

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

Reporters Without Borders + Active Watch Romania

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://rsf.org/en> + <https://activewatch.ro/>

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

612547127497-45

* 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

Julie

Surname

Majerczak

Email Address of the organisation

secretariat@rsf.org

*** 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

The whole contribution is a joint contribution from Reporters Without Borders and Active Watch Romania

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

No changes recorded. The technology systems supposed to improve the activity of the National Audiovisual Council (CNA) are still not in place and the institution does not have the capacity to fulfill its mission by a thorough and comprehensive monitoring of the content under its regulation and responsibility. In an audiovisual market that is closely intertwined with the political landscape, the CNA frequently fails to fulfil its mandate of defending the public interest. This is evidenced by a tendency to be slow and reluctant to impose appropriate sanctions. CNA has established a practice of applying a single sanction for a broadcaster's multiple and repeated infringements which has undermined the deterrent role of the sanctions. In 2024, a year marked by multiple rounds of elections, the institution was more active and effective in monitoring and sanctioning the serious breaches of regulations. CNA also showed transparency and openness to public consultations during its regulatory efforts to adopt the specific norms for the several election campaigns. However, some of the regulations adopted were not consistent and left room for unethical editorial practices, such as political sponsorship for editorial content produced with the direct involvement of the newsrooms. Such practices should not be legal, as they are contrary to the Romanian

Audiovisual Law, and Audiovisual Media Services Directive (AVMSD) principles and provisions. Moreover, the norms adopted for the European Parliament election campaign specifically ban such practices (Art. 10, CNA Decision nr. 149 from April 3rd 2024).

https://activewatch.ro/documents/277/freeex_digest_9_eng.pdf

<https://cna.ro/DECIZIE-nr-149-din-3-aprilie-2024.html>

CNA is clearly understaffed and underfunded, especially given its new responsibilities stemming from the AVMSD. It currently employs a number of 31 monitors, 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.

https://cna.ro/-Raport-anual-.html?var_recherche=raport%20de%20activitate

A draft audiovisual law is currently pending in the Parliament, its content being mostly the same as the current law. The proposed legislation has not been yet adopted. The current version of the law received criticism for some of its provisions from the civil society.

<https://activewatch.ro/articole/propuneri-amendamente-proiect-legea-audiovizualului/>

<https://ipi.media/publications/media-capture-monitoring-report-romania/>

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 comprises 11 members, all of whom are approved by Parliament, after being nominated by the two chambers of Parliament, the Presidency, and by the Government. The six-year mandates of Council members are staggered to avoid an overlap with the political power term. In 2024, CNA refreshed its membership in October 2024, as the mandate of 7 members expired. Some of them had their mandates renewed, while others were replaced by new members.

<https://www.news.ro/politic-intern/parlamentul-votat-membri-consiliului-national-audiovizualului-vasile-banescu-partea-guvernului-daniela-barsan-partea-presedintiei-georgica-severin-monica-gubernat-lucian-dindirica-partea-psd-1922404801002024101821751238>

The law does not clearly define the performance or technical criteria to be used for the evaluation of the CNA's annual activity report, which leaves the authority open to political pressures. If the CNA's annual report is rejected by the Parliament, the CNA President is automatically dismissed. The Parliament then requests that Council propose a new candidate from among its members for the position (the law does not forbid the re-nomination of the dismissed President).

CNA has been affected in its decades long activity by a significant level of political influence. Many members, including the current President, have previously been affiliated with political parties or had other political connections.

<https://ipi.media/publications/media-capture-monitoring-report-romania/>

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

5000 character(s) maximum

The self-regulatory process has not been a success in Romania. Various initiatives failed to gather enough support among professional journalists. Currently, there are no credible or representative media councils or ethics codes in the Romanian media environment.

