



***Independent Study on
Indicators for Media Pluralism
in the Member States – Towards
a Risk-based Approach***

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by

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Final Report - Annex III

COUNTRY REPORTS

Romania

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Important Notice

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The country reports are not in any way intended to be an implementation of the Media Pluralism Monitor in the Member States. They were drafted during the initial stages of the study, with the intention of obtaining a better view of regulatory measures in the broad sense – including co- and self-regulatory measures – adopted in the Member States to promote or safeguard, directly or indirectly, pluralism in the media. The intention was to obtain a high-level snapshot of possible implementation problems and not to express any value judgements on existing rules. The resulting overview facilitated the development of methods for assessing the effective implementation of regulatory safeguards, which had to be, according to the Terms of Reference for the study, an intrinsic element of the legal indicators. We strongly recommend that you also download the file containing our Introduction as it sets out our approach to the initial stages of the project in detail and includes a short manual on how to read the country reports. We draw your attention to the Overview file as well.

Please note that the country reports were finalized in the middle of 2008 and do not therefore reflect progress made with the transposition of the Audiovisual Media Services Directive or any subsequent initiative by Member States. They are made available not as final deliverables of the study, but as interim deliverables, intended to illuminate part of the route taken by the study team and thereby to contribute towards the full transparency of the MPM project.

22. Overview of legal and policy measures promoting/supporting media pluralism

[ROMANIA]

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National regulations relevant in the area of media pluralism

- **Legislation**

- *Sector specific legislation*

Law no. 504 / July 11, 2002 Law on Radio and Television Broadcasting (Audiovisual Law), Official Gazette of Romania no. 534 / July 22, 2002, amended by Law no.402/2003;

Law no. 41/1994 on Romanian Public Service Radio and Television, amended by Law no. 124/1998;

Decision no.187 of April 3,2006 Concerning the Regulations of the Content of Audiovisual Programme Services (The Audiovisual Code), Official Gazette of Romania no. 338 of April 4,2006;

Law on Free Access to Public Information 544/12 October 2001, amended and completed in 2006 by the Freedom of Information Act;

Law no.109/2007 on Free Use of Public Information;

Law no.8/1996 on Copy right amended by: Law no. 285/2004, OUG 123/2005 and Law no. 329/2006;

Law no.19/2003 on the Romanian News Agency ROMPRES;

Ordinance of Government no.134/2006 to establish the National Authority for Regulation of Communications and Technology of Information, Official Gazette of Romania no.1046/ 2006;

Ordinance of Government no.40/2005 regarding the Advertising and the Public Funds;

- *General legislation*

Constitution of Romania of 1991, amended and completed by the Law No. 429/2003 on the revision of the Constitution of Romania, published in the Official Gazette of Romania, Part I, No. 758 of 29 October 2003

The Penal Code;

The Civil Code;

Law no.11/1991 and Law no.21/1996 Antitrust;

Law no.571/2004 Whistle Law;

Law no.48/2002 against Discrimination.

- **Codes of conduct**

Ethic Code of Convention of Media Organizations (2004);

Statute of Journalists from Romanian Public Television (1999);

Codex of Hungarian Journalists from Romania (1997).

TABLE 1. Constitutional protection of press and communication freedoms

Measure	Source	Scope of application	Key features
1.1. Freedom of expression	Art. 30 Constitution of Romania		(1) Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable. (2) Any censorship shall be prohibited. (3) Freedom of the press also involves the free setting up of publications. (4) No publication shall be suppressed. (5) The law may impose upon the mass media the obligation to make public their financing source. (6) Freedom of expression shall not be prejudicial to the dignity, honour, privacy of a person, and to the right to one's own image. (7) Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morality shall be prohibited by law. (8) Civil liability for any information or creation made public falls upon the publisher or producer, the author, the producer of the artistic performance, the owner of the copying facilities, radio or television station, under the terms laid down by law. Indictable offences of the press shall be established by law.
	Law no.8/1996 on Copy right		Romanian Law of Copy right stimulate the free expression and creation by protecting the rights of creators. Ch.1.Introductory provisions Art. 1. (1) The copyright in a literary, artistic, or scientific work as well as in any similar work of intellectual creation shall be recognized and guaranteed under the terms of the present law. This right belongs to the author person and involves moral and patrimonial prerogatives. (2) A work of intellectual creation shall be acknowledged and protected independently of its being made publicly known, simply by virtue of its creation.

Note: 1. Libel (art.205) and defamation (art.206) were excluded in 2006 from the Penal Code (by Law 278/2006). That was considered by media organizations a big step forward against the “Justice harassment” of journalists (hundred of cases of libel are in justice court against Romanian journalists). In January 2007 the Constitutional Court reversed the first decision and criminalized again defamation and libel. The decision cannot be overruled.

The representative of OSCE for Media Freedom, Miklos Haraszi, criticized the Court's decision as a restriction of freedom of speech

2. The ambiguity of terms “defamation of the country and the nation” (art.30/7 of the Romanian Constitution) raised questions about the limits of criticism in media. Romanian journalists are often accused by the authorities for the bad image of the country.

It was not created an internal critical mass able to deal with media freedom against the pressures of politicians and owners.

<p>1.2. Freedom of/right to information</p>	<p>Art. 31 Constitution of Romania</p>		<p>(1) A person's right of access to any information of public interest shall not be restricted. (2) The public authorities, according to their competence, shall be bound to provide correct information to the citizens in public affairs and matters of personal interest. (3) The right to information shall not be prejudicial to the measures of protection of young people or national security. (4) Public and private media shall be bound to provide correct information to the public opinion. (5) Public radio and television services shall be autonomous. They must guarantee any important social and political group the exercise of the right to broadcasting time. The organization of these services and the parliamentary control over their activity shall be regulated by an organic law.</p>
<p><i>Is there – besides constitutional provisions – a specific act dealing with citizens' or journalists' access to public sector information?</i></p>	<p>Law no.544/2001 on Access to Public Information (completed in 2006)</p>		<p>Obliges government (state-owned) institutions to announce any information of public interest</p> <p>Law 544 of 12/10/2001 regarding free access to information of public interest defines terms as authority or public institutions as any organization that uses public money, the information of public interest as any information resulting out of the activity of the said regardless of its form or support and the information concerning personal data as any information that regards a natural person that could be identified or identifiable. Stipulates that the authorities and the public institutions are compelled to provide free access to information of public interest and to set up special public relation offices or to designate certain persons for the purpose. Any person is entitled to request information of public interest, except classified information, either verbally or in writing in which latter instance the public institution is compelled to answer within 10 to 30 days. It also contains special provisions regarding the access of mass media to information of public interest. Its last two chapters contain sanctions and transitory and final provisions. (25 arts.; pp.5-7).</p> <p>The law was amended twice in 2006 by : Law no.371/2006, to amend the definition of the “authority” and “public institution” terms and to complete certain information that cannot make the object of free access. (1 art.; p.3). and by Law no.380/2006. The amendments deal with the obligation of any contracting party to put government contracts at the disposal of the interested natural or legal person, except for certain information as indicated by the amended art.12. (1 art.; p.7).</p>
	<p>Law 109/2007 on Free use of Public Information</p>		<p>Law 109/2007 put in clear terms what kind of information should be provided free of charge and enlarge the concept of public information.</p>
<p><i>Note: The access to the public information was improved in 2006 when the list of state-owned companies was extended. In 2007 the Law no.109 clarified the principle of free use of the public information. However, public institutions consider information's issued by public servants as the ownership of the institution. The lack of transparency of public procurements is not punished by law.</i></p>			
<p><i>Are there specific rules dealing with journalists' access to events for news reporting?</i></p>			<p>Local and central authorities use to request accreditation</p>
<p><i>Note: Sometimes the head of the office refused to issue accreditations for the journalists who criticized the institution.</i></p>			

