



CS2. Country case studies on critical junctures in the media transformation process in Four Domains of Potential ROs (2000–2020)

The aim of the second case study is to provide analysis of risks and opportunities concerning the diachronic changes in four domains defined by the project in the 21st century.

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ROMANIA

Critical junctures in the media transformation process

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Executive Summary

The current paper follows some of the most critical moments in the last 20 years of the post-communist Romania and analyses them in parallel with the evolutions in the media field. We argue that the evolutions in the political, economic, social and technological fields have triggered changes or have been mirrored in the media field, with an impact on the possible development of the deliberative communication. It addresses the risks and opportunities for deliberative communication created by the interplay of various agents - political factors, economic actors, media outlets and media professionals, academia, the public – and warns against the lack of political vision and political will that risks to alienate the public and thus affect democracy.

1. Introduction

On 22 December 1989, thousands of people in Romania took to the streets, determined to topple the country's dictator Nicolae Ceaușescu and put an end to the decades-long oppressive Communist regime. The same day, thousands of copies of newly renamed newspapers, adding "Free" to their previous names, were handed out at no cost directly from trucks, at street corners across the country. In the weeks and months that followed, dozens of publications erratically appeared and meteorically disappeared, in probably the most dynamic period in the history of the Romanian press. Romanians sprang, literally overnight, from a scarce media diet, with party-controlled newspapers and just two hours of TV a day, mostly dedicated to the Great Leader, to an abundance of media on a completely unregulated market. Romanian democracy and the Romanian free press were born simultaneously. And this twin birth was to mark the evolution of both political and media sectors over the next 30 years, with important junctures (critical moments or actions) in one sector influencing the other.

The current paper follows some of the most critical moments in post-communist Romania and analyses them in parallel with the evolutions in the media field. We argue that the evolutions in the political, economic, social and technological fields have triggered changes or have been mirrored in the media field. This parallelism invites an analysis of possible causality: were some of the evolutions in one field a telling sign for evolutions in the other? Did they create opportunities or setbacks for the democratic development of Romania? What are the chances for the deliberative communication, defined as "mutual communication that involves weighing and reflecting on preferences, values and interests regarding matters of common concern (Bächtiger et al., 2018). Is Romania – or can be – an environment in which "each individual takes a stand by listening, deliberating, seeking arguments, and evaluating, while at the same time there is a collective effort to find values and norms on which everyone can agree" (Englund, 2006).

The first part describes the general socio-political and media context of the country. It also addresses the most important critical junctures in the political and economic field between

2000 and 2020. We use the concept of “critical junctures”, defined as a moment or periods in which significant evolutions in a given society triggered a change in the paradigm and set the society, sectors or institutions on a new path. The following sections (2 to 5) follow the evolutions in the media field in the respective periods, and analyses the interaction of media and politics and their impact on the democracy in Romania. The impact on the media field and the associated risks and opportunities are examined in four distinct domains: *Legal and ethical regulation (Section 2)*; *Journalism (Section 3)*; *Media Usage (Section 4)* and *Media Related Competencies (Section 5)*. A sixth part is dedicated to discussion and conclusions, identifying the main agents at work in the socio-political and media fields and the risks and opportunities presented by the changes that created the critical junctures.

1.1. Romanian Background

Romania is the sixth largest country in the European Union, with 19,237,691 inhabitants (Worldometer, 2022), but also one of the less performant when it comes to economy, with only 9,120 Euro GDP per capita (Eurostat, 2019), GDP has grown in last 25 years except for 2009 and 2020, according to the World Bank. The majority of the population are Romanians (89.5%) alongside 20 other ethnic minorities. Out of these, the Hungarians and the Roma represent the largest minorities. The country is predominantly Christian orthodox (86.8%), alongside other religious denominations including various forms of the Christian faith, Muslims and Jews (Institutul Național de Statistică, 2011). Demographically, Romania is marked by negative population growth, increased average age of the population and a significant emigration flow. It is estimated that 5.6 million Romanian citizens live abroad, mainly in EU states (Italy, Spain, Germany) and the UK. The major causes for this emigration are poverty, corruption and the poor quality of the political class. Another 2 million ethnic Romanians live in neighboring countries (the Republic of Moldova, Serbia, Ukraine) (Europa Liberă, 2019, 24.07).

Free and independent media is a relative new concept for Romania. The communist regime adopted an iron fist policy in regards to the media and freedom of expression. Dissident thinkers were ostracized, arrested and killed in detention. A whole generation of “capitalist” intelligentsia, including the leaders of political parties, was incarcerated and “re-educated” in communist prisons. The State secret police, the feared Securitate, was closely monitoring and extracting any person expressing views critical of Ceaușescu and his regime. The media was equally toughly controlled. In each of the 41 counties of the party there was only one newspaper, controlled by the party. At central level, the mouthpiece of the party was the newspaper *Scântea* [*The Spark*], but equally controlled were *România Liberă* [*Free Romania*], *Scântea Tineretului* [*Youth's Spark*] (a youth newspaper) and *Informația Bucureștiului* (*Bucharest Information*, a local afternoon newspaper in the capital city). Many other publications, whose editorial content had to be verified with the communist censors, catered for the interests of women, children, students or various professionals. Arts, culture and science magazines were published regularly, with a strongly politicized content. The state radio and television were the only such media available to the public and were heavily used as propaganda channels and instruments for the personality cult of Nicolae Ceaușescu and his wife Elena. In the last years of the regime, the TV schedule was reduced to barely two hours daily, most of the airtime being dedicated to the Ceaușescus and party activities and to staged expressions of enthusiastic popular support.

After decades of tough media control, the explosive development of free media in Romania was no surprise. The popular uprising in December 1989 toppled the regime of Nicolae Ceaușescu and opened the avenue for the democratization of the country. Ceaușescu and his wife Elena were executed on Christmas Day (25 December) 1989, after a summary (a mock-up, some claim) trial by a makeshift military court. It was the last death sentence pronounced and carried out in Romania.

The toppling of the Communist regime in 1989 is definitely one of the most impactful critical junctures of Romania's recent history, with dramatic changes in the development of the country.

The democratization of the country was sinuous and difficult. The first governments after 1989 opted for a slow transition to capitalism and maintaining a centralized control over the economy. At a political level, a multiparty system was restored and an array of new political parties appeared. According to the Permanent Electoral Authority, in the first democratic elections, in May 1990, 72 parties competed. Currently, there are 252 parties listed in the Registrul Partidelor Politice [Register of the Political Parties]. The country adopted a bicameral parliamentary system, with both chambers involved in the law-adoption process. General and local elections are held every 4 years, and presidential elections every 5 years. National minorities have reserved places in the Chamber of Deputies (lower chamber) if they do not get enough votes for their political factions during the elections.

Civil rights and liberties were restored soon after 1989. In 1991, Romanians voted on their new Constitution, that included the due protections for their rights, including the freedom of expression (article 30) and the free access to information (article 31). The media is free and censorship is expressly prohibited.

The evolution of a free and independent media in Romania started after the collapse of the Communist regime, in December 1989. The first years saw a proliferation of media outlets, with outlets which appeared and disappeared erratically. The adoption of the Audiovisual law, in 1992 and the law of the Public Broadcast Services (PBS) in 1994, created the first legal framework for what proved to be a rapidly developing broadcast sector. Print and online media had not been regulated by specific legislation, but had to abide by general legislation such as privacy legislation and the protection of dignity and reputation. In 1993, Romania joined the Council of Europe and signed the association agreement with the EU. Legislative harmonization that started then brought the Romanian legislation in line with EU standards (Avădani, 2017). In 2007, Romania joined the EU and has kept its legislation in line with the European political bloc ever since.

Joining the European Union is a second critical juncture for Romanian society, as it has changed the rules in many respects, from human rights to market practices, allowed for major movement flows of Romanian citizens across the EU, as well as free flow of European capital into the country.

The Romanian media system resembles the polarized pluralist or Mediterranean type (Hallin, Mancini, 2003), and the political parallelism is strong and well rooted. A study released by the NGO Active Watch in 2014 revealed that 40% of the studied televisions had political connections at owner or editorial decision-maker level (Active Watch, 2014) As the print and online media operations do not have to publicly disclose their ownership (beyond the general provisions applicable to any business), it is difficult to document the degree of overlapping between media and political interests.

The media market is diverse and fragmented. In 2020, 614 radio licenses were operational, across 194 localities, according to Consiliul Național al Audiovizualului, CNA [National Audiovisual Council]. Out of these, 5 were for private national networks. The network controlled by the Romanian Orthodox Church is the largest, with 53 broadcasting stations, followed by another 4 commercial networks. There were also 344 television broadcast licenses, active in 107 localities. Out of these, only 10 licenses were for digital terrestrial transmission. The rest were for satellite transmission (89 licenses) or other types of electronic communications (245 licenses). The number of licenses and holders' names are public.

There is no reliable estimation of the number of print and online publications. The estimation is made difficult by the lack of a generally accepted definition of what is "a publication". Just to

have an idea of the dimensions of the Romanian online space, *Ze list*, the biggest online media monitoring company follows 95,000 blogs (representing 99% of all Romanian blogs), 8,000 online sources and 7,400 publications, local and national.²⁸³

Public media is represented by Societatea Română de Televiziune, SRTV [Romanian Society for Television] and Societatea Română de Radiodifuziune, SRR [the Romanian Society for Radio broadcast]. SRTV operates five channels (*TVR 1*, *TVR 2*, *TVR 3*, *TVR Internațional* and *TVR Moldova* (broadcasting from Chișinău, in the Republic of Moldova). SRR operates 9 channels, some of them exclusively online. Both institutions have regional branches. They are funded mainly from the state budget but are allowed to broadcast advertising and run other revenue-generating operations. Until 2017, both institutions were financed via a license that every entity (household, organization or company) owning a radio or TV set had to pay. The funding system was changed when TVR accumulated 150 million Euro in debts and was on the brink of bankruptcy. The change in the funding system was widely criticized for strengthening the political control over the two institutions. They were already controlled by the government, not necessarily via direct editorial intervention but by the way their leading bodies were appointed and dismissed. The boards can be dismissed by rejecting their annual report. The mechanism was extensively used by all parliamentary majorities through the years to gain control over the institutions. For example, only one TVR board managed to complete its 4-year mandate.²⁸⁴ Public television programs suffer very low ratings, which has made critics question the broadcaster's capacity to fulfil its role as a public media service. Meanwhile, public radio still enjoys popularity and a good audience rate.

Circulation and readership figures for print and online publications are audited by the Romanian Biroul Român de Audit Transmedia, BRAT [Transmedia Auditing Bureau]. The audit is voluntary, based on BRAT membership. Figures are public for free for the last auditing period (previous six months). The rest of the data is available to subscribers. Audience figures for TV broadcasters are measured by Asociația Română de Măsurare a Audiențelor, ARMA [Romanian Association for Audience Measurement]. The radio broadcasters' audience is measured by Asociația pentru Radio Audiență, ARA [Association for Radio Audience]. The results of the measurements are, according to Audiovisual Law, criteria for evaluating the dominant position of a broadcaster in a given market. Measurement includes only big broadcasters, as for the smaller ones, the prices of the measurement are prohibitive.

Media ownership is concentrated in the audiovisual sector and fragmented in the other sectors. The name of the companies operating licenses is public, and their list of stakeholders, down to individuals, is submitted to Consiliul Național al Audiovizualului, CNA. It used to be public, but it was made secret following the GDPR implementation, as the Council argued that the names of the stakeholders are protected personal data. In October 2022, CNA reversed its decisions and the list of owners, down to individuals, was made public again. "The previous decision was taken based on an excessive interpretation of the law - names of stakeholders are personal data, therefore should not be displayed. But these names are public in the companies' files at the Trade Register. And when broadcasters apply for changes in their ownership structure, their applications are discussed in CNA meetings – also public, broadcast live on the Internet. Keeping secret a list of public names is a nonsense", said Mircea Toma, CNA member.²⁸⁵ There is no ownership transparency obligation for print and online media. Still, the ultimate beneficiaries of big media operations are known to the public. The majority ownership in Romanian media is

²⁸³ Ze list, available at <https://www.zelist.ro/monitor/>, accessed 19.01.2022.

²⁸⁴ The board chaired by Cristian Hadji-Culea, 1998-2002, according to https://ro.wikipedia.org/wiki/Societatea_Rom%C3%A2n%C4%83_de_Televiziune%26Pre%C8%99edin%C8%9Bi_Radioteleviziunii_Rom%C3%A2ne_dup%C4%83_1989, accessed 19.01.2022.

²⁸⁵ Interview with Mircea Toma, CNA member, conducted on 31.10.2022

domestic. Still, some of the big TV stations have foreign ownership (Czech PPF Group owns Pro TV, and Turkish Dogan Group owns Kanal D).

Media and communication infrastructure is well-developed in Romania. In June 2021, 28.1% of the households had a fixed phone line. There were 13 million SIM cards active, representing a penetration rate of 117 per 100 inhabitants. 71% of household had an internet landline and Romania registered a 107% penetration rate of the mobile internet (ANCOM, 2021). Romania ranks fifth globally in terms of Internet speed on fixed broadband connections (McKetta, 2021).

1.2. Critical turning points in the last 20 years in Romania

For the scope of this study, critical junctures have been defined as those times in history when the social and political equilibrium is shaken, punctured and the future developments can more easily sway from the previous development path. During such periods, different (small) events, choices, strategies and decisions of different agents (changes) finally accumulate and lead to an institutional change. The contingency of actions is central to the identification of critical junctures.

For comparability reasons, under the current Mediadecom project, we agreed to focus on a series of major junctures likely to affect all the countries participating in the study:

- change of political system in the beginning of the 1990s (the reunification of Germany; the collapse of the Soviet system);
- gaining membership to pan-European institutions (EU, NATO)
- the rise of populism, illiberal discourse and right-wing governments
- the development of Internet and communication technology, with the apex marked by the advent of social media and the development of mobile communications
- the economic crisis in 2008–2010
- the adoption of GDPR and the related legislation in 2018, that affected citizens freedom of information and, in particular, the work of researchers across Europe.
- the COVID-19 pandemic of 2020

These junctures impacted countries in different ways and various institutions responded differently to the changes. Therefore, it is important to analyze them in the national context of Romania, taking a look at the socio-economic and political conditions that led to them, as well as the effects they triggered. Therefore, while following the general critical junctures, we have applied a finer granulation to analyze the local events, identifying the following critical turning points.

1.2.1. The “skinny cows” years: the interplay of governmental abuses and EU harmonization shaped up the media landscape (2000-2004)

The period overlaps with the ruling of the cabinet of the Social Democratic Party (PSD), led by the prime minister Adrian Năstase. It is a period of uncharacteristic political stability for Romania, his cabinet was the second (and the last one eve) that completed its 4-year mandate after 1989. The Năstase government ruling is full of paradoxes. During its 4 years, Romania registered important political progress: it joined NATO (2004), and successfully started (2000) and technically closed (2004) EU accession negotiations. EU travel visas for Romanian citizens were lifted (2001), which allowed for free circulation (and migration) across the continent. The economy became relatively stable and GDP grew (from 131.3 billion USD in 2000 to 192.7 billion USD in 2004) (World Bank, 2004). The free access to public information law, one crucial piece of media freedom and freedom of expression, was adopted in 2001, sponsored jointly by the ruling

PSD and the opposition National Liberal Party. Yet, a more restrictive state secret law was adopted two years later, under the (false) claim that this was required by NATO. At the same time, the Năstase government was accused of being a purveyor of widespread corruption and abuses against justice, aimed at preventing the prosecution of supporters of the ruling party. Corruption was a permanent feature in the EU progress reports (Commission of the European Communities, 2003, p. 26). While his government, under the pressure of EU accession, started some institutional moves against corruption, initiating new legislation or creating specialized institutions, Năstase openly opposed any allegation regarding the existence of any corruption in Romania and claimed that EU officials' statements on this topic were just intimidation and negotiation tactics. In making a comparison between the EU's treatment of Romania, the prime minister said: "You know how it goes: it's like seasoning the venison, you have to keep it three days in vinegar. It is part of the cooking. [...] You deal differently with the people if they are on their knees (Adevărul, 2003)

With his desire to control the public agenda and conversation, the Năstase government had also conducted a very tough campaign to control the media. Reports from the period documented a vast array of means used to this avail: arbitrary allocation of state advertising, abusive use of local state institutions against critical media, politicians buying media outlets, controlling the allocation of the broadcasting frequencies for the audiovisual media. In 2004, the media revealed that the prime minister Năstase asked to countersign all the advertising contracts allocated by the ministries to the media, in order to make sure that they are not using them for their own benefits (instead of the party's). In its 2004 regular report on the harmonization progress, the European Commission noted that the government "has tolerated the accumulation of significant arrears by a number of the largest media companies, including most major private TV stations." (Commission of the European Communities, 2004, p.26) Local party leaders were encouraged to adopt an equally controlling attitude at local level and exert a strict monitoring of the affairs – and the media – in their area. At this time the term "local barons" was coined to describe the major players in this situation. Romanian media was called "Berlusconised", in order to describe the strong parallelism between its politics and media, and that of Italy (Active Watch, 2003). Reports also showed that, in time, politicians or people close to the parties (not only the one in power) started to invest in media, including the purchase of local media outlets (IREX, 2002). "The mechanism of buying the local press is based on two assumptions. Firstly, local media has a larger audience than state media. Secondly, even if you cannot make local media write positively about you, you can at least stop them from criticizing you," writes the IREX-produced *Media Sustainability Index report* (MSI) quoting one participant in the focus group (IREX, 2002). This move seems to be part of a larger, regional one as "[f]ollowing a pattern evidenced in other Eastern European Post-Communist countries, by the turn of the century a increasing number of local political or business leaders entered the media world, joining the ranks of media owners" (Coman, Gross, Jakubowics, 2013).

The brutal techniques of media control set up a steady pattern in the relationship of the media and political forces: one of dependency, based on coping mechanisms with editorial effects (self-censorship, negotiating the editorial agenda). This period consolidated the political parallelism of the media. At the same time, this is when Romania had to implement all the major legal harmonization to prepare for its EU membership.