In 2023 a new attempt of a self-regulatory initiative emerged under the name of The Press Club. Some of its members were also high ranking members of the defunct Romanian Press Club, like ex criminally convicted media owners, Sorin Roșca Stănescu or Maricel Păcuraru. There are many other controversial names among its members, such as Cozmin Gușă, a media owner, former politician, political consultant, and TV host, known for his pro-Russian narratives.

<https://clubuldepresa.ro/consiliul-de-onoare/>

<https://romania.europalibera.org/a/club-de-presa/32395106.html>

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 to ensure transparency, fairness, free competition and accountability in public procurement of goods and services. Nevertheless, the legal framework does not provide enough guarantees of transparency and fairness in the allocation of state advertising funds to media outlets. Public authorities, particularly at the local or regional levels, have a tendency to award public advertising in a preferential manner to favorable media outlets by exploiting the legal loopholes that permit them to allocate funds without a tender. The content produced under these state advertising agreements is sometimes crafted to promote high-ranking officials within local state bodies. Additionally, state advertising is used as a tool to deter the publication of critical material about these officials and their institutions.

Another method of fuelling public funds towards media outlets is through political party spending. It is a practice which was established in 2015, and was consolidated during the past years, with a record amount being channeled in 2024 (almost 80 million euros in total). This amount does not include the other subsidies from the state budget in 2024 for the four rounds of election campaigns.

These funds are allocated and spent in a quite opaque manner. Political parties are required to report the total expenditures on political advertising to the Permanent Electoral Authority, providing detailed information. Contracts for such expenditures are not subject to the Public Procurement Law or related regulations. However, in principle, their content should fall under the provisions of the Law on Access to Public Information.

In practice, both the Permanent Electoral Authority and political parties fail to provide detailed disclosures about parties' expenditures in the media. Additionally, many political parties channel their funds through advertising or PR agencies. This approach is commonly used because there are no legal transparency requirements for expenditures made through third parties. Regrettably, the major political parties, PSD and PNL, which are also the largest spenders, refuse to provide detailed information about the ultimate beneficiaries of these funds, even in cases where court rulings have mandated them to do so.

<https://www.facebook.com/ovoicu/posts>

[/pfbid0BBYXempfpsMzxbPDmMFaj2ZPeVssWBWQxCKvyWEauxoCxEzYXoy9R96mahybhqwI](https://www.facebook.com/ovoicu/posts/pfbid0BBYXempfpsMzxbPDmMFaj2ZPeVssWBWQxCKvyWEauxoCxEzYXoy9R96mahybhqwI)

While the Audiovisual Law prohibits politically sponsored content in audiovisual media outside electoral campaigns, political parties and some media outlets have found ways to bypass these restrictions. For instance, they sign contracts for content published on broadcasters' websites, which are not regulated under the Audiovisual Law. Media investigations have revealed that this content often lacks proper labeling as political advertising, potentially misleading the public.

<https://activewatch.ro/articole/competi%C8%9Bia-electoral%C4%83-iluzorie-abuzul-de-subven%C8%9Bii-distruge-democra%C8%9Bia/>

<https://activewatch.ro/articole/timpul-%C3%AEnseamn%C4%83-bani-spa%C8%9Biul-editorial-al-televiziunilor-de-%C8%99tiri-cump%C4%83rat-de-partide-%C3%AEn-campanie/>

The shady mechanism of funding political advertising exploded during the 2024 presidential and parliamentary elections. The presidential elections were canceled in December by the Constitutional Court which considered that the electoral process was hindered, among other things, by an unmarked campaign which ran on TikTok in November 2024 in favor of far right candidate Călin Georgescu. There were accusations that the campaign was financed by a foreign state. However, on 21 December, an investigation

published by snoop.ro revealed that the campaign mentioned above was paid by the PNL through a political marketing agency. The agency admitted it paid for the campaign but said it was not designed for candidate Georgescu.

https://www.ccr.ro/wp-content/uploads/2024/12/Hotarare_32_2024.pdf

<https://snoop.ro/anaf-a-descoperit-ca-pnl-a-platit-o-campanie-care-l-a-promovat-masiv-pe-calin-georgescu-pe-tiktok/>