1.3. Explicit recognition of media pluralism	Art. 3 of the Audiovisual Law		(1) Political and social pluralism, cultural, linguistic and religious diversity, information, education and public entertainment are accomplished and ensured by the transmission and retransmission of program services observing the freedoms and fundamental rights of the person.
	Art.3 of Law no.41/1994 PBS		Art.3 (1).Through their entire activity, The Romanian Broadcasting Corporation and the Romanian Television Corporation shall be bound to ensure pluralism, the free expression of ideas and opinions, the free communication of information, as well as the correct information of the public opinion
<p><i>Note: The lack of transparency of ownership as in audiovisual sector as in the printed media restrict the pluralism. Romanian legislation does not oblige media outlets to make public the ownership and the cross-ownership</i></p> <p><i>Concentration of media market and political influence in media business are the main tendencies in 2008. That's affecting the pluralism of news sources</i></p> <p><i>Political influences:</i></p> <ul style="list-style-type: none"> <i>Owners controlling media are themselves in several cases politicians. They concentrated their influence on political and state decisions, even on Justice decisions</i> <i>Members of National Council of Broadcasting are politically appointed. They could influence the licensing system of the audiovisual sector</i> <i>The Boards of Public TV and Public Radio are also appointed by political parties, as political clients, without any competence or ethical criteria.</i> <p><i>The Presidents of the public TV or Radio are in the same time executive directors(PDG) They influence the editorial decisions</i></p>			
1.4. Protection of journalistic sources	Art. 7 Audiovisual Law		(1) The confidential nature of the information sources used in conceiving or issuing news, shows or other elements of program services is warranted by this Law. (2) Any journalist or program creator is free not to disclose the information that could identify the source of information obtained in direct connection to his professional activity; (3) Information able to identify a source are deemed the following: a) the personal name and data, as well as the voice or image of a source; b) the concrete circumstances in which a journalist obtains information; c) the unpublished part of the information supplied by the journalist's source; d) the personal data of the journalist or radio-broadcasters related to their activity of obtaining the broadcasted information. (4) The confidential nature of the information sources obliges in return to assume the liability for the reality of the supplied data. (5) Persons who take knowledge of information that could identify a source by gathering, editorial treating or publishing such information by virtue of their professional relations with journalists will benefit of the same protection as journalists do. (6) The disclosure of an information source may be ordered by law courts insofar it is necessary in order to protect national safety or public order and insofar such disclosure is necessary to solve a case judged at a law court when: a) measures of similar effect, alternative to the disclosure do not exist or have been exhausted; b) the legitimate interest in the disclosure exceeds the legitimate interest of the non-disclosure.

	Art.14/11 and 12 Law 41/1994 PBS		Art. 14(11) The confidential character of the information sources of specialist staff is guaranteed by law Art.14(12) Disclosure of these sources, motivated by the infringement of public interest, may be made only on the basis of an order issued by a law court.
1.5. Right of reply	Art. 41 Audiovisual Law		(1) Any natural or legal person irrespective of nationality whose legitimate rights or interests, especially public reputation and image have been harmed by the presentation of inaccurate facts in a program benefit of the right to reply or equivalent remedies. (2) The Council will adopt the procedure necessary for the effective exertion of the right to reply or to rectify, as well as any other measures, including sanctions, necessary in order to warrant the right to reply or rectify within a reasonable time limit after receiving the request of the applicant. (3) The broadcasting of the rectification or granting of the right to reply does not remove the right of the injured person to apply to a competent law court.
<i>Note: Criminalization of libel and defamation stimulate the offended persons to go directly to the Justice Court and not to ask a right of reply but the low respect of Romanian journalists for ethical principles and the increasing tabloidization of the media make a lot of victims.</i>			
	Art. 48 Decision 187/2006		Any natural or legal person, regardless of nationality, whose legitimate rights or interests were damaged by an assertion of incorrect facts in an audiovisual program, must have a right of reply.
	Art. 49 Decision 187/2006		(1) A right of reply cannot be requested in the following situations: a) when opinions and value judgments were made; b) when licence holders did abide by the principle “audiatur et altera pars”; c) when a reply to a reply is requested; d) when the licence holder answers accusations made by a person, on the condition that the rights or the legitimate interests of a third part are not prejudiced; e) when there exists a written agreement between the licence holder and the injured person.

	<p>Art.14/5, 6, 7,8,9,10 of Law 41/1994 PBS</p>		<p>Art 14(5) The broadcasting of information by which the legitimate rights of a natural or legal person are damaged, shall entitle that person to request the staff to rectify them within 48 hours from the request... Art.14 (6) In case of refusal, the person considering itself damaged in a right or in a legitimate interest, may request the director general of the corporation, within maximum 6 days from the expires day in para(5) to be granted the right to retort. Art.14(7) The right to retort shall be broadcast within the same transmission and at the same hour when the right or the legitimate interest of the person was damaged within 48 hours ... Art.14(8) The responsibility for the broadcast of rectification shall belong to the head of the editorial staff involved, and the responsibility for granting the right to retort shall devolve upon the director general of the corporation Art 14(9) The failure of the broadcast the rectification and to grant the right to retort may be referred to law courts Art.14 (10) The other cases regarding the right to retort shall be exercised according the compulsory norms established by the National Audio-Visual Council For the printed press the Constitutional Court kept in 1996 five articles from the old Press Law issued by the communist regime and abolished in December 1989</p>
	<p>Art.71-75 and art.93 of the Law no.3/1974 Press Law (confirmed by Constitutional Court's Decision no.8/1996</p>		
<p>1.6. Ratification of international instruments: - CoE's Framework Convention For The Protection Of National Minorities - UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005)</p>			<p>CoE's Framework Convention For The Protection Of National Minorities: Signature – 1/2/1995, Ratification – 11/5/1995, Entry into force – 1/2/1998; UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005): Accession – 20/7/2006</p>

