan-voiculescu-a-fost-condamnat-la-doi-ani-inchisoare-cu-executare-14-48-41>

⁶⁰

<https://www.agerpres.ro/justitie/2017/05/05/alerta-dna-dumitru-dragomir-cercetat-sub-control-judiciar-pentru-luare-de-mita-si-complicitate-la-spalare-de-bani-16-00-17>

⁶¹ <http://anticoruptie.hotnews.ro/stiri-anticoruptie-21123857-rechizitoriu-dna-theodor-berna-santajat-sebastian-ghita-materiale-denigratoare-berna-tehnologica-radion-parti-civile-dosar.htm>

⁶²

<https://www.agerpres.ro/justitie/2016/05/27/dan-adamescu-condamnat-definitiv-la-4-ani-si-4-luni-inchisoare-cu-executare-14-45-56>

⁶³ <http://www.zf.ro/eveniment/ce-contin-cele-sapte-casete-cu-sebastian-ghita-care-au-dus-la-suspendarea-lui-coldea-16059237>

⁶⁴

<http://www.fairpress.eu/ro/blog/2017/05/31/presa-2016-intre-clientelism-politic-institutiinefuncionale-si-lupta-pentru-independenta-editoriala>,

<http://www.fairpress.eu/ro/blog/2017/08/08/cum-au-risipit-institutiile-publice-sute-de-milioane-de-lei-pe-publicitate-din-bugetele-publice-primariile-targu-mures-constantina-si-consiliile-judetene-satu-mare-si-dolj-top>; see also the report published by EFOR in 2016 on the state of media in Gorj, *Starea mass media și practicile clientelare din Gorj*, <http://expertforum.ro/starea-mass-media-gorj/>

Bucharest are also rather successful in getting money for the public institutions and consultancy. Antena 3 received several such contracts⁶⁵ and it is not the only one that signed contracts for PR services with public institutions.

One of the interviews experts stated that *with the treshold of direct purchase up, most advertising contracts are directly allocated.* All the consulted experts consider that the evolution of market indicators is negative and marked this

indicator accordingly.

Money in media

Although most of the big players in the media market have seen bigger profits than in 2015⁶⁶, the landscape includes both companies that had profit and players that continue to lose money. PRO TV, the leading commercial TV station had the biggest profit, more than 37 mln. EUR. When it comes to the news stations, Antena 3 had a profit of 747,100 EUR, while Romania TV went from -2,892,000 in 2015 to 358,700 EUR in 2016. Realitatea TV still registers losses as in 2015.

In 2016 and 2017 the media publicity market grew and seems to be part of a continuous trend⁶⁷. The digital has grown in 2016 and dominates Romania together with TV; the radio market has registered just a slight increase, while the outdoor is stagnating⁶⁸. On the other side, the print is in continuous decline; the market decreased with 10%. The media market is estimated in 2016 to 366 mln. EUR⁶⁹, while the TV publicity is estimated at 240 mln EUR. On the other side, the