<https://snoop.ro/mirosul-banilor-din-campanie-aur-si-pnl-au-dat-pesto-3-milioane-de-euro-la-realitatea-sapte-televiziuni-au-promovat-psd/>

A bill to amend the Law on the Financing of Political Parties is pending in Parliament for two years. It aims to bring more transparency to propaganda expenses, put a cap on propaganda expenditures to 30% from the subsidies revenue and mark the propaganda materials. Nevertheless, the proposed bill, besides being suspended in the parliament, needs improvements, as a number of NGOs have argued.

<https://www.libertatea.ro/stiri/conflict-in-coalitie-din-cauza-banilor-pentru-campanii-proiectul-asumat-de-psd-poate-dubla-sumele-cheltuite-de-partide-acuza-pnl-ezitari-si-pe-tema-marcarii-articolelor-platite-4513437/amp>

https://activewatch.ro/documents/259/freeex_digest_4_eng.pdf

<https://ipi.media/publications/media-capture-monitoring-report-romania/>

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

Editorial independence faces significant challenges due to the business or political interests of media owners and the financial reliance on state advertising or propaganda contracts from political parties. However, there is also a growing number of independent newsrooms that produce high-quality content.

Another significant threat is the proliferation of online ghost media outlets that spread large volumes of disinformation. These propaganda tools, often funded through opaque sources—some reportedly linked to Russia, others linked to some of the far-right political parties—have been investigated by independent media in recent years. However, they have largely been overlooked by mainstream media and authorities. This widespread neglect has significantly contributed to the unexpected rise of far-right parties, culminating in the far-right candidate Georgescu winning the first round of the presidential elections.

The Constitutional Court (CC) decision to cancel the presidential elections explicitly mentions “the manipulation of the voters’ vote and the distortion of the equal opportunities of the electoral competitors”.

The CC decision considered that the electoral process was flawed by the fact that the voters “were misinformed by means of an electoral campaign in which one of the candidates benefited from an aggressive promotion, carried out by circumventing the national legislation in the electoral field and by exploiting abuse of social media platform algorithms”, as well as “preferential treatment on social media platforms”.

www.ccr.ro/wp-content/uploads/2024/12/Hotarare_32_2024.pdf

<https://context.ro/reteaua-minciunilor-de-aur-zeci-de-site-uri-si-conturi-de-facebook-umflate-cu-bani-ca-sa-amplifice-propaganda-si-conspiratiile/>

Safeguards for PSM

No changes recorded.

The political parties manifest little interest for the general situation of the public media and for the legal framework regulating their functioning.

There are no legal guarantees in national law to ensure that the procedures for the appointment and the dismissal of the members of the management board of PSM offer them enough independence. The rejection of the annual report submitted to Parliament leads to the automatic dismissal of the Board, which is a handful tool for politicians to exert pressure and control over the two institutions. The provision has been misused on numerous occasions, resulting in frequent changes to the Council of Administration with the formation of new parliamentary majorities. The law does not provide for any measurable and objective criteria to assess the performance of public broadcasters. Therefore, the two institutions are extremely vulnerable to political whims.

The funding mechanism, a state budget allocation, makes the public television and radio vulnerable to direct government influence.

The public television continued its downturn spiral. Despite broadcasting on 14 different channels, its audience is insignificant. Although its management complains about the insufficient funding, it is noticeable that TVR (the public television) runs a total budget of around 100 million euros, of which €83.5 million is provided by the state budget, representing almost a quarter when compared with the TV advertising market in Romania. Market research data indicates that in November 2024, TVR1 and TVR2, the company's flagship channels, had an average combined audience of 155,000 viewers, less than 1% rating.

Public radio is in a much better position. Its larger audiences position the station as a genuine alternative to commercial radio stations.

