

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

International Press Institute

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☒ Media Pluralism
- ☐ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://ipi.media/>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

370877536078-58

* Country of origin

Please indicate the country of origin of your organisation

- ☒ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta

- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Oliver

Surname

Money-Kyrle

Email Address of the organisation

info@ipi.media

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☒ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

Any other developments related to the justice system - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

This submission draws on IPI's report with the Media and Journalism Research Centre and Active Watch, on media capture and measuring compliance with the EMFA <https://ipi.media/publications/media-capture-monitoring-report-romania/> and an IPI led MFRR mission to Romania report <https://ipi.media/report-on-media-freedom-in-romania-ahead-of-super-election-year/>

The 2024 RoL reports recommended

Step up efforts to strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.

There has been no change to or effort to strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media.

Despite the legal framework that defines public broadcasters as "autonomous" and "editorially independent" institutions, both the public radio (SRR) and the public television (TVR) have been subjected to frequent allegations of politicisation, censorship, questionable management practices, internal corruption, and financial mismanagement.

TVR has been the most adversely affected, having failed to adapt and lost its relevance in the media market with an audience share of less than 5%. Despite the politicisation, it is still able to provide some quality content, with its news and current affairs programmes maintaining a reasonable balance and impartiality. Comparatively, TVR enjoys a greater degree of editorial independence than the majority of private television channels, particularly those focused on news.

Despite the independence guarantees set out in the legislation, the National Audiovisual Council (CNA), Romania's media regulator, has consistently demonstrated throughout the years a high level of political influence. Many members, including the current President, have previously been affiliated with political parties or had other political connections.

At the local or regional levels, governments have a particular tendency to award public advertising in a discriminatory, non-transparent, and preferential manner to media outlets that align with their political or financial interests. To avoid the restrictions imposed by public procurement legislation, authorities exploit legal loopholes, such as using intermediaries, that permit them to disburse state advertising funds without a tender.

In addition to this form of financing, state funds are allocated to media outlets through political party spending. This is a legally permitted form of state subsidy used by political parties for the promotion of their activities in the media, among other purposes.

The current regulatory framework governing transparency of media ownership is limited to the broadcasting market. There are currently no regulations in place governing transparency of media revenues. There is no legal obligation for media companies to disclose information regarding revenue generated from public funds or state advertising.

2024 was dominated by four elections in Romania concluding with the decision to re-run the presidential election following evidence of Russian interference through social media.

Otherwise, the most significant issue around media and elections has been the role of political party subsidies, granted by the state, and used by political parties to pay for their electoral campaigns. The rules during the official electoral period require political parties to provide detailed reports on expenditure in the media which, in 2024, was recorded by the Electoral commission. Equally all expenditure on campaign content is required to be clearly labelled in media. Nevertheless, huge controversies have circulated around this funding, both around the lack of transparency and therefore public accountability around how the funds are spent and who benefits, but also on the sheer size of the funds involved and the resulting dependency of media on their income from these funds and how it compromises their independence.

The case of Emilia Sercaș, the investigative journalist who was targeted by a smear campaign after reports exposing numerous high-profile leaders, including the former Prime Minister, of having plagiarized his PhD, continued. She won an appeal at the supreme court to re-open investigations into the failed investigations by the prosecutors into her case.

SLAPPS and the use of abusive lawsuits against journalists continued with several cases reported

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Despite the independence guarantees set out in the legislation, the National Audiovisual Council (CNA), Romania's media regulator, has consistently demonstrated throughout the years a high level of political influence. Many members, including the current President, have previously been affiliated with political parties or had other political connections.

In an audiovisual market that is closely intertwined with the political landscape, the CNA often struggles to fulfil its mandate of defending the public interest. It is slow to apply sanctions that are commensurate with the offence in question. Even when the Council does take action against serious legal breaches, the sanctions imposed are insufficient to deter such editorial practices.

The National Audiovisual Council (CNA), the audiovisual regulatory body, is an autonomous institution, accountable to Parliament. It functions under the framework of Law no. 504/2002 (the Audiovisual Law), which defines its mission as being to act as "the guarantor of the public interest in the audiovisual market". In practice, the legislative provisions are not sufficient to guarantee the independence of the CNA. The organisation has been subject to political interference for decades, which has had a detrimental impact on its public reputation and credibility.

The CNA's budget is set by the government through the annual national budget law, which is then adopted by parliament.