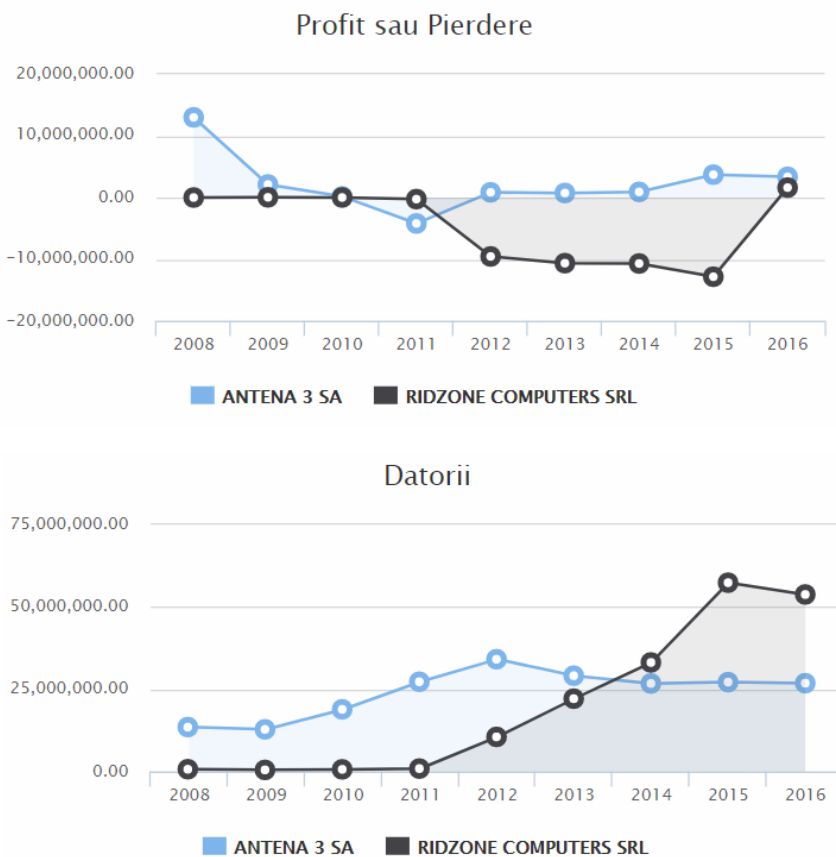


Figure 2 Profit or loss; debts Antena 3 vs Romania TV (Ridzone Computers)
Source: termene.ro

⁶⁵ <http://www.ziare.com/social/primaria/inca-un-contract-fara-licitatie-de-la-primaria-sectorului-4-pentru-antena-3-al-patrulea-in-cateva-luni-foto-1502407>

⁶⁶ <https://www.paginademedia.ro/2017/06/bilant-2016-aproape-toate-televiziunile-au-fost-profitabile-pro-tv-a-generat-cea-mai-mare-cifra-de-afaceri-1496848559>

⁶⁷ <https://www.agerpres.ro/economie/2017/06/07/va>

[loarea-pietei-media-din-romania-va-creste-in-2017-pana-la-403-milioane-de-euro-raport-14-24-45](http://www.ziare.com/social/primaria/inca-un-contract-fara-licitatie-de-la-primaria-sectorului-4-pentru-antena-3-al-patrulea-in-cateva-luni-foto-1502407)

⁶⁸ <http://www.mediafactbook.ro/public/files/MFB2016.pdf>

⁶⁹ <http://www.forbes.ro/raportul-media-fact-book-piata-de-media-crecut-cu-10-2016-atingand-366-milioane-de-euro-72419>

investments in print are being lowered, with 10%, to 14 mln EUR, as more and more newspapers are going closed. Major media agencies ended the year in profit⁷⁰.

Press agencies are no longer an important sources of information, as social media is becoming a more and more important source of information. Alternative independent portals such as pressone.ro, republica.ro or recorder.ro have grown in influence in Romania. Mediafax (one of the most important press agencies) has been strongly affected by the tax evasion indictments and in 2016 the management of the editorial office left the company⁷¹. News.ro was launched in 2016. In 2018, the head editorial team of Hotnews left the newspaper and started G4media.ro, while another group of journalists from Romania Libera started Newsweek.

The print industry is the most affected one. Low interest of citizens is one of the main causes. According to a recent study⁷², 81% of the responders do not read a printed magazine regularly, while 72% do not read a printed newspaper, mostly due to lack of time or to online alternatives; most people trust TV, even though it is also the main source of fake news.

The printed media is almost nonexistent in the rural areas both due to lack of interests, but also to very weak

distribution networks⁷³. At the national level, the champion publications in terms of audience, both in online and print are tabloid newspapers⁷⁴. Click has 483.000 readers in printed format, while Libertatea has 349.000 users. At the beginning of 2017, the most printed edition was recorded by Kaufland magazine, with 4.790.377 gross copies weekly⁷⁵. The trend of closing printed editions and transferring them to online continues.

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⁷⁰ <http://www.forbes.ro/bilanturi-topul-agentiilor-de-media-din-romania-anul-2016-85627>

⁷¹ http://adevarul.ro/entertainment/tv/demisii-lant-varful-mediafax-numiri-fost-facute-1_56964ae337115986c672afe8/index.html

⁷² *Obiceiurile de informare și consumul de presă scrisă al românilor*, July 2017, IRES, published in Sinteza Magazine

⁷³ <http://www.mediafax.ro/cultura-media/spotlight-audiente-360-presa-saraceste-dar-supravietuieste-online-15520337>

⁷⁴

<https://www.paginademedi.ro/2016/07/audienta-print---online-libertatea-ramane-mai-tare-pe-net-iar-click-pe-print-cati-cititori-au-alte-12-publicatii>

⁷⁵ http://www.brat.ro/audit-tiraje/cifre-de-difuzare/year/2017/trimester/4-6/order_by/tiraj/order/desc