MEDIA FREEDOM IN ROMANIA 2014 - 2015
Methodology.............................................................................................................................7

General context..........................................................................................................................8

Ethics In The Mass-Media. Abandoning Media Mission ................................................................13

Corrupt Media Financing Mechanisms .....................................................................................13

- Constanța local barons, accused of using the press for corruption purposes ......................14
- Mayor Marian Vanghelie, OTV and B1 TV advertising contract agent .................................15
- Party trolls paid with bribe money .............................................................................................15
- Dan Voiculescu and Intact Media - a new criminal investigation for blackmail ....................15

POLITICAL PROPAGANDA ........................................................................................................16

- Political instrumentalization of the protests by the political party televisions .......................16
- Antena 3 fights against the Conservative Party leader ...............................................................17
- Crin Antonescu is afraid of the "Antena 3 lynching" ................................................................17
- News stations - trampolines for certain candidates ...................................................................17
- Political map of the local television stations .............................................................................18

Media Instrumentalization For Personal Interests ....................................................................18

- Voiculescu's media, an instrument against Justice .................................................................18
- Dan Diaconescu, definitively sentenced to prison for blackmail ..............................................19
- B1 TV anchor charged with accepting bribes ...........................................................................19
- Bădin facilitated a PSD minister's approach of the Roșia Montană issue .............................20
- Media employees used by local barons in order to intimidate state officials ..........................20
- Journalist fired “on demand”, on April 1st, in the Horea Uioreanu investigation ....................21

THE FAILURE TO COMPLY WITH PROFESSIONAL rules ................................................21

- Threats and insults professed by media people .......................................................................21
- The nationalist xenophobic speech, with hate-mongering undertones ................................22

Electoral campaign for the presidential elections ......................................................................23

- Open partisanship, manipulation and disinformation. The exploitation of national and religious sensibilities ...............................................................................................................23
- The candidates avoided direct confrontations ...........................................................................24
- Prime Minister and candidate Ponta’s election campaign endorsed on public television .......25
- Anti-government protests ignored by the main newscast of TVR .......................................25
- Ridiculous fines from the National Audiovisual Council ......................................................26
Political, economic pressures of the authorities and the institutions. Internal pressures

Pressures of The Authorities

The infiltration of newsrooms by intelligence agents

President candidate says that the SRI is directing money to television stations

President Traian Băsescu allegedly gave his "blessing" for the opening of the news station of a PSD senator

Member of the National Audiovisual Council (CNA): the media should be included among the weaknesses against national security

Pressures Which Involved Law Enforcement

The dismissal of the case in which journalist Robert Frunzescu was accused of blocking traffic

Successive abuses committed by the authorities against the Epoch Times publication

Pressures In Art, Culture, Education

The Bucharest Art Biennale: "pre-approved art"

BCU Bucharest backed out of an event on sexual minorities

Freedom of speech, excluded from the academic environment

Pressures In Newsrooms

Journalists fired by Digi 24 for their Facebook posts

Antena 1 has it in for Mihai Bendeac

Media institutions which demanded the prohibition of the freedom of speech

Aggressions, Threats, Insults

The President insults the journalists of Antena 3

The Chairman of the Brăila County Council insulted journalists again

A citizen attacked by a police officer for recording him in action, in the public space

Journalists assaulted at the solidarity rally for Dan Voiculescu

Mirel Palada, the government's insult disposer

Followed by paparazzi, Marian Vanghelie became violent

Journalist Ștefan Mako, beaten up by the Police while he was investigating its abuses

Journalist Cătălin Tolontan and “all of the Bute Gala people”

The individual who threatened Mihai Gâdea, remanded in custody and sent to trial

Access to information of a public interest

The Prime Minister and his ministers avoid inconvenient questions
Preposterous tariffs imposed by the authorities for documents of a public interest ........................................... 43
Justice decides that the Romanian Broadcasting Company (SRR) is subject to Law 544/2001 .......... 43
Flags, anthems and territorial autonomy. The hungarian community and the freedom of speech ................................................................. 44

The Târgu Mureș Municipality's Mayor's office prohibits the Szecklers' march .................. 44
The Covasna Prefecture issues a fine for the singing of the Hungarian anthem .................. 45
Legislative initiatives that refer to the national symbols and debates on autonomy ............... 45
The Szeckler flag, advertising banner and insult against the Romanian community ............... 46

The media market ........................................................................................................................................ 47
Facilities and subsidies for the mass-media .................................................................................................. 47

The written press ......................................................................................................................................... 47
The increasing decline of the printed press ................................................................................................. 47
Press runs and public, including online readers .......................................................................................... 48
Debts of millions of Euros owed by the former distributors to the media ................................................. 48
Insolvencies: Evenimentul Zilei, Capital, Jurnalul Național ........................................................................ 48
The illicit business dealings of the România Liberă owner ........................................................................ 49
Mediafax Group: detentions and arrests for tax evasion and money laundering ......................... 49

Television channels .......................................................................................................................... 50
Ratings ...................................................................................................................................................... 50
The "Antena" channels abandoned public interest and embraced the owners' interests ................ 51
Black clouds over Realitatea Media as well ............................................................................................... 51
Expense cuts at România TV ....................................................................................................................... 51
("Seasonal") layoffs and salary cuts at B1 TV ................................................................................................. 52
Major expense cuts at the Sport.ro television ............................................................................................ 52
Digi 24 made the must-carry list and conducted massive layoffs ............................................................. 52
The Professional Football League, sanctioned by the Competition Council for the rights to broadcast the First League ........................................................................................................... 52
Scandals and criminal records for the rights to broadcast the First League matches ................ 53
Significant delays in the digitisation process ............................................................................................. 54

Radio stations .......................................................................................................................................... 54
Local radio stations risk disappearing .................................................................................................. 54

ONLINE MEDIA .......................................................................................................................... 55
Accusations of anti-competition practices .............................................. 55
The national council of the audiovisual ................................................................. 57
the council's structure and operation................................................................. 57
Internal scandals ...................................................................................................... 57
Stenographs of certain discussion reveal possible acts of corruption ................. 57
Criminal records for the president of the CNA and for her rival ......................... 58
Another National Anticorruption Directorate case for fictitious notifications ....... 58
Sanctions That Encourage Law-Breaking ............................................................. 59
CNA sanctions annulled by the courts ................................................................. 59
Regulations .............................................................................................................. 60
The CNA implements the delay mechanism ......................................................... 60
Public television and radio ..................................................................................... 61
New Boards Of Directors ...................................................................................... 61
The Court of Accounts signals inconsistencies at SRR and TVR ......................... 62
The economic difficulties of public television ..................................................... 63
Editorial abuses ...................................................................................................... 64

The Interim Director intervened the broadcasting of a programme ...................... 64
The broadcasting of an interview with Traian Băsescu stopped ............................. 64
The head of the news stops the broadcasting of an interview with the head of the DIICOT ............ 65
The operation law remains unchanged .................................................................. 65
The right to dignity, image, private life. Other legal conflicts and lawsuits .......... 67

Antena 1 vs journalist Petrișor Obae of Pagina de Media .................................. 67
RCS&RDS vs Intact ................................................................................................. 68
Oana Schmidt Hăineală vs Antena 3 .................................................................. 68
Intact vs Stelian Negrea ......................................................................................... 68
Bogdan Chirieac vs Liviu Avram and Cristian Sima ........................................... 70
Oana Stancu vs Andrei Manțog, Marian Turosu and Revista Kamikaze ............. 70
Victor Ponta vs Evenimentul Zilei ...................................................................... 70
ECHR - The Roșiianu vs. Romania case ............................................................. 71
The legislative framework..............................................................................................................................................72

The Criminal Code ..................................................................................................................................................72

The guide on the relationship between the Romanian judicial system and the mass-media ..........74

The "Big Brother" Laws .........................................................................................................................................75
METHODOLOGY

The FreeEx department started publishing annual reports dedicated to media freedom in 2000. The purpose of said reports is to offer an outline of the main events and trends regarding freedom of speech and, in particular, media freedom.

This report mainly covers the events that occurred between January and April 2015. The published cases are of an illustrative nature. We have also included in the report cases that do not directly concern the media or the journalists' rights, if we considered them relevant for the manner in which freedom of speech and media freedom are perceived in Romania.

This report is not exhaustive in nature, but represents a mirror of the events, as they have been brought to our attention and to the extent that they could be documented.