<https://www.paginademedias.ro/audiente-tv/audiente-anuale/audiente-tv-anul-2023-media-pe-zi-21450801>

<https://www.paginademedias.ro/audiente-tv/audiente-prime-time-noiembrie-2024-21862717>

https://www.paginademedias.ro/audiente-radio/top-audiente-radio-vara-2024-21731887#google_vignette

<https://romania.europalibera.org/a/reorganizare-tvr/32732355.html>

http://www.tvr.ro/date-economice-2024_44479.html#view

<https://ipi.media/publications/media-capture-monitoring-report-romania/>

Specific provisions for media service providers

The legal framework for media service providers is liberal, with regulations in place only for the audiovisual sector. However, the Audiovisual Law contains some excessive provisions, requiring online audiovisual media services providers the obligation to obtain an audiovisual licence. ActiveWatch and the Association for Technology and Internet criticized the provisions, arguing that a notification procedure, instead of a licencing procedure (a highly bureaucratic process, involving the approval of CNA before the broadcasting), should suffice in the case of online broadcasting. The same rule should apply to media services on demand, where an approval from CNA is currently required before the offering of services, instead of a simple notification procedure. <https://activewatch.ro/articole/propuneri-amendamente-proiect-legea-audiovizualului/>

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

5000 character(s) maximum

The regulatory framework for media ownership transparency is currently restricted to the broadcasting sector. In contrast, there are no existing regulations addressing the transparency of media revenues. Details about the ownership structure of broadcasters, including beneficial owners, are publicly accessible on the CNA's website. However, ownership information for other media companies is available only through the National Commercial Registry database, which requires a fee and is not easily searchable.

Media ownership concentration is regulated by the Competition Law, which applies uniformly across all markets, and by the Audiovisual Law, which includes specific provisions exclusively for the broadcasting sector. Of particular relevance to media pluralism are the criteria outlined in the Audiovisual Law for

identifying a "dominant position in shaping public opinion" within the audiovisual market.

However, there are no legal requirements for assessing media market concentrations which could have a significant impact on media pluralism or editorial independence.

None of the regulations mentioned above address the issue of vertical concentration within the media market. This is a significant concern, as the largest media groups in the country hold dominant positions across multiple sectors, including television, radio, and online platforms.

In August 2024, the Competition Council (CC) launched an in-depth analysis of the television market following the decision by some of Romania's leading television stations to withdraw from the must-carry system and require payments for redistributing their programming. The CC aims to evaluate the impact of this practice on the TV redistribution market but plans to extend its investigation further. It will examine the TV production market, the TV redistribution market, and the TV advertising market to assess market concentration, overall market health, and other key characteristics.

The most concerning trend in ownership concentration is the merging of media outlets with major telecommunications companies. Romania's leading cable operator, RCS & RDS, is owned by the same entity that controls a significant media group, which operates news channel Digi 24 and its website Digi24.ro. The website leads in internet traffic and audience and ranks among the top three most-cited websites in Romania. The owner of the RCS & RDS group is Digi Communications, a company listed on the Bucharest Stock Exchange, which is currently awaiting a decision from the Competition Council regarding a new deal. The proposed transaction involves the acquisition of Telekom Romania from Deutsche Telekom by a company whose majority shareholder (75%) owns a media group (Prima TV), with Digi Communications holding the remaining 25%.

Broadcasters have accused cable providers of engaging in discriminatory or abusive practices and implementing unfair policies toward consumers. In 2022, RCS & RDS was fined by the CNA for failing to position Aleph News TV alongside other news channels in its program grid. Aleph News TV is a direct competitor of Digi 24 TV, which is owned by the same entity as RCS & RDS. Aleph News TV filed a complaint with the Competition Council (CC), alleging that RCS & RDS holds a dominant position in the cable market and the CC is currently investigating. In response, RCS & RDS submitted a list of commitments to the CC, which are under review. Additionally, the CNA has notified the CC that RCS & RDS has refused to allow the redistribution of some of its own must-carry channels on competing online platforms.