1.2.2. The "fat cows" years: EU accession, liberalization and prosperity (2005-2007)

The elections in the fall of 2004 brought to power a liberal government, led by prime minister Călin Popescu Tăriceanu. From the first months in office, the cabinet tried to distance itself from the PSD practices and promised transparency and predictability in the allocation of state advertising. They cooperated with media NGOs and representatives of the industry to introduce transparent and professional criteria in the allocation of advertising contracts. These provisions

were later incorporated into the general public procurement legislation, going beyond what was strictly required by the EU acquis. Some media outlets, close to the PSD, saw their revenue flow severed practically overnight and, for a while, the market struggled to find its balance. According to a report prepared by the Center for Independent Journalism, in 2005 the advertising budget of the public institutions stood at 3.8 million Euros, down from 14.7 million Euros in 2004 (Avădani, Nicolae, 2006).

The 2004 elections also brought to power a new president, in the person of Traian Băsescu, an outspoken former commercial navy commander. He pushed for tough anti-corruption actions, antagonized both the Government and the Parliament and disturbed various groups of interest. In 2007, he was impeached by the Parliament, who accused him of manipulating and instigating public opinion against other state institutions such as the Parliament and the Government. But less than 40% of the voters showed up to the referendum to decide Basescu's dismissal, and 75% of this figure voted against his dismissal.

The period also known as one of relative economic affluence. The GDP reached a whopping 285 billion USD in 2007 (as compared to 192.7 billion USD in 2004)(WorldBank).

This period was crowned by Romania officially joining the EU in 2007.

The period deepened the political parallelism and brought this to a new, more severe form: the polarization of the media and of the whole society. Public respect for journalists and media started to wilt. Professional solidarity was lost in the process, apparently for good.

1.2.3. Homo homini lupus est: *the economic crisis (2009-2012 and beyond)*

The period between 2009-2012 was one of considerable turmoil, generated by the global economic crisis, social unrest and political instability. The financial crisis hit Romania rather late, with 2008 being still being a growth year. In 2009, the GDP began to sink, and slowly recover starting in 2011 (World Bank). The 2008 general elections consolidated the control of president Băsescu, with his party emerging the winner. The government led by Emil Boc was totally loyal to the president and followed his line. Băsescu himself was re-elected in 2009, for a second term, despite harsh criticism continuously expressed on influential media outlets. The president imposed a tough line in fighting the crisis, increasing some taxes and introducing 25% cuts in public budgets, including wages – from ministers to teachers to artists in public orchestras. A new Labor Code was adopted, introducing new taxes on labor and eliminating the “national work contract”, thus fragmenting the negotiation power of the trade unions, including those of journalists. His health reform legislation, introduced as a draft in December 2011, would have reduced state funded health benefits, deregulated the health insurance market, and privatized Romanian hospitals. This made people take to the streets, in protests that expanded across the country and ended up in violence in Bucharest in January 2012. The draft was withdrawn and prime minister Boc was forced to resign. His cabinet was followed by a series of short-lived center-right governments, eventually replaced by a PSD government through a non-confidence vote. Local and general elections in 2012 brought the PSD back in power, with a government led by the party leader Victor Ponta. The co-habitation of Ponta with President Băsescu was difficult and confrontational.

The period was important especially for the stress it put on the media market, which was severely trimmed down. Media outlets laid off staff, reduced content, moved exclusively online or disappeared altogether. Coping mechanisms of the media outlets have been once again activated, increasing even further the political dependency of most of the media. It marked the “online migration” of print publications, the depopulation of newsrooms, the vulnerabilization of jobs in media and a significant dumbing down of the media content. It was also a period of strong po-

larization of the media, with journalists fighting fellow journalist rather than just cover the politicians' confrontation

1.2.4. Let's get digital: the technological disruption (2014-2021)

The considered period is marked by an accentuated political instability, which put Romania in an almost perpetual electoral fever. The first Ponta Government, installed in December 2012, lasted only until 2014 and was followed by 8 other cabinets, some lasting only days. Regular general elections in 2016 brought PSD a relatively comfortable majority, but internal fights for power made the government instable and four other PSD prime ministers followed, some of them dismissed by non-confidence votes initiated by their own party. In November 2019, the cabinet headed by Viorica Dăncilă, the first woman to accede to this position, was dismissed by a non-confidence vote initiated by the parliamentary opposition. The government was then formed by Liberals who, at their turn, changed three governmental teams in less than one year. General elections in 2020 consolidated the Liberals, who formed a coalition government, but this also lasted for just under a year. In late 2021, a new surprising coalition was formed between archfoe Liberals and Social-Democrats, ran by Nicolae Ciucă, a retired army general. According to the coalition memorandum, he is supposed to hand the power down to a PSD representative in 2023, a year before the scheduled general elections.

The elections in 2020 brought in Parliament the Alianța pentru Uniunea Românilor, AUR [Alliance for the Union of Romanians], a right-wing, nationalistic and anti-system party, which had little visibility before the elections. Their 9% in the general elections came as a surprise when they emerged as the fourth largest party in the country at the central level. Their self-proclaimed values are "family, nation, Christian faith, and liberty". It was for the first time since 2004 that an overtly nationalistic party has entered the Parliament. They scored well in some voting constituencies abroad (such as Germany and Italy) which usually voted for parties and candidates of the liberal side.

One of the critical moments of this period was marked by the Colectiv tragedy. In October 2015, the Colectiv music club in Bucharest caught fire and 64 people, mostly young, were killed – both during the fire and in the weeks that followed, of intra-hospital infections and lack of proper care. Outraged by the revelation that the club was operating without the proper fire permits but also by the authorities' attempts at minimizing and covering up the hospital crisis, tens of thousands of people took the streets, protesting corruption. "Corruption kills" was the slogan of the protests. Premier Ponta resigned under the pressure and was replaced by a technocratic government led by the former European Commissioner for Agriculture, Dacian Cioloș, which was tasked with organizing the local and general elections in 2016.

Presidential elections in 2014 brought to power president the former mayor of the city of Sibiu, Klaus Iohannis, who ran with the support of the Liberals against Victor Ponta. He gained a second mandate in 2019, against Viorica Dăncilă.

The period was also marked by strong social protest movements, stirred by the intentions of the PSD to modify laws so that some corruption acts would be pardoned and others difficult to prosecute in the future. In January and February 2017, hundreds of thousands of people took the streets in protest all over Romania, with the biggest in Bucharest. They were the largest street protests in Romanian since 1989. Throughout 2017 and 2018, protests were held daily in Bucharest, but at a much smaller scale. The protest of August 2018, when 100,000 people, most of them coming from the diaspora, triggered the aggressive reaction of the law enforcement forces who used water cannons and tear gas to dissipate the otherwise non-violent protesters. Some participants, including journalists visibly sporting press cards, were brutally beaten by riot police.

This politically troubled period saw the role of the traditional media platforms decreasing and the rise of the influence of social media. Street protests were organized and reported on by citizens using social media, while traditional professional media started to regularly utilize user generated content as a source. Politicians and institutions started to use social media as their primary public communication tool.

1.2.5. *The unexpected: The Covid-19 years (2020-2022)*

The period 2020-2022 was marked by the COVID-19 pandemic and the major disruption it brought by in all sectors. In Romania, this was compounded by political tensions, due to local and general elections in 2020.

The first Covid cases appeared in Romania in February 2020, and on 16 March that year the country entered the state of emergency, as per a presidential decree. It listed the human rights that would be limited by virtue of the state of emergency, such as the right to free movement, of assembly and private life. At the same time, Romania announced to the Council of Europe that it had suspended temporarily the application of the European Convention of Human Rights. A Group of Strategic Communication, whose members remained secret for more than a year, was created and tasked with the coordinated public communication of the anti-Covid measures. The state of emergency lasted for 60 days and was followed by successive periods of a “state of alert”, a milder form that would allow the government to limit some rights. Various restrictions were also imposed, lifted or re-imposed, following the severity of various “waves” of infection. The most severe to date was the fourth wave, with a rate of 20,000 new cases and over 500 deaths per day. In October 2021, Romania registered the highest mortality rate in the world²⁸⁶. Eleven major fires affected hospitals in Romania in the last year, most of them affecting COVID-19 sections. The vaccination started in January 2020. By December 2020, the vaccinated represented 46.5% of the eligible population (aged 12+) and there was solid resistance to vaccination on the part of the rest of the population.

During the first two years of the pandemic, the government adopted several measures meant to protect the business sector, but those were limited mostly to delayed taxes and minor compensation packages. A major role in managing the response to the pandemic and the vaccination campaign was played by the army. The head of the vaccination campaign was an active service colonel, the transportation of vaccine doses was done by army vehicles and the storage was done in the military facilities. In the first days of the lockdown, armed military and tanks were brought to the streets of Bucharest to enforce the rules, even though nobody opposed them. This extreme military presence took sometimes risible forms. For example, police forces were asked to accompany priests spreading candlelight from holy fire of Jerusalem in the Easter night of 2020. Also, police cars broadcast Romania’s national anthem every weekend at 8pm.

The public health crises overlapped with two other crises in Romania: the first in politics, and the second in energy. The political crisis was generated by the authoritative attitude of prime minister Florin Cîțu (National Liberal) in dealing with his coalition partner, Uniunea Salvați România USR, [Union Save Romania]). When USR left the coalition, the government fell and a new and unlikely coalition was formed between the National Liberals and Social-Democrats, who had previously been arch enemies. The new government, led by retired army general Nicolae Ciucă was installed in December 2021. The prime minister position is supposed to be taken over by Social-Democrats in 2023. The two partners have very different approaches

²⁸⁶ România a ajuns pe primul loc în lume la decesele zilnice de Covid [Romania ranks first in the world for daily Covid deaths], *Spotmedia*, 16.10.2020, available at <https://spotmedia.ro/stiri/sanatate/romania-a-ajuns-pe-primul-loc-in-lume-la-decesele-zilnice-de-covid>, accessed 15.01.2022.

regarding salaries, pensions, the justice system and the allocation of the 29 billion Euros from the Resilience and Recovery National Plan approved by the EU.

The energy crisis was triggered by the energy and natural gas prices liberalization in Romania, which was exacerbated by the dramatic increase in those prices at a global level, due to the pandemic. Although Romania is almost self-sufficient in terms of electric power, the country is dependent on gas imports, mainly from Russia.

The period marked a clear restriction of the freedom of expression and revealed the lack of genuine attachment to this human right on the part of the Romanian authorities. The free flow of information was restricted and centralized and the law enforcement institutions (army, police, secret services) emerged as active agents willing to shape the public discourse.

2. Risks and opportunities in the legal and ethical regulation domain

2.1. Development and agency of change

The analysis of the changes affecting the legal domain over the last 20 years reveal the strong dominance of the corporative agents – especially the political factor. It was the Government and the Parliament which pushed for changes in both the law-making process and the media.

There is a clear tension between opportunities offered by the legal harmonization process required by EU candidacy and membership – that went in the direction of a liberal democracy – and the faulty implementation that followed. The state administration that adopted the new laws also undermined them through their incomplete application, delays in their application, informal conduct, and the circumvention of the legal procedures provided under the law

There is an interesting paradox generated by the Government between 2000-2004. On the one hand, by its formal conduct – opening and successfully concluding negotiations with NATO and EU for Romania’s accession – it created valuable opportunities for the transition to a solid democracy. On the other hand, by its informal conduct – surreptitious forms of censorship, especially using economic leverage, pressures on the media, including the public media, it generated major risks for democracy.

The same ambivalence can be detected in the role played by the EU as an agent of change. The greater part of the modernization of Romanian legislation, especially the laws pertaining to freedom of expression, occurred as part of the accession efforts. In this respect, the EU acquis offered a model and the accession an opportunity to fast forward Romanian laws towards EU standards. At the same time, later pieces of legislation – such as the GDPR or Data Retention Directive – posed unpredicted risks for the free expression in Romania, mostly via narrow and malicious interpretation by the local authorities. Apart from this, they created a new layer of bureaucracy that hampered even further the free flow of information and opinion. The recent directives – the Copyright Directive, the Digital Services Directive and the Media Act currently under preparation – risk to further thicken this bureaucratic layer, via procedures and specialized bodies which will result in more red tape. So, we are currently facing the risk of the “bureaucratization of human rights” that may hamper the exercise of the very rights they want to protect and safeguard, according to Law Professor Mihai Șandru.²⁸⁷ “More than just the bureaucratization, I have noticed an appetite for an uncalled-for European intrusion. Creating the

²⁸⁷ Prof. Mihai Sandru, Law Department, University of Bucharest, in the focus group [Probleme actuale privind protecția drepturilor și libertăților fundamentale în Uniunea Europeană. Protejarea libertății mass-mediei în UE: noi norme, 24 martie 2022](#) [Current Problems In Protecting The fundamental Rights and Liberties in EU. The protection of Media Freedom in EU: New Norms], 2022, attended by the author.

position of a freedom of expression officer is, in my view, the highest point of this bureaucratization”, Şandru added. Other state actors active in this field were the Constitutional Court, whose rulings were critical in rejecting the legislation transposing EU directives related to data retention and the cyber-security laws, and Avocatul Poporului [Ombudsman], whose interventions were more visible during the Covid-19 pandemic.

Noteworthy, while having the upper hand, the Government and the polity were not the only agents of change. Civil society organizations played, at times, an active role in the legislative process, both as supporters (as was the case with the Law on access to information, in 2001) or as opponents (as with the Criminal and Civil Codes, in 2009 or the so-called cyber-security laws). They were able to contribute to the texts and advocate for them, influence the vote (in a small measure) and help in the dissemination of provisions that were important to them, including by training the public administration in how to use the laws. They were also active in independently monitoring the implementation. The role of civil society was important not as much in promoting new legislation, but mainly in “cleaning up” the existing laws or preventing bad legislation from being adopted. Thus, it played a back-stop role.

The impact of journalists – both in their capacity as corporative agents (via their professional associations) and primary agents (as citizens and individual reporters) was rather limited in the legal domain. This lack of engagement and participation is a risk in itself, because if the journalists are disinterested in their own freedom and independence, they are less likely – and eventually able – to support the public’s rights and perform their public mandate.

2.2. Freedom of expression

Freedom of expression is the human right best known to Romanians and it was often mentioned as being the major gain of the 1989 revolution. It enjoys a comprehensive reflection in the legislation. Romania has an “overarching and detailed legal framework, that offers sufficient protection for the human dignity and private life of people, as well as recourse for those who feel harmed in their rights” (Hatneanu, 2013), both in the civil and penal domain. The freedom of expression is protected by article 30 of the Constitution, including specific protection against censorship for the media. The independence of media and journalists and the protection of sources are enshrined in specific articles of the Audiovisual Law and in the laws on the functioning of the public media (television, radio, news agency services). By extension, such protections are understood to cover all types of journalists.

There is a comprehensive corpus of legal texts regulating the legitimate restrictions to the freedom of expression: protection of human dignity, protection of privacy, and protection of personal data. There are also laws specifically prohibiting hate speech, namely the racist and xenophobic discourse, as well as the denial of the Holocaust.

The adoption of these legal texts can be clearly linked to the political evolutions in Romania, especially to its bid to join the Euro-Atlantic structures. The Constitution was adopted early on, in 1991, only one year after the toppling of the Communist regime, and it still preserved some of the rhetoric of those years. For example, article 30 of the Constitution prohibits “defamation of the country and nation”. A correspondent article was introduced in the Penal Code in 1996, to be later on repealed, as part of the harmonization process with the EU acquis. The harmonization process started in 2000, when Romania first started accession negotiations. The Romanian government, irrespective of its ideological leaning, made efforts to harmonize the legislation with the *acquis communautaire*. Most of the reforms in the media legal domain were made under the pressure of the EU accession process. Romania adopted the Audiovisual Law 504/2002, which was subsequently amended several times so it could harmonize with the various versions of the EU directives in the field. Also in 2002, the Government adopted the

Emergency Ordinance 31/2002 on the prohibition of organizations, symbols and acts of a fascist, Legionary (Romanian fascist)²⁸⁸, racist and xenophobic nature and of the promotion of the personality cult of persons guilty of genocide against humanity and war crimes. Insult and calumny were decriminalized in 2006. At the same time, penal articles related to defamation of the country and nation and dissemination of false information have been repealed. All these articles had carried prison sentences. The public procurement legislation introduced transparency obligations for state advertising contracts (firstly adopted in 2005 and subsequently carried on in all the following versions of the law). The period 2000-2004 was paradoxical, with visible progress in the adoption of liberal laws, but with direct pressure on the media. The years 2005-2007 brought relaxation, professionalization and transparency in the media field, including in the legal domain. Irrespective of these differences, EU accession acted as the main country project and offered the biggest and most comprehensive opportunity for the legal harmonization and adoption of democratic standards in Romania.

The modernization process continued after the EU accession (2007). At the initiative of the President Traian Băsescu and motivated by the fight against corruption, the Government prepared a four-pillared justice reform, with new Civil and Penal Codes and Civil and Penal Procedural Codes. Băsescu pushed for the adoption of the codes as a package, asking the Government run by Emil Boc to “assume political responsibility” for it.²⁸⁹ The move stirred public outcry as it went against the transparency requirements of a democratic society and because the legal package would form the backbone of the whole justice system for years to come. Under the pressure of both political opponents and civil society, Băsescu and Boc agreed to open the drafts to speedy parliamentary debates, with the participation of civil society. Thus, amendments were brought to guarantee freedom of expression (a specific article in the Civil Code), the independence of journalists and a certain level of protection for public interest information (in the Penal Code). Insult and calumny were kept out of the Penal Code, with defamation becoming a civil matter. Privacy was protected both by civil and penal provisions. Paradoxically, the media and journalists’ associations showed a limited interest in the debate.

In 2008, Romania adopted the Law on the retention of personal data, which transposed the European Union (EU) Data Retention Directive 2006/24. The law was adopted against the protests of the civil organizations and was later invalidated by the Constitutional Court, for not providing sufficient protection of human rights. A new form of the law was adopted in 2012 and rejected, again, by the Constitutional Court in 2014, months after the European Court of Justice would have invalidated the directive itself. Two other laws, to the same avail – the Law on pre-pay SIM cards and the Cyber Security law, supported by the intelligence services, have been adopted – and subsequently invalidated – by the Constitutional Court in 2014. The Court stated that they did not offer sufficient protection to the privacy of Romanian citizens and allowed a too large interference of law enforcement and other authorities in the lives of Romanians. The intelligence services publicly decried the rejection of these laws, claiming that it would impede their anti-corruption actions. Romania implemented the GDPR, with adverse effects for the media, as the authorities used the privacy protection to restrict the free flow of information. The GDPR has also been used by persons that appear in media investigations to intimidate journalists.