We classify the breaches of freedom of speech and media freedom into:

- **Aggressions**: meaning physical attacks on journalists, newsrooms/editorial offices or citizens exercising their freedom of speech (assault, seizure or damaging of recording, video or photographic equipment, detailing a journalist by force, vandalizing the newsroom/editorial office etc.);
- **Threats**: meaning death threats, threats with endangering the journalist's or the journalist's family's physical well-being, the use of an abusive language towards journalists;
- **Pressures from authorities**: pressures on journalists, media institutions or citizens exercising their freedom of speech, exerted by state institutions (investigations by the police, the public prosecutor's office, financial guards or other state institutions, brutal interventions, meant to intimidate the press, the arrest or detention of journalists for investigation purposes, pressures from investigation bodies, for the disclosure of confidential sources, seizing or copying data from computers, seizing or copying documents, listening in on communications, implementing a defective legislation - which affects the media, the refusal to restate laws etc.);
- **Political pressures**: pressures on journalists and media institutions or on citizens exercising their freedom of speech, exerted by politicians or political parties (organized pressures, exerted for the exclusive purpose of protecting the political or other interests of political parties or politicians; they include the use of state institutions to that effect, by political parties or by politicians);
- **Economic pressures**: pressures upon journalists and media institutions or on citizens exercising their freedom of speech, exerted by companies or businessmen (the offering or the annulment of advertising contracts, conditioning the keeping of such contracts upon the absence from publishing certain information or firing certain journalists etc.);
- **Access to information of public interest**: the refusal of state authorities or major institutions to provide journalists with the requested information of public interest, abusive withdrawal of credentials;
- **Censorship**: prohibition of publication, seizure of the press run, abusive withdrawal of the broadcasting license;
- **Self-censorship**: the act by which journalists abstain from publishing certain information of a public interest, as a result of indirect pressures exerted by the owners or the newsroom's/editorial office's management;
- **Work conflicts**: breaches of the rights of the journalist, as an employee;
- **Legislation**: normative acts which affect the legislative framework within which the media operates and limit the journalists' and the citizens' freedom of speech.

The economic framework within which the press operates (market division, acquisitions, mergers, the legislative background, economic issues etc.) affects the journalists' freedom of speech and the quality of the media products.

The failure to comply with deontological norms also affects freedom of speech. This is why the FreeEx report devotes special sections to a review of the media market and of the main issues related to media ethics and self-regulation.

The report also deals with a few cases in which the freedom to assemble or the right to private life were breached. We included said cases, when said rights were breached together with the right to freedom of speech. We also included the cases in which the right to private life and to freedom of speech were confronted, favoring one or the other, or the cases of breaches of the right to private life, when they represented won (or lost) rights for the journalists as well.

The source of the reported cases: the direct investigations of the FreeEx team (discussions and correspondence with the parties involved, the parties' lawyers, state institutions etc.), information gathered with the help of the FreeEx network (www.groups.yahoo.com/freeex), articles published in the written press, radio and TV news, blogs and on-line publications. Our report also relies upon official reports or on reports published by other independent institutions.

In many of the cases included in the report, we have been notified by the journalists directly. If your freedom of speech has been breached, please contact us at freeex@activewatch.ro!
GENERAL CONTEXT

Year 2014 - an electoral year with an intense political dynamics - pinpointed, more acutely than during the previous years, the main issues that affect media freedom - excessive politicization, corrupt media financing mechanisms, enslaving the editorial agenda to the owners' interests, the infiltration of newsrooms and the contamination of the public agenda by agents of the intelligence service.

In 2014, Romanian ranked 52 in the annual international classification regarding media freedom, compiled by the Reporters without Borders, having fallen seven positions from the previous year¹.

More than one half of the Romanians (52%) declared that the Romanian press is "rather dependent" or "dependent", one out of 5 Romanians thinks that the press is free ("completely independent" or "rather independent"), and 24% of the Romanians think the press is "neither independent, nor dependent"².

The main events of 2014-2015, with an impact upon the freedom of speech:
The media's transformation into a political propaganda instrument was more visible than ever, especially in the context of an electoral year.
The presidential electoral campaign was marked by open partisanzhip of the news channels, accompanied by manipulation, disinformation, personal attacks and the exploitation of national and religious sensibilities.
The mass-media were once again used by certain owners in order to exert pressures on the justice system.
The justice system's actions exposed the corrupt connections between the mass-media, the political and the business environments. Some of them are specific to organized crime.
New cases of media corruption surfaced, the culprits in such cases being media owners or administrators, as well as media employees. Media owners and financers were arrested one after the other for corruption or tax evasion.
New cases of journalists being charged or sentenced for bribery or blackmail were registered.
One journalist denounced himself as an undercover agent of intelligence services and the director of the SRI (Romanian Intelligence Service), George Maior, confirmed the infiltration of newsrooms/editorial offices by such agents.
The director of the SRI, George Maior, insulted and openly threatened the opponents of the Big Brother laws (journalists, human rights organizations, members of the Constitutional Court).
The Big Brother laws were deemed unconstitutional.
A large group of journalists openly supported the Big Brother laws and the SRI.
The dignitaries were, once again, the "champions" of insults and threats against the journalists.
The number of insults directed by media people close to political camps against one another skyrocketed.
One journalist was beaten up, insulted and sworn at by police officers within a Bucharest police station, while he was documenting a story on abuses committed by the police.
Several reporters were assaulted or insulted during street protests.
Several representatives of law enforcement abused their position in connection with the citizens' freedom of speech and to assemble in the public space.
President Băsescu, the Prime Minister and some ministers avoid inconvenient questions or responded by insulting the journalists.
The Government sacrificed the journalists' and the citizens' freedom of speech in order to satisfy the delegates of the Chinese Government.
Some state institutions charge abusive tariffs for issuing documents of public interest, thus restricting access of the information of public interest.

² According to the “Public's trust in the Romanian mass-media” poll, made public in February 2014 and conducted by Kas & Market Links for the Konrad Adenauer Stiftung Foundation, on a sample of 1,000 individuals from the urban and rural environment, at a national level.
The courts of law ruled that public television and radio are subject to the Law on access to information of public interest.

The economic crisis continued to affect the media market, in parallel with the criminal issues of some media owners/financers.

The journalist's condition became even more unstable amid layoffs, salary delays and the insolvency with which a significant portion of the press is faced.

The public's trust in the mass-media continues to dwindle. The constituents seem to have massively gravitated towards alternative sources of information, such as the online mainstream or alternative media or the social media.

There have been quite a lot of situations in which the Romanian authorities tried to restrict the Hungarian minority's freedom of expression.

Several editorial products were censored by individuals holding managing positions in TVR.

The President and Managing Director of TVR complained about the existence of political interferences from the governing party.

The managements of TVR and SRR abusively blocked the candidacies of individuals from outside the institution, for the Boards of Directors positions reserved for the employees' representatives.

CNA (National Audiovisual Council) seriously damaged its own reputation in the public eye because of its defective operation, the timidity with which it sanctioned law breaking, the internal conflicts between its members, the unappropriated behavior of its president and the legal problems that the president and another member are facing.

The recordings of some internal discussions between the President of the CNA and the employees reveal that certain stations were favored by CNA and that certain cable operators were asked for sponsorships.

The CNA did not operate over the period of the electoral campaign, due to the absence of a quorum, as the parliamentary parties showed no interest in quickly appointing new members.

The number of civil litigations seems to have increased lately, especially after the new Civil Code was adopted. The undisputed champions with respect to the number of lawsuits, either as plaintiffs or as defendants are the Intact group and (former and current) employees of the same.

The courts have started making the publishing of apologies mandatory. Other measures, which could be considered disproportionate, are: the obligation to publish complete court decisions (which implies unrealistic logistics and costs) and the obligation to remove certain articles from the online media.

**Excessive politicization**

The political environment and the media outlets close to it proved that they have learned absolutely nothing from the experience of the 2004, 2008 and 2009 campaigns, respectively and persisted in the illusion that mediatic propaganda guarantees electoral success. Once again, the mediatic arsenal brought into play in support of the main favorite, Prime Minister Victor Ponta, had a boomerang effect instead. The constituents seem to have gravitated towards alternative sources of information, such as the online traditional or alternative media or the social media.

The traditional mass-media are dominated by the owners' or media financiers' agenda. Most of the them are directly involved in the political battle and many of them have criminal records (not always from the media business dealings), some of them already having been remanded in custody or serving definitive sentences.

Thus, the public agenda is influenced by the partisan voices which are caught in a noisy confrontation, mainly focused on personal attacks against the political or media adversaries. Public interests and elementary professional norms such as impartiality, fairness, and critical spirit are abandoned and replaced by double standards, open partisanship in favour of certain politicians or violent attacks against the Justice system.

The independent voices find it increasingly difficult to make themselves heard in the partisan noise dominating media scene. Even more seriously, they risk being caught in the crossfire between the two camps. Journalist Cătălin Tolontan, director of the Gazeta Sporturilor publication, was the target of several insults and intimidation and discreditation attempts in 2014, (accidentally or not) in parallel with the publication of his investigations related to the organization of the professional boxing event "The Bute Gala", which targeted a politician close to President Băsescu.