<https://ipi.media/publications/media-capture-monitoring-report-romania/>

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

The legislative framework is sometimes abused by the authorities, especially by law enforcement and judicial bodies. In 2024, there were recorded new situations in which journalists or newsrooms were asked to reveal their sources or to hand over their documentation to prosecutors.

In July, prosecutors from the DIICOT office demanded that journalists from the investigative journalism platform RISE Project hand over the information gathered during their research for a series of articles revealing how thousands of Asian migrant workers are treated in Romania. After protests from media and human rights organizations, the General Prosecutor's office launched an investigation and cancelled the request on procedural grounds. Nevertheless, no results of the internal investigation were made public by the General Prosecutor's office.

<https://activewatch.ro/articole/diicot-contin%C4%83-h%C4%83r%C8%9Buirea-jurnali%C8%99tilor/>

In February, the interim director of the National Library, Adrian Cioroianu, posted a message on his Facebook account in which he revealed details about the documents accessed and studied by journalist

Emilia Șercan, therefore making public the subject of her investigation - a suspected plagiarism committed by one of the runners for the Presidential elections (Mircea Geoană, ex-NATO Deputy Secretary General). <https://activewatch.ro/articole/solicitam-demiterea-lui-adrian-cioroianu-din-functia-de-director-al-bibliotecii-nationale-a-romaniei/>

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

5000 character(s) maximum

The most serious attacks against journalists took place during and after the presidential and parliamentary elections held in Nov. and Dec. 2024 and were related to far-right politicians or supporters. In all situations, the authorities reacted promptly, opening investigations or sanctioning the perpetrators.

On 20/12/2024, far-right politicians and their supporters harassed journalists who were covering the first session of the newly elected Parliament. The leader of the S.O.S. Romania party Diana Șoșoacă and social media influencer 'Makaveli', an open supporter of far-right candidate Georgescu in the previous presidential elections, interrupted the live broadcast of Antena3-CNN TV station. Șoșoacă and Makaveli started shouting at the journalist, followed and mocked her after she moved away from the scene.

Anamaria Gavrilă, leader of the Party of Young People (POT) hit the microphones of journalists who were trying to ask her questions, stating "they do not represent the people" as she walked through the hallway. One MP of the Alliance for the Union of Romanians (AUR) party, Gigi Becali, took the microphone of a journalist.

Later that day, the Prosecutor General's Office opened a criminal investigation into Șoșoacă for abusive behaviour and disturbing public order.

On 20/12/ 2024, leader of the far-right S.O.S. Romania party Diana Șoșoacă threatened Antena3- CNN TV host Mihai Gâdea and his family on social media.

On 16/12/2024, social media influencer 'Makaveli' made obscene, sexually charged remarks about the wife of Mihai Gâdea. The police promptly issued Makaveli a fine of RON 500 (EUR 100) for violating norms of social conduct, public order and peace. <https://hotnews.ro/parchetul-general-precizari-despre-dosarul-deschis-dupa-ce-diana-sosoaca-si-makaveli-au-agresat-verbal-o-jurnalista-antena-3-in-parlament-1866886>

On 04/12 /2024, Victor Ilie, a journalist with the investigative outlet Snoop.ro, was threatened by Bruno Mihăilescu, the leader of Tracia Unită, an organization closely associated with far-right presidential candidate Georgescu. The threat followed an article by Ilie, revealing how Russian funds, disguised as payments for seemingly innocuous advertisements, were channeled to some of the mainstream all-news tv stations. The companies behind these funds had KGB connections and were, at the same time, linked to companies around supporters of presidential candidate Georgescu, namely Bruno Mihailescu. During the call, Mihăilescu claimed to possess a database containing journalists' personal information and stated that their activities were being monitored. He warned them to stop while they still have the chance. He further stated that, after the elections, laws would be introduced to penalize journalists for slander, targeting those who "slander and harm companies and honest people" with severe consequences. Police announced it opened an investigation into this case for a threat of criminal offence.