²⁸⁸ The Legionary Movement (aka *Legiunea Arhanghelului Mihai/The Legion of The Archangel Michel and Garda de Fier/Iron Guard*) was a nationalist-fascist party created in Romania in the late 1920s. They shortly acceded to power in September 1940-January 1941, creating the National-Legionary State, that promoted a strong anti-Semitic policy, marked by persecutions, expulsions and pogroms.

²⁸⁹ The procedure is provided by the Romanian Constitution as an extreme leverage: the proposed legislation is either voted as such (with no amendments) or the Government is dismissed.

The period 2015-2021 saw the rise of digital communication technologies. Significant changes appeared in the media usage patterns of Romanians, bringing the online media, and especially social media, to the forefront. This shift in the consumption paradigm also impacted the legal domain. Confronted with the realities of new consumption patterns, the state authorities and politicians tried to rein in the online content and drafted legislation to regulate this content. None of these laws have been adopted yet, but European directives – such as the Revised Audio-visual Media Service Directive²⁹⁰ and the new Copyright Directive – had to be transposed in the national legislation and include provisions that would affect content posted on sharing and micro-blogging platforms. The Romanian draft laws transposing the directives do little more than just copying the translation of the texts of the European documents, with no adaptation to the Romanian context.

The Covid-19 pandemic strongly impacted the legal domain, putting under question the commitment to freedom of expression by the political leadership. The presidential decree that installed the state of emergency (March 2020) exposed this weak commitment. The decree listed the human rights that may be affected by restrictions during the state of emergency. The right to freedom of expression was not among the listed restrictions, still the measures announced by the president were about to deeply affect it. For example, all media had the obligation to “contribute to the public information campaign” related to the disease and the measures to contain it. More importantly, the presidential decree empowered the telecom regulator ANCOM to suspend all online publications that disseminated fake news, the toughest measure ever adopted by any authority in Romania over the last 30 years. No clear criteria and procedure were given for this. ANCOM itself said that it doesn’t have the necessary editorial competences to perform the task, so the Interior Ministry and the Group of Strategic Communication were in charge of deciding what publications had to be taken down (Bogdan, 2020). They said that the measure would not affect reputable publications that have a prior communication with the government, thus establishing criteria for suspending sites that were not concerned with editorial content. All in all, 16 publications were suspended during this state of emergency. They were re-established promptly the day after the state of emergency was lifted. The measure was judged inefficient as some of the publications moved immediately to mirror sites. In addition, some of the suspended publications were just re-running articles published by bigger media, which were not affected, so the contested content remained available for the public. It was also judged dangerous, because it created a precedent and was operated without transparency, by people whose identity was not publicly revealed and with no valid criteria (Vasilache, 2020).

There was a certain tension between the legal corpus that tended to follow European or international standards and its implementation and the informal conduct of the various agents involved. For example, during the “skinny cows years” (2000-2004), major steps forward have been achieved in the adoption of freedom of expression legislation. Still, the aggressive stance of the Adrian Năstase government against the media had a strong and lasting effect on the industry, at different levels. The level of informal censorship – via economic leverage, abusive controls conducted by state institutions, or direct pressures on newsrooms and journalists – was high and induced an even higher level of self-censorship. When the 2005 changes in the public procurement legislation opened the state advertising market to all commercial players, the implementation of the new legislation was slow. The public servants took their time to familiarize themselves with the new provisions and some were taken aback by their newly gained relative freedom when direct orders “from above” stopped. The public servants in charge of procurement were not trained on how to apply the professional criteria of advertising allocation. Equally unprepared were the media companies, who were not accustomed to participating in unrigged bids and acting on a competitive market. It took the public authorities just a couple

²⁹⁰ The law that transposed the directive was adopted in June 2022.

of years to learn how to circumvent the new provisions and reinstate the old model of preferential networks for the allocation of state advertising contracts (Avădani, Nicolae, 2006, 2012, 2014, Avădani, Ene, 2010).

Despite the abundance of legal provisions regulating the freedom of expression, there is no similar abundance of cases in the courts on this topic. According to Hatneanu's analysis (2013), a specialized lawyer with a successful track record of defending cases in front of the European Court of Human Rights, most of the lawsuits deal with human dignity, and the right to one's own image and reputation. In recent years, the virulence of legal attacks against journalists increased. In one very prominent case, mayor Daniel Băluță of one of Bucharest six boroughs, Sector 4, sued the newspaper *Libertatea* 30 times. He asked the court for the paper to delete all articles about him and never write about him again. He also asked for his right to reply – that contained “lessons” for the journalists on how to write and edit their articles – to be published in its entirety. He also filed a complaint to the Romanian agency tasked with investigating and prosecuting organized crime DIICOT against *Libertatea* and *Newsweek Romania* newsrooms, accusing the publications of forming “an organized criminal group”, as both publications published articles exposing his corruption acts at the same time. He also complained to the anti-discrimination council, claiming that journalists discriminate him as mayor and to the Audiovisual Council (CNA), against Pro TV, a station that covered the subject in an investigation. Out of the 30 lawsuits, three have already been finalized and the mayor lost on all accounts. DIICOT closed the case as ungrounded and CNA ruled in favor of the journalists (Tolontan, 2021). This is the most visible case of SLAPP and it owes its visibility to the prominence of actors – both the reputed journalists and the mayor. Threats with criminal prosecution were used during the first months of the COVID-19 pandemic by the authorities to sanction reports or statements that contradicted the official narrative. In such cases the authorities used as an intimidating tool article 404 of the Penal Code that incriminates the dissemination of false information, data or documents if this results in a danger to national security.

Data regarding the legal domain is rich and relatively easily accessible, if we talk about primary sources (law text). Analytical analyses of the legislation are rare. The most active source in this field are NGOs interested in the media field. SLAPP, as a phenomenon, is hard to document, as the lawsuit online D-base cannot be interrogated after the type of complaint or whether it involves journalists or newsrooms. The lack of access to this type of data presents one serious risk, as it makes research and advocacy difficult.

2.3. Freedom of information

The right to access to information is enshrined in the Romanian Constitution, article 31. There are also specific laws dealing with this right: Law 544/200 on access to information of public interest and Law 109/2007 on the reuse of the information of the public institutions (transposition of the Directive 2003/98/CE on the reuse of public sector information). Laws on institutional transparency, public procurement, data protection and state secrets have relevant provisions that support or legitimately limit access to information.

Law 544/2001 on access to information of public interest was carved with support of US organizations and follows the American model (public information is public property, access to it is free of charge). It defines the information of public interest as all information produced, detained or pertaining to the activities of public bodies or companies operating with public funds. It obliges the public authorities to answer information requests in ten days or, if the requests are complex, in a maximum of 30 days. Denial of the release of protected information shall be communicated to the requester within 5 days. The law prescribes the type of information that all public bodies have to release ex officio and creates the obligation of all public bodies to have a spokesperson and a person in charge of the access to public information. Reports regarding

the access to information activities have to be published annually and a general, nationwide report has to be compiled and published by the Government. In case of dissatisfactory answers, the requester can sue the institution in order to access the information.

Law 109/2007 follows the European directive and largely ignores the provisions of Law 544/2001, without repealing it. The European law is more restrictive in scope than the pre-existing national law. Thus, Romania has two standards in dealing with access to information, but the best known and the most used is the law of 2001. This difference is rooted in the fact that the national law enjoyed a stronger ownership from the part of both political parties and civil society. The law was adopted in a rare instance of cooperation between the then ruling Social-Democrats and the opposition National Liberal Party, with the strong support and contributions from civic organizations. Its implementation was facilitated by vigorous activities of training of public servants and monitoring by NGOs. The adoption of the law of 2007 was rather “technical” – it was on the *acquis* list and it did not stir any debates or real interest. In this case, EU legislation created a risk for the freedom of information in Romania, narrowing the scope of the pre-existing more permissive legislation.

In practice, the access to public information is less than optimal. Requests are routinely delayed to the point that some institutions claim that the legal term is 30 days (instead of 10). Some requests are simply ignored and never answered. Activity reports are formal and rather statistical than qualitative and project a very positive image of the activity and the institution. The independent monitoring of the implementation of the law offers another image: inconsistent interpretations of what is “public information”, inconsistent interpretations of the obligations of the public institution. Moreover, when contested in courts, the decisions have been equally scattered, with different courts providing different solutions to similar cases. Such a monitoring exercise was conducted by the think tank Expert Forum (EFOR), who asked all Police and Gendarmerie departments at county level (42 units) data about the sanctions they applied during the state of emergency (March 15 – May 15, 2020). None of the 42 units provided satisfactory answers, so EFOR sued all of them. They won in 21 cases and lost in another 20 (one case was still pending at the time of the report) in the first instance. EFOR appealed the lost lawsuits and won in 8 cases, but lost 12. “Not only do two law enforcement institutions – the Police and Gendarmerie – have different interpretations of the law, but these differences permeate the juridical system, creating a climate of major incertitude”, reads the report (EFOR, 2021).

During the state of emergency, the terms for releasing information under the law of access to public information were doubled, from 10/30 days to 20/60 days respectively. Some institutions, especially in the countryside, suspended completely their access to information activities, claiming that they have received orders to thus avail, in order to allow for a centralized communication from Bucharest.

The coming into force of the European GDPR offered the Romanian authorities new pretexts for retaining information or harassing the media. It has become more difficult for journalists to get access to public documents, with the authorities invoking the fact that they contain personal data, such as names of persons, even if the persons are in public or elected positions. In 2018, the journalists with the reputed investigative group RISE Project published a series of documents (including personal photos and proof of spending) of some business associates of the head of the Social Democrats and Chair of the Chamber of Deputies, Liviu Dragnea. The article indicated a vast corruption scheme in which Dragnea was benefitting from public money masked as fraudulent commercial contracts. The day after, the Data Protection authority (ANSPDCP) summoned the RISE journalists and asked them for the source of their information and what other data they have, claiming the interest of protecting the personal data of the persons featured in the article. The data protection authority also threatened the journalists with a

fine of 20 million euro – the maximum provided by GDPR. The threat was not carried out and was considered an attempt at intimidating the investigative reporters.

The double standards provided by two laws on the same topic, the faulty implementation of the laws, and the inconsistency in the interpretation of the laws even by courts present a risk to the free flow of information. All the same, the misinterpretation and malicious use of the EU legislation poses a significant risk for the media in Romania.

2.4. Media accountability

2.4.1. Development and agency of change

Romania does not have a functional and unified media accountability system. There are several ethical codes adopted by various professional groups and, while more or less similar, they are rather weakly implemented and inconsistently enforced. There were two main corporate actors involved in the attempted self-regulation of the media: the journalists and the media owners and publishers. Journalists are gathered in professional associations, based on general interest, specialization (such as the association of health reporters, sports reporters, international news reporters), profile (photo reporters, cartoonists), ethnicity (Hungarian journalists, Roma journalists) or geographic location. These entities independently adopted their own codes of conduct. The media owners and publishers created their own “elite” organization (the Romanian Press Club, see section 2.4.2) and for a period claimed they were the ones who represented the profession, including in terms of accountability. A third active agent was represented by the civil society organizations active in the media field. They served both as a watchdog for ethical violation and a facilitator for a sustainable accountability mechanism. While journalists and NGOs collaborated at times, the media owners and publishers preferred their activities to be independent. All three actors failed in their attempt at creating a viable accountability system. This failure is attributed by the journalists themselves to both structural factors (such as uncontrolled access to the profession, a lack of professional culture, and incompetent professional organizations) and industry-related factors (economic and informal interferences in the editorial, and the influence of patrons) (Popa, 2014).

The state has also played an active role in stimulating media accountability. The National Audiovisual Council supervises the implementation of the Audiovisual law, that includes statutory elements of accountability. As the law is the transposition of EU Directives, it derives that the EU itself is an agent of media accountability in Romania. The Council worked with the broadcasters and the media NGOs in a co-regulatory effort to develop the Code of the Audiovisual, a more detailed document setting up accountability obligations and sanctions for the non-abiding entities. The Council is mandated to receive complaints from the viewer, analyze their merits and decide accordingly. Still, as the Council has been frequently accused of being politicized, its actions have been inconsistent and as such unable to consolidate the accountability of the broadcasters. For example, in 2016, over 2,000 complaints from the public got discarded because the Council did not address them within 6 months from their filing, as per the law (Bunea, 2016). The situation was generated by the incapacity of the Council to meet with a quorum for months in a row, because of political frictions among Council members. The state is also present in securing the proper accountability of the public media, via designated institutional ombudsmen and ethical committees (see section 2.4.2). While having the channels to report and complain about ethical violations, the public has little impact on media accountability – as demonstrated by the CNA’s failure to judge the complaints.

The strong polarization of the media stimulated by the high political parallelism, accentuated by the harsh competition for state resources during the years of economic crises, influenced the capacity of the media and journalists to self-regulate. The capacity was further reduced by the

rise of online media, as both journalists and the public shared the idea that the internet is a no man's land where everything is permissible.

The weak media accountability mechanisms are posing major risks to the deliberative communication. The failed attempts and the less than genuine approach to self-regulation have already damaged the very idea of it. With journalists incapable of organizing in order to protect their professional standards and with the media industry willing to go through the motions of self-regulation, with politicized state bodies voluntarily abdicating from their obligation toward ethical media content, the whole accountability field remains practically underserved. This is visible also in the various studies that looked at the way the journalists relate to accountability. Thus, the *Worlds of Journalism Study 2012-2016* reveals a very personal approach to the ethics of the Romanian journalists, as they see it as their individual duty (as opposed to an organized body) to respect professional standards. The study also reveals “a gap between the declarative and the daily practices, journalists seemed to be ready to sacrifice ethical principles for a scoop” (Coman, Matei, Milewski, Şuţu, 2016). The media users downsized their media consumption as well as trust in the media. Thus, the fourth estate and guarantor of the public interest risks becoming no more than a cheap entertainment provider.

2.4.2. Existing media accountability instruments and an evaluation of their effectiveness

One of the most impactful media self-regulation organizations, The Romanian Press Club (Clubul Român de Presă, CRP) was created in 1998. It aimed at “promoting the professional, economic and legal interest of journalists, publishers and media owners in relation with the state and the business environment from Romania and abroad”.²⁹¹ The Club gathered the owners or directors of the biggest media companies, but also some journalists. It was dominated by the owners and publishers who claimed they represented the interest of their employees. The Club had a Council of Honor called to judge the violations of the Club's Deontology Code. Still, the CRP functioned rather as a protective shield for its members and major violations remained unsanctioned. As Coman (2010), “star journalist[s] becomes the media mogul[s]”. Later on, prominent members of the Council, such as media owner and politician Dan Voiculescu, media owner Adrian Sârbu and newspaper director Sorin Roşca Stănescu ended up sentenced and serving prison time for economic crimes. The Club is no longer active, and even its website has been deleted. Its failure and insincere implementation of self-regulation struck a blow to the very idea of self-regulation of journalists.

In 2002, Convenţia Organizaţiilor de Media, COM [Convention of Media Organizations] was created. This was a loose alliance of over 40 organizations of journalists, other media professionals, trade unions and even small owners' groups. In 2004, COM established a Statute of the Journalist and an Ethical Code, that member organizations could adhere to on a voluntary basis, but no common enforcement and sanctioning mechanism was set up. Actually, such a comprehensive mechanism has never been created in Romania and the enforcement of the ethical rules was left to newsrooms or at an individual level (Avădani, 2017). Still, the move was considered “one of the crucial stages in the professionalization of the press in Romania” (Thiemann, Radu, 2005). The same group renewed its effort to bring media professionals on the same page in regards to ethical standards in 2007. Fifteen different ethical codes, belonging to different Romanian associations, were analyzed and a “unified code”, containing harmonized provisions to satisfy all groups was prepared and offered for adoption. As with similar self-regulatory efforts, this one remained largely inoperative, but it is still used by several newsrooms or freelancers.

The ethical standards of journalists fell further during the crisis years (2009-2012), affected not only by the financial constraints that led to increased competition and the dumbing down of

²⁹¹ Wikipedia, https://ro.wikipedia.org/wiki/Clubul_Rom%C3%A2n_de_Pres%C4%83. The Club's website is no longer active.

content, but also by the strong political polarization, with whole newsrooms or media trusts aligning with camps that were "pro" or "anti" President Băsescu. In 2011, the National Audiovisual Council (CNA) asked all broadcasters to adopt and make public the ethical norms they adhere to (CNA, 2011). Some broadcasters, especially the big ones, adopted their own codes, while others adhered to the COM code. The impact of the decision was limited, as many broadcasters only formally abided by the requirement, but this did not influence their content.

In 2011, the Council opened a co-regulation initiative involving broadcasters and the media NGOs that resulted in the Code for Audiovisual, a binding document that details the accountability principles included in the Audiovisual Law (CNA, 2011). The document deals with the protection of minors, protection of human dignity and one own's image, the right to reply and correction, correct and pluralistic information, cultural obligations, interactive games, and commercial communications. The Code was modified in 2019. The Council also issued decisions regarding the rules to be observed during elections.

The public broadcast media have their own self-regulatory mechanisms, available on their websites, as well as Ethics commissions, where their employees and people from outside the institutions can address their complaints. The public television (SRTV) has a Procedure of ethical conduct, while the public radio (SRR) has a Code of ethical conduct. Despite this structure, the public media see themselves accountable to the Parliament rather than to the media consumer and the internal accountability bodies are treated dismissively, as they only have an advisory role. In a strange case, the President Director General (PDG) of public television Doina Gradea sued the TVR ethical commission over a ruling that found her guilty of editorial interference. In October 2019, the PDG asked journalist Dragoș Pătraru, who was producing an infotainment show as an external collaborator, to tone down his criticism toward the government because they were financially supporting the institution. She also used derogatory terms when describing some news reporters. Pătraru secretly recorded the discussion with Gradea. and submitted this to the Ethical Commission who found Gradea in violation of the Statute of TVR Journalist and "inclined to trade off the editorial independence of the institution" (Bunea, 2022). Gradea sued the Ethical Commission and lost. The public TV has an ombudsman office. According to its organizational chart, the office is staffed by just one person, with data processing tasks, who is subordinate to the Ethical Commission. In 2018, TVR hired a former intelligence officer for this job.