The electoral campaign was dominated by open mediatic partisanship, disinformation and personal attacks, some of them with nationalist undertones. One of the candidates was openly supported by two news channels close
to the ruling coalition (Antena 3 and Romania TV). This support was accompanied by attacks on the other candidates, disinformation, incitement to discrimination on the grounds of ethnicity or religion of other candidates.

The winner of the presidential race managed to win despite these attacks, often extremely dirty, coming from the media close to the First’s camp (Antena 3, Romania TV), as well as from the camp close to the former President Băsescu and to the candidate to whom he gave his support, Elena Udrea (B1 TV, Evenimentul Zilei daily).

**Media instrumentalization for personal interests**

For many of its financiers, the media continues to represent an important instrument of obtaining influence in the political or business scene or in relation to Justice. In a statement which could be considered iconic, businessman and senator Sebastian Ghiță, former Vice-President of PSD, owner, through agents, of the România TV channel and of several local media, openly owned up to such practices: “What if my competitor becomes minister and starts doing business instead of me? What am I supposed to do? Should I just watch that guy stealing my life? So I'm going into politics, I’m gonna ruin his reputation, bring him down, write articles about him, I'll do anything it takes to survive. It's simple, really: if politicians go into business, we'll go into politics.”

Dan Voiculescu’s (former owner of the Intact Media Group and former president of the Conservative Party) sentencing to 10 years in prison gave the media under his control a new opportunity to attack the magistrates and to try to destroy the credibility of the judicial process. The Voiculescu family’s televisions publicly attacked the magistrates’ decisions and resorted to manipulation techniques in order to turn Voiculescu into “a victim of the regime” in the public’s eyes. Part of the journalists belonging to the group under the Voiculescu family’s control publicly expressed their solidarity with Dan Voiculescu after he was sent to prison, including by launching violent attacks against the magistrates. Albeit weaker, similar reactions also started to emerge in the other media camp, concurrently with the arrest of Elena Udrea and of several close acquaintances of former President Traian Băsescu, in the early months of 2015.

Also, the stenographs in the case in which the Chairman of the Mehedinți County Council (Adrian Duicu) is accused of influence peddling show him ordering several local media employees and local correspondents of national news channels to make phone calls on behalf of said televisions in order to intimidate a control team of the Internal Affairs Investigation Department”, Hotnews.ro, July 24, 2014.

Dan Voiculescu’s (former owner of the Intact Media Group and former president of the Conservative Party) sentencing to 10 years in prison gave the media under his control a new opportunity to attack the magistrates and to try to destroy the credibility of the judicial process. The Voiculescu family's televisions publicly attacked the magistrates' decisions and resorted to manipulation techniques in order to turn Voiculescu into “a victim of the regime” in the public's eyes. Part of the journalists belonging to the group under the Voiculescu family's control publicly expressed their solidarity with Dan Voiculescu after he was sent to prison, including by launching violent attacks against the magistrates. Albeit weaker, similar reactions also started to emerge in the other media camp, concurrently with the arrest of Elena Udrea and of several close acquaintances of former President Traian Băsescu, in the early months of 2015.

According to the prosecutors, the group formed around the Chairman of the Cluj County Council, Horia Uioreanu, ordered libelous press articles about the Cluj County Council’s head architect, who had found various illegalities and inconsistencies in the performance of several projects financed with public funds. It seems that Uioreanu also exerted pressures in view of having a Ziua de Cluj journalist fired for writing about one of Cluj County Council’s fixed auctions.

New cases of blackmail committed by journalists have surfaced. Andrei Bădin, a B1 TV presenter, was prosecuted for bribery in July. Another famous media celebrity Dan Diaconescu (who is also a politician) and his colleague, Doru Pârv, were sentenced to 5 years, respectively 4.5 years in prison for blackmail.

**Corrupt mechanisms of media financing**

Year 2014 and the first months of 2015 registered successive arrests of several significant media owners for corruption, tax evasion or money laundering. Four individuals who control media groups were definitively sentenced (Dan Voiculescu - Intact group; Dan Adamescu - Medien Holding; Dan Diaconescu - former owner of OTV, a television station shut down by the CNA; Maricel Păcuraru - owner of Realitatea TV), and three others have been remanded into custody (Adrian Sirbu - Mediafax Group, former owner of ProTV and of other associated televisions, former CEO of Central Media Enterprise; Sorin Strutinsky, owner of Soti Cable Neptun in Constanța; Aristotel Căncescu - chairman of the Brașov County Council, owner of MixTV Brașov). Some people from the management of these media groups are indicted for similar heads of accusation.

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1. „Alegeri prezidențiale 2014. Klaus Iohannis și Monica Macovei, ținutele primelor deszinormări din campanie”, Sebastian Zachmann, Adevărul, October 10th 2014

2. “Sebastian Ghiță, Ploiești millionaire: "If I felt like beating some guy up, I don’t see why others could and I couldn’t”, Alexandru Vârzu, Kamikaze, October 25, 2010.

3. “Stenographs. How PSD mogul Adrian Duicu ordered several journalists to make phone calls on behalf of certain central news televisions, in order to intimidate a control team of the Internal Affairs Investigation Department”, Hotnews.ro, July 24, 2014.
The prosecutors discovered new evidence regarding the corrupt media financing mechanisms, by close connections between the dignitaries, businessmen and media owners. The mechanisms affect both the central and the local mass-media, which in many cases are financed by the local barons from public funds and used as a cover for taking advantage of public funds or for money laundering, by means of fictitious advertising contracts.

The corrupt forms of media financing include: public funds granted on a preferential basis, tax evasion and money laundering, deliberate failure to pay debts to the state, failure to pay suppliers and employees, public and private advertising used as a cover for media financing, blackmail in view of obtaining advertising contracts or cash amounts directly.

For some media owners and media employees, the press remains an important instrument of obtaining incomes through blackmail. One of the veterans of such practices (Dan Voiculescu and Intact Media) relapsed and was charged in a new blackmail case in July. According to the prosecutors of the National Anticorruption Directorate, he had threatened businessmen with discreditation campaigns unless they signed advertising contracts with his media group, and they denounced him to the National Anticorruption Directorate (DNA) ².

According to the prosecutors of the National Anticorruption Directorate, the mayor of Constanța and the chairman of the Constanța County Council transferred, to and through the media under their control, the money appropriated by means of several fictitious advertising contracts. Another case file of the National Anticorruption Directorate, which refers to a mayor and important politician, reveals that the mayor of Bucharest's 5th District requested the signing of advertising contracts in the amount of EUR 2.2 million with two television stations (OTV and B1 TV), with money which the prosecutors believed that he had obtained as bribe from the contracts concluded by the Mayor's Office with various business operators.

The media industry's opaqueness fuels the public's suspicions with respect to the media's economic and political affinities with various interests of this nature. The initiative of the Coalition for a clean press ⁷ to ask the industry to publicly disclose its shareholding and financing sources ⁸ was ignored by almost all of the mass-media ⁹. This lack of transparency contributes to the continuous dwindling of the public's trust in the mass-media. A poll published in May shows a degree of trust of 31% ¹⁰ and a study released in March 2015 states that only 28% of the Romanians believe that the mass-media are independent, while 43% of the subjects deny the existence of any free journalism in Romania ¹¹.

Undercover journalists

The infiltration of newsrooms by undercover agents of intelligence services was reconfirmed in 2014, after a similar case was registered in year 2012. In addition, the former director of the Romanian Intelligence Service (SRI), George Maior, confirmed the existence of such practices. The subject came under strong public scrutiny after the self-denunciation of one of the most well-known media personalities, TV host Robert Turcescu. Several other journalists spoke about the attempts of various intelligence services working in Romania (the country has no less than 6 such structures) to recruit them.

Insults and threats from high dignitaries

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⁶ “Dan Voiculescu, under court-supervised monitoring in a new investigation in which he is being accused of blackmail in view of obtaining patrimonial advantages / Voiculescu: <<I do not know the people who turned me in. This is just another bullshit >>”, Otilia Ciocan, Cătălin Lupășteanu, Mediafax.ro, July 3, 2014

⁷ http://www.romaniacurata.ro/coalitia-pentru-o-presa-curata/

⁸ “Letter to the media managers”, the Coalition for a clean media, May 23, 2014


¹⁰ “EURO-PARLAMENTARY ELECTIONS 2014. CSOP POLL: The parties that made the top of the electoral preferences. The number of Romanians who will vote”, Calea.europiane.ro, May 23, 2014

¹¹ “The Romanians criticize the manner in which the politicians communicate”, the Center for Independent Journalism, Konrad-Adenauer Stiftung, March 4, 2015
High state dignitaries showed contempt towards journalists. President Băsescu insulted the reporters of Antena 3 again, while Prime Minister Ponta refused to answer the questions asked by the reporters of media institutions which are indebted to the state or simply left the conference hall when the journalists asked him inconvenient questions. This kind of attitude is replicated much more aggressively by politicians and representatives of local authorities, who insult and threaten journalists. A significant source of threats and insults against journalists are media people themselves. Amid the tensions created by the mediatic hysteria, the volume of the insults between media people who are close to the political camps skyrocketed.