TABLE 2. Editorial independence

Measure	Source	Scope of application	Key features
2.1. Journalists	Art. 8 Audiovisual Law		(1) Authorised public authorities ensure on request: a) the protection of journalists in case they are subject to pressures or threats that could effectively impede or restrict the free exertion of their profession; b) the protection of the head offices and precincts of the radio-broadcasters in case they are subject to threats that could impede or affect the free development of their activity. (2) The protection of journalists and of headquarters or precincts of radio-broadcasters in the terms of paragraph (1) may not become a pretext to prevent or restrict the free exertion of their profession or activity.
<i>Note: A sensitive issue is the unethical relation between journalists and owners generating obedience and opportunism. All Codes of Conduct adopted by media organizations are not properly implemented.</i>			
	Art. 9 Audiovisual Law		The carrying out of searches at the head offices or precincts of radio-broadcasters must not prejudice the free expression of journalists nor suspend the broadcasting of programs.
	Law.no.41/1994 of PSB, art 8 and 10		Art 8(1) The autonomy and editorial independence of the public radio broadcasting and television services are guaranteed by law, and their programs shall be protected against any interference from public authorities as well as against influence exercised any parties, social-political formations, trade unions, commercial or economic organizations or pressure groups. Art.10(5) The statutes shall compulsorily comprise norms warranting: a) the protection of the journalists and their transmission producers from attempts to impair their professional independence, and harm their rights
	Interior Regulation of TVR Ruling Guide of TVR Art.II.6 of Statute of TVR Journalist		According to Interior Regulation of TVR in art.VIII.66.h, the Ruling Guide (ROF) art. V.7/9 and also Art.II.6 of Statute of journalist, journalists could be fired if they spread negative opinions about the company or criticize it or their boss.
<i>Note: Cf. Interior Regulation of Romanian Television (TVR) in art.VIII.66.h and also in Ruling Guide(ROF) art. V.7/9 journalists could be fired if they spread negative opinions about the company or criticize it. If application of Ruling Guide-ROF means that any journalist working for TVR and accepting the institution’s home rulings also accepts humbly hush whatever were to happen within closed doors, giving up – for as long as his work contracts lasts – all of his legal rights and liberties. ROF wording of the ruling allows for abusive interpretation, all to the worse of its employees and coming against European provisions for liberty of expression. According to EU ruling for human rights and freedom of speech, not only outer liberty of the press must be protected, but also inner liberty thereof, so all inner pressures could be avoided.(Resolution 1003/ 1993, 10) Such ruling will ultimately result in intimidation of journalists, unconditional obedience and opportunism within public Romanian Television.</i>			
2.2. News / information programmes	Art. 103 Decision 187/2006 Audiovisual Code		(1)News or political debates programs cannot be sponsored; the whole program service cannot be sponsored.
	Law.no.41/1994 PBS, art.14		Art.14 follows in the first 3 paragraphs the general professional rules of news producing and broadcasting: accuracy, probity, double check, responsibility, independence.
	Art. 34 Audiovisual Law		(4) News programs or current affairs may not be sponsored.
<i>Note: The news department is the most sensitive in TVR: all the complains about censorship, political interference, manipulation came from the news journalists. Sometimes a scandal around the news was the premise to change the Administration Board</i>			

2.3. Other media content	Art. 6 Audiovisual Law		(1) Censorship of any kind upon audio-visual communication is interdicted. (2) Editorial independence of radio-broadcasters is acknowledged and warranted by this Law. (3) Any kind of interference of public authorities or any Romanian or foreign natural or legal persons in the content, shape or illustration methods of elements comprised in program services is interdicted. (4) Decisions and instructions with a regulatory character issued by the National Audiovisual Council for the implementation of this law and while observing the legal provisions and the rules for the respect of the human rights stipulated in the conventions and treaties ratified by Romania shall not be considered as interference. (5) Provisions of professional conduct codes adopted by journalists and radio-broadcasters and applied within self-regulation mechanisms and structures of their activity are not deemed interference, unless they infringe the legal provisions in force.
<i>Note: Several cases of censorship were reported in PBS and also in commercial media (audiovisual and printed media)¹ Self-censorship is stimulated by the economical dependence of journalists, but also by bad ethical practices in media, like the well-paid opinion makers in owners service.</i>			
	Art. 34 Audiovisual Law		(1) Sponsored programs must fulfil the following terms: a) their content and scheduling must in no way be influenced by the sponsor so as to affect the liability and editorial independence of the radio-broadcaster towards the concerned programs;
			(2) The content and scheduling of a sponsorship program must not be influenced by the sponsor so as to affect the editorial independence of the radio-broadcaster.
	Art. 102 Decision 187/2006 (Audiovisual Code)		
	Law 41/1994 PBS		
2.4. Subsidies/ Training of journalists (independence, ethic, recruitment, etc.)			

¹ See FreeEx , Media Monitoring Agency, Freedom House, Irex and EUMAP reports on 2004, 2005,2006, 2007.

TABLE 3. Cultural pluralism

Measure	Source	Scope of application	Key features
3.1. Structural rules (guaranteeing or promoting access by the various cultural groupings to media companies’ bodies, structures...)			
3.1.1. Special representation requirements in media company structures			
3.1.2. Special representation requirements in media advisory bodies			
3.1.3. Legal or policy measures either prohibiting discrimination in recruitment or promoting equal opportunities (ethnic minorities, gender, age, disabled...)	Constitution of Romania		
	Law against discrimination		
3.2. Representation of the various cultural groupings in the media			
<i>Implementation problem: Stereotype coverage of Roma issues or gender subjects.</i>			
3.2.1. Access to airtime for cultural groupings	Art. 71 Decision 187/2006		(1) In news and debates programs, the information regarding public interest issues, with political, economic, social and cultural character shall observe the following principles: a) to ensure fairness, equilibrium and to encourage free formation of opinions by presenting the main opposite viewpoints during the period of public debate over certain issues; b) to ensure a clear distinction between the facts and opinions that are presented; c) to avoid any form of discrimination, those based on race, ethnic affiliation, religion, nationality, gender, sexual orientation or age. (2) The provisions of par. (1) letter a) shall be observed equally when the expressed viewpoints belong to experts, journalists, representatives of political parties not elected to the Parliament, of minorities, non-governmental organizations, trade unions and employers. (3) The presentation of the main opposite viewpoints shall be ensured, as a rule, during the same programme, or exceptionally, in the following programmes; when those requested refuse to present their viewpoint, this fact shall be specifically mentioned.