<https://activewatch.ro/articole/sus%C8%9Bin%C4%83tori-ai-candidatului-c%C4%83lin-georgescu-amenin%C8%9B%C4%83ri-mafiote-la-adresa-jurnali%C8%99tilor-snoop/>

On 02/12/2024, journalist Dragoș Pătraru revealed on his political satire program, State of the Nation, that he and his family had received death threats online following the presidential election. <https://cji.ro/libertatea-presei-e-garantia-democratiei/>

In 2024, the Bucharest Court of Appeal and the High Court of Cassation and Justice overturned previous prosecutors' orders to close the investigations related to journalist Emilia Șercan, which yielded no result. The journalist was subject to a smearing campaign which likely involved officers of the Romanian Police, after Șercan published investigations regarding the plagiarism committed by high-ranking officials. The judges' decision proves that the statements of Emilia Șercan and the NGOs supporting her case, and

criticising the flawed prosecutors' investigations, were substantiated.

<https://activewatch.ro/articole/solicit%C4%83m-anchet%C4%83-independent%C4%83-%C3%AEn-cazul-emilia-%C8%99ercan/>

<https://rsf.org/en/romania-rsf-calls-proper-investigation-kompromat-operation-targeting-journalist-emilia-sercan>

In February, a crew from Digi24 news channel was filming how several trucks illegally unloaded construction waste on the banks of a river. The local police came to the site, asked the journalists to stop the filming, to identify themselves and reveal the subject they were documenting.

In October, a football official pushed a reporter from the sports publication iAMsport, took the phone of another journalist from GOLAZO and threatened a journalist from Fanatik during a football match from the national league. The incident happened under the passive presence of the gendarmes. After the incident was made public, the football official was fined by the Gendarmerie, which also restricted his access to football matches for one year.

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 law on access to information has not been changed. However, a positive development is the adoption of the new Forest Code, passed by Parliament in December, which includes provisions allowing journalists and civic activists free professional access to public and private forests. In recent years, there have been numerous instances where activists or journalists were threatened, harassed, attacked or prevented from doing their job in such environments.

<https://www.romaniacurata.ro/cea-mai-importanta-victorie-civica-a-anului-nu-doar-pentru-paduri-ci-pentru-sanatatea-intregii-romanii/>

Romanian authorities continued to obstruct access to public interest information requested by journalists, citizens, or NGOs. While many refusals were challenged in court and subsequently overturned, even court rulings do not always ensure that the requested information is disclosed. Authorities or entities subject to the law often refuse to comply with judicial decisions. A notable example is the persistent refusal of political parties to implement final court rulings requiring them to disclose details about their expenses.

The most prominent cases concerning access to information in the past two years involved the travel expenses of the Presidential Administration. The institution refused to disclose details about the costs of private jets rented for the President's air travel claiming that such information falls under the classified information legislation.

<https://recorder.ro/deasupra-tuturor-cat-costa-zborurile-pe-care-presedintele-le-tine-secrete/>

<https://www.news.ro/politic-intern/administratia-prezidentiala-dupa-klaus-iohannis-anuntat-instrui-biroul-presa-informeze-costurile-turneului-africa-zborurile-oficiale-incidenta-informatiilor-clasificate-detalierea-cheltuielilor-1922404212272023120921420155>

In 2024, a new controversy arose surrounding renovation work at a state-owned villa, rumored to be intended as the future residence of President Klaus Iohannis following the conclusion of his term. The state body which owns and administers the property, RA-APPS, refused to provide official information regarding the renovation costs on the ground that it is classified. Few months later, following extended public outcry, the government decided to declassify the information and confirmed that the building is destined to become the residence of one of the former presidents of the country.