Even though the number of aggressions does not represent a major concern, 2014 registered an act the gravity of which was almost unprecedented over the last few years, when a journalist was beaten up and insulted within a Bucharest police station, while he was documenting abuses committed by the police.

**The Government suspends media freedom during the Chinese officials' visit**

The Ponta government seems determined to forego media freedom when hosting high delegates from China. Just like in 2013, the Epoch Times publication was prohibited access into the Victoria Palace at the meetings between the Prime Minister and the Chinese guests, including at the press conference. The same day, a Falun Gong member was prevented by law enforcement from protesting in front of the Government, while the Epoch Times team was prevented from interviewing him at the scene.

**Economic and professional conditions**

The economic crisis continued to affect the media market, and was amplified by the criminal issues of the media owners/financers. Amid the layoffs, salary delays and insolvency with which a significant portion of the media is faced, the journalists’ condition has become even more unstable, leaving them defenceless before the owners. These conditions determine an exodus of the traditional media professionals towards alternative forms of journalism or towards other industries altogether, with a visible impact on the quality of the editorial products.

Unfortunately, amid the split generated by excessive politicization, the industry is unable to identify, protect and promote a minimum set of common interests of a professional or a salary nature. Trade unions are completely absent at the editorial office level, except for those in the public media. Professional associations have been mostly inactive over the last few years and the situation does not seem to be changing soon.

**Lawsuits**

In the absence of any functional self-regulatory mechanisms and given the improper operation of the CNA, an increasing number of people go to court in order to seek remedies for the wrongs to which they feel they are being subjected by the media. The number of civil disputes seems to have increased lately, especially after the new Civil Code was adopted. The ECHR case law is quoted and used by the judges. Unfortunately, some courts pass decisions which threaten freedom of speech, such as, for instance, the obligation to remove certain articles from the online media. Another questionable measure is the obligation to publish apologies. Other measures, which could be considered disproportionate, demand the publication of complete court decisions (which implies unrealistic logistics and costs). It is noteworthy that a significant number of lawsuits are filed by media people against their peers, in an extension, into the Justice field, of the aforementioned political and mediatic war. The Court actions are (sometimes) filed excessively, for intimidation purposes. The undisputed champions with respect to the number of lawsuits, either as plaintiffs or as defendants are the Intact group and (former and current) employees of the same.

**Legislative initiatives that threaten fundamental rights**

At a legislative level, 2014 was marked by successive initiatives coming from the political environment and the SRI (via the Ministry of Communications) to endorse Big Brother-type laws (the law on cybersecurity, the law on the registration of prepaid cards and the access to the WiFi networks), which threaten fundamental rights. The Romanian Constitutional Court deemed these laws unconstitutional. These initiatives benefited from a large mediatic support in almost all traditional media, regardless of their political affiliation. The main opposition came from the NGOs and the online media. The director of the SRI insulted and openly threatened the opponents of the Big Brother laws (journalists, human rights organizations, members of the Constitutional Court). A member of the CNA (Valentin Jucan) insists that the media should be included among the vulnerabilities against national security.

**The National Audiovisual Council (CNA)**
In 2014, the internal disputes between the Council’s members continued and escalated, fueled by the same reasons as in the previous years. The disputes included mutual accusations of double standards among the institution's members, accusations of using the institution as a political outlet, of intentionally blocking the institution by the absence of a quorum, of compromising the credibility of the CNA president by the defective and sometimes abusive handling of the internal conflicts, of lack of transparency etc. However, a few new ingredients appeared as well—recordings of compromising internal discussions between the president of the CNA and an employee, as well as the criminal cases opened by the prosecutors against the Presidency of the CNA and another member of the Council, for abuse and instigation to influence peddling.

The CNA abandoned its intentions to sanction infringements of the law more firmly and sanctioned broadcasters, especially news channels, more and more timidly. Their serious infringements, their disinformations, insults, slanders, manipulations, vulgar language and explicit partisan propaganda were overlooked or mildly sanctioned by the CNA, even when such infringements occurred during the electoral campaign.

The public media

Public radio and television renewed their Boards of Directors (BoD) in 2014. Both institutions resorted to abusive procedures in order to prohibit any individuals from outside the institution from candidating for the positions of employee representative in the BoD.

The deliberate politicization of the Board of Directors has once again been sanctioned by the Constitutional Court, which on July 3rd found that the provisions on nominating the candidates depending upon the political algorithm and the share of the parliamentary groups had not been complied with. In 2012, the Court had issued a similar decision with respect to TVR's BoD's membership.

For 6 months, SRR operated without the BoD, as the Parliament postponed the appointment of new members until December.

The political scene seems to have no intention of seeking solutions for the dire financial situation of the public television. The President and Managing Director of TVR announced that, in the absence of political support, the institution risks ending up in a state of default. The Public Court of Accounts found the existence of several inconsistencies at TVR and SRR in point of the efficiency of managing the resources of the two institutions.

The amendment of the law for the operation of the public media was absent from the schedule of the political scene or the media in 2014 as well. The legislative initiatives that appeared referred to aspects related to the economic activity of the two institutions, not to material amendments in view of the institutional redefining of the radio and television public services.

A few editorial digressions occurred in the busy context of the electoral campaign consolidated the public perception of TVR as the television "of the powers that be". Equally, there have been internal individual and institutional reactions condemning such digressions, a rare occurrence in the private environments.

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ETHICS IN THE MASS-MEDIA. ABANDONING MEDIA MISSION

CORRUPT MEDIA FINANCING MECHANISMS

The National Anticorruption Directorate (DNA) discovered new evidence regarding corrupt financing mechanisms of the media, by close connections between dignitaries, businessmen and media owners. The mechanisms affect both the central and the local mass-media, which in many cases are financed by local barons from public funds, used as a cover for taking advantage of public funds or for money laundering activities, by means of fictitious advertising contracts.

The case in which the former Tourism and Sports Minister, Monica Ridzi, was sentenced to 5 years in prison for abuse of office reveals that in the spring of 2009, three important television stations were paid by the Youth and

12 “BoD: The appointment in the SRR Board of Directors is unconstitutional”, Otilia Ciocan, Mediafax, July 3, 2014
Sports Ministry (MTS) to fabricate news which endorsed the MTS and Elena Băsescu. Elena Băsescu, daughter of President Băsescu, ran in the Euro-parliamentary elections which were taking place during the very period when the endorsing news items were broadcasted. 20% of the news aired with money from the MTS were about Elena Băsescu.

Constanța local barons, accused of using the press for corruption purposes

The mayor of Constanța, Radu Mazăre, is under investigation for accepting bribes, for abuse of office and conflict of interest, together with his business partner, Sorin Strutinsky; he was accused of causing the state a prejudice of EUR 26 million. The National Anticorruption Directorate claims that Mazăre received over EUR 7 million from a company, in exchange for ensuring that said company won an auction organized by the Constanța Mayor's Office for the management of the city's sanitation service. The prosecutors claim that the mayor was given the money by means of several fictitious advertising contracts concluded between the company Polaris M Holding and SC Soti Cable Neptun SRL, a company controlled by Mazăre and Strutinsky. Polaris M Holding is owned by Social Democratic Party deputy Eduard Martin. The prosecutors claim that said contracts had no economic purpose, as a large number of the promotional materials were in fact news pieces and many of them were not related to Polaris M Holding in any way whatsoever. For instance, in 2008, the company paid the Neptun TV television station the amount of EUR 1,300,000 for 5 news items, while the value of another advertising contract concluded with the Antena Tv Group was 50 times lower, under EUR 20,000 per year.

Mazăre is also accused of using the same method of fictitious advertising contracts in order to receive EUR 2 million from the representatives of two companies, for facilitating the issuance of the city planning documentation necessary for building several shopping centers in Constanța. Another National Anticorruption Directorate case file reveals that the Constanța Mayor's Office signed contracts with a value of over EUR 4.5 million with two companies (SC Conpress Holding SRL and SC Soti Cable Neptun SRL), the associate of which is Sorin Gabriel Strutinsky, an individual with whom Radu Mazăre conducts business dealings. The two aforementioned companies are the main shareholders of the Neptun TV television station, where Radu Mazăre acted in the same capacity until 2002. The object of the contracts with SC Conpress Holding SRL was the security of the Constanța and Mamaia public attractions, while the contract with SC Soti Cable Neptun SRL covered the organization of shows for the “Winter Holidays - Children's Fair 2013” event, according to the prosecutors.