	Art. 4/1, Art.7/3,4 Law 41/1994 PBS		Art.4(1) PBS ...shall be bound to promote the values of the Romanian language, of the authentic national and universal cultural, scientific creation of the national minorities Art.7(3) Out of the European creation broadcast, at least 30% shall be Romanian creation including creation of the national minorities Art.7(4) Out of the Romanian creation, at least 35% shall be cultural creation
	Art. 76 Decision 187/2006		Within news and debates on issues of public interest regarding ethnical, religious and sexual minorities, their viewpoints shall be also presented
3.2.2. Content obligations			
3.2.2.1. Promotion of European works	Art. 22 Audiovisual Law		(1) Since the date of accession, any radio-broadcaster under the jurisdiction of Romania shall reserve to European works a majority proportion of his broadcasting time, save the time dedicated to the news, sportive events, games, advertising, as well as teletext and tele-shopping services.
	Art.7/2 Law 41/1994 PBS introduced by the amended law in 1998		Art.7(2) Within max. 4 years from the coming into force of the present law, PBS shall reserve to the European creation a majority percentage of the transmission time, which shall not include the informative and sporting transmissions, games, and advertising and teletext services.
<i>Implementation problem: TVWF Directive and the following Directive 2007/65/EC of the European Parliament and of the Council obliges broadcasters to include in their programs 10 percent European works or created by independent producers. Most of the televisions neglected the recommendation. In 2008, after 10 years, the majority percentage for European creation is not respected. However TVR is broadcasting more European programs and films than the commercial channels.</i>			
	Art. 94 Decision 187/2006		Starting with January 1, 2007 the broadcasters under Romanian jurisdiction have the obligation to ensure, for each television programme, the following requirements: a) to reserve for European works, as defined in art. 23 of the Audiovisual Law no. 504/2002, with its further modifications and completions, a percentage of minimum 50% of the transmission time, except for the time allotted to news, sports events, games, advertising, as well as teletext and teleshopping services.
<i>Implementation problem: Incomplete monitoring system</i>			
	Art. 96 Decision 187/2006		(1) Shall be excepted from the provisions of art.94 the television service programmes that fulfil simultaneously the conditions stated below: a) cover a potential audience of up to 3% of the censused population of the country; b) do not broadcast feature films and TV series; c) the content of the programme service is of an exclusive local interest; (2) The programme services broadcast on the basis of an audiovisual licence issued for the municipality of Bucharest shall be exempted from the provisions of art.94 if they fulfil simultaneously the conditions stated below: a) do not broadcast feature films and TV series; b) the content of the programme service is of an exclusive local interest.

3.2.2.2. <i>Promotion of European independent works</i>	Art. 24 Audiovisual Law		(1) Any radio-broadcaster located within the jurisdiction of Romania will reserve to the European works created by independent producers of such radio-broadcasters at least 10% from its transmission time, save the time dedicated to information, sport events, games, advertising, as well as tele-text and tele-shopping services or at least 10% from their program budgets. (2) An appropriate proportion of recent works, respectively of works broadcast during the last five years after their production will be included in the European works created by independent producers.
<i>Implementation problem: Lack of monitoring strategies</i>			
	Art. 94 Decision 187/2006		b) to reserve at least 10% of the transmission time or at least 10% of their budget allotted to the programmes for the European works created by independent producers, except for the time allotted to news, sports events, games, advertising, as well as teletext and teleshopping services.
	Art. 96 Decision 187/2006		Supra
3.2.2.3. <i>Promotion of national/regional works</i>	Art. 90 Decision 187/2006 – ceased since 1 January 2007		The broadcasters shall reserve for Romanian audiovisual works a proportion of at least 30% of the transmission time of each audiovisual programme service, excepting the transmission time appointed to news, sports events, games, advertising, as well as teletext and teleshopping services will be excluded.
3.2.2.4. <i>Language requirements</i>	Art. 88 Decision 187/2006		The broadcasters have the obligation to ensure the observance of Romanian morphological, orthographical and orthoepic norms laid down by the Romanian Academy.
<i>Implementation problem: No supervisory body for observance in printed media. The National Council for Broadcasting has not technical infrastructure and human facilities for that.</i>			
3.2.3. Representation of minorities on the screen (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)			
<i>Note: Only PBS is obliged to broadcast minority programs.</i>			
3.2.4. Subsidies (apart from general PSB funding)			
3.3. Accessibility (i.e. special measures to promote access to media contents by special needs groupings in society, like the elderly, disabled...)			
<i>Note: Romanian Television adopted the deaf-mute language for some news programs</i>			

TABLE 4. Political pluralism

Measure	Source	Scope of application	Key features
4.1. Structural rules (relating to the organization and structures of media companies/advisory bodies)			
4.1.1. Restrictions to politicians' ownership/control of media (avoid one dominating voice)	Several decisions of National Council for Broadcasting and Audiovisual Law		
<i>Note: MP's are not allowed to be producers and moderators in Television and radio.</i>			
4.1.2. Requirements of independence from political parties / politicians			
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies	Art. 13.1 and Art.20(2) of Law 41/1994 PBS		Art.13 (1)The specialist staff provided in art.11 cannot belong to political formations and is obliged to keep political equidistance in their profession... Art.20(2) The members of Parliament and of the Government cannot be part of boards of management of the two corporations
<i>Implementation problem: Art.13.1 of PBS Law forbids to the journalists and managers to be political party members. Despite the rule, the PDG of TVR was appointed as a member of Social-Democrat Party and its Secretary General.</i>			
4.1.4. Representation requirements in media companies' bodies (board of directors...)			
4.1.5. Representation requirements in media advisory bodies and/or regulators	Audiovisual Law		
	Art. 19/1-6 Law no.41/1994		Art.19(1)The members of the Board of Management of PBS are appointed by the vote of the majority of the deputies and senators in joint meeting of the two Chambers. Art.19(2) The list of candidates shall be sent to the Standing Bureau of the two Chambers as follows: a)the joint parliamentary groups submit proposals for 8 seats in accordance with the political configuration of their share in Parliament, b)the President of Romania for one seat, c)the Government for one seat, d)the employed personnel, by secret ballot, for 2 seats... e)the minorities group for one seat Art.19(6) The list of candidates are totally subjected to the vote of the joint Chamber of Deputies and the Senate...
<i>Note: The political configuration of the Board of Management (Administration) of Romanian Radio and TVR was the main subject of civil society critics. The project of a new law designed a new configuration where 2 seats were reserved to the civic organizations, but still keeping the political representation of the Parliament</i>			
4.2. Content rules (relating to media programmes, press articles, other content)	Audiovisual Code		National Council for Broadcasting ask to broadcasters to avoid apologetic presentation of crimes and abuses by totalitarian regime, as well as denigration of their victims.
4.2.1. (Equal/proportionate) Access to airtime for political groupings	Decisions of Central Electoral Office		