The Romanian Advertising Council has its own Code of Practice in Advertising, adopted in 2021, as well as an array of other self-regulatory documents on specific topics (such as alcohol, beer, products for children, and cosmetics).

One encouraging development is the initiative by some bloggers and influencers to adopt rules of conduct or terms of use for the publications they manage. Even regular Facebook users try to impose a certain conduct on their profiles, including using polite forms of address and avoiding profanities and personal attacks. This creates an opportunity for a budding self-regulation mechanism at the public's level, demonstrating their interest in a clean communication space.

At professional level, the ethical systems are weak and dysfunctional, relaying mostly on the voluntary and individual abiding to the standards. This is due to a weak and dysfunctional associative life of journalists. At market level, they are quasy non-existent as media owners consider that an ethical external control (such as a media council) would limit their own control over their business and their editorial output. This has to be understood in the context of the strong political parallelism and the crisis-coping mechanisms still at work, in which editorial content is a currency for financial income. Apart from the dysfunctional ombudsman of the public TV, there is no similar structure in the commercial media that may make them accountable to their public. The state authorities have a limited involvement in the ethical conduct of the media, via the regulation and co-regulation powers of the National Audiovisual Council. The

Ministry of Culture is the authority in charge of media, but only in the narrow niche delimited by European documents: the audiovisual media services and the copyright rules, including online. The suspension of sites suspected of disseminating fake news during the Covid pandemic and the suspension of pro-Russian propaganda channels, in 2022, after the decision of the European Commission, have been the only media content-related interventions at the state level.

Romanian organizations are connected internationally. The media trade unions are affiliated to the International Federation of Journalists and its European branch, CNA is affiliated to the European Platform of the Regulatory Authorities EPRA and other similar regional associations for Central Europe or the Black Sea region, the public radio and public TV are members of the European Broadcasting Union. The state news agency AGERPRES is member of the European Alliance of News Agencies. International organizations such as IFEX, *Reporters sans frontières*, *the Global Forum for Media Development* or the Association of European Journalists have Romanian members. The Journalism school of the University Babeş-Bolyai is a member of the European Journalism Training Association EJTA. This way, the media community is connected to the international community and some of the international standards in ethics and good conduct are thus transferred to Romania.

The multitude of self-regulatory documents and the legal obligation for broadcasters may be seen as an opportunity, as they offer the basic fabric to build systems of accountability. The formal-only adherence to the ethical professional values and the little emphasis they are given by newsrooms managers and owners create a real risk. This is already visible in the fact that a series of influencers started to use the term “deontolog” (an invented term, ironically describing a person interested in deontology and ethics) as a derogatory expression.

3. Risks and opportunities in the journalism domain

3.1. Development and agency of change

The journalism domain is probably the domain closest linked to the socio-political changes and, as such, the most affected by them. The intertwining of politics and media, characteristic to the Mediterranean media system (Hallin, Mancini, 2003) and to which Romania resembles, sees journalism sensitive to political influence in key areas such as market, production and working conditions and organizational structures.

The actions of political agents have influenced the media market. Politicians not only regulated the media field, but they also own – directly or by proxy – media outlets. So, they were able to impact the journalism domain via both their formal (as corporative agents) and informal (as primary agents) conduct. The EU accession process generated a yo-yo like conduct: the formal channel was aimed toward EU integration, rule of law and fair competition, the informal channel aimed at preserving the control over the media and the advantages deriving from it.

When it came to fair competition, the media owners had their role to play, mainly as primary agents. The owners’ associations proved themselves weak as corporative agents, especially because their duplicitous position by rapport with the ethics, both in media and in business. During the economic crisis, they unsuccessfully tried to negotiate their power of influence for profitable deals with state money or for clemency for their criminal acts (mostly economic crimes such as tax evasion or fraudulent privatizations of state property). In doing so, they put at risk the very media independence they were supposed to defend.

The rise of digital technologies impacted the market. It changed the practices of journalism, transformed the patterns of media usage and eroded the traditional business model, based on advertising revenues. The defunding of the media companies that ensued affected the working

conditions of journalists, their job security and even the kind of journalism practiced in Romania.

Under the combined effects of political influence, the media owners' duplicity and the digital tidal wave, the journalists remained weak, unable to react to the changes of their environment and put in the position to find personal coping strategies so that they continue to perform their jobs

Media consumers, the audience for the media, the final consumers of this combination of corporate, political and public interest influences, found themselves less informed (despite the increasing number of information channels), confused and less trustful of the media.

3.2. Market conditions

The 2000-2004 were times when the government frequently used economic leverage to gain favorable media coverage. These economic pressures, as well as the interventions of the owners, have induced widespread self-censorship.

“Journalists’ reporting can often be influenced by financial inducements leading to self-censorship. Against this background, the state has tolerated the accumulation of significant arrears by a number of the largest media companies, including most major private TV stations. [...] Such a situation may compromise editorial independence, and media-monitoring studies have observed that the TV news is notably less critical of the government than the written press. (...) This is a disturbing trend, and, to date, investigations have had limited success”, read the 2004 EU progress report (Commission of the European Communities, later on European Commission).

This was particularly important as the journalistic profession was still “new” and disaggregated, and those working in the industry had not yet had time to consolidate and internalise professional standards.

The economic prosperity of the 2005-2007 period translated itself into the media sector and led to the apparition of new media conglomerates. New players invested in what looked like long-term media commitments. New media empires appeared, mainly through takeovers of existing operations. In 2006, two such media conglomerates were created: Realitatea-Cațavencu group, with a controversial businessman, Sorin Ovidiu Vântu, as the main investor, which brought together a news TV, radio, a quality newspaper and a series of glossy magazines and weekly publications, including the highly popular satirical *Academia Cațavencu*. Adevărul Holding, owned by Dinu Patriciu, a businessman who made money in the oil sector, and who was considered to be “the richest Romanian”²⁹², was built around the quality newspaper *Adevărul* (successor to the communist flagship *Scânteia*). In the years to come, *Adevărul* opened 39 free evening newspapers (*Adevărul de seară*), a different, localized one in each county of Romania. In order to staff their own newsrooms, such big operations started to recruit journalists broadly, and offered them very attractive salaries. They joined the previous big media operations, such as those then controlled by Adrian Sârbu (the largest commercial TV, Pro Tv, a radio network, a media agency and magazines) and Dan Voiculescu (with a commercial TV stations, an all-news TV station, a radio station, a daily newspaper and a sports newspaper) and the Swiss-controlled Ringier in what was called “The Big 5” in the media.

The new players on the media market spruced the competition and led to a moderate media ownership concentration, which was badly needed on a fragmented market. On the other hand, the big salaries they offered distorted the labor market for journalists, which has had a long term impact. Such big money offers attracted the best journalists toward these operations,

²⁹² By 2012, Forbes estimated his wealth at 1.5 billion USD.

brain-draining smaller newsrooms, especially in the local media. The aggressive actions of Patriciu “cannibalized” the local markets in more than one way. His evening papers, which were non-confrontational, easy to read and distributed freely, ruined the market for the local newspapers catering for the impoverished local readership. As Patriciu’s newspapers made a point of voluntarily avoiding “dealing with politics”, the readers ended up uninformed, and this weakened media scrutiny of local authorities.

All the four big Romanian media owners were facing prosecution for criminal acts, and they had a convoluted relationship with then President Băsescu. It was the president who publicly called them “moguls”. Băsescu was also involved in several altercations with journalists in their line of duty and never missed an opportunity to criticize the media. He called the journalists “jukeboxes”, claiming that all a person had to do to was to insert a one Euro coin for them to “play” whatever you want them to play. His sustained and indiscriminately critical discourse against journalists aggravated the professionals and led to the erosion of the status of journalists in the eyes of the public. Băsescu’s attitude contributed to a polarization of the society, as well as of the media: one could be “with” or “against” Băsescu, unconditionally and irrespective of the topic. This became very visible during his impeachment by Parliament in 2007, when the media divided alongside this with/against fault, with virtually no nuances. Still, the trust in media reached a high value in the given period, reaching an all-time high in 2007, with trust in TV rising to 80% of the public (Tătar, 2018).

The years of the economic crisis between 2008 and 2011 were also of high significance, as this was when the media market felt the most dramatic financial impact. Businesses assessing where to cut costs would most often look to slashing their marketing budgets. The advertising market dropped dramatically, which halved the revenues of many outlets (Comănescu, 2017). During the previous period, of “fat cows” a lot of journalists had changed their jobs and, stimulated by the higher salaries, made various financial commitments to mortgages, loans and tuition fees for their children. By 2009 however, the unsustainable payment system had reached its limits and layoffs started (Avădani, 2017). In July 2009, Realitatea-Cașavencu announced cuts of salaries from 10% (for lower salaries) up to 50% (for the higher salaries) (Comănescu, 2009). According to Vântu’s own estimates, the group registered losses worth of 25 million Euro in 2009 alone. All the same, in October 2011, Adevărul Holding suspended the printing of the 39 local evening papers, and changed them to online only publications, with major lay-offs. The company was already delaying payments to its staff when, in July 2012, it announced salary cuts as high as 30%. In October 2012, Patriciu sold Adevărul Holding, together with some other valuables and personal assets (such as his yacht). (Avădani, 2017) By 2012, most of the major media companies in Romania, including international players such as Ringier and Sanoma, announced wage cuts of up to 25% and for most of their media outlets, these came on top of previously applied cuts and freezes. The insecurity of their jobs and the dependency on their employers (and their employers’ other businesses) made journalists timid and cautious, and self-censorship became widespread.

As the advertising resources became scarce, the market became very competitive. Different media outlets adopted different survival strategies. Negotiating their editorial line with politicians, state authorities and local businesses was one of them. Going for the low-hanging fruit of sensationalism and tabloid content was another. Together with the depopulation of newsrooms, and self-censorship, this led to a decrease in the quality of journalistic products.

This period also witnessed the emergence of independent journalistic projects. They were created by journalists, mostly young of age but experienced, who had left the organized newsroom to protest the politicization of the media. They were met with a major interest from the public when it came to reading, but not when it came to funding. For example, the most read coverage of the violent protest in Bucharest in January 2012, was authored by Vlad Ursulean,

one of the founders of [Casa Jurnalistului](#) [Journalist's House], a sort of “journalistic collective”. Other projects included [Centrul de Investigatii Media](#) [Media Investigations Center] and [De la zero](#) [Starting from zero].

The rise of social media changed once again the media market. In 2009 President Băsescu had managed to secure a second mandate even though the major TV networks conducted an open campaign against him. His victory raised questions about the real influence of the traditional media on public opinion. By 2015, it was already clear that the legacy media had reached the limits of their power and that online publications and social media were the leading force in the public discussion.

In the presidential elections of 2014, the TV stations close to the PSD tried their best to support to the candidacy of prime minister Victor Ponta against the Liberal mayor of Sibiu Klaus Iohannis, who was backed by the Liberal Party. Very determined Romanians travelled hundreds of kilometers and stayed in line for long hours, despite the bad weather, to cast their vote, overwhelmingly in favor of Klaus Iohannis. Some TV stations tried to deny or minimize the problems encountered by the Romanians abroad and either ignored the topic or broadcast misleading footage. Images of the impressive lines in front of the polling stations and outraged videos of people staying in line without getting to vote were distributed on Facebook, together with “go to vote” appeals for the Romanians at home. Romanians abroad called their families and urged them to cast their vote for Iohannis. Stories about the poor management of the vote abroad were rerun by TV stations close to the Liberals. It was the start of a major trend in which social media became sources for professional journalists.

After the massive street protests of January 2017, when hundreds of thousands of people protested the planned changes in the legislation to protect corrupted politicians, the Ministry of Justice invited “representatives of the street” to consultations. Given the “small dimensions” of the hall chosen for the meeting, the TV crews were not allowed. Still, the meeting was broadcast live on Facebook, by some participants using their mobile phones and the TV stations broadcast these feeds. It was for the first time when the TV monopoly was broken in favor of “citizen journalism”. People organized themselves spontaneously using social media during the 2017-2018 protests, including with the voluntary contribution of food, and hot drinks, and they even offered to baby-sit protesters’ children during the street protests. Police brutality, especially during the 10 August 2018 diaspora rally was documented using mobile phones and live transmissions on Facebook by regular citizens. Politicians and state authorities created and entertained popular social media accounts (preponderantly Facebook) and even applied an “online/social media first” communication policy. By 2022, it was frequent to see stories on TV generated from social media posts of public figures.

The rise of online content brought to the table another kind of players: the big networks. According to the *Media Pluralism Monitor*, the Romanian digital advertising market is dominated by Google and Facebook who, in 2019, took 74% of digital revenue (Popescu, Toma, Bodea, 2021).

The effects of the pandemic and of the response to it were equally destructive for the media. Given the lockdown in March-May 2020, many newsrooms had to adapt to remote working and the newsrooms were scattered, which influenced the quality of reporting. The collaborative feeling was affected. Journalists’ work with official sources was made more difficult by the reluctance of the authorities to share information. The verification of information was almost impossible. Journalists’ relationship with sources was made equally difficult by the impossibility of face-to-face meetings. Sources became reluctant to talk to journalists when the government threatened those who disseminate false information with criminal prosecution – meaning anything that differed from the official version. The term “fake news” was widely used and abused and applied even to opinions critical of the official position. As an alternative, the Gov-

ernment proposed “official news” – a site gathering press releases and materials authored by the authorities.²⁹³ CNA launched their own campaign with the slogan “Inform yourselves only from official sources”.

Newsrooms and some journalists did not oppose such measures and eagerly embraced the argument of the authorities that public welfare should prevail over freedom of expression and media freedom. Some adopted a very patronizing tone and were quick to reprimand the members of the public who did not abide by the new rules. They also adopted the official discourse about “official news” and “fake news”, oblivious to the long-term negative effect that such discourse may have on their own profession. They also supported the idea that spreading false information should be a criminal offence, which, by law, is true only in cases related to national security and for deliberate acts of disinformation. Most of the media also adopted the war-like metaphors of the decision-makers, thus feeding public anxiety.

An even more important effect on the journalistic domain had the economic measures adopted by the government. Media businesses had no special treatment during the pandemic, and they did not qualify for state aid unless they closed their operations and furloughed their staff. Such a measure would have diminished even further the capacity of the media to properly inform the public, but the government was insensitive to this argument. Alternatively, the government offered an advertising fund to all media, from big TV networks to blogs with a handful of followers, to participate in the information campaign aimed at promoting health measures. Critical opinions that such a fund was not a genuine assistance measure and that it would erode even further the credibility of the media were dismissed by the government and publishers and broadcasters. The fund was established initially at 40 million euro for four months (May-August 2020), but was operational in June and later extended until December and beyond. Due to this extension, it covered the electoral campaigns for the local and general elections (September and November 2020, respectively). The money was allocated based on the number of views of advertisements, with no criteria of the impact. Thus, media was encouraged to use clickbait methods to increase traffic and secure state-backed advertising. Even so, the whole initiative ended up with very inefficient results: the top 10 media operators received 50% of the funds. By the end of 2020, the government had paid a little over 17 million Euro. Part of the money went to media outlets who promoted disinformation and conspiracy theories (Pârvu, 2021).

A diverse and populous market is an opportunity if all the actors play by the rules and healthy competition ensues. This was not the case in Romania for most of the last 20 years. Political parallelism affected fair competition and all the interested actors – politicians, media business, advertisers – condone this system. This increased the risk of media dependency on the state and Government, which became very clear in times of crises of an economic nature (2009-2010) or a health nature (2020-2021).

3.3. Public service media

Romania’s public service media is composed of three entities: the national news agency AGERPRES, the public TV – Televiziunea Română, TVR – and the public radio – Radio România, SRR. The organization and functioning of TVR and SRR are governed by Law 41/1994, while AGERPRES has its own law 19/2003. While all three of them enjoy autonomy from the legal point of view, they have less freedom in practice. The boards that run the media mirror the political structure of the parliament, government and presidency, their funding comes from the state budget, and NGO reports, whistleblowers and public scandals have revealed instances of political interference in editorial matters. There is no independent oversight mechanism to validate their independence (Center for Media, Data & Society, (2022)). Despite sufficient fund-

²⁹³ Știri Oficiale [Official news], available at www.stirioficiale.ro, accessed 30.10.2022

ing, the quality of their programming is relatively low and so are the audience figures, especially for the public TV (the public radio fares much better). Investigative journalism programs are virtually non-existent in Radio România and AGERPRES and a rare occurrence in TVR. The most influential obstacle to progress seems to be “the legally enshrined lack of mission-based accountability and planning that makes the [boards’] term in office unpredictable and [their] dismissals [by the Parliament] follow purely partisan lines”, according to *Media Pluralism Monitor* study (Popescu, Bodea, Toma, 2020).

The lack of independence of public media has outlived all governments and boards, as though nobody was genuinely interested in addressing them.

Parliament can interfere in the running of public media through a very simple method. It has the power to dismiss the boards that run the media organizations by rejecting the annual report these boards must submit to the state authorities. Since the parliament adopted this law in 1994, it has consistently used this mechanism as a means to control the management of public TV and radio. Only one TVR board managed to complete its 4-year mandate. The general director of AGERPRES is appointed by the prime minister and approved by the Parliament, but he cannot be dismissed by the rejection of the agency’s activity report.