Mayor Mazăre's friend, Nicușor Constantinescu, chairman of the Constanța County Council, is under criminal investigation for several offences, including conflicts of interest and voter bribing. According to the case file, the Constanța County Council financed the Neptun TV television station and the Telegraf newspaper by means of several contracts with the operators of said media institutions. These are owned or managed by individuals who were associates of the County Council's chairman in various companies. Constantinescu defended himself, saying that the accusations are part of a political harassment campaign against him: “This is a continuation of the political harassment of mayor Mazăre, of our friend, Strutinsky Sorin and of myself, as chairman of the County Council. I am being accused of having signed contracts with the Soti television station and the Telegraf newspaper, for which Mr. Mazăre has also been investigated and ruled out by the prosecutor of the National Anticorruption Directorate about two years ago. I am still accused of the same things – abuse of office, conflict of interest and other such things.”


14 “How the National Anticorruption Directorate explains Mazăre's bribe. <<Polaris paid the Neptun television station the amount of EUR 1,300,000 for 5 news items!>>”, Ionel Stoica, EvZ.ro, March 27, 2015.

15 “The company that gave Mazăre EUR 7 million to help it win an auction is owned by deputy Eduard Martin”, Cosmin Văideanu, Mediafax.ro, March 17, 2015.

16 “Businessman Sorin Strutinsky, detained by the National Anticorruption Directorate prosecutors”, Cătălin Lupășteanu, Mediafax.ro, February 4, 2015.

17 “UPDATE Nicușor Constantinescu, detained for conflict of interest and voter bribing, according to his lawyer”, Nona Jalbă, Agerpres.ro, February 19, 2015.

18 “Nicușor Constantinescu in the courtroom, in order for the court to decide whether he will be remanded in custody or will remain free, pending investigation”, Nona Jalbă, Agerpres.ro, February 20, 2015.
**Mayor Marian Vanghelie, OTV and B1 TV advertising contract agent**

Another National Anticorruption Directorate case file, the object of which is Marian Vanghelie, mayor and important political figure, reveals that he requested the signing of advertising contracts with a value of EUR 2.2 million with two television stations. Allegedly, the money came from bribes received by the former mayor of Bucharest 5th district and Vice-President of the Social Democratic Party from businessman Marin Dumitru. Vanghelie allegedly charged a 20% fee from the public works contracts performed by the 5th district’s Mayor's Office with the companies controlled by M. Dumitru. The fee was paid in the form of certain commercially unjustified contracts concluded between said companies and some companies controlled by Vanghelie, through agents 19.

According to the account of the National Anticorruption Directorate prosecutors, "In 2009, upon the request of defendant Vanghelie Marian-Daniel, the companies controlled by Dumitru Marin signed advertising contracts in a value of approximately EUR 2,000,000 in favor of the company Ocram Televiziune SRL (the operator of the OTV station), controlled by Diaconescu Dan, a close acquaintance of the defendant Marian Vanghelie". The account also mentions that in 2012, "First Palace SRL signed advertising contracts with a value of approximately EUR 200,000 in favor of the company B1 TV Channel SRL" 20.

B1 TV broadcasted a press release in which it acknowledged the legality and transparency of this agreement and specified that in exchange for said amount, it had broadcasted advertising spots and coverage between May 2012 and February 2013, on the basis of media plans approved by the client 21. In a message posted on his Facebook account, Vanghelie claims he was not involved in certain contracts signed by businessman Marin Dumitru and OTV or other television stations 22.

**Party trolls paid with bribe money**

The account of the National Anticorruption Directorate prosecutors in the Bute Gala case shows that the amounts originating from the offences of accepting bribes were used to pay for certain services performed for the benefit of the Bucharest organization of the Democratic Liberal Party and of defendant Elena Udrea. The close acquaintances of Elena Udrea paid monthly amounts of up to EUR 10,000 to certain "party trolls" whose role was to post comments, under fictitious identities, on the webpages of newspapers or news portals 23, according to the prosecutors. The coordinator of the paid party trolls was a columnist of the Evenimentul zilei right-wing daily paper, Cristi Călugăru.

Călugăru revealed, during the show hosted by Sorina Matei at B1 TV, that he had given Elena Udrea's staff "certain directions" during the campaign for the presidency of the Democratic Liberal Party, in March 2013. He accused the TV host of hypocrisy when she denied the accusations: "I have a problem with hypocrisy. In the past, you were telling us what to post on the Internet; now, the paid troll issue is no longer acceptable". Călugăru invited Matei to sue him for the aforementioned claims, when Sorina Matei threatened to take him to court 24.

The issue of controversial fundings, directed by Udrea to the advertising industry, was discussed by one of the managers of the Publicis România advertising agency, Teddy Dumitrescu. In a Facebook post, he claimed that the Ministry of Regional Development, the head of which was Elena Udrea, awarded over EUR 20 million to the The Group agency, by means of fixed auctions.

**Dan Voiculescu and Intact Media - a new criminal investigation for blackmail**

In July, Dan Voiculescu, former owner and financer of the Intact group and the Antena 3 television channel, was

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19 “Marian Vanghelie, the first message posted on Facebook after being remanded in custody”, Gândul.info, March 14, 2015, updated on March 15, 2015.

20 “Prosecutors: Part of the bribe received by Vanghelie was in the form of advertising contracts. EUR 2 million for OTV and EUR 200,000 for B1 TV”, Iulia Bunea, PaginaDeMedia.ro, March 13, 2015.

21 “B1 TV, on the contract in the Vanghelie case: The contract, the media plans, the invoice are documents attesting, in the spirit of total transparency, to the legality of this transaction”, Petrișor Obae, PaginaDeMedia.ro, March 13, 2015.

22 “Marian Vanghelie, the first message posted on Facebook after being remanded in custody”, Gândul.info apud Mediafax, March 14, 2015.


charged in another blackmail investigation. According to the National Anticorruption Directorate prosecutors, he threatened businessmen with discredit campaigns if they didn’t sign advertising contracts with his media group, and they denounced him to the National Anticorruption Directorate.25

One of the businessmen signed five advertising contracts, with a total value of EUR 900,000, with the media institutions controlled by Voiculescu. A second businessman refused to give in to Voiculescu’s demands and the company controlled by the former was subjected to a media attack conducted by the group controlled by Voiculescu.

According to the court-supervised monitoring ordinance, Voiculescu “told the businessmen that they needed to pay special attention to increasing the corporate image of their companies with the help of the INTACT MEDIA media trust and pointed out that the lack of endorsement of their companies’ activity in the media risked having disastrous financial results and that any event connected to the company’s activity will be presented in a very unfavorable light, not only in the form of news items, but also in televised debates, such as talk-shows, on the ANTENA 1 or Antena 3 television channels”26.

Voiculescu denied the accusations, claiming that he did not know the three businessmen who denounced him and that the case file was “bullshit”27. One of the three businessmen is Octavian Crețu, the owner of the largest mineral water producer in Romania and former Vice-President of the Conservative Party during the period when the head of the party was Dan Voiculescu28.

The blackmails committed by the Voiculescu family and by several administrators in the Intact trust were also covered by the FreeEx reports of 2011, 2012, 2013.

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<th>POLITICAL PROPAGANDA</th>
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<td>The political propaganda is overtly owned up by the so-called news stations and is exhibited as a reason for editorial pride. Anchor Mircea Badea celebrated 10 years of broadcasting of his show, “The talk of the press”. On that occasion, his colleagues presented him with a punching ball with the picture of Traian Băsescu on it and a birthday cake on which Badea’s face was accompanied by the text: “Anti-Băsescu war hero for 10 years”29.</td>
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<th>Political instrumentalization of the protests by the political party televisions</th>
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<td>The control exerted by the Antena 3 channel on the occasion of the 2012 Universității Square protests was confirmed in 2014 from within the television station as well. A former cameraman of the station, Vlad Ilaș, recounted in an article on his personal blog29 that the editorial managers had asked him not to film a banner reading “The Democratic Liberal Party &amp; the Social Liberal Union, the same bullshit”, on the grounds that “we cannot broadcast this”. The January 2012 protests were portrayed by the Antena 3 and România TV news stations as being against president Traian Băsescu and the The Democratic Liberal Party (PD-L) government, even though their message was directed against the entire political class. “Succinctly, with no explanations, that protest against the political class</td>
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25 “Dan Voiculescu, under court-supervised monitoring in a new investigation in which he is being accused of blackmail in view of obtaining patrimonial advantages / Voiculescu: <<I do not know the people who turned me in. This is just another bullshit >>”, Otilia Ciocan, Cătălin Lupășteanu, Mediafax.ro, July 3, 2014.


27 “Octavian Crețu, the informant connecting Dan Voiculescu to Adrian Năstase”, Biro Attila, Gândul.info, July 4, 2014.

28 “FOTO. The talk of the press is a decade old. The message on Badea’s birthday cake: << Anti-Băsescu war hero for 10 years >>”, Carmen Maria Andronache, PaginaDeMedia.ro, September 12, 2014.