	Art.5.4 Law no.41/1994		Art.5 (4) PBS shall reserve part of their transmission time for the political parties represented in Parliament. The time assigned to political parties shall not exceed one hundredth of the entire weekly transmission time. The distribution of the transmission time among the political parties shall be made in ratio with their share of their representation in Parliament, by calculating one time unit for every MP, including the representatives of the national minorities..
4.2.1.a. Non-paid access, e.g. right to insert own programmes or messages on the public channels	Art. 73 Decision 187/2006		broadcasters are not allowed to broadcast audiovisual programs edited, presented, moderated or produced by members of Parliament, representatives of government and local public administration, representatives of the presidential administration, leaders or spokespersons of the political parties, persons publicly designated to candidate or that have publicly announced their intention to candidate in local, parliamentary or presidential elections.
<i>Note: Some MPs avoid this interdiction becoming “permanent guests” in TV talk-shows</i>			
	Art. 74 Decision 187/2006		(1) In news programs the broadcasters under Romanian jurisdiction shall observe the three parts rule, as follows: a) one third of the total time dedicated to the representatives of ruling parties and opposition shall be allocated to the parliamentary opposition (senators, deputies, party leaders, mayors, local and county counsellors); b) one third of the total time dedicated to the representatives of ruling parties and opposition shall be allocated to representatives of the central public authority (prime-minister, ministers, state secretaries, prefects and their spokespersons); c) one third of the total time dedicated to the representatives of ruling parties and opposition shall be allocated to parties that form the parliamentary majority (senators, deputies, party leaders, mayors, local and county counsellors). (2) >From the three parts rule shall be excepted: a) the time allocated to the prime minister when representing Romania at official international events, internal or external. b) the time allocated to accounts and interventions concerning natural calamities or epidemics, and to the measures of removing their effects; this exception does not annul the right of the opposition of expressing their point of view concerning the event and the measures established by the authorities. (3) The monitoring of observing the three parts rule is working out on sliding periods in two consecutive months; in case of a visible lack of balance, the National Audiovisual Council will request the broadcaster to restore the balance in the first month after the monitored period.
<i>Note: The one-third rule changed in 2007.</i>			
	Art. 75 Decision 187/2006		The number of representatives of ruling parties and opposition, participants in other programmes than news, shall benefit of equal expression opportunities; the observance of this rule is monitored in accordance with the provisions of art. 74 par.(3).
4.2.1.b. Paid access: rules on political advertising	Art. 155 Decision 187/2006		(1) For the purpose of the present cod, the advertising spots that promote a party, a politician or a political message are considered political advertising. (2) Political advertising is prohibited, except during elections campaigns.

4.2.2. Government announcements	Art. 9 of Law no.41/1994 PBS		Art.9 PBS shall compulsorily, with priority and free of charge, transmit official statements and messages of public interest received from Parliament, the President of Romania, the Supreme Council of National Defence and the Government.
4.2.3. Impartiality obligations	Statute of TV Journalists Codex of Hungarian Journalists of Romania Audiovisual Law		
4.2.4. Fair representation of political viewpoints; special rules in election periods	Art. 71 Decision 187/2006		<i>Supra</i>
	Art. 42 Audiovisual Law		(1) All radio-broadcasters must reflect election campaigns in a fair, balanced and impartial way in order to encourage and facilitate the pluralist expression of opinion trends. (2) In order to assure a fair application of the provisions from paragraph (1), the Council shall issue regulation norms of compulsory nature, to control the observance of the legal provisions and the norms issued and shall penalize their infringements.
	Decisions of Central Electoral Office and Law of Elections		

TABLE 5. Geographical pluralism

Measure	Source	Scope of application	Key features
5.1. Licensing policy fostering local/regional types of media (for instance: is part of the spectrum explicitly reserved for regional/ local media; are there any rules safeguarding the local character of these media once they are operating, e.g. restrictions to cooperate or centralize programming/advertising decisions...) 	Art. 47 Audiovisual Law		(1) By way of derogation from the provisions of Art. 43, audio-visual licences may be granted to the local public authorities, provided : a) there should be no other audio-visual licence for a local program service; b) it should exclusively provide information services regarding the respective community. (2) In case of granting another audio-visual licence, the licence granted under the terms of paragraph (1) shall be rightfully withdrawn.
	OUGno.134/2006to establish the National Authority for Regulation of Communications and Technology of Information, Official Gazette no. 1046/2006		
5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country) 			
<i>Implementation problems: First channel of Romanian TV covers about 78% of Romania on terrestrial broadcasting. The domination of PBS is however decreasing even in the countryside because of rapid increasing of cable television. The print media still have problems with the Romanian Post Company, which handles subscription-based distribution. The company operates slowly and inefficiently. For direct sales distribution, the market is still dominated by the formerly state-owned company Rodipet, privatized in 2003. Nothing has changed after privatization, and Rodipet still delays payments, causing financial problems for many publications</i>			
5.3. Content obligations: requirements to cover local events, etc. 	Art. 25 Audiovisual Law		The provisions of Art. 22-24 (European quota, European independent quota) will not apply to the programme services destined to a local audience assured by radio-broadcasters that are not part of a national network.
	Art. 96 Decision 187/2006		Supra
5.4. Regional State Aids			
5.5. Rules on national minorities	Code of Good Practices. Minorities in Media		
5.6. Rules on social inclusion of remote areas (Aménagement du territoire) 		Lack of coverage of issues like AIDS and disabled people	