The change in the funding model – from fee-based to direct state budget allocation – was adopted in 2017. It was adopted as a way to save TVR from the insolvency situation, but it increased its dependency on political goodwill. In 2016, the last year the public media functioned on a fee-based system, TVR had a total budget of 460 million RON (approx. 101.6 million EUR), and debts of 654 million RON (approx. 146 million Euro) (SRTV, 2016 Activity Report), while SRR has reported a budget of 418.9 million RON (approx. 92.5 million EUR) and a profit of 22.6 million RON (approx. 5 million EUR) (SRR, 2016 Activity Report). The AGERPRES news agency, which always received its funding from the state budget, had a budget of 23.13 million RON (5.1 million EUR) (State Budget, 2016) In 2017, TVR received from the state budget 950 million RON (approx. 207 million EUR), meant to cover its running costs and the debts, SRR - 383 million RON (approx. 83.7 million EUR) and AGERPRES - 21.1 million RON (approx. 4.6 million EUR). In 2022, the sums allocated from the state budget were of 380 million RON (approx. 76.9 million EUR), 370 million RON (approx. 74.9 million EUR) and 27.9 million RON (approx. 5.6 million EUR) respectively. The 2022 budgets were marginally increased compared to the 2021 (plus 2% for TVR, plus 1.88% for SRR and 1.63% for AGERPRES), according to *Hotnews* site. According to the presidents of both public radio and TV, the sums were not sufficient and threatened the proper functioning of the organizations (Andrei, 2021). As the EURO amounts²⁹⁴ show, the budgets for the public media decreased over the last six years in real terms, which forced them to trim down some of the activities and content. So, in the long run, the direct funding from the state budget increased the vulnerability of public media services and weakened their market position at a time when the public needed them most.

3.4. Production conditions

Despite the richness in titles and the dynamism of the market, there is surprisingly little data available about content production conditions in Romania. There is no consistent literature dedicated exclusively to the content production conditions in Romanian media (multiplatform journalism, digital resources, investigative resources, foreign correspondents). References to some of these aspects are included in the general media reports prepared by NGOs such as the Media Sustainability Index, the State of The Mass Media and Freeex.

²⁹⁴ All data from State Budget for 2017 and 2022. The conversions RON to EURO are done using the Inforeuro rate for the respective year provided by https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-inforeuro_en, accessed 1.08.2022

As there is no reliable data regarding the number of journalists in the country, it is impossible to evaluate the number of reporters or the journalists involved in digital news production. All the newsrooms have an online presence and the big operations have separate teams for their online products. Sometimes, these teams have different editorial lines from the mother newsrooms. This was the case of the public television online division TVR Info that, in 2012, broke the news of accusations of plagiarism against the then prime minister Victor Ponta. TVR Info was the first to publish a story based on an article by *Nature* magazine accusing Ponta of having plagiarized his PhD thesis. The then PDG of the public TV considered that “it was unnatural for the TVR Info newsroom to have such editorial autonomy” (Martin, Ulmanu, 2016). The editorial coordinators of TVR Info were thus reprimanded and dismissed and replaced by more obedient persons. Eventually, they left the organization and tvrinfo.ro was closed. However, this does not imply that online products are automatically more editorially independent. The differences between online and legacy platforms of the same publication go both ways. Reputable journalist Cătălin Tolontan spoke in an interview about the “professional bipolarity” of newspaper *Evenimentul Zilei*: “The [print] newspaper has conserved its relevance, but the site [evz.ro] is a champion of clickbait,” Tolontan said (Teodorescu, 2019).

Worlds of Journalism Study for 2016 advances a set of data regarding the ratio of journalists employed in various types of media. The study shows that “[a] large percentage of journalists worked in traditional media. 32.5 % of them have been employed by print media outlets, such as daily newspapers, weeklies and magazines, while 32.0 % worked for public and private television channels. The lowest percentage of the Romanian journalists worked for radio (8.5%) and news agencies (4.4%). In online media, especially print and digital combined, 22.6 percent of all respondents were employed (Coman, Matei, Milewski, Şuţu 2016).

The rise of the online news operations in Romania has been stimulated by two trends happening almost simultaneously: the economic crisis, that forced the newsrooms to downsize and cut costs, and the spread of the Internet and the subsequent changes in consumption patterns. But the “online migration” of journalists and newsrooms was done without any proper preparations, in some cases literally from one day to the next, which posed a major risk to journalistic content.

Investigative reporting in Romania is infrequent, but the pieces produced are remarkably effective. It has disappeared gradually from the mainstream media, under the pressure of political factors, as well as economic ones, as it is costly and does not necessarily yield high readership and revenues. Newspapers *Libertatea*, TV stations *Pro TV*, *Digi TV* and *Antena 3* and the public TVR have investigative teams that produce regularly material that it is in the public interest. There are also specialized organizations such as RISE România (specialized in cross-border investigations) and Center for Media Investigations that invest resources and efforts in developing in-depth investigative pieces, mostly related to corruption in the administration. Good investigative work, project-funded or crowd-funded, is undertaken in smaller organizations such as Delazero.ro or Recorder. In such projects, Bucharest-based journalists cooperate with local reporters in Romania at large. This cooperation gives regional stories more visibility and allows for revealing cross-country problems. It sometimes offers protection to local journalists, who would not feel safe to approach sensitive topics by themselves. Specialized investigative journalists are well-connected with their colleagues world-wide, so the stories have the data and inputs from abroad when needed.

Monitoring social media is a frequent practice in Romania media. It is not rare to see materials, even in news programs, sourced “YouTube” or based on somebody’s posts on Facebook. Thus, thanks also to technological convergence, “the multimedia stories created by the users are moderated by journalists and the media product combines users’ content in a professional format” (Drulă, 2015). Sometimes such posts go unverified. In a famous case, teenage vlogger Selly staged a car accident, pretending he (minimally) damaged his new and expensive car in a

parking lot. The “news” was run as such by several TV stations, including the reputable news channel *Digi 24*. Later that day, Selly revealed that it was all a mock-up he had set up to demonstrate the shallowness of professional journalists (Avădani, 2022). Funny moments (especially with animals) on YouTube, “the most amusing memes” or the “most frequent Google searches” are frequent occurrences in Romanian TV programs. Over the last years, noticing the frequent use of social media (especially YouTube and Facebook) in Romania and their power of triggering debate, institutions and prominent political figures have adopted a social media-first approach in communication and, in some cases, it became the only way of communicating with the public, bypassing the traditional media.

When it comes to content production conditions, the lack of information presents a risk in itself, as it prevents research and trend-spotting.

The digitalization of the media content has offered vast opportunities for the multiplication of voices and the appearances of niche publications. It also allowed journalists to start their own projects and media operations, as the distribution of their work was no longer restricted by over-cautious managers or technical limitations (number of pages in a newspaper, limited airtime, target audience performance). It also presented the risk of dilution of authorship, especially when the articles were virally shared on social media. The media consumer received information, but was not interested in finding who authored it, on what platform and how he or she can contribute or support. It also facilitated plagiarism among media outlets.

Another risk for the deliberative communication is posed by the excessive role of social media content in the news. The information often goes unchecked and the risk of disinformation is serious.

3.5. The agency of journalists

There is no officially compounded figure regarding the number of journalists in Romania. The National Institute for Statistics (INS) disaggregates employment data based on types of activities, according to the NACE Rev 2 codes. Journalists can be found included in Chapter J Information and Communications, in Publishing activities (J58) and Activities of cinema, video and TV programs production; audio recording and music editing; programs broadcasting and transmission (J 59-60). The figures include all the persons who have a work contract (full-time or part-time) with companies active in this field, including owners and administrators. The numbers include people who have no direct link with journalism or media production, but leave outside journalists with other forms of employment (freelancers or collaborators). According to INS, at end of 2020, 31,275 people were working with companies with NACE code J58 and 17.392 in companies with code J59-60.

Professor Marian Petcu, with Facultatea de Jurnalism și Științe ale Comunicării FJSC [Faculty of Journalism and Communication Sciences] of the University of Bucharest, who has followed in his work what he called “the identity problem of journalists”, obtained, using freedom of information requests, a set of information based on the employment database of the Ministry of Labor and Social Solidarity, valid for March 2022 (see Table 1).²⁹⁵ Once again, the overlapping, the lack of clear distinction between media and other forms of publishing and lack of linguistic clarity made the head count difficult.

²⁹⁵ Data made available to the author in an interview with Professor Marian Petcu, conducted on 14.10, 2022.

Table 1: Number of persons working in media, according to Ministry for Labor and Social Solidarity as per March 2022

	Position	Number of persons
1	Editor	2998
2	Operator – text and image processing	2629
3	Video editor	1016
4	Editor in chief- press, publishing house	558
5	Editorialist	554
6	Reporter (high school graduate)	455
7	Reporter (University degree)	448
8	Creator [„realizator”] of radio and TV programs	435
9	TV Journalist (University degree)	316
10	Operator – radio and TV production	299
11	Editor - radio and TV	275
12	Segment Editor radio and TV	176
13	Producer - TV	155
14	Senior TV Journalist	120
15	„Ziarist” [outdated term for journalist]	87
16	TV anchor	67
17	TV editor - anchor	62
18	TV Program coordinator editor	58
19	Photoreporter	57
20	TV Journalist (high school graduate)	40

Petcu counted a total of 10,805 employees with a work contract registered with the Labor authorities. “I do not have data regarding the journalists with other forms of employment. It is difficult to collect and interpret the data offered by official bodies, as they are exaggerated sometimes. [...] Most of the professional associations do not demonstrate a minimum of transparency when it comes to their membership,” said Petcu. He also noted that the occupation classification is outdated and does not include any media position associated with online journalism. “It’s a nightmare. In 2011, when our Center for Independent Journalism wanted to include in the Romanian Classification of Occupations the position of “journalist online” [online journalist], our request has been rejected because *online* was not a Romanian word. We had to produce the page from the latest officially sanctioned dictionary to demonstrate that the word has been adopted as such in Romanian. After that, the ministry asked for the law that allows the practice of the profession,” said CIJ Executive Director Cristina Lupu.²⁹⁶

According to Eurostat data for 2018, Romania is among the EU members with the lowest number of journalists, with 0.1% of total national working force. The European average was 0.2%, while the highest level was 0.4% (in Sweden and Croatia). Back in 2006-2007, when the first collective work contract in the media sector was negotiated, Federatia Română a Jurnaliștilor Mediasind [Federation of the Journalists’ Trade Union] claimed to have “over 9,000 members” out of a total of 22,000 journalists. This latter number is likely to be far larger than the current one, as the number of media outlets and employees dramatically decreased during the economic crisis (2009-2010) and the Covid crisis. The lack of information on the number of journalists is considered by the *Media Pluralism Monitor* as a risk to media freedom in itself (Popescu, Bodea, Toma, 2021).

There is only one journalists’ trade union with legal representation, MediaFair. Until 2014, mass media was considered a separate economic field so that trade unions could negotiate a “branch” collective work contract to reflect their interests. In 2014, the “media branch” was incorporated into the “culture branch.” “Journalists must now negotiate their rights together with ballerinas,

²⁹⁶ Interview with Cristina Lupu, executive director of CIJ, conducted on 28.06.2022

museum custodians, musicians and actors working for the municipal theaters who face very different challenges” (Avădani, 2017). Trade unions are stronger in public media and virtually absent in private media.

The influence of journalists as a corporative agent is weak, as their organizations (professional associations or trade unions) are not particularly proactive and are not usually consulted when decisions impacting mass media or freedom of expression are taken by the authorities or employers. They are slightly more influential as primary agents, as their formal and informal conduct influences editorial content, especially through self-censorship or the gap between what they profess and what they practice in terms of ethical standards. For example, the *State Of The Media* report by the CIJ for 2014-2015 indicated fear as the dominant emotion among journalists: “fear of losing their jobs from one day to the next, fear of the end of the month, when the salary may not come, fear of employers, of politicians, and of authorities.” (Avădani, Lupu, 2016). This fear is reflected in the choice of topics, in the angle of reporting and the sources approached, states the report. The same trend is visible in the data of the *Worlds of Journalism Study*. It shows that “almost a quarter of Romanian journalists consider that what is ethical in their profession is a matter of personal judgment.” (Coman, Matei, Milewski and Șuțu, 2016) The atomization of the profession and the increased agency of individual journalists as primary agents became more visible during the lockdown imposed during the COVID-19 pandemic. During March-May 2020, many journalists were forced to work remotely, with little assistance from their employers or the state. They had to organize for themselves the workflow, deal as best they could with the lack of information and restricted access to sources and the increased dissatisfaction of the public. “We have been left alone,” declared one journalist, voicing her frustration over this quasi-general lack of support from both state, employers and fellow journalists (Avădani, 2021).

3.6. Journalists’ working conditions

The working conditions of journalists have followed closely the political and market evolutions over the last 30 years, from the “romantic” period of the early ’90s, when media outlets appeared and disappeared meteorically, to the 2000s, when the media field became a political battleground and to the ailing and seemingly disorientated field of the 2020s, when the old models reached their limits and the new models failed to secure a sustainable cash flow.

The journalists’ working conditions have never been ideal in terms of salary and job security. In the beginning of 2000s, a journalist’s salary was about 80-100 USD/month (approx.. 90-120 Euro), a bit higher than the national average income. Central media paid the journalists better the local media, TV better than print and radio, private media better than public media (IREX, 2001).

Ten years later, the “salary bubble” created during the affluent years 2006-2008 had already burst (IREX, 2010). When the economic crisis hit, in 2009, the journalists saw their salaries reduced by 25-30% and some had to take on additional jobs to make ends meet. Lay-offs were common and the preservation of the job, even with a diminished salary, became a strategy for many. In order to cope with such a crisis, employers sought alternatives to the full-time employment contract. Some journalists were hired with a full contract on a minimum national wage and received the rest of their negotiated salary as “author’s rights” (the level of taxation was 10% compared to over 40% as for a work contract) or even as illegal cash-in-hand payments. Others were hired on multiple contracts by various companies belonging to the same owner. Others were paid a guaranteed minimum salary with “bonuses” based on the number of articles they produced. This emphasis on numbers rather than on quality initiated a downward spiral of the quality. In 2010, the fiscal code was amended, and the taxation burden was applied equally for work contracts and copyright revenues. Ironically enough, the move was made

under the pressure of a trade union federation that did not include the journalists' trade unions and was meant to increase the social protection of the workers even if they had alternative employment contracts. Many journalists had their work contracts transformed into "independent work" contracts, where they received the same amount of money, but with less social protection. Other journalists have been pushed to register as small enterprises and their employment contract thus turned into a business-to-business one (with only VAT as a tax). The journalists could decide if they pay themselves a salary, but then they should have also paid the 45% taxes to the state (Avădani, 2017). In 2011, the new Labor Code (transformed in the Code for Social Dialogue) eliminated the collective contracts at national and industry level and weakened even further the negotiation power of journalists.

By 2020, the salaries had increased, as the economy was slowly regaining speed, but the gaps were still there. According to MSI 2019, "an experienced TV reporter can earn between \$600 and \$1,500 a month (approx. 540-1350 Euro), while editors earn around \$450 to \$500 per month (approx. 400-450 Euro)". Local reporters earned less, sometimes under the minimum wage (approximately \$300 per month, approx. 270 Euro).²⁹⁷ The salaries in the public media were higher than those in the private ones. This was an important shift that, together with the job stability, could have made the public media attractive employers for valuable journalists, if not for the political influences over these organizations.

The data on the current situation are contradictory. *Worlds of Journalism Study 2016* says that "87.4 percent of the journalists who responded to their questionnaire were employed full-time, 11.1 percent occupied part-time positions and only a very small percentage of them (1.5%) were freelancers. Except freelancers, 73.5 percent of respondents had permanent work contracts and 26.5 percent held a temporary position" (Coman, Matei, Milewski, Şuţu). The figures describe a quite stable labor market, with media workers properly socially protected. Still, *Media Pluralism Monitor* the same year says that "[i]n an economically difficult context, issues of recruitment and retention and precarious employment pose problems for the journalistic profession, which are further enhanced by the lack of institutionalized safeguards of editorial independence either for chief-editors or for rank-and-file journalists" (Popescu, Mihai, Marincea, 2016). The 2021 edition of the report finds that journalists "face poor working conditions and precarious employment situations. This and the lack of industry-level organizations and self-regulation mechanisms to protect both employees and professional norms have massive ripple effects, undermining access to the profession and the quality of journalistic output" (Popescu, Bodea, Toma, 2021). *The State of the Media 2020* report by the CIJ (released days before the lockdown, so not accounting for the pandemic years) also describes the precariousness of working conditions: the salaries gravitate around the national average, long working hours, old, outdated and flawed equipment, and lack of access to professional training. The local newsrooms are painfully understaffed, sometimes with just one single reporter (Lupu, 2020). There are cases when a local reporter or camera person collaborates with several central news outlets, so all of them receive the same information, in almost the same form.

For the freelancers or the journalists working for independent media projects, the precariousness is even more visible, as they have to fundraise for each of their projects and most of the money goes on production rather than on salaries.

The bleak picture seems to be confirmed by the migratory trend inside the journalistic profession. The *State of the Media 2020* report says that journalists started to leave the media during the economic crisis in 2009, but the centrifugal move was accelerated in 2017-2019, when the pressure of the online media increased. Some 68% of those who left had between 6 and 20 years

²⁹⁷ All conversions USD to EURO are done using the Inforeuro rate for the respective year provided by https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-inforeuro_en, accessed 24.06.2022

of experience and were mostly reporters. They moved to communication jobs (marketing, PR, social media) or to public administration positions. The effects are visible in the age of the active journalists, as described by *Worlds of Journalism Study 2016*: 84.8 percent of Romanian journalists were younger than 40.

The working conditions of journalists are not a matter of public knowledge or concern. Even when reputable journalists leave their positions, their loss does not stir the public's curiosity regarding the motives. The Romanian trade union, the Federation for Culture and Mass Media (FAIR) issues public reports on the abuses of the labor rights of its members. Even if they don't have the continuity and consistency needed for proper research, FAIR releases are a good empirical indicator of the employment practices in newsrooms across the country.

3.7. Intra-organizational diversity of human resources

Romanian newsrooms are populated with young people, with an average of 30.65 years of age and 7.8 years of professional experience, according to the *Worlds of Journalism Study 2016*. The women journalists seem to form the majority in the newsrooms (the study cites a proportion of 62.5% female vs. 37.5% male among the interviewees) and are younger, better educated and more specialized in journalism than their fellow male reporters.

The *Global Media Monitoring Project*, in which Romania has been part since 2015, has measured the presence of women in the news and newsrooms every five years. The last edition of the report (2020) signals “gains in quantity, loss in quality” (Global Media Monitoring Project, 2020). Its Gender Equality in Media Index (GEM-I) can vary between -100 (only men in the news) and +100 (only women in the news). In 2020, Romania scored a GEM-I of - 26.632, signaling a significant lack of balance. Women represent a majority of presenters (62%) and reporters (56%), but only 34% of the news subjects and sources in legacy media (print, radio TV). On the internet-based media, women represent only 20% of the reporters and 28% of the sources, signaling a potential segregation along technological lines.