29 “Antena 3, you will never be forgiven for splitting this country in two!”, Vlad Ilaș, Vladilaș.ro, August 12, 2014.
was elegantly portrayed as a protest against Traian Băsescu”, according to cameraman Vlad Ilas.31

An incident in which Traian Băsescu was spat upon by a citizen (Adrian Zglobiu) in public became, for Antena 3, a new opportunity to launch attacks against the President and the state institutions.32 The individual who spat upon the President was turned into a hero by Antena 3, which attempted to attest to the theory that the aggressor was in danger because of the investigation opened by the police against him for his gesture against the President. One of the titles displayed on the news ticker during The Day's Brief show on May 26 was: “Threatened with rape for spitting on Băsescu”.

**Antena 3 fights against the Conservative Party leader**

After the decision of the High Court of Cassation and Justice to sentence Dan Voiculescu to imprisonment in the Food Research Institute (ICA) case, Antena 3 launched a discreditation campaign against the leader of the Conservative Party (CP), Dan Constantin. The CP was established by Dan Voiculescu and functioned as his pocket party, even after he gave up the president position. Dan Constantin, who has been the minister of agriculture since 2012, claims that a “mediatic campaign” has been launched against him, which included “personal threats, directed not necessarily against me, but against my family”.33

Constantin stated that the attacks started after his refusal to get involved in the ICA case, for which Voiculescu was sentenced to 10 years in prison. Constantin claims that the attacks were launched at the order of a member of the Antena 3 management. He cited, as an example, a title in which he was explicitly accused of the sentencing of the 12 defendants in the ICA case: “Daniel Constantin put 12 innocent men in prison”. The Minister of Agriculture was the injured party in the case, as the Food Research Institute had been under his authority prior to the privatization.

**Crin Antonescu is afraid of the "Antena 3 lynching"**

The leader of the National Liberal Party, Crin Antonescu, stated that he was afraid of the "Antena 3 lynching", in the event that his party withdrew from the Social Liberal Union alliance, formed of the Social Democratic Party, the National Liberal Party and the Conservative Party. The politician hinted that the television station was controlled as an instrument of manipulation. "What Antena 3 is doing right now and what you are doing is very obvious. (…) Of course I am afraid of the Antena 3 trust lynching, but I have been constantly lynched since 2009, both by your television station and by the important newspapers, such as Evenimentul Zilei... I am not in a position to change a decision because it might upset Antena 3..."34

The statement was made amid the escalation of the political pressures within the alliance, just one week before its collapse. Antena 3 strongly supported the Social Liberal Union, as Dan Voiculescu had also been the founder of the Conservative Party. Over the recent years, Crin Antonescu had been one of said television station’s favorite politicians and his radical discourse against President Băsescu and the political movements affiliated to him had been intensely endorsed by Antena 3. The situation changed after the alliance collapsed, after Antonescu changed his discourse and after the recent conflicts with the Social Democratic Party and its leader, Victor Ponta. Then, Antonescu suddenly became a target for the critiques of the television station controlled by Voiculescu.

**News stations - trampolines for certain candidates**

The candidacy of politician Mircea Diaconu (former minister of Culture and former National Liberal Party parliamentarian) as an independent candidate in the elections for the European Parliament benefited from the full mediatic support of the Antena 3 station. The news station insistently endorsed Diaconu’s candidacy in his attempt to gather the 100,000 signatures necessary to enlist in the election race.

Politician Dan Diaconescu, founder of the People’s Party - Dan Diaconescu, former owner of the late OTV television station and former celebrity of said station, resumed his activity at the România TV news channel, where he received

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31 Ibidem
33 "After convict Voiculescu’s servants trampled all over him, a frightened Daniel Constantin denounces the lynching practised by Felix's trust”, Andreea Udrea, EvZ.ro, March 12, 2015.
Diaconescu insistently used his editorial space in order to endorse his candidacy in November's presidential elections. Among others, he organized a competition in view of gathering signatures for his candidacy, in exchange offering positions in the intelligence services, magistracy, embassies, consulates, in the event that he won the election.35

**Political map of the local television stations**

In numerous cases, local television stations are political weapons, most frequently sponsored from public funds, according to the "Political map of the Local Television Stations" study launched by ActiveWatch in January 2014. The research is accompanied by an interactive map and is based upon documentation that included 56 local television stations in 15 counties of the country and approximately 200 interviews and discussions with journalists, editors, managers, producers, local television owners, politicians, representatives of parties and of the local authorities and media experts.36

The documentation revealed that almost half of the 56 television stations included in the research are directly or indirectly influenced by politicians. Furthermore, almost one half of these television stations could be documented as direct beneficiaries of sponsorships from public funds, but their number is most likely much higher.

**MEDIA INSTRUMENTALIZATION FOR PERSONAL INTERESTS**

**Voiculescu’s media, an instrument against Justice**

On August 8, the judges of the Bucharest Court of Appeals sentenced Dan Voiculescu to 10 years in prison for money laundering, to be fully served, in the case of the privatization of the Food Research Institute (ICA)37. According to the prosecutors, Dan Voiculescu came in possession of a property appraised at EUR 60 million, for which he paid EUR 100,000. The court also decided to seize and confiscate Dan Voiculescu's possessions, including the headquarters of Antena 3.38

The court’s decision started a new wave of virulent attacks against Justice and a whole persecution campaign from the media institutions controlled by the Voiculescu family.

On August 5, three days before the court’s ruling, some of the most famous journalists, anchors and commentators of Antena 3 sent Dan Voiculescu an open letter in which they expressed their solidarity and support for him. The signatories personally took on the situation of their owner: *“These days' craziness is also our war! This is how we have grown in the company which you founded. We are journalists, but we are also citizens of this country. We record, but we think and we understand. We comply with the laws and we can recognize abuse. Abuse which, today, is committed against Dan Voiculescu. Yesterday, it was committed against Mrs. Maria from Rădăuți. Tomorrow, it might be committed against any Romanian. And abuse cannot be ignored, it cannot be forgotten and it cannot be forgiven!”*39

After the ruling, a new open letter appeared, signed by journalists, anchors and commentators of Antena 3. Said letter called the ruling an abuse, a "political trial" targeting the very newsroom of Antena 3 and claimed that it was an attack against media freedom.

On August 10, Antena 3 organized a so-called protest-walk at the Cotroceni Palace, as president Traian Băsescu

35 “Dan Diaconescu offers positions in secret services or embassies in exchange for signatures for his presidential candidacy / A <<first winner>> was given a position in the General Secretariat”, I.R., HotNews.ro, August 2, 2014.

36 “Political Map of the Local Television Stations”; Editor: Liana Ganea; Authors: Maria Popa, Adrian Mogoș, Mihai Pavelescu, Ștefan Cândea; Sociologist: Oana Ganea; ActiveWatch.ro; January 2014.

37 “Dan Voiculescu, imprisoned at the Rahova Penitentiary. He was sentenced to 10 years in prison. Ruling in the case of the year”, Biro Attila, Mihaela Stoica, Gândul.info, August 8, 2014.

38 “Sequester over the headquarters of Antena 3 and Grivco”, Cătălin Lupășteanu - Mediafax, Gândul.info, August 8, 2014.

39 “No comment Employees and hosts of Antena 3, letter to Dan Voiculescu: This fabricated case could have been closed at any time, if you watched <<The devil’s advocate >>”, C.I. HotNews.ro, August 5, 2014.
Dan Diaconescu, definitively sentenced to prison for blackmail

In February 2015, the former television man, anchor and owner of the late OTV channel, founder of the People’s Party - Dan Diaconescu (PP-DD) and candidate in the presidential elections of November on behalf of said party, was definitively sentenced by the Bucharest Court of Appeals to five years and 6 months in prison, to be fully served, in the case in which he was being accused of blackmail (this case was described in the FreeEx 2010 report). In the same case, Doru Pârv, former OTV host, was also sentenced to four years in prison, to be fully served. The Bucharest Court of Appeals also decided to prohibit any activity of the two convicts in the written or audio/video media, as a complementary penalty, for 5 years after being released from prison.

According to the National Anticorruption Directorate’s indictment, between May and September 2009, Dan Diaconescu proffered repeated threats, both directly, during his OTV show and indirectly, through his colleague, Doru Pârv, against Ion Mot, mayor of the commune Zarand. Those threats were meant to coerce Mot to give them a total amount of EUR 200,000 in order not to broadcast a compromising material about him on the OTV channel. Under the pressure of such threats, mayor Ion Mot gave Doru Pârv the amount of EUR 30,000 and Lei 42,000, which was supposed to ultimately reach Dan Diaconescu. Dan Diaconescu was also accused that, during April 2005, he proffered repeated threats, both directly and indirectly, through Mitrus Ghezea, host of the OTV Warning Signal programme, against businessman Paul Petru Tărdea, in order to coerce him to give him a total amount of EUR 100,000, of which he actually ended up receiving EUR 4,500.