TABLE 6. Pluralism of ownership/control

Measure	Source	Scope of application	Key features
6.1. Sector specific rules limiting media ownership			
6.1.1. Moment of intervention			
6.1.1.1. <i>At moment of market entry (licensing procedure)</i>	Art. 44 Audiovisual Law		(10) For the purpose of this Law: a) the national audiovisual licence shall provide the right to a broadcast covering a geographical area representing a potential audience of more than 60% of the censored population of the country; b) the regional audiovisual licence shall provide the right to a broadcast covering a geographical area representing a potential audience between 3% and 20% of the censored population on the territory of 3 to 8 counties; c) the local audiovisual licence covers a geographical area and a potential audience smaller than the ones stipulated for the regional audiovisual licence; d) audiovisual licences granted for the municipality of Bucharest are considered to be local audiovisual licences.
	Antitrust Law		
6.1.1.2. <i>At the moment of mergers & acquisitions</i>			
6.1.1.3. <i>Other (constant monitoring/supervision)</i>	Art. 43 Audiovisual Law		(5) Any natural or legal person holding or acquiring a proportion from the share capital that is equal or higher than 10% of the share capital or of the voting rights of a company holding an audio-visual or broadcasting licence or of a company that controls a company holding such a licence must notify the Council thereof within one month since the date when it reached such a rate.
<i>Implementation problem: The National Council of Broadcasting over-regulated the content, but under-regulated the transparency of ownership. NGO's like Center for Independent Journalism, Media Monitoring Agency and Euractiv started in 2005 to collect information about journalists, media companies, owners etc. (see Media Index.ro web portal).</i>			
	Art. 48 Audiovisual Law		Any legal person holding an audio-visual licence must permanently set at the disposal of the public the following categories of information: a) the name, legal status and head office; b) the name of the legal representative and of the main associates or shareholders; c) the names of the persons in charge with the company's management and of those who mainly assume editorial liability; d) the list of publications edited by the respective legal entity and the list of the other audio-visual communication services it provides.
	Art. 49 Audiovisual Law		The operating of radio-broadcasters is subjected to the rules of transparency according to which the persons operating a programme service are required to notify the Council the following: a) changes that occurred during the operating of the service in what regards the data categories mentioned in Art. 48; b) other data categories regarding the operating of the service following its entering into activity.
6.1.2. Scope (<i>i.e. trying to prevent one of the following forms of concentrated ownership and/or control</i>)			
<i>Implementation problem: No law to prevent involvement of rich businessmen in media. "Media moguls" have no immediate interest in obtaining profits but to use media as a political weapon.</i>			

6.1.2.1. Monomedia	Art. 44 Audiovisual Law		(1) The concentration of property and the extension of the audience in the audio-visual field are limited to dimensions ensuring economic efficiency, but not generating dominant positions in the forming of public opinion, in order to protect pluralism and cultural diversity. (3) It is considered that a radio-broadcaster holds a dominant position in forming the public opinion at national level when its market share exceeds 30% of the market of television programmes broadcast at national level.
<i>Implementation problem: The ownership concentration and the proliferation of outlets without clear legitimate economic resources to support them is one of the threats of Romanian media market. The media market is designed as an oligopoly. The law and the Justice are not enough strong to forbid cross-ownership and also the hidden ownership, like off-shore companies.</i>			
6.1.2.2. Crossmedia			
<i>Note: It is the main tendency on media market.</i>			
6.1.2.3. Vertical integration with networks			
6.1.2.4. Integration with advertising sector			
6.1.2.5. Integration with other (e.g. energy) sectors			
6.1.2.6. Control over both commercial and public media			
6.1.3. Criteria used to define thresholds for maximum ownership and/or control	Antitrust Law		
6.1.3.1. Number of licences	Art. 44 Audiovisual Law		(8) A Romanian or foreign natural or legal person may hold maximum two audio-visual licences of the same type within the same administrative and territorial unit or area, without the possibility of holding exclusivity.
6.1.3.2. Market shares			
6.1.3.3. Circulation and audience shares	Portal of CNA BRAT Romanian Office for Circulation Audit		
<i>Note: Not all ratings data are freely accessible for the public. Circulation of newspapers is monitored by BRAT only for printed media which accept the audit. BRAT developed the National Readership Survey (SNA), a research that approximates the total number of readers for publications and established the demographic data.</i>			
6.1.3.4. Capital shares	Art. 44 Audiovisual Law		(9) A natural or legal person may become directly or indirectly a majority investor or shareholder at one single audio-visual company and may hold maximum 20% of the share capital of other companies.
6.1.3.5. Voting shares			
6.1.3.6. Advertising revenues			
6.1.3.7. Involvement in number of media sectors			
6.2. Sector specific rules preventing cooperation between media companies			
6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership			
6.4. General competition rules			
6.4.1. Antitrust	Law Antitrust Law of Competition		
6.4.1.1. Specific provisions for media sectors (e.g. public interest test...)			
6.4.1.2. Case law in media sectors (examples of leading cases; any specificities?)			
6.4.2. Merger control			

6.4.2.1. <i>Specific provisions for media sector (e.g. possibility for government to overrule NCA decision, public interest test...)</i>			
6.4.2.2. <i>Case law in media sectors (examples of leading cases; any specificities?)</i>			
6.5. Transparency obligations			
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)			
6.5.2. Transparency obligations towards regulator or in general (info on capital structure, balance sheets, either in specific media laws or in general company laws...)			
<i>Note: In 2005 the National Council for Broadcasting obliged audiovisual outlets to decline their ownership, but without any punishments if not.</i>			

TABLE 7. Pluralism of media types and genres

Measure	Source	Scope of application	Key features
7.1. Minimum service in a number of programme strands for commercial / community / public service media			
7.2. Events list (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)	Art. 21 Audiovisual Law		<p>(1) Events of major significance may not be exclusively transmitted or re-transmitted in a manner that deprives a significant part of the public from Romania of the possibility of watching them live or in a recorded transmission comprised in a program service with free access.</p> <p>(2) The list of events considered of major significance shall be approved by Government Decision on the proposal of the Council and it shall be communicated to the European Commission; subsequent amendments shall follow the same procedure. In the pre-accession period, the list shall come into force after the decision is published in the Official Gazette of Romania, Part I.</p> <p>(3) By the Government decision stipulated in paragraph (2) the percentage of the population that represents a significant part of the public is also specified; by the same decision is also established for each event of major significance whether its live transmission may be performed entirely or partially or whenever the public interest requests such, the recorded transmission shall be performed entirely or partially.</p> <p>(4) The exertion by radio-broadcasters under the jurisdiction of Romania of the exclusive rights to transmit certain events declared by a member state of the European Union as being of major importance and which are comprised in the list published in the Official Journal of the European Union may not deprive a significant part of the public from the respective state from the possibility to watch those events live or recorded, in compliance with the provisions established by that member state.</p>
7.3. Short news reporting	Art. 84 Audiovisual Law		<p>the extension of the exclusivity right gained by contract by a radio-broadcaster, hereinafter called primary radio-broadcaster, is limited by the right of any other radio-broadcaster, hereinafter called secondary radio-broadcaster, to broadcast excerpts regarding the event, provided he does not prejudice the author or holder of the operating rights, as follows:</p> <p>a) by recording the signal of a primary radio-broadcaster for the purpose of broadcasting an excerpt;</p> <p>b) by ensuring, through the organiser or another entitled person, the access of the secondary radio-broadcaster to the sites where the event of public interest is ongoing, in order to accomplish its own recordings in view of editing an excerpt.</p>