The *World of Journalism Study 2016* also reveals that usually Romanian journalists enjoy a high degree of professional autonomy, a value that ranks high in their eyes. “In total, 78.9 percent of the respondents answered that they had complete and a great deal of freedom in selecting the stories, while a comfortable majority (57.4%) answered that they “always” and “very often” participate in editorial coordination activities, whether management decisions or newsroom meetings”, reads the report (Coman, Matei, Milewski, Şuţu, 2016) Still, five years later, the *Media Pluralism Monitor* found there are “very high risks from commercial and owner influence over content. The lack of legal or self-regulatory safeguards for editors-in-chief and mechanisms to lay down and enforce basic professional standards are major risk factors.” (Popescu, Bodea, Toma, 2021).

3.8. Journalistic competencies, education and training

According to the *Worlds of Journalism Study*, most of the journalists have a university diploma, either a bachelor's degree (4.6%) or a master's degree (26.7%). About 2.3% of them have a PhD, which would qualify them for a teaching position at a university level.

The newsrooms are populated with the graduates of the 31 accredited academic programs in journalism which were active in 2022, ten of which were specialized in advertising and seven in digital media. Some 39 other programs are devoted to communication and public relations, and four to information and documentation sciences, according to the 2022 data by academic accreditation authority, Agenția Română de Asigurare a Calității în Invățământul Superior ARACIS [Romanian Agency for Quality Assurance in Higher Education].

Journalism education in Romania was re-started in 1990, as under the communist regime it was undertaken via an “academy” specialized in political propaganda. Young people have been attracted in scores toward Journalism schools and admission exams have been among the most competitive, with over 10 people competing for each available place.²⁹⁸ As there is no career track system in place, there is no way to trace how far up they go in the profession. Some sources talk about the frustration of the professionals in the newsroom with the quality of young graduates (in the IFEX *Media Sustainability Index reports*, 2000-2020, the topic reoccurs year after year). The complaints relate mostly to the lack of practical skills of the students and the gap between academic study and “real life”. Some researchers speak about the “contradictory views” graduates and their future employers hold. A longitudinal study conducted over 9 years showed that “at the end of their three-year formal training the students do not fully understand and internalize the journalistic professional values. They reiterate an academically induced picture of the profession, which has not been revised for years.” (Vasilendiuc, Șuțu, 2021).

Part of the problem is the outdated curricula, that is not connected to the current trends in media production, as pinpointed by the NEWSREEL research project (2017-2020 and 2020-2023).

Life-long learning opportunities are available to media professionals, but present little appeal compared to the early 2000s. Back then, the Center for Independent Journalism was offering five different courses a week, attended by professionals, students in journalism and aspiring journalists. Currently, it is difficult to recruit a full class for a specialized journalism course taught by highly qualified experts or reputable international journalists. According to Cristina Lupu, CIJ director, one of the main causes is that journalists do not gain a higher level of appreciation if they are more successful at their job: no higher salaries, no bonuses, no public acclaim. “It is as if is not worth it to become better in your job,” said Lupu, interviewed for this report²⁹⁹.

3.9. Professional culture and role perception

The perceived roles of journalists are currently undergoing an important transformation that is stimulated by the changes in the media environment, especially powered by digital technologies. The first generations of journalists, attracted to newsrooms from different walks of life in the beginning of the 1990s, saw themselves as guardians of the information and were animated by a certain sense of justice, and they expected immediate action based on their revelations. As the access to information increased, thanks to new legislation, as faultily implemented as it was, and to the spread of the internet, the journalists repositioned themselves as agents of the public good. Objectivity, the duty to serve the public (“educate” them) and promote tolerance and diversity are the roles the journalists see for themselves, revealed the WJS. Other authors find that there is a gap between what today’s Romanian journalists proffer and what they profess. Vasilendiuc and Gross (2012) talk about “google reporters” and “copy/paste journalists” to illustrate the shrinking space for in-depth field reporting, which is due to various pressures in the newsroom. *The State of Journalism 2020* report speaks of the way journalists walk a tight-rope between the need to do their job as they see proper, on the one hand, and the need to keep their newsroom afloat, pride and burnout, on the other hand. Journalists also feel as though they have become irrelevant (Lupu, 2020). The development of online media brings another wave of changes, pushing the journalists to embrace new, unfamiliar roles such as promoters of their

²⁹⁸ University of Bucharest, (2020), *2020, anul cu cel mai mare număr de candidați la admiterea pentru cele 19 facultăți ale Universității din București* [2020, they year with the highest number of applications to the 19 faculties of the University of Bucharest], available at <https://unibuc.ro/2020-anul-cu-cel-mai-mare-numar-de-candidati-la-admiterea-pentru-cele-19-facultati-ale-universitatii-din-bucuresti-2/>, accessed 28.06.2022

²⁹⁹ Interview with Cristina Lupu, director, Center for Independent Journalism, interviewed on 28.06.2022

own work, fundraisers or media project managers (Popescu, 2020). The academic discourse on the role of a journalist has an empiric equivalent in the public conversation. One of the prevalent topics on social media is the disrespect for journalists by regular media users (Avădani, 2022). There was no serious attempt by the profession to counter this discourse (fueled also by politicians and other influencers) and the erosion of trust in media may indicate that a negative attitude to journalists has become normalized.

In their large majority, journalists seem to have a correct perception of their role and these are in line with deliberative communication expectations: social responsibility, ethical conduct and acting in the limits of a public mandate. But as various studies reveal, there is a gap between the role that they desire to perform, and the role as it is actually played.. Journalists are subject to internal and external pressures and only too often they yield to them, adjusting their reporting to the market requests, to their owners requests or to those of figures of authority. This gap between what they preach and what they profess is a clear risk to deliberative communication.

4. Risks and opportunities of media usage patterns domain

4.1 Development and agency of change

Media usage data is probably the best documented domain, as the data thus collected can be immediately monetized. Therefore, the industry has been keen to organize itself and support reliable practices in data collection.

There are two main sources of data regarding the media usage in Romania: the quantitative ones, often produced by commercial actors or for commercial purposes, and the qualitative, academic ones, looking more in-depth at the causes and effects of consumption patterns. Marketing or IT players issue sporadically their own reports on the main source of information of Romanians, or the time used on various platforms or media products. Such examples are Statista or SES Astra Romania. As such reports use different methodology and parameters, it can be hard to measure them in a comparative analysis, and they can only give indications of trends.

Circulation (for print) and traffic (for online publications) figures are measured by Biroul Român de Audit Transmedia, BRAT [the Romanian Trans-Media Audit Bureau], an industry body created as early as 1998. They employ an auditing company, selected via a competitive procedure. Their figures are public and freely accessible on their website for the current exercise (last six months), but figures from the past that would allow research are available at a cost.

The audience for the main TV stations with national coverage are measured by the (Asociația Română de Măsurare a Audienței, ARMA [Romanian Association of Audience Measurement]. Their first reports date from 2005. They also employ a competitively selected auditing company. Their monthly reports featuring general data is also public, but more detailed and segregated data is available only to subscribers. ARMA measurement is the official base for the calculation of the audiovisual legislation calls the “editorial influence power” by the National Audiovisual Council establishing a dominant position on a given market. It includes only the big TV stations, as it is costly and thus prohibitive for smaller broadcasters. The radio audience is similarly measured by Asociația pentru Radio Audiențe ARA [association for Radio Audiences].

The usage of internet and communication services data is released periodically by the Romanian telecom regulator ANCOM. The reports have been published bi-annually ever since 2003-2004, which allows for a consistent diachronic analysis.

BRAT, ARMA and ARA were born from the need of the industry – editing houses, broadcasters, advertising clients and advertising and media agencies – to establish commonly agreed rules that would keep the competition fair. The move came as a response to the “rogue competitors”

who would self-declare unrealistic audience figures in order to secure lucrative advertising contracts. In time, the three organizations reached that kind of balanced market, where rules were observed. Still, internal discord related to measurement methodologies (thought to benefit big members to the detriment of the small ones), doctoring of figures and high costs of the audit made some members leave. In 2022, many BRAT members, for example, had not declared their circulation figures for the first half-year.

The practices of the industry did not trickle down to the state institutions that were dealing with media contracts. In 2005, new legal provisions asked the public authorities to introduce audience figures as indicators in evaluating the bids for public money for advertising. Soon enough the public authorities found ways to revert to the old habits of allocating contracts based on friendly relations rather than on real reach and impact, accepting self-declared audience figures instead of BRAT audit reports, for example.

Usage figures for online media are also measured by BRAT, via a special product – the Study of Internet Audience and Traffic (SATI), including 200 sites. There are also other private operators – such as *Trafic.ro* or *Zelist.ro*, which are monitoring the Internet traffic of Romanian online operations.

There is no state entity interested in monitoring the access to media of the citizens for policy purposes.

The media usage patterns have been studied by academics, even if on rather small studies. The expansion of social media stimulated the research on this topic. A study conducted on Romanian students showed that they share information perceived to be funny and relevant for their friends but do not share information if they are only reliable. Perceived information reliability does not influence news sharing (Balaban & al, 2019).

4.2. Agency of media-users and analysts

BRAT, ARMA and ARA deliver demographic data to their members and subscribers, which is not publicly available. Still, all three organizations have been open and cooperative with researchers and provided processed data when asked for.

Otherwise, there are few data that allow the analysis of the agency of media users. The data segregation is more granular for the online users, as the data can be easily retrieved and processed automatically. For example, a report such as *2022 Digital: Romania* segregates access data on age, gender, platform, device used and main activities (Datareportal, 2022) This degree of granulation for legacy media would require special data collection processes, that are time and resource consuming.

Over the last years, more academics studies the way the public interacts with the online and social media, conducting studies on the news diet and the impact of disinformation, particularly in the context of the Covid-19 pandemic. One research found that, for the users, YouTube is mainly a means of relaxation and information, while for content creators is a source of recognition and social validation. The study also indicates that vlogging can provide job-specific gratifications (Buf, Ștefăniță, 2020).

4.3. Access to news and other media content

As mentioned above, Romania enjoys a diverse, but fragmented media market. In 2020, 614 radio licenses were operational in 194 localities. Out of these, 5 were for private national networks. The network controlled by the Romanian Orthodox Church is the largest, with 53 broadcasting stations, followed by another 4 commercial networks. There were also 344 television broadcast licenses, active in 107 localities. Out of these, only 10 licenses were for digital terres-

trial transmission. The rest were for satellite transmission (89 licenses) or other types of electronic communications (245 licenses) (CNA, 2020). The number of licenses and holders' names are public. There is no official number of print and online publications. One online monitoring service is currently following 95,000 blogs (representing 99% of all Romanian blogs), 8,000 online sources and 7,400 publications, local and national.³⁰⁰

The access of the public to a rich media repertoire has never been a problem in Romania ever since the first days of the post-communist regime. Still, there were attempts from the part of the authorities to control the media market via direct and indirect measures. For example, until the early 2000s, when the power of the print publications was big, the main print paper factory in Letea (Bacău county) was state owned and the access to paper was used as a political weapon against “unfriendly” newspapers. In 2003 the factory was privatized at the hands of the local mayor (an influential figure in the Social Democrat party, then ruling). It went bankrupt in 2011 and closed for good in 2018. Print paper is currently imported from Ukraine. A similar history occurred with the national distribution network RODIPET, which was privatized in 2003. To begin with, the company was slow in its delivery, and daily newspapers reached some areas with delays of up to 48 hours. RODIPET was frequently accused of political bias. “Some believe RODIPET favours particular clients and deliberately delays returning money from sales to media outlets. Furthermore, the company does not provide newspapers with key data such as how many copies are sold per day and per region,” read the *Media Sustainability Index 2003 (IREX)*. The private owner of RODIPET did not respect its privatization clauses and, in 2009, the state repossessed the company. The distribution of the print publications remained a problem that was further aggravated by the equally poor distribution service of the Romanian Post. The postal service's role is especially important in the distribution of the subscriptions of local newspapers in small urban and rural communities. The COVID pandemic also affected the distribution, given the movement restrictions.

4.4. Relevance of news media

Television has always been the main source of information for Romanians, with over 90% of the population watching TV daily in 2019 (Cultural Barometer, 2019). The Eurobarometer states that 58% of the Romanians use the Internet weekly, 54% use social media and 56% listen to the radio weekly (Eurobarometer 90, 2018).

Not only do a lot of Romanians watch TV, but they also do it for a long time. In 2019, the average Romanian spent 3.5 hours in front of the TV set, plus another 2.4 hours watching video content on other devices. The figures are down from the 2017 level, when the average TV consumption stood at 5.46 hours, as compared to the global average of 3 hours (Puişor, 2017).

But TV consumption has been under continual decrease and TV channels lost one million viewers between 2016-2020 (Obae, 2020). The impact of print media seems to be extremely limited. In this technology battle, the print media was the major loser. By 2010, deeply affected by the economic crises, the principal newspapers had lost half of their print copies (Andronache, 2014) and the trend has never reversed (Bunea, 2014). In the first quarter of 2022, the best sold newspaper was the tabloid *Click!*, with some 42,000 copies printed. Meanwhile, 82,000 copies of its TV weekly free supplement are printed. The second best sold newspaper is *Libertatea*³⁰¹, with 23,000 copies daily. In its glory years (1994-2004), *Libertatea* was selling 150,000 to

³⁰⁰ *Ze list*, available at <https://www.zelist.ro/monitor/>, accessed on 19.01.2022.

³⁰¹ *Libertatea* is the first independent newspaper, created minutes after the flight of Nicolae Ceausescu on 22 December 1989. It was turned into a tabloid in 1999 and was bought by Ringier in 2004. The new format and content were a success and the newspaper reached daily circulations of 225,000 copies. In 2014, it started transitioning to a more generalist content and, starting with 2018, employed one of the strongest investigative teams in Romanian media.

225,000 copies daily. Other quality newspapers are selling very small numbers. *Adevărul* prints 5,500 copies daily, while formerly very influential papers such as *Evenimentul Zilei*, *România Liberă* or *Gândul* failed to declare their circulation figures to the auditing bureau BRAT for the first quarter of 2022. Local daily newspapers print between 1,000 and 7,000 copies daily. The best circulated print publication is the promotion catalogue of Kaufland supermarket, which prints and freely distributes 5.5 million copies weekly.³⁰²

The internet has become an alternative source of information for Romanians (Radu, 2020). This is due to the explosive development of digital technologies and their rapid spread among the users. In 2005, Romania had 1.3 million internet connections provided by 981 internet providers. In 2007, the number of internet providers soared to 1,338 and the number of connections stood at 5.79 million, out of which 60% were mobile connections). At the end of 2019, 420 operators provided 25.2 million internet connections, out of which almost 80% were mobile, according to ANCOM data.

Romanians are “very digital” when it comes to communication and media. There were 16.79 million Internet users and the average daily time spent online was 7 hours and 9 minutes in 2022. Some 93% of them accessed the Internet via a mobile device. There were 13.3 million active social media users (69.7% of the overall population), with Youtube, Facebook, Whatsapp, Facebook Messenger, Instagram and TikTok being the most popular platforms. The majority of social media users are between 25-34 year old, followed by those between 35-44 and 45-54 years old. All age brackets are active on social media and women are slightly more active on each platform. The Internet speed is high for both mobile and landlines (33.76 Mbps and 124.36 Mbps respectively) and the data services and devices are affordable (Datareportal, 2022).

This digital affluence stimulated the rise of niche outlets, including some specialising in investigative reporting. These digital-born brands, such as *Recorder*, *Rise Project*, along with *Delazero* and *PressOne*, which blends investigative and narrative journalism, are project and donation funded. The *Digital News Report* writes: “These newsrooms play an important role in contributing to the quality of the Romanian public sphere in the face of extreme pressure and enjoy considerable support, both moral and financial, from their audiences.” (Radu, 2022).

The preferences of media consumers for certain platforms have dictated a change in politicians’ public communication. In front of the tsunami of user-generated content in social media, the state authorities, as well as the politicians and the companies, developed strategies to colonize the space with their own messages. For example, President Klaus Iohannis led an impressive online campaign for his first mandate. His Facebook profile reached over one million followers in November 2014, more than Nikolas Sarkozy’s or Angela Merkel’s at that time (Andriescu, 2014). During his mandates, the Presidency adopted a “social media first” communication policy, posting official material first on Facebook and only after on the official website of the institution. Other politicians and institutions followed, and their posts regularly become news material – more often than not being the only source for that particular topic or story. Romanians use the politicians’ accounts to express their opinions, appreciative or critical. There were cases when, in front of an overwhelming negative public response, some politicians deleted thousands of comments (Mihalache, 2016), which attracted a new wave of criticism for censorship. In other cases, politicians used tricks in order to project the image of public support, using bots or “bought audience”. Unfortunately, they did it with audience from Vietnam, which became easily visible and created hilarity among Internet users and the media (Fernoagă, 2021).

³⁰² All figures are according to The Romanian Transmedia Audit Bureau (BRAT), available at <https://www.brat.ro/audit-tiraje/cifre-de-difuzare/letter/a/year/2022/trimester/1-3/order/by/name/order/asc/page/1>, accessed on 28.07.2022

Finding information is the main reason why Romanians use the Internet (82.4% of users), while following news and current events is cited as a reason by 62.7% (Dataportal, 2022). Mainstream news consumption, online and offline, varied in time, and has today declined below pre-pandemic levels, while use of social media as a source has increased. The 24-hour TV news channel *Digi 24*, the most watched news channel, dropped six percentage points in brand usage compared to last year (Radu, 2022).