B1 TV anchor charged with accepting bribes

In July, Andrei Bădin, anchor at the B1 TV news channel, became the subject of a criminal investigation for accepting bribes. The former chairman of the Mehedinți County Council, Adrian Duicu (PSD), claimed that he gave Andrei Bădin the amount of Lei 5,000 in the summer of 2013, in order not to produce a show on the minister of the environment, Rovana Plumb, Duicu’s fellow party member. The anchor was going to disclose information regarding alleged illegal deeds committed by R. Plumb and her son. At Duicu’s solicitations and in exchange for Lei 5,000, Bădin dropped the story.

Duicu proffered these accusations during his hearing in a case in which he was being accused of influence peddling.

B1 TV suspended Bădin’s televised appearances and his involvement in editorial decisions until the court clarified the situation. The station also demanded its employees to make statements of interest with respect to any ‘collaboration relationships which might come against the journalists’ deontological code or the legislation in force.

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40 “Sunday, at 5:00 PM, Cotroceni”, Radu Tudor, Radu-Tudor.ro, August 9, 2014.
41 Case described in detail in the FreeEx 2013 Report.
42 “The headquarters of Antena 3 in Băneasa, transferred into the state’s ownership”, Iulia Bunea, PaginaDeMedia.ro, October 8, 2014.
43 “Dan Diaconescu, definitively sentenced to five years and six months in prison, to be fully served: <<They’ve shut down my party and now they’re locking me up >>”, Otilia Ciocan, Medialfax.ro, Match 4, 2015.
44 “Update VIDEO Dan Diaconescu, sentenced to 5 years and 6 months in prison, to be fully served and imprisoned at the Rahova penitentiary: <<I had a speech prepared for acquittal >>/ <<Romanians no longer trust justice, much less me>>”, I.R., HotNews.ro, March 4, 2015.
or might affect the independence of the editorial decisions"46. Prior to working for B1 TV, Andrei Bădin had also worked in the newsroom of Antena 3, a television station controlled by Dan Voiculescu.

**Bădin facilitated a PSD minister's approach of the Roșia Montană issue**

The same investigation reveals that in September 2013, Duicu contributed to the media campaign in favor of the Roșia Montană gold exploitation (details on the media campaign in favor of the project in the FreeEx 2013 report)47. The same three individuals are involved in staging a "debate" in the show anchored by Bădin on B1 TV, in September 2013, during the street protests against the Roșia Montană exploitation. The PSD baron mediated the presence of Rovana Plumb on the show of Bădin, who was supposed to "facilitate" the minister's approach of the subject.

Excerpt from the stenograph of the conversation in which Duicu talked to Rovana Plumb:

**DUICU IOAN-ADRIAN: Bădin will call me, you're on tomorrow night to talk about Roșia Montană, but he will facilitate your approach of the subject and he will have a good show on the Roșia Montană issue...**48

**Media employees used by local barons in order to intimidate state officials**

The stenographs in the investigation in which the Chairman of the Mehedinți County Council is accused of influence peddling49 also show that Adrian Duicu ordered certain local media employees and local correspondents of national news channels to make phone calls on behalf of such television stations in order to intimidate a control team of the Ministry of Internal Affairs. The two correspondents, Adrian Bidilici and Mihai Bădescu, worked for two local television stations and were the correspondents of national news channels România TV, B1 TV and Realitatea TV. Adrian Bidilici is also the manager of the Tele 2 Dobrota television station in Turnu Severin.

According to the prosecutors, Duicu was using his political influence in order to keep Constantin Ponea, chief of the Mehedinți Police Inspectorate, employed on said position, but also in order to endorse him in Bucharest, in the central structures of the Ministry of Administration and Internal Affairs.

According to the stenographs published by Hotnews, on June 29, 2013, Adrian Duicu had found out about an inquiry of the minister of internal affairs' Supervisory Body, directed at the management of the Mehedinți County Police Inspectorate. Duicu immediately called the two aforementioned journalists and asked them to call the deputy of the Supervisory Body and introduce themselves not as local journalists, but as journalists working for the B1 TV, Realitatea TV and România TV national channels, respectively. They did not intend to conduct an interview, but to question him as to the performance of such inquiry pursuant to an alleged "political order": "Call him right now, right this second! (...) Tell him you're with România TV."; "Quickly(...) Tell him you're with B1".

According to the prosecutors, the two journalists complied with Duicu's orders and recounted the conversations to him. Bădescu told Duicu that he was hoping "that the intervention of the press scared them a little bit"50. Adrian Bidilici and Mihai Bădescu never denied having called at Duicu's order, but said that their questions were not meant to threaten the inquiry. Neither of them published anything on the subject and their intervention solely consisted in the phone calls made to the representative of the Supervisory Body, at the order of A. Duicu.

In fact, in the same investigation, Adrian Bidilici is accused of instigation to giving bribes and complicity in using influence and authority for the purpose of obtaining undue advantages for himself. According to Mediafax51, the prosecutors accuse Duicu of having used his authority and influence in order to obtain undue advantages for the two television stations under his control (Tele 2 Dobrota and Karisma TV). Duicu purportedly coerced all mayors and public

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46 “After the B1 TV case, Dan Andronic wants the journalists of EvZ and Capital to make statements of interests as well”, Iulia Bunea, PaginaDeMedia.ro, July 25, 2014.

47 "Stenographs. Rovana Plumb, invited at B1 TV to be <<facilitated>> the approach of the Roșia Montană case. See what she said about the protesters", Mihai Goțiu, RomâniaCurată.ro, July 30, 2014.

48 Ibidem.

49 "Stenographs. How PSD mogul Adrian Duicu ordered some journalists to make telephone calls on behalf of central news stations, in order to intimidate a team of the Ministry of Internal Affairs", Investigation Department, HotNews.ro, July 24, 2014.

50 Ibidem.

51 "The Mehedinți investigation: The chairman of the County Council, the chief of the County Police Inspectorate and the PSD Orșova leader, remanded in custody", Cătălin Lupșteanu, Mediafax.ro, April 4, 2014.
officials holding management positions in the Mehedinți county area to pay the equivalent value of certain "congratulations" which were to be broadcasted (in the form of announcements written on the news ticker) on the two television stations. Apparently, gathered the amount was of approximately Lei 60,000. The action was purportedly performed with the help of Adrian Bidilici (manager of the Tele 2 Drobeta television station) and Mijache Loredana-Andreea (manager of the company through which the two television stations operate). Adrian Bidilici said that he did not consider himself a journalist, but only a "media employee".

**Journalist fired "on demand", on April 1^{st}, in the Horea Uioreanu investigation**

The investigation file opened in May 2014, in which Horea Uioreanu, former chairman of the Cluj County Council, was accused of demanding and accepting bribes from the contracts carried out with public funds, contains details on the use of the media for the purpose of denigrating an official, as well as for the harassment of a journalist who reported on the auctions organized by the Cluj County Council for the performance of certain public works, which auctions subsequently became the object of an inquiry of the National Anticorruption Directorate.

According to the prosecutors, the group formed around Uioreanu ordered the writing of denigrating media articles directed against the head architect of the Cluj County Council, Claudiu Salanţă, who had found illegalities and inconsistencies in the performance of certain works financed with public funds. According to the indictment, the businessmen and the high dignitaries involved in said contract exerted pressures on other officials "especially in order to avoid the disclosure of the current situation and the beginning of a media scandal". These pressures also included the publishing of denigrating articles about the head architect in the local press, in which he was accused of a conflict of interest.

Apparently, Uioreanu also exerted pressures in order to have a Ziua de Cluj journalist who, on May 31, 2014, had reported on one of the fixed auctions of the Cluj County Council, fired. After the article was published, the chairman of the Cluj County Council contacted Octavian Hoandrä, the publication's manager, in order to set up a meeting. After such meeting, which took place on april 1^{st}, the article in question was removed from the publication's website and its author was fired.

**THE FAILURE TO COMPLY WITH PROFESSIONAL RULES**

**Threats and insults proferred by media people**

On September 26 and 27, TV host Mircea Badea proferred death threats, instigated violence, made obscene gestures and insulted a motorcyclist during his show, "The talk of the press", broadcasted on the Antena 3 channel. Mircea Badea had installed his studio outside, in front of the channel's headquarters and was bothered by the fact that a motorcyclist was racing his engine when he passed by the Antena 3 headquarters. Badea insulted the motorcyclist and threatened to beat him up, live, during the show.