	Art. 85 Audiovisual Law		<p>(1) The excerpt represents short succession of images and sounds regarding an event of public interest for the purpose of informing the public upon the essential aspects of the respective event.</p> <p>(2) If an event of general interest is composed, from the organizational point of view, of several autonomous elements each element shall be considered an event of public interest.</p> <p>(3) If an event of general interest runs for several days, secondary radio-broadcasters shall be entitled to broadcast one single excerpt for each day.</p> <p>(4) Irrespective of the structure and development of the event of general interest, the duration of the excerpt may not exceed 3 minutes.</p> <p>(5) Excerpts shall be used only in usual news bulletins.</p> <p>(6) All the elements of the program or of the recording that were not used to create the excerpt shall be destroyed by the secondary radio-broadcaster after broadcasting the excerpt.</p> <p>(7) If the excerpt is created by registering the signal of a primary radio-broadcaster, it must mention the name of the former or it must comprise the sign of the former, save the case when the involved radio-broadcasters decide otherwise.</p> <p>(8) The excerpt may not be broadcast before the primary radio-broadcaster has broadcast the event, save the case when the primary radio-broadcaster does not broadcast the event within 24 hours after its creation.</p> <p>(9) A broadcast excerpt may be retransmitted only if there is a direct link between its content and another actual event.</p>
	Art. 86 Audiovisual Law		Under the reserve of other agreements between the parties, primary radio-broadcasters shall not be allowed to impose on secondary radio-broadcaster to pay for the right to broadcast an excerpt.
7.4. Fixed book price			
7.5. Public service media	Law no. 41/1994 PBS		
7.5.1. Structural rules - organization			
7.5.1.1. <i>Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)</i>	Art. 8 and 10 of Law no.41/1994 PBS		<p>Art 8(1) The autonomy and editorial independence of the public radio broadcasting and television services are guaranteed by law, and their programs shall be protected against any interference from public authorities as well as against influence exercised any parties, social-political formations, trade unions, commercial or economic organizations or pressure groups.</p> <p>Art.10(5) The statutes shall compulsorily comprise norms warranting:</p> <p>a) the protection of the journalists and their transmission producers from attempts to impair their professional independence, and harm their <i>rights</i>.</p>

	Art.19/1-6 Law 41/1994 PBS		Art.19(1)The members of the Board of Management of PBS are appointed by the vote of the majority of the deputies and senators in joint meeting of the two Chambers. Art.19(2) The list of candidates shall be sent to the Standing Bureau of the two Chambers as follows: a)the joint parliamentary groups submit proposals for 8 seats in accordance with the political configuration of their share in Parliament, b)the President of Romania for one seat, c)the Government for one seat, d)the employed personnel, by secret ballot, for 2 seats... e)the minorities group for one seat Art.19(6) The list of candidates are totally subjected to the vote of the joint Chamber of Deputies and the Senate...
<i>Note: Intrusion of political interests into news programs is a frequent practice.</i>			
7.5.1.2. Election of management, composition of board members...(government? Parliament? Other?)			
<i>Notes: The political criteria are strong in the management selection The President-Director General of the Romanian TV is now, for the first time, appointed from the political body: former senator, secretary general of the SD Party A project for a new Public broadcasting law issued in 2005 by 3 MPs, in order to depoliticize the public services, was abandoned after the right wing parties won the general elections. The parties represented in the Parliament (The Liberal Party, The Social-democrat Party, the new Liberal-democrat Party, nationalists and the ethnic parties) are no more interested to reform the public services usable in the upcoming elections.</i>			
7.5.1.3. Specific representation requirements for board of directors, other bodies			
<i>Note: According the law, the president is also the director general of the company controlling the management and the editorial decision.</i>			
7.5.1.4. Advisory bodies: ensured broad representation of cultural, political and geographic groupings			
<i>Implementation problem: Members of Administration Board of Public TV and Public Radio and members of National Council for Broadcasting are appointed by political parties, without competence or ethical criteria, mostly as political clients.</i>			
7.5.1.5. Employment: ensured broad representation of cultural, political and geographic groupings			
7.5.2. Structural rules - funding			
7.5.2.1. Source of funding (state / tax money, public / licence fees, advertising, merchandising...)			Supported through a licence fee, as well as money from the state budget and advertising.
	Art. 39 and 40 of Law no. 41/1994 PBS		Art.39 (1) The financial sources of PBS shall be constituted from state budget allocations, own income and other sources. Art.40(1) The own income of the corporations derive from radio and television subscription fees, from sources achieved according the object of activity, as well as donations and sponsorship
	Annual Reports of TVR and SRR		
<i>Note: PBS uses 3 sources of financing: state funds for investments, tax money and advertising In 2006 the advertising time for T VR and SRR was reduced by the Audiovisual Law to 8 min./hour, in order to enlarge the access of commercial audiovisual media to the advertising market.</i>			

7.5.2.2. Sufficiency of resources (taking into account the missions and new media activities)			
<i>Note: No enough resources for technical investments but a lot of resources spent on salaries. Bad management is specific to Romanian PBS.</i>			
7.5.3. Definition of public service remit			
7.5.3.1. Obligation to provide a varied and pluralistic offer	Art.3 of Law no.41/1994 PBS		Art.3(1).Through their entire activity, The Romanian Broadcasting Corporation and the Romanian Television Corporation shall be bound to ensure pluralism, the free expression of ideas and opinions, the free communication of information, as well as the correct information of the public opinion
7.5.3.2. Obligation to engage in new media activities			
<i>Note: No preparation and no strategies for digitalization.</i>			
7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)			
7.5.5. Universal coverage obligations			

TABLE 8. Distribution (networks/network facilities/print distribution)

Measure	Source	Scope of application	Key features
8.1. Guarantees for 'public contents' to be distributed (must carry or other)	Art. 82 Audiovisual Law		<p>(1) Any supplier that retransmits programme services by telecommunication networks must include in the supply the programme services of the Romanian Television Company for Romanian public, as well as other programme services free for retransmission, and without technical or financial conditioning of private radio-broadcasters under Romanian jurisdiction, within the limit of 25% of the total number of programme services supplied by the respective network.</p> <p>(2) If possible, suppliers that retransmit programme services by telecommunication networks shall include in their programme offers the TVR Cultural channel, provided they assign the necessary funds to the Romanian Television Company for the free use of decoders.</p> <p>(3) In the countryside, for networks with less than 100 subscribers, the Romanian Television Company may ensure for free the reception of the public programmes to be retransmitted.</p> <p>(4) In localities where a national minority is larger than 20%, the suppliers shall also ensure transmission services for the programmes free to retransmission, in the language of the respective minority.</p> <p>(5) If possible, the suppliers retransmitting programme services by telecommunication networks shall include in their programme offers the public services of the Romanian Radio-Broadcasting Company, a private national radio-broadcasting programme and a private local radio-broadcasting Programme.</p>
	OUGno.134/2006toestablish the National Authority for Regulation of Communications and Technology of Information, Official Gazette of Romania no. 1046/2006		
8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)	See ARCA researches		<p>ARCA is the Romanian Association for Audiovisual Communication, a NGO including 63 broadcasters and companies. Their contribution to the legal process for the main laws in audiovisual field is important. See their contribution to the European laws.</p> <p>http://ec.europa.eu/avpolicy/other_actions/content_online/index_en.htm</p>
8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission			
8.3.1. Implementation of market analysis procedure in ECNS Directives			
8.3.2. Result of (first) round of market analysis of market 18			
8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'			
8.4.1. Conditional access			
8.4.2. EPG (or other search tools)			
8.4.3. API			
8.4.4. Other			