An interesting situation is that of the Hungarian-speaking population in Romania (amounting to 6.1% of the total population, according to the 2011 general census). For linguistic and cultural reasons, the Hungarian-speaking population consumes predominantly Hungarian-language media (Kiss, 2018). “The Hungarian public broadcaster *Duna TV* and the private broadcaster *RTL Klub* have a viewing rate more than 30% higher than the first Romanian broadcaster *Pro TV*, writes a media report published by *G4Media*, an online publication. It also states that “more worryingly are the trust rates of Hungarians in the information transmitted by Romanian channels, the percentages being half of those in Hungarian channels: 63% trust in Hungarian TV channels and only 36% in Romanian channels” (Sandor, 2021). Media reports reveal that Hungarian-language media in Romania receive millions of Euro in grants from the Hungarian authorities. The grants are easily obtained and come, according to their recipients, with no strings attached (Sipos, 2017). Commentators see this massive funding differently, considering that Hungary has become an exporter of illiberal discourse. “Orban’s discourse aims at marginalizing or eliminating all critical voices. This model is applied in Transylvania too, with has consequences for the freedom of information of the Hungarians [in this region]. Hungarians in Romania become hostages in a monopolist media landscape,” thinks political scientist Robert Adam, quoted by Romanian publication *PressOne* (Felseghi, 2019).

A study conducted in 2019 (Castro and al, 2022) included Romania in the group of countries with a high level of news “hyperconsumers” (17%), and “online news seekers” (44%). The study advanced the idea that this hyperconsumption is correlated, among others, to a strong political polarization. But a similar, more recent (2022) study conducted in Romania (Buturoiu, Corbu and Boțan, 2022), found that, in the space of two years (2019-2021), the number of media avoiders in Romania increased. The Romanian study addressed four patterns of media consumption: mainstream media consumers (scoring high on mainstream media news consumption and low on social media news consumption), social media consumers (scoring low on mainstream media news consumption and high on social media news consumption), all-media consumers (scoring high on both types of news consumption), and minimalists (scoring low on both types of news consumption). According to it, Romanians’ news diets register a high proportion of news minimalists (52.9%) and similar percentages of social media news users (17.1%) and mainstream media users (16.7%). Beyond the differences in methodology, the decrease of interest in the media can be explained by a news fatigue. “Such news consumption pattern raises a concern for democracy and for the role of informed citizens in actively getting involved in civic matters. Apart from political apathy, the today high-choice media environments can more easily create knowledge gaps and disinterest towards societal issues in general”, the study reads. (Buturoiu, Corbu and Boțan, 2022)

4.5. Trust in media

Trust in media has been high for many years ever since 1989. Until 2007, the trust in the media maintained a high level, between 60-80% for all types of legacy media (TV, radio, print) (Tătar, 2018). Maintaining this high level of trust despite the editorial compromises forced upon media by political pressures can be explained by the inertia of the public’s opinion, but also by the feeling that media was the “real opposition” of the country, as the political opposition was weak.

The years of economic crisis that brought about a stronger and more visible politicization also witnessed a decrease in the credibility of the media.

The wearing off of the appeal of the traditional media, the rise of the social media and the active participation of Romanians on social platforms further eroded the trust in media. The trust in legacy media fell in the 40-60% brackets around 2010, and never recovered (Tătar, 2018). The Covid epidemics worsened the situation even further and the distrust in the media – be them traditional or social media – increased dramatically. In 2020, only television had a trust rate over 50% (56%), the print and radio staying at 42% and 48% respectively. Despite its major role as a source of news, online media enjoyed a trust rate of 37% (Eurobarometer 94, 2021). In 2022, around 55% of Romanians believed that they have been exposed to fake news on all platforms and blamed it mostly on state actors, be they Russia or the European Union (INSCOP, 2022). The erosion of the trust can be explained both by the decrease of the quality of the media products (given the precarious resources media used during the years of economic crisis), but also the strong politicization of the media outlets that alienated regular media consumer. State-sponsored disinformation also had a role to play, but there are no studies to date to measure this influence. There is also a circular effect at work: those who mistrusted the traditional media sought refuge in the digital media just to find themselves exposed to even more disinformation and having their trust even more eroded. Moreover, “attack against traditional media institutions is correlated with the attack against ALL traditional institution of the liberal democracies, it is correlated to th strong anti-system, anti-establishment, anti-politics, anti-expertise” (Bârgăoanu, 2018)

The Reuters’ *Digital News Report for 2022* revealed that trust in news overall dropped by 9 percentage points compared to last year, to 33%, close to its pre-pandemic level. Trust also fell for most media brands, whether public media or privately owned. Very few people actually believe in media independence. Those who think media are independent from undue political or government influence represent 20% (down 7 percentage points compared to 2017), and those who think media are independent from undue business or commercial influence represent 19% (minus 6 percentage points change from 2017) (Radu, 2022).

5. Risks and opportunities of media related competencies domain

5.1. Development and agency of change

Media literacy has never been a priority for the Romanian authorities. The Council of Europe’s transversal study on media literacy in the EU found that “a lack of media literacy policies combined with low public understanding and support of the field of media education, and a lack of funding programs have been the main impediments to more impactful media literacy education in Romania.” (Chapman, 2016).

In 2021, *Media Pluralism Monitor* report found that “[t]he lack of state policies systematically designed and implemented to foster digital and media literacy is a major contributing factor to very high risks in the area of media literacy. Most efforts come from NGOs, but they are insufficient and cannot be systematic” (Popescu, Bodea, Toma, 2021). The handful of programs in media literacy are coordinated by civil society organizations. They do not coordinate and rarely cooperate, therefore the impact is limited and barely sustainable.

5.2. Overview of media related competencies in policy documents

There is no official definition of what media literacy encompasses, and no official profile of competences for the media educated person. All the same, there is no profile of the graduate of formal education – a description of all competences a person should have once they have graduated various levels of education. Such profiles have been proposed by the Institute for Educational Sciences in 2015, but have never been officially endorsed nor have they been used as a basis for curricula or for evaluation. The 2015 profiles included some competences that can be considered as media competences such as interpreting texts in various contexts, formulating opinions, ideas and feelings in a variety of communication situations and the capacity to interact responsibly and creatively in various contexts, respecting communication conventions. Other competences referred to critical and reflexive evaluation of the impact of information and communication technologies on one's life and social interactions. The graduates of the complete pre-university cycles (12 years) were also expected to have a set of social and civic competences, including a proactive conduct in promoting social integration and multiculturalism, as well as an active civic participation. These competences were aligned with the 2006 EU key competence framework (European Union, 2006). Still, important elements of the European framework such as “the ability to search, collect and process information and use it in a critical and systematic way, assessing relevance and distinguishing the real from the virtual, while recognizing the links” are left outside. In the summer of 2022, the Romanian Government released the draft of a new Pre-University Education Law and the need for an updated and officially endorsed competences profile was restated. The draft law provides for the introduction of a compulsory discipline called “Education for life”, including modules reserved for environment, health, finances, law, entrepreneurship, technology, auto traffic, as well as civic, intercultural and democratic citizenship education. Once again, the media does not appear as a stand-alone domain in the draft law.

In July 2022, the Education Ministry issued an order describing the digital competences required for education professionals. It includes 6 domains and 22 specific competencies. The six domains are: the use of digital technologies in the interactions with fellow teachers, students, other education beneficiaries, parents and other stakeholders; the efficient use, creation and sharing of digital resources in teaching; the use of digital strategies for better evaluation; the use of digital strategies for improving student-centered education; pedagogical competences that facilitate developing digital competences in students and other education beneficiaries.

The issue of media literacy also appears in the audiovisual law. The National Audiovisual Council– the regulatory body in the field – has among its attributions increasing the level of media education of the public. The obligation has been introduced via the law that transposes the Amended Media Audiovisual Services Directive in June 2022. The law does not provide any definition of media education, but makes it clear that the Councils' tasks are restricted to the audiovisual content.

The Center for Independent Journalism, that has run media literacy projects for years, used a mixed model for the working definition of “media literacy”. “We started from the European competences – to access, assess and evaluate, and create content. We added the ones developed by Renee Hobbs in 2010, who on top considers these two higher level competences – to reflect, which includes an ethical angle to media education and to act, which includes the civic attitude that we think is actually the ultimate role of media education,” said Cristina Lupu, executive director of CIJ.³⁰³

³⁰³ Interview with Cristina Lupu, executive director of the Center of Independent Journalism, conducted 28.06.2022

5.3. Information about the media literacy programs in formal and/ or in non-formal education

As mentioned before, media education is not a standalone discipline in the Romanian curricula. “In the Romanian educational system, media literacy competence is not addressed as such in any educational curriculum. Few efforts have been realized in the past ten years, efforts that were initiated by civil society experts, and they have been not yet adapted to the national curriculum,” finds a study (Rotaru, 2019). It identified elements of media-related competencies present in 12 national curricula for both primary, middle school (gymnasium) and high school level. It finds that most of the media literacy elements are to be found in the gymnasium curricula (students 10–14-year-old). It pinpoints an important feature: media are present as a “soft source”, meaning just an alternative source of information, rather than a study field in their own right. “The subject of media education/media literacy encounters a very low level of understanding, and it is insufficiently operationalized in the Romanian Formal Curricula (competencies, scientific content, educational resource or didactic strategy),” concludes the study.

One major limitation of the 2019 study is that it did not look into the languages curricula, which is very rich in elements of comprehension of written and multi-modal texts and communication skills, nor in the ITC curricula, which is rich in digital skills’ development. The languages curricula include some elements directly pertaining to media education, but they are descriptive and limited to format – such as journalistic genres and journalistic style – rather than the role of the media in society. Still, they include competences that are part of the media competences defined in the theoretical part of the present study, such as: Rational argumentation in public communication (including the ability to formulate clear messages and the ability to listen actively), critical consideration of information in communication, knowledge and understanding of contexts of public communication. While communication and self-expression are encouraged, the curricula do not underline media, information and digital literacy in the context of deliberative communication.

Most efforts in the media literacy field belong to a handful of NGOs who act in a sporadic and uncoordinated way. The programs aimed at students deal mostly with skills like comprehension, identification of author and sources and safety on the Internet. The programs aimed at teachers assist them with understanding the media and using media to bring curricula knowledge closer to students’ real life. Of note is that NGOs’ programs emphasize the role of journalism in democracy and the importance of media literacy for meaningful civic participation and deliberative communication.

Apart from media literacy programs, there are also initiatives aimed at debunking, exposing fake news and fighting disinformation. One risk of such programs is that putting excessively in focus the negative effects of the freedom of expression, they fuel the fear of the media, encourage disrespect for journalists and stimulate media disengagement of the users.

5.4. Actors and agents of media related competencies: risks and opportunities

With the state almost non-existent in the field of media education, the NGOs have the upper hand in this respect and have emerged as the main agents of promoting media competences. As mentioned before, their actions are sporadic and uncoordinated and, above everything, unsustainable, as they depend on available funding. The funding comes project-based, and mostly from EU, US or private donors.

The Center for Independent Journalism has been running a media literacy program dedicated specifically to high school teachers, especially Romanian and foreign languages teachers. One of

the objectives is to stimulate the teachers to introduce media and information literacy elements in their regular teaching, not as a separate topic. The program, funded mainly by the Romanian-American Foundation, has been initiated in 2017 and has already included some 600 teachers. It offers the enrolled participants training, mentoring, assistance and teaching aids. It is scheduled to run at least until 2024. Under this program, CIJ offered, in 2021 and 2022, a one-semester course in Introduction in Media Literacy for the students enrolled in the MA program Didactics of the Philological Disciplines of the Philology Faculty of the University of Bucharest. In the fall of 2021, an elective course was offered to undergraduates of the same faculty.

Mediawise Society³⁰⁴ – an association dedicated to media education and culture – also develops teaching aids and provides training to teachers and librarians.

Active Citizens Fund – part of the EEA and Norway Grants 2014-2021 program with the objective to strengthen civil society and active citizenship and to empower vulnerable groups in Romania – supports 13 projects that include segments of media literacy. The projects are coordinated by NGOs – some of them grass-roots – from all over Romania and focus mostly on “fake news” and disinformation as threats to democracy.

The target audience of the media literacy project is formed overwhelmingly by children and youths. Adults are targeted only if their profession allows them to turn into disseminators themselves, such as teachers and librarians. Although identified as one of the groups most vulnerable to disinformation, the elderly are not expressly targeted by any training or awareness raising initiatives. This creates an aggravated risk as the population 55+ forms the bulk of the TV audience and Romanian consumers are rather conservative (they usually follow one TV channel, forming a voluntary captive audience).

5.5. Assessment of media related competencies among citizens

As mentioned above, there is no large scale, coordinated approach to media education in Romania and the state seems uninterested in the topic. Consequently, there is no state-sanctioned methodology or mechanism to measure the media competences. Various studies, performed by various authors with different methodology, provide data that are not perfectly comparable, but that depict the same picture: a low level of competence, a high risk of disinformation.

The Media Literacy Index for 2021 by the European Policies Initiative (EuPI) of the Open Society Institute – Sofia shows Romania on the 28th place out of 35 countries analyzed. The index assesses the resilience potential to fake news, using indicators for media freedom, education and trust in people. The country is included in the fourth cluster (first before the last), with a worsening situation both in terms of cluster (moved from third to fourth) and score (34 down from 38).

They admit that they are exposed to fake news: 20% of Romanian think that they have been exposed to such content during a weekly period (EU average stays at 10%), but they consider themselves well-equipped to spot and avoid it: 13% are very confident (EU average 12%) and 49% are somewhat confident (EU average 52%), according to European Parliament’s *Media and News Survey 2022*.

Apparently Romanians believe in the power of media literacy. Almost four out of ten Romanians were of the opinion that educating citizens to properly identify disinformation was the best measure to fight against fake news in 2019. Another 34 percent of respondents were of the opinion that those who spread disinformation should be prevented from abusing social media platform services (Statista, 2022). Some 31% believe that it is important to support diversity and good quality journalism in order to fight fake news.

³⁰⁴ Mediawise, <https://mediawise.ro/>

Other studies contradict this optimism. For example, the PISA test results show that “[s]tudents in Romania scored lower than the OECD average in reading, mathematics and science”. Only 59% of the students attained at least Level 2 proficiency in reading (OECD average: 77%). So, 41% of Romanian students are not able to understand what they are reading – the equivalent of functional illiteracy. The figures are similar for proficiency in maths and sciences: 53% of students attained at least Level 2 in maths and 56% in sciences (OECD, 2018). Girls performed better in reading and marginally better in sciences, the boys performed marginally better in maths. The results were significantly better in 2012 than in 2006 (the first time Romania participated in the PISA test), but changes afterwards have been insignificant.

Romanians’ digital skills are also problematically low. According to Eurostat data, in 2021, only 28% of Romanians had basic or above basic digital skills (compared to 54% of EU-28 citizens), and they came last in Europe. In 2019, the percentage stood at 31%.

Digital competences are part of the core curriculum and are part of the Bacalaureat – the exam that closes the 12-year educational cycle. The results are counterintuitive, as Romania has the “highest number of hours allocated to digital competence as a separate compulsory subject in upper secondary education”, as well as “a high use of very high-speed broadband and the wide availability of very high-capacity fixed networks, especially in urban areas” (UiPath Foundation, 2021). To bring light into this paradox, UiPath, the first Romanian “unicorn” company³⁰⁵, in partnership with *Brio.ro*, a platform of standardized digital testing, developed “the first standardized digital literacy assessment accessible, free of charge, to over 2.8 million students in Romania, from 1st to 12th grade”. Build upon the model of EU digital competences grid Digi-Comp 2.1, the test evaluates five clusters of competences: information and data literacy, communication and collaboration, creation of digital content, safety and problem-solving. The scores go from 1 to 100, with three levels of competences: non-functional (0-50), minimally functional (51-75) and functional (76-100). In May 2022, they published a report that analyzes the data obtained after the first 7 months of the application of the digital literacy test in Romania. According to them, the average score of the tested group was 65.93, in the minimally functional realm. This means that the average Romanian student is able to use the technology well enough by themselves, without guidance, when provided with well defined tasks whose outcome is known to them. Higher than average scores have been registered in information and data literacy and safety clusters, while the creation of digital content scored significantly lower. Noteworthy, the sub-item “civic participation via digital technologies” (under the Communication and collaboration cluster) scored 6 points under the average, indicating that Romanian students are more inclined to apply their skills for individual needs. Boys are more digitally skilled than girls (their scores are with 6% higher). Only 25% are falling into the highly functional group and UiPath thinks they represent “the talent pool” the employers can tap into in the future.

Another study that analyzed the digital competences and conduct of children and youth is the Study on children’s use of the internet (Velicu, Balea, Barbovschi, 2019). It found that most children have technical competences, such as saving a picture they found online (86% of respondent) or changing the security preferences of a social media account (75% of respondents). Most of them (71%) reported information competences (critically analyzing the information they come across) and a very large proportion (up to 90%) reported social competences (such as sharing information in their own network or managing their friend’s network). The least reported were the creative competences, such as editing a video piece (55%). The study is based on the self-assessment of children aged 9 to 16 years old.

³⁰⁵ A unicorn company is a private company with a valuation over 1 billion USD.

All this data, though scattered and difficult to compare, describe a society with a schizoid attitude toward media competences. On one hand, there is an oblivious state, uninterested in developing its citizens' abilities that would allow them higher resilience in front of disinformation and better preparedness for the digital market of the future. On the other hand, we have a digitally active population, tending to become minimally functional as early as 10 years old, developing its own practices, rule of conduct and standards. While people will continue to adapt to the new technologies and make the best of them for individual interest, the public sphere, where the public deliberation should take place, risks getting more and more "noisy" and fragmented. The democratic values risk getting lost through the cracks of such an atomized society.

6. Conclusions

We have looked at the last 20 years of Romanian history, analyzing in parallel the evolutions in the political and economic field, on the one hand, and the media field on the other. We have demonstrated that the evolutions in the two field are intertwined, and they mirror or influence each other.

In the political field, we have looked at governments' attitudes toward freedom of expression, especially access to information and transparency, at the electoral processes and their effects on the public discourse. We also looked at the influence of the European Union over the country.

In the media field, we have examined evolutions in four domains: the legal and ethical standards domain, the journalism domain, the media competences domain and the media usage domain

We divided the analyzed period in five sub-periods, encompassing five major trends:

- 2000-2004 – governmental control and abuse over the media by the government, in parallel with preparation for EU accession;
- 2005-2007 – liberalization and prosperity of the media sector;
- 2008-2012 – the economic crisis
- 2015-2021 – the digital disruption
- 2020-2022 – the Covid crisis

Looking longitudinally at these parallel analyses, we can draw a series of conclusions and identify the main risks and opportunities that the four domains we analyzed can bring for the process of deliberative communication.