The budget is publicly available, and the institution publishes annual activity and budgetary reports. The budget remains relatively stable, but it is insufficient to guarantee the fulfilment of its legal obligations. In 2023, the CNA's total budget was approximately €3.4 million. The institution must update its monitoring systems and equipment and increase the number of expert employees, particularly given the new regulations that place additional responsibilities on it, mainly in relation to online content.

Furthermore, the CNA is experiencing a shortage of human resources. For instance, the number of monitors at its disposal is 31, which is inadequate for a country with an overcrowded audiovisual market. By the end of 2023, the CNA had filled 118 of the 153 available positions.

Further enhancing the media environment: recommendations

- Legal provisions should be introduced to make the CNA board more politically independent (solutions could include strengthening nomination process, introducing transparent criteria for potential members, or prohibiting individuals with political affiliation from being appointed).
- Legislation should be amended to provide criteria for the evaluation of the annual reports by the Parliament.
- The institution and its status should be strengthened including through an adequate budget which should ensure a proper functioning and fulfilment of its mission.
- The CNA sanctions should be more accurately regulated/defined in order to fulfil their role of discouraging editorial practices which breach the regulatory standards and harm the public interest.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

The CNA, the main governance structure of the regulator, comprises 11 members, all of whom are approved by Parliament. Six members are nominated by the two chambers of Parliament, two by the Presidency, and three by the Government. In accordance with political agreements, representatives from all political parties represented in Parliament may be nominated. The opposition has consistently been represented on the Council. To prevent the Council from being controlled by the political party in power, the six-year mandates of Council members are staggered to avoid an overlap with the political power term.

In the event that Parliament does not approve the CNA's annual report, the CNA President is automatically dismissed. The Council then requests that Parliament propose a new candidate from among its members for the CNA President position. This legal provision leaves the CNA President under a constant threat of dismissal, which could result in political control of the position.

The regulatory framework is explicit in stating that members of the CNA must refrain from any political or commercial affiliation during their tenure. In the event of a conflict of interest, the member in question is removed from the Council by right and their position becomes vacant. It is then filled by a substitute, elected through the same parliamentary decision as the full member.

Further enhancing the media environment: recommendations:

- Legal provisions should be introduced to make the CNA board more politically independent (solutions could include strengthening nomination process, introducing transparent criteria for potential members, or prohibiting individuals with political affiliation from being appointed).

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

The CNA is responsible for monitoring the programmes of broadcasters operating in Romania to ensure compliance with audiovisual norms and legislation.

CNA issues other specific regulations, such as those pertaining to the coverage of election campaigns in the

audiovisual media.

The Audiovisual Law has been updated to reflect the latest version of the Audiovisual Media Services Directive (AVMSD).

The CNA is the public institution responsible for vetting and granting audiovisual licences.

Broadcasting licences, which permit broadcasters to utilise frequencies and technical infrastructure, are issued by the telecom regulator,

When formulating detailed regulations, the CNA adheres to a long-standing practice of transparent consultation with a diverse range of stakeholders, including broadcasters, civil society, and professional associations. This practice has been well-received by all parties, as it enhances transparency.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Romanian legislation provides a framework that aims to ensure transparency, fairness, free competition and accountability in public procurement. However, it does not ensure transparency and fairness in the process of awarding state advertising to media outlets.

Public authorities, particularly at local or regional levels, distribute advertising in a discriminatory, non-transparent, and preferential manner to media outlets that favour their political or financial interests.

To avoid public procurement legal restrictions, authorities use loopholes to disburse state funds without a tender, and by using intermediaries.

The law allows such contracts to be awarded directly, without a public tender, if their value is below the threshold set by the law, which is approximately €35,000. However, there is an obligation to publish a notice of intention and a notice of award.

Authorities may award advertising contracts directly, without prior notice, if the amount is below €1,800. This can represent a significant income for local media, especially when receiving several contracts.

An investigation published by the independent news portal G4Media unveiled that a company owned by the Bucharest District 3 City Hall contracted €6 million in ad services to several media outlets in the summer of 2023.

One of the main ways in which state money is channelled to media companies is through public funds earmarked for political parties. These funds, which are state budget subsidies to political parties, are regulated by the Law on the Financing of Political Parties no. 334/2006. Following an amendment in 2015, the law massively increased the funds allocated to political parties. Parties are allowed to spend these funds on various activities, including “media and propaganda”. As a result, the media market has been flooded with party money, distributed with little transparency or accountability. In the first nine months of 2023, political parties spent around €20 million on “media and propaganda” activities, followed by €22 million in the first six months of 2024, an increase triggered by the EU Parliament and local elections in June 2024.

The Permanent Electoral Authority (AEP) is the authority in charge of monitoring this type of spending.