8.5. Interoperability requirements			
8.6. Specific rules for distribution systems in print media			
<i>Note: Centralized distribution system starting from Bucharest as it was designed by the communist system. The progress of the printing technologies gives right solutions for decentralization.</i>			
8.7. General competition law	Competition law		
8.8. Policies fostering distribution systems (libraries, broadband networks...)			
8.9. State Aids to distribution platforms and/or schemes (can be based on one or more of the following criteria: - Regional - Linguistic/minority - National)			

TABLE 9. Supervision

Measure	Source	Scope of application	Key features
9.1. National Regulatory Authority			National Audiovisual Council – CAN (http://www.cna.ro)
9.1.1. Structure/ organisation			
9.1.1.1. <i>Guarantees for independence</i>	Art. 10 Audiovisual Law		(1) The National Audio-Visual Council, hereinafter called the Council, is a public autonomous authority under the control of the Parliament and the warrantor of the public interest in the field of audio-visual communication.
<i>Note: Members of National Council for Broadcasting are politically appointed, they are often political clients.</i>			
	Art. 11 Audiovisual Law		(6) The members of the Council are the warrantors of the public interest and do not represent the authority that proposed them.
	Art. 12 Audiovisual Law		(2) The position of a member in the Council is incompatible with any other public or private office, save didactical ones, provided they do not result in conflicts of interests. (3) The members in the Council may not be members of political parties or other political structures while exerting their mandate. (4) The members of the Council may not directly or indirectly hold shares or social parts in companies with activities in fields where they would be in conflict of interests with the capacity of a member in the Council.
<i>Note: Some cases of incompatibility were reported (hidden ownership in broadcasting outlets etc.)</i>			
	Art. 18 Audiovisual Law		(4) The civil servants of the Council may not be members in the board of directors of public or private radio-broadcasters, in the management bodies of radio-broadcasters and they may not exert positions or hold shares or social parts in a company holding an audio-visual licence.
9.1.1.2. <i>Representation requirements</i>	Art. 11 Audiovisual Law		(1) The Council is made up of 11 members and it is assigned by the Parliament, on request: a) Senate: 3 members; b) Chamber of Deputies: 3 members; c) President of Romania: 2 members; d) Government: 3 members.
9.1.2. <i>Credibility and efficiency</i>			
<i>Note: The licences granting process has not clear procedures and most of the Council members have not expertise in the media field. However in the last years the credibility of the Council increased because of an more active role in creating new rules and regulating the TV content.</i>			
9.1.2.1. <i>Sufficient resources</i>	Art. 16 Audiovisual Law		(1) The activity of the Council is financed from the state budget and from extraordinary income. (2) The President of the Council is a main credit accountant.

<p>9.1.2.2. <i>Tasks and duties</i></p>	<p>Art. 10 Audiovisual Law</p>		<p>(3) The National Audio-Visual Council must ensure the following as the warrantor of the public interest in the field of audio-visual communications:</p> <ul style="list-style-type: none"> a) the observance of a pluralist expression of ideas and opinions in the programme services transmitted by radio-broadcasters under the jurisdiction of Romania; b) the pluralism of information sources of the public; c) the favouring of free competition; d) a fair balance between the national radio-broadcasting services and local, regional or thematic services; e) the protection of human dignity and of minor children; f) the protection of the Romanian culture and language, as well as of the culture and languages of ethnical minorities; g) the transparency of mass communication means from the audio-visual sector; h) the transparency of own activities.
<p><u>Notes:</u> Lack of transparency of decisions and accounts.</p>			
	<p>Art. 17 Audiovisual Law</p>		<p>(1) The Council is authorised:</p> <ul style="list-style-type: none"> a) to establish the conditions, procedure and criteria for the granting of audio-visual licences; b) to establish the procedure for the granting of the retransmission authorisation; c) to issue audio-visual licences and retransmission authorisations for the operating of radio and TV programme services and to issue the audio-visual authorisation decisions; d) to issue for the application of the provisions from this Law, regulatory normative decisions in order to accomplish its attributions as expressly stipulated in this Law and mainly in regard to: <ul style="list-style-type: none"> - the ensuring of accurate information of the public; - the monitoring of the correct expression in the Romanian language and in the languages of national minorities; - the assurance of equidistance and pluralism; - the transmission of official information and communiqués of public authorities regarding calamities, states of necessity or emergency, state of siege or armed conflict; - the protection of minor children; - the defence of human dignity; - non-discriminatory policies regarding race, sex, nationality, religion, political beliefs and sexual orientation; - the exertion of the right to reply; - advertising, including political campaign advertising and tele-shopping; - sponsorship; - scheduling and broadcasting of shows or programmes regarding political campaigns; - cultural responsibilities of radio-broadcasters; <p>[...]</p>

			<p>[...]</p> <p>e) to draw up instructions and issue recommendations for the development of the activities in the field of audio-visual communication;</p> <p>(2) The Council is consulted in the process of defining the position of Romania and it may attend by representatives the international negotiations regarding the audio-visual field.</p> <p>(3) The Council is consulted in regard to all draft normative acts whereby the activities in the field of audio-visual communication or related thereto are regulated.</p> <p>(4) The Council is authorised to request and receive from radio-broadcasters and distributors of audio-visual programme services any necessary data, information and documents in order to accomplish its attributions, having the obligation to keep the confidentiality of the data that are not of public nature.</p>
9.1.2.3. Effective sanctioning powers			
<i>Note: The sanctions are oriented on the content but not on structural and moral aspects of the market competition, hidden ownership etc.</i>			
9.1.3. Cooperation with other regulators	Art. 10 Audiovisual Law		(6) The Council must notify the competent authorities in regard to the occurrence or existence of practices restricting competition, the abuse of the dominant position or of economic concentrations, as well as the existence of any other infringement of the legal provisions that does not fall under its competency.
9.2. Press Council			No Press Council
9.2.1. Broad representation of sector			
9.2.2. Sufficient resources			
9.2.3. Credibility			
9.3. Competition Authority			
9.3.1. Structure/ organization <i>(What this row should learn is whether there is a problem for media pluralism because NCA does not function properly; it should not contain an in-depth analysis of functioning of NCA!)</i>			
9.3.2. Cooperation with other regulators			



Independent Study on
“Indicators for Media Pluralism in the Member States
– towards a risk-based approach”