<https://recorder.ro/video-palatul-imparatului-sapte-milioane-de-euro-din-bani-publici-pentru-confortul-unei-singure-familii/>

<https://www.g4media.ro/regia-protocolului-de-stat-investeste-in-secret-9-milioane-de-euro-in-transformarea-unui-sediu-de-partid-din-bucuresti-intr-o-resedinta-de-familie-surse-imobilul-va-fi-resedinta-presedintelui-iohan.html>

<https://www.g4media.ro/vila-pentru-klaus-iohannis-cu-6-luni-inainte-de-secretizarea-contractului-de-9-milioane-de-euro-au-fost-incheiate-alte-doua-acorduri-de-renovare-care-sunt-publice-zeci-de-contracte-de-lucrari-ale-r.html>
<https://hotnews.ro/sgg-a-desecretizat-costurile-pentru-renovarea-vilei-din-bulevardul-aviatorilor-nr-86-care-sunt-cheltuielile-la-zi-document-1825421>

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

Strategic lawsuits against public participation (SLAPPs) continue to be widely employed by various actors against journalists, media outlets, civic activists or NGOs.

The real estate developer group, One United Properties, has started to extend its legal actions against the media, after years of harassing NGOs. In 2023 and 2024, it opened actions against several media outlets, such as Puterea, and defapt.ro. Besides the exorbitant amounts requested as civil compensation for damaging the company's reputation or "investors' trust" (100.000 euros), each legal action introduced by the company is doubled by another action in which the company requests the removal of the articles from the publications' websites, through an injunction order, pending the final decision of the courts. Each time, the courts rejected One's requests in this regard as unfounded.

<https://defapt.ro/one-united-pierde-procesul-cu-defapt-ro/>

<https://www.puterea.ro/curtea-de-apel-bucuresti-taxeaza-dur-one-united-properties-pentru-tentativele-de-cenzurare-a-presei/>

A recent case SLAPP case involved journalist Marian Păvălașc from the publication Europa Liberă <https://romania.europalibera.org/> (Radio Free Europe), who were sued for defamation by former Justice Minister, Tudorel Toader, for an article published in 2022, being requested to remove an article from their website. The former Justice Minister, also requested 400.000 euros in compensation. He sued in Iasi, where he currently holds the position of Dean of the Law Department. The Iași Tribunal ruled in April 2024 in favor of Toader's request for the article signed by Păvălașc to be removed from the web site and from its facebook page, along with the obligation for the journalist and the media outlet to pay 10.000 Lei (2.000 euro) as civil damage to the plaintiff. The Iași Court of Appeal reversed in October 2024 the decision and ruled in favor of the journalist.

https://www.paginademedia.ro/stiri-media/proces-europa-libera-tudorel-toader-21828675#google_vignette

One other politician who took legal action against a journalist and an NGO is parliamentarian Cristina Trăilă, member of the Legal Committee of the Chamber of Deputies. She filed a defamation lawsuit against journalist Mihai Goțiu and the NGO Romanian Academic Society, seeking 50.000 lei (10 000 euros) in damages. Additionally, she requested the removal of all articles related to her from the websites of Libertatea and romaniacurata.ro, as well as from the Facebook pages of the journalist and the organization. Goțiu had published several articles highlighting what he perceived as a conflict of interest involving Trăilă, who, as a parliamentarian, worked on regulating the Forest Code while also serving as a lawyer for Schweighofer, the largest timber company in Romania.

<https://www.romaniacurata.ro/pnl-si-avocata-schweighofer-din-parlament-sfideaza-cetatenii-in-toiul-scandalului-cristina-traila-a-primit-cadou-o-noua-functie-importanta-in-camera-deputatilor/>

Romanian businessman Jorgan Faff sued Context.ro, an investigative news outlet in Romania, alleging that a series of investigative articles about a stalled golf course project have harmed his reputation and financial interests. The amount it demanded as civil damages for damage to its reputation is a record 3.4 million euro.

<https://www.occrp.org/en/news/romanian-news-outlet-targeted-in-slapp-lawsuit>

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

5000 character(s) maximum

Romania is ranked 49 out of 180 countries in RSF's 2024 World Press Freedom Index.

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

rule-of-law-network@ec.europa.eu