Political parties must report the total amounts spent for media and propaganda, including the details of those expenses (the final recipient, the total amount, and the outputs) to the AEP. The contracts for this type of spending do not fall under the Public Procurement Law or related regulations. Yet, their content should be governed, theoretically, by the Law on Access to Public Information.

In practice, both the AEP and the political parties fail to disclose the details of the party expenses in the media. Moreover, most political parties use intermediary companies, such as advertising or PR agencies, to distribute their funds to media outlets as a way to hide the traces of the public money. They do so often as there are no transparency-related legal obligations regarding this form of spending if they do it via third-parties.

The Audiovisual Law forbids any politically sponsored content in the audiovisual media outside the electoral campaigns. However, political parties and some media outlets found ways to circumvent these restrictions, too, for example by signing contracts for content published on the websites of the broadcasters, which is not covered by the Audiovisual Law. According to media investigations, this content in most cases bears no political advertising marking, having the potential effect of misleading the public.

Recommendations:

- Policy makers must urgently reform the system to ensure full transparency over the use of the political funds in both the reporting to the PEA and the public, and an obligation on all media to clearly label all content supported with political funds. Policy makers should further consider how to end the practice altogether by developing strict limits on expenditure and the purposes of the expenditure. To help achieve this, we urge the swift implementation of the EU's regulation on political advertising. Media should independently ensure that all funding from political sources is made fully transparent to their audience.
- Legislation on public procurement and state advertising should be brought into line with the requirements of EMFA.
- The current legal loopholes enabling public authorities to distribute advertising contracts without a tender, without prior notice, or through third-party intermediaries should be closed in order to prevent the proliferation of such practices.
- The oversight body designated to monitor state advertising (National Agency for Public Procurement (ANAP)) should ensure compliance with the rules, and issue annual reports.

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

Only broadcasters and online distribution platforms are required by the audiovisual law to make their legal name and contact details publicly available. In practice, the contact details published by some broadcasters lead nowhere, either because the e-mail address is invalid or the telephone numbers are not available. The same is true of online media where a significant number of publications (mainly local media outlets) do not provide any contact information.

The CNA publishes on its website a document containing the full ownership structure of all broadcasting companies, including beneficial owners.

The law requires any individual or entity holding a stake of at least 10% in a licensed broadcasting company or any other company that owns shares in a broadcasting company to inform the audiovisual regulator.

All ownership data about companies in Romania, including media companies, is available in the National

Commercial Registry database. Access to this information is available for a fee, and expertise in data searching is required, which makes it challenging for the general public to find information about business owners.

There are currently no legal provisions in place that require an assessment of media market concentrations with the potential to significantly impact media pluralism and editorial independence.

The Competition Council (CC), Romania's anti-trust regulator, applies the same rules to the media as it does to any other market.

However, the Audiovisual Law contains specific regulations regarding the broadcasting sector. The rules set out in both the Competition Law and the Audiovisual Law are transparent, objective, proportionate and non-discriminatory.

The Audiovisual Law designates the CNA as the legal authority responsible for assessing whether a broadcaster is in a position of "predominance" in forming public opinion. This obliges the broadcast regulator to notify the "competent authorities" regarding any practices that restrict competition, result in market concentration, or constitute an abuse of a dominant position. All such activities are subject to supervision by the CC.

A natural or legal person is deemed to hold a predominant position in the formation of public opinion if the weighted audience share of the programme services assigned to them exceeds 30% of the significant market. In assessing the dominant role in shaping public opinion, the legislation also considers the influence of personal family ties, in accordance with the prevailing commercial and economic-financial legislation. The legislation sets out clear criteria for determining audience share.

In accordance with the Audiovisual Law, when it is determined that a natural or legal person holds a dominant position in the formation of public opinion, exceeding the audience quota, the CNA requires the broadcasters with a significant influence in this formation to rectify the situation by aligning with the accepted audience quota. This is to be achieved within a specified timeframe. Should the situation remain unresolved beyond the specified timeframe, the CNA will mandate the implementation of tangible measures, including a reduction in participation quotas or the number of licences held within a period of three months. Should the broadcaster fail to comply with the aforementioned conditions, the CNA reserves the right to withdraw its broadcasting licence.

Aligning with EMFA's general provisions: what is needed?