6.1. The main risks and opportunities to deliberative communication manifested in the four domains of study

6.1.1. *The main risks and opportunities concerning the freedom of expression and freedom of information*

Romania has an overarching and detailed legal framework, that offers sufficient protection for the human dignity and private life of people, as well as recourse for those who feel harmed in their rights" (Hatneanu, 2013), which creates a solid opportunity for the development and performance of the deliberative communication required by a solid and functional democracy. Freedom of the media, freedom of expression and freedom of information are properly regulated, as are the legitimate restrictions to them – such as protection of human dignity and privacy. Access to information and institutional transparency, as well as the protection of whistleblowers are equally properly regulated.

The risks are deriving from the faulty implementation and the informal conduct of the authorities, as well as from the inconsistent interpretation of the legislation by both authorities and the judiciary.

Risks and opportunities have manifested themselves across most of the critical junctions analyzed here. Good legislation has been adopted before the EU accession, but also afterwards, as Romania transposed the European Directives. However, the authorities are also responsible for the faulty implementation of these laws. It is as if the institutional capacity of the Romanian authorities has not significantly increased over the last 20 years. Interestingly enough, there were cases when risks and opportunities have been created simultaneously by the same government – as in the case of the 2000-2004 period, when major legislative progress was made, in parallel with restrictive measures against a free media.

One longitudinal trend that can be observed across all the sub-periods is the arm's length distance between governments, of all colors, and freedom of expression. Despite the progress made in the legal domain or facilities offered to media, all governments in the given period seemed not to fully understand or respect the principles of free and independent media. Direct or economic pressure, derogatory public discourse about media and journalists, physical aggression or court harassment, restrictive legislation and inconsistent or ill-willed application of laws – none of the examined period was exempted from one or more of these forms of offenses to freedom of expression. Governments' attempts at restricting media freedom came not only from the sheer desire to control it, but also from a lack of understanding, and a deficit of education in human rights. The hasty manner in which the Romanian authorities decided to withdraw from the European Convention of Human Rights in the first months of the pandemic is a demonstration of the weakness of the Romanian authorities' commitment to freedom of expression.

6.1.2. The main risks and opportunities concerning the accountability instruments

A second red thread in the analyzed period is the lack of commonly agreed ethical standards and professional solidarity among journalists. Born organically and not supported by any long-term strategy, the media sector somehow missed the starting gun in the early 1990s and has not recuperated ever since. The profession acted similarly (even if not coordinated) in front of an identifiable single opponent – the government – during the early 2000s, when the direction from where the oppression came was easily discernible. The polarization of the society brought about by the Băsescu mandates extended to the media, then to their employees. The journalists internalized the position of their owners and made it their own, which decreased the chances of solidarity and coordinated action for years. The competition for resources during the economic crisis, the fragmentation of the social media years and the atomization of newsrooms imposed by the Covid-19 epidemics perfected the dissolution of journalistic solidarity for now. The quality of journalism, weak to begin with, after years of communist propaganda, had no time to consolidate and had to further suffer when the editorial line was traded for economic or political advantage. The expansion of social media and “the democratization” of public conversation diluted further the social respect for the work of journalists, especially after they started to use social media material as their primary (and sometimes only and unchecked) source of information.

Things are looking equally grim when it comes to public media services (PMS). Instead of providing an example and generating good practice, the public media are rather counter-examples. Political influence (irrespective of the ideology of the government), the incapacity to reform themselves, the financial dependency of the state budget and a weak resistance from the part of the editorial staff has affected the accountability of the PMS and the credibility of those institutions.

This lack of commonly agreed ethical standards and the absence of a reliable accountability systems poses a major risk to the deliberative communication in Romania, as media people themselves have started to consider ethical conduct is a perk or a luxury that the media cannot afford if they want to survive on the market.

6.1.3. *The main risks and opportunities concerning economic and social sustainability of journalism*

The field of journalism was, probably, the domain most sensitive to the social, economic and political changes occurring over the last 20 years. It seems like it has permanently walked on the verge of sustainability, without reaching it. And still, journalism remains an attractive career for many young people, eager to perform their social role, but aware that “nobody got rich out of it”. The roller-coaster of the last two decades presented opportunities and risks in probably an equal share.

The Romanian media sector mushroomed after the 1989 toppling of communism and the market maintained the same organic growth (or shrinking) ever since. The country never had a media strategy, or an information strategy with full geographical coverage. This *laissez faire* attitude was beneficial to the apparition of a multitude of media outlets, but detrimental from the economic point of view, as the market became overpopulated and underfunded. It presented – at least in theory – an opportunity for multiple voices to express themselves, but also increased the risk that these voices could be captured by funding by non-ethical political and corporate influences, which eventually happened. Romania never had a monopolistic media market and the concentration moves that manifested themselves in 2005-2009 counteracted in part the excessive fragmentation of the market. The years of the economic crisis, followed by the dissolution of the traditional revenue models, thanks to the spreading of online content, introduced a harsher competition, with unfavorable consequences for the quality of the content. When the big online international players (such as Google and Facebook) arrived, the market was unprepared to cope with them, so they cannibalized the local advertising market. As everywhere in the world, they offered easier and more attractive ways to access information, for the individual user, but made the local news providers vulnerable.

Digitalization of the media content was also a blessing in disguise. It promised a more diverse content, easily accessible and meeting the mobility expectations of the public. While it delivered this, it also led to a series of negative effects. The digitalization of the TV land transmission eliminated almost overnight hundreds of local TV stations, left to negotiate with cable operators, which each had their own news programs and no inclination toward diversifying their range of programming. Online delivery of media content put pressure on the journalists and the focus went from public interest to the public’s interest, from accuracy and relevance to speed and attractiveness. It led to a certified dumbing down phenomenon, putting at risk the access to relevant information. It also put pressure on journalists, who saw themselves in the position of performing more numerous and more complex tasks, for which they were not properly trained, in the same amount of time and for the same salary.

On the other side, the online migration allowed for the appearance of new independent media projects, conducted by young but experienced journalists, who brought a breath of fresh air into the media ecosystem. They provided a platform for the investigative journalism (marginalized in traditional media) and made the public aware of their role in supporting the journalism that they like to see.

Another set of pressures for journalists came from the public. With such a comprehensive and affordable Internet access, many Romanians embraced social media early on in its evolution. With a capable mobile phone and an affordable mobile Internet connection, everybody could contribute content to the public conversation online. This resulted in several risks for delibera-

tive communication: it made the online space “noisy”, populated by voices with an apparent equal relevance and authority, allowed for the apparition of filter bubbles and echo chambers, and decreased the social importance of the work of journalists. The professionals were not able to meet this general bruhaha with solid professional standards and assert their social position claiming epistemic authority and moral superiority. Romanian journalists see their role as promoters of democratic values and servants of the public interest. Still, as studies show, there is a gap between these desired roles and the practical roles they actually perform, which allowed commercial or political elements to affect their editorial judgement. As a result, the respect for their work and product has decreased. This has led to another negative effect: the public joined the people in power in harassing the journalists.

This dissolution of the established arrangement created a window of opportunity for the public media to emerge as a stable, honest and qualified information provider, motivated only by the public interest. Unfortunately, given their heavy heredity – politicization, lack of relevance, bad management – and a blatant lack of vision, they were not ready to exploit this opportunity.

6.1.4. The main risks and opportunities concerning the media usage patterns

When discussing the risks and opportunities concerning the patterns of media usage, we used the two elements described in the theoretical part: how informed the media users are about the social and political issues and their autonomy in establishing their own media repertoire.

The Romania media users have a plurality of channels easily and affordably accessible to them, but the quality of the content varies greatly. Whereas the pluralism is seen as an opportunity, the noisy communicational space presents a definite risk. The fact that media ownership is not transparent (with the exception of the audiovisual sector) adds to the risk. Additional challenges are brought by the complicated legislation regarding monopoly or dominant position on the market, making it difficult even for the educated consumer to understand who the direct and ultimate beneficiaries of the media outlet they follow are.

The role that social media play in the information consumption of the Romanian also adds to this risky situation. While mistrusting them, many Romanian use social media as a source of information, without tracing the information to its real source. This way, the materials produced and validated by journalists are contaminated by the low credibility Romanian give social media.

TV consumers are not necessarily more advantaged in terms of informedness. As the high number of sanctions granted by the National Audiovisual Council (when it worked), especially during politically or socially tense times (such as street protests, elections and COVID-19 pandemics) indicate, the media in Romania are more part of the disinformation problem rather than its solution.

When it comes to autonomy, Romanian consumers enjoy the freedom to select their own information diet, as the offer is rich in titles, channels and platforms. The personal choice is combined with the pre-selection operated by the algorithms for those who favor social media as their primary entry point to news. The fact that sometimes newsrooms prefer to follow the algorithmic selection (giving priority and re-running on the traditional platforms the content that appeared first on social media) is actually extending the power of the non-human actors to technological platforms that are, by definition, at bay from it. Thus, the autonomy of the media consumer is rather limited.

A last remark on the autonomy is related to informationally isolated populations. Some authorities are so seduced by the apparent “democracy” of social media that they turn to these networks as a substitute for the classical face-to-face public consultation. This excludes from the political process those who do not use social media – either by choice or by lack of access and

skills. The latter category happens to be also socially and economically disadvantaged, increasing further the risk of isolation of those groups and the atomization of the community. One special case of informational isolation is that of the Hungarian-speaking population, which prefers to keep itself informed with Hungarian media or Hungarian-language media in Romania. While fully understandable, from a cultural point of view, this pattern bears a major risk, as both types of media mentioned above are mouthpieces of the official illiberal discourse of the current Viktor Orban government in Budapest. Thus, the Hungarian-speaking Romanian citizens are living in a different informational paradigm as the rest of their fellow citizens, which risks leading to social isolation, polarization and even conflict.

6.1.5. The main risks and opportunities concerning media related competencies among citizens

The domain of media competences of the citizens is very sensitive and at high risk, as media education is nowhere in the plans of the authorities. The studies conducted by local and foreign agents indicate a rather low level of knowledge and skills, but a paradoxical high level of self-confidence. Elements that can easily be construed as media competences are part of the core curriculum for native and foreign languages, though they are not put into the media and deliberative communication perspective and, in teaching them, media are seen only as a form of teaching aids. This lack of interest in media education is seen as a major risk to democracy by several reports.

Despite their lack of (measured) competences, Romanians are enthusiastic digital users – mainly as consumers, but also as content generators. They used social media to organize themselves in times of crises (social unrest or COVID-19 pandemic), to monitor the activity of the state authorities then when the said authorities tried to circumvent the traditional media, to document dysfunctions in society and to create communities of interest. Studies show that Romanian children start to become minimally functional in digital skills as early as 10, while the tendency of adults is to provide protection (including via restrictions) until 18. There is a kind of age-related stratification in the use of the digital tools, with children and youth migrating to new platforms as soon as those are normalized by adults. At the same time, adults tend to look down on the new platforms, treating them as unimportant, inferior and even dangerous. While understandable, this segregation risks creating rifts among different age groups and further alienates the youth from the democratic process.

One trend that has become visible especially in the latest years is the apparent lack of understanding of the works and the place of digital technologies in society, what we call *the digital myopia* of the Romanian authorities. This comes, paradoxically, in a country where the digital infrastructure is well-developed and where the population has already developed steady, self-taught digital consumption habits. The authorities have been slow in developing a comprehensible digital strategy and implementing e-governance (digital communication between state and citizens). They also think in anachronistic analog frameworks when it comes to regulating the digital domain. These regulating attempts also demonstrate that the digital domain has not been understood up to now as an integral part of the system of freedom of expression and human rights, as provided by the UN documents (UN Human Rights Council, 2011).

6.2. The agency of different actors in propelling the identified risks and opportunities

Looking longitudinally, at the 20 years period we studied and transversally, at the four domains we have looked at, the influence of political agents is inescapable. The political factors, irrespective of their ideology, strongly influenced the evolution of the media field. Firstly, the politicians set the tone through the legal framework they carved out for the media. Then, through their

informal conduct, they negotiated the relations with the journalists, media outlets and their owners and with other actors on the market (such as advertisers). Through economic leverage, they gained control over the media ownership. This is particularly important in countries such as Romania, where there is a strong parallelism between media, politics and business.

Contrary to the general belief and the popular metaphor that describes media as “the fourth estate”, the number of cases in which media significantly influenced the other fields is small and limited to exceptional cases, mostly involving public outcry or unrest. Given its business nature, the media companies were vulnerable to the evolution of the market and not always prepared to adopt the survival strategies that would allow them to stay true to their second nature: that of public service. Therefore, they preferred to adopt survival strategies that excluded direct confrontation with political decision makers. International companies active on the Romanian media market had a mixed influence. On the one hand, they introduced new formats, new technologies and new styles of doing journalism, with respect to balance and neutrality. *BBC Romania* (closed now) and *Radio France Internationale* are just two such examples. Groups like Switzerland’s *Ringier* demonstrated business versatility, by buying and selling various media products, based on their profitability or their interest to maintain a presence on a market, even if this is profitless.

Journalists are in a weak position of influence. Overworked, often underpaid, with low job security and almost non-existent union protection, they tried to stay close to their desired roles – that of an agent of the public interest, of social relevance – but were not always succeeding. Yielding to time, political and financial pressures (which may be understandable), journalists have allowed for the professional standards to erode, to become an “unaffordable luxury” and lost relevance in the eye of the public.

The only situation in which the media really changed the political and business conduct is linked to the advances of digital technologies. Even then, it is the change in the media and information consumption habits of the public that have pushed the shift in public communication routines of policy-makers and state authorities. Therefore, the public should be credited with the real agency. It also should be credited for demonstrating the limitations of the traditional media model in Romania – a permanent waltz between what media should do and what they are asked or expected to do – and individuals taking the lead in informing each other in times of crisis or directly addressing the decision-makers via social media.

Another remarkable feature of these last 20 years is the presence of the European Union and its influence, especially in the legal domain. Its influence was of major importance in the pre-accession years (2000-2007), when the Romanian legislation was changed to absorb the *acquis communautaire* and meet EU standards. That was the time of critical changes such as the decriminalization of insult and calumny or the harmonization of the audiovisual services law. After the 2007 accession, the pressure decreased as the EU tools to deal with member states are less powerful. Still, as its accession came at a moment when the country still had unresolved issues in terms of democratic performance, Romania remained under the EU monitoring mechanism and regular reports were still acting as road maps, especially in the fields of rule of law and media. As an EU member, Romania took the minimal approach when it came to adopting the EU directives and transposing them without too many reservations. Romania was not an active party in the negotiations of these texts, and they did not stir any major internal public debates. On occasion, the authorities used the EU legislation to advance their own agenda, as it was the case of the data retention directive and GDPR, used deliberately to restrict the privacy or access to public information or, more recently, the Whistleblower Directive, where Romanian MPs eliminated most of the protections offered by the EU document, such as anonymity and direct access to the media.

In this picture, academia is notable by its absence. The over 20 journalism and communication programs produce thousands of graduates every year. Many of them are not absorbed by the labor market and never get to practice what they have studied. The Journalism schools are populated with mostly young and well-motivated academics, with research capacities and energies, but they are underfunded and somehow isolated. With few exceptions, there is no functional relationship between academia and industry or academia and society, so that the new knowledge generated via research is either unused by the policy-makers or unusable to them, given its narrow scope and distance from the real problems of the media.

6.3. Tendencies concerning the prerequisites and values of deliberative communication in Romania

The analyzed period showed that, up to now, just a single country project was able to concentrate the energies of all actors and agents, across the political sphere and the ideological differences: EU and NATO membership. During the pre-EU-accession period, we saw political agents working against the interests of power brokers to secure a Romania's path to accession, even if they were no longer in power when the actual moment came. After that moment, nothing managed to inspire and motivate Romanians and their institutions in the same manner. It looked like, once the country had achieved these goals, Romania felt free to return to business as usual.

Even if business as usual meant reversing some changes made to secure the accession. After an initial boost of transparency in the early 2000s, a veil of opaqueness fell on the openness of Government. The access to information to journalists is restricted for various reasons, and one of these is the loss of institutional memory related to why transparency is important. State servants try to normalize the narrower access to information as though the rights granted in 2001 to the people were excessive.

The relationship between Romanian citizens and their authorities is less and less favorable to a culture of listening. The trust Romanians have in their rulers is falling. In 2010, the trust in the Parliament was 14%, while in 2019 the trust level was 9.8%. Even in the best years from 2000 on, the trust in the Parliament did not exceed 35% (Cosmeanu, 2022). Equally low is the trust in political parties and Government. A Parlemeter (a poll conducted for the European Parliament), in 2021 showed that 60% of the Romanians thought that their voice didn't count in their Parliament. This demonstrates that the gap between the rulers and the ruled is getting wider and wider.

The trust in the European Union as the only viable political option for Romania is also decreasing. Only 49% of Romanians considered, in 2020, that EU membership is a good thing for their country (down 6% compared to the previous year), while 19% (the highest percentage in Europe) think it is a bad thing.³⁰⁶ Still 73% considered that the Recovery and Resilience Plans, through which the EU will financially support the members to cope with the impact of COVID, are a good thing.

According to various polls, Romanians support the army, the church, the police and, surprisingly, the highest scientific forum, the Romanian Academy. Noteworthy, the discourse of the academicians is rather conservative, pleading for "historical values" and the preservation of the national identity against foreign influences.

Against this background, the rise of nationalistic discourse is no surprise. What is even more worrying is that this kind of discourse is not the apapanage of a single right-wing formation. It can

³⁰⁶ No byline, (2021, 12.02), Cum văd românii aparența la UE [How Romanians see the EU membership], G4Media, available at <https://bit.ly/3T1kzKV>, accessed 1.08.2022

frequently be found in statements by all the party leaders, who believe that such rhetoric will appeal to the voters.

In conclusion, what we see now is an increasing mistrust of a public oriented to pragmatism (and favoring short-term solutions) in the rulers that try to bring them together around traditional values of the past, not shy to use populist measures and discourses, and keen to maintain a paternalistic, controlling and protective approach. The chances of a solid deliberative communication – a space of equal access to information, equal access to agora, of listening and pondering arguments beyond any strategical games of various interest groups - are weak if its values are not embraced, promoted and educated by the agent that turned out to be the most influential up to now: the state and the political entities. For this, they have to educate themselves and develop a forward-looking approach to the development of Romania.

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