- Legislation to require all media service providers to provide data on their legal representatives and structure of ownership, and easily accessible contact information.
- Legislation to require transparency regarding the funding of news media service providers from state budgets or other sources of public money.
- Legal provisions requiring media service providers to make public any potential conflicts of interest, especially those related to the political or business interests of their owners, which might affect their editorial independence should be adopted (such as requirements to publish a list of media owners who stand for election).
- The government should designate a body to implement the above and to publish the content in a publicly accessible national media ownership database.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Between 2020 and 2024 the Mapping media freedom site recorded 12 safety incidents against Romanian journalists, of which only two were physical and 10 involved threats. While there are few documented cases

of serious safety incidents in recent years, the MFRR mission did discuss a range of safety and security challenges faced by Romania's journalists. These include smear campaigns, verbal and digital threats, cyberbullying, and the failure of the police or judiciary to adequately protect journalists.

The most pressing example of smear campaigns is that of Emilia Șercan, whose exposure of plagiarism by former Prime Minister Nicolae Ciucă and numerous other political and military leaders, led to a relentless smear campaign, involving threats, the publication of private photos, and a bungled police investigation that appeared more interested in protecting those behind the campaign than solving the crimes against Șercan. Hungarian language journalists in Romania face increasingly difficult conditions, receiving threats from both local nationalist politicians and pressure from the Hungarian government itself.

Investigating illegal logging in Romania is particularly high risk. In 2021 two journalists, Mihai Dragolea and Radu Constantin Mocanu were badly beaten by 20 people armed with bats and axes while filming in the North Romanian forests of Cosna. And in May 2023, Crina Boros, a freelance investigative data journalist, was intimidated, insulted, and obstructed by staff at SUMAL, the forestry department's data and IT service of the Romanian Ministry of Environment.

Journalists working in local media can also feel particularly vulnerable and isolated. The news site Info Sud-Est, based in the coastal city of Constanta described the backlash against one of their junior journalists' efforts to cover the tourism industry. Her second article 'Did the bitch get away unraped?' described the avalanche of misogynistic abuse she received for having 'defamed' the city.

It is no coincidence that, with the exception of the forest assaults, every case the mission encountered involved the targeting of a woman journalist, or the wife of a male journalist. So, while statistics suggest that the threats to Romanian journalists are comparatively low, it is also clear that under the surface lies a hostile culture for women journalists forced to operate in the expectation that misogynistic insults and threats of assault can be 'part of the job'.

Since the disputed presidential elections there has been a spike of incidents involving supporters of the far right and newly elected politicians harassing and abusing journalists in parliament.

Recommendations:

- The government should urgently act to fulfil the journalists' safety recommendations of the European Commission and those of the Council of Europe under the Journalists Matter campaign.
- As part of this, the government must review and reform its police and judicial practices for the safety of journalists to guarantee independence from political pressure along with the necessary training and resources to protect journalists.
- They must prioritise developing specific measures to protect women journalists from misogynistic attacks including holding the perpetrators accountable
- A national action plan for the safety of journalists must be developed with all media stakeholders and a dedicated body, led by journalists, but supported by the government and involving all stakeholders, should be established to coordinate action

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

The Media Freedom Rapid Response Mission to Romania, led by IPI spoke with many journalists regarding Freedom of Information which was the subject of numerous complaints about the failure of the authorities to respect what is otherwise a high standard of legislation. Authorities should respond to FOI requests within 30 days, but in practice this is frequently ignored. Legal appeals can take up to two years and even then some authorities continue to ignore court orders.

Recommendation: Governments must ensure public authorities respond to Freedom of Information requests in a timely and efficient manner within the 30-day time limit outlined in the FOIA. Government must strengthen measures to ensure respect for FOIA including internal instructions to public authorities on their obligations under the FOIA, and public authorities must be held accountable when they ignore or reject legitimate FOI requests

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

In February, news Outlet Context was sued for 3.4 million euros by businessman Jorgan Faff for damage following an investigation into misappropriation of EU funds.

The Media Freedom Rapid Response Mission to Romania, led by IPI, spoke with numerous journalists about SLAPPs. While the numbers of SLAPP cases are lower than many countries, recent years have seen a steady rise in numbers.

In most cases, the courts have found in favour of the journalists, but not until several years of time, effort and resources have been used up in defending the cases. Most journalists expressed confidence in the independence of the courts, though the experiences outside of the capital is likely to be different where courts are more likely to be compromised by local interests.

There is a dearth of research to the extent of SLAPPs. The government appointed a SLAPP focal point in 2022, which has published a call to collect data, but little progress seems to have been made.

Recommendation

- The full transposition of the EU Anti-SLAPP Directive that covers domestic as well as cross-border cases and meet the provisions in the EU's Anti-SLAPP Recommendations.

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e. g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

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