"Some guy with a motorcycle keeps bothering me with his noise. How about I step down for a minute and take care of this idiot? Maybe he's coming back. One day I'm gonna beat up one of these retards so badly I'm gonna get ten years in prison. Seriously! Man, I'm gonna follow this guy home! He should die in horrible pain and we should all jump on his head. I'm asking the asshole that passed by earlier to come back. I swear I'm gonna come alone after him. I'll beat him up, just wait and see! If I ever catch this guy, we'll have the highest rating in the history of television. What,  

52 "Adrian Bidilici, accused in mogul Duicu's investigation: <<I am not a journalist, but a media employee>>", Laurențiu Ciocăzanu, ReporterVirtual.ro, April 4, 2014.


54 "Uioreanu trusts Salanţă", MonitorulCJ.ro, April 28, 2014.

55 "The <<Uioreanu 15% investigation>>. The head of the Cluj County Police Inspectorate kept records of the bribes he had received, in an organizer. Stenographs", Biro Attila, Gândul.info, May 31, 2014.

56 "Indictment in the Uioreanu case: Prosecutors claim that the head of the Cluj County Police Inspectorate exerted pressures in order to have the Ziua de Cluj journalist fired", Alina Neagu, HotNews.ro, June 2, 2014.
I'm supposed to move just because some idiot wants me to?!”57, said Badea.

We should reiterate that this type of behaviour is not a first for said host and that he constantly threatens and instigates against various individuals or communities (see the FreeEx 2013 report and the Threats chapter of this report). For instance, in 2013, he wished his colleague Cătălin Striblea, of România TV, to have a second stroke, while Striblea was in the hospital58.

Two vulgar attacks against journalist Andreea Pora59 and Andrei Pleșu60, a well-known man of culture and former minister of culture and foreign affairs, generated more consistent reactions from members of the industry61 and from certain voices of public opinion, provoking a necessary debate on the quality of public speech in Romania.

The nationalist xenophobic speech, with hate-mongering undertones

In the “Banciu's World” show, broadcast by the B1 TV channel on August 27, host Radu Banciu discussed the autonomy of the “Szekler Land” (Tinutul Secuiesc) project, launched in a public debate by the Democratic Union of Hungarians in Romania (UDMR). During the presentation of the UDMR project, the programme's host discussed the potential consequences of its approval, making a series of heavy and alarmist claims with respect to the hypothetical effects of the approval of the draft law on the autonomy of the Szekler Land. Throughout the show, the Hungarian minority was presented as a true threat, both against the Romanians and against the Romanian state in general. Judging by the way that Banciu depicted the Hungarian minority, one would be tempted to believe that all of the Hungarians in Romania harbor feelings of hatred towards Romanians and intend to commit mass murders in the counties in which they are the majority ("it is like putting deer in the lion's den").

Thus, Radu Banciu made the following claims (a selection of quotes):

[If the draft law were approved] it would be a bloodshed. Romanian citizens would no longer have any right whatsoever in their everyday life.

It is an absolute tragedy that those citizens [Romanian citizens in the Szekler Land] should suddenly become slaves to the Hungarian government and to this Szekler government.

CONCLUSIONS:

The actions of the Justice system have exposed the corrupt connections between the mass-media, the political environment and the business environment.

In the context of the election year, the transformation of the press into a political propaganda instrument was more visible than ever. Manipulation, disinformation and personal attacks were frequently used by the media institutions. Public interest was abandoned on a massive scale, in favor of economic and political interests. Once again, the media was used as a weapon against Justice, by owners who were in a bind. New cases of media corruption surfaced, the perpetrators of which were not only media owners and administrators, but journalists as well.

The journalistic profession keeps on being abusively used by some individuals for committing acts of intimidation, blackmail or influence peddling. Violent attacks occurred between journalists and media institutions. Independent voices are increasingly more difficult to hear in the political noise that dominates the mediatic space. The nationalist-xenophobic speech has been resuscitated in the context of the election year. The public’s trust in the mass-media continues to dwindle.

57 “Mircea Badea, jammed by motorcyclists. Update: The trick by which he avoided them”, ReporterVirtual.ro, August 27, 2014.
58 “Badea to RTV: «May you all die a painful death!». The stakes of the war between Antena 3 and România TV”, Adrian Halpert, ReporterVirtual.ro, February 8, 2013.
60 Recording of the “Day's Brief” show, Antena 3, April 11, 2014.
61 “Protest of the journalists against the degrading practices in the media”, Revista22.ro, January 20, 2014.
ELECTORAL CAMPAIGN FOR THE PRESIDENTIAL ELECTIONS

Open partisanship, manipulation and disinformation. The exploitation of national and religious sensibilities

The political environment and the press institutions close to it proved that they have learned absolutely nothing from the experience of the 2004, 2008 and 2009 campaigns, respectively and persisted in the illusion that mediatic propaganda guarantees electoral success. Once again, the mediatic arsenal brought into play in support of the main favorite, Prime Minister Victor Ponta, had a boomerang effect instead. The constituents seem to have gravitated towards alternative sources of information, such as the online mainstream or alternative media or the social media.

The electoral campaign was dominated by open mediatic partisanships, disinformation and personal attacks, some of them with nationalist undertones. The support of one of the candidates was taken on by two news channels that were close to the governing coalition (Antena 3 and RomâniaTV) and was accompanied by attacks against the other candidates. The arsenal of the news channels included disinformation, instigation to discrimination by invoking a candidate's ethnicity or religion. The main targets were the main candidate for the opposition, Klaus Iohannis and independent candidate Monica Macovei.

The victor of the presidential race managed to win in spite of numerous attacks, sometimes extremely unfair, coming from the media camp supporting the Prime Minister (Antena 3, România TV), as well as from the one supporting the former president and his candidate, Elena Udrea (B1 TV, Evenimentul zilei).

The relevant debates on subjects related to the constitutional duties of the President were absent from the media, as, during the electoral programmes, the hosts and commentators of the news televisions insisted on subjects related to the immediate political reality or discussed subjects of no relevance to the presidential institution.

The editorial excesses occurred during the National Audiovisual Council’s period of non-operation, which was a consequence of the institutional blockage that the Parliament had generated by postponing the appointment of new members to replace those whose mandates had expired. Some broadcasters took advantage of this situation and frequently violated the regulations; an evidence in this respect is the large number of notifications submitted to the Council during the period of the electoral campaign.

Pursuant to monitoring the editorial behaviour of the main television stations before the first round of the elections, ActiveWatch identified the main misconducts manifested during the televised electoral debates:

1. Open partisanship, manifested by hostility against the undesirable candidates and the absence of any critical attitude towards the candidates accepted by the TV producers.
2. The marginalization of the candidates and of the electoral subjects, both by means of the allotted air-time and by the excessive broadcasting of events adjacent to the electoral campaign.
3. Encouraging confrontations between politicians, to the detriment of debates on political ideas and without concern for the constituents’ agenda.
4. Endorsing and encouraging personal attacks and putative charges, without ensuring a right of rebuttal or proving the claims with solid evidence.

Between the two electoral rounds, the partisan mobilization increased, with the news channels România TV and Antena3 as the clear leaders in the ranking of misconducts notified to the National Audiovisual Council. According to ActiveWatch, “at the two television stations with national coverage, the support of candidate Victor Ponta was assimilated in the editorial policy of the channels, both during and before the official start of the electoral campaign”.

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62 2014 presidential elections. Klaus Iohannis and Monica Macovei, the targets of the first disinformations in the campaign, Sebastian Zachmann, Adevârul, October 10, 2014
63 Open letter addressed to the national television stations, ActiveWatch, November 3, 2014
64 Final results of the 2014 presidential election: Antena 3 and România TV lost the election, ActiveWatch, November 18, 2014
On the voting day for the second round of the elections, România TV and Antena 3 commenced a desperate and illegal mobilization of V. Ponta's constituents, in view of determining them to vote, defying all regulations in force.65

One such example is the manner in which România TV reported on the situation of the Paris polling stations. We hereby include a quote from the notification sent by ActiveWatch to the National Audiovisual Council: “Under the caption <<The queues at the Paris polling stations have disappeared>>, the România TV channel organized a live broadcast with one reporter who was in Paris, in the vicinity of a polling station. The broadcast was interrupted by individuals who accused the reporter and the operator of misrepresenting the situation at the polling station and of not filming the persons who were in a queue at that very moment. The situation was depicted by the România TV reporters as an "aggression", under the caption "The România TV team attacked by Băsescu supporters in Paris". We believe that labeling the potential attackers as "Băsescu supporters" is not only partisan, but also likely to influence the electoral options of the PSD or ACL supporters”.

After the second round of the elections, ActiveWatch sent a press release in which it stated that “On Sunday, Antena 3 and România TV once again failed the exam in civic education and proved that they rely upon communication methods that are specific to authoritarian political regimes. By disinformation and attempts at influencing voting options, as well as causing moral panic, the two television stations reopen an old wound of the Romanian mass-media: increased politicization at an industry level and a lack of cohesion in adopting and adhering to the most basic professional norms. In our opinion, Antena 3 and România TV have repeatedly abandoned public interest and surrendered to the interests of a political actor”.66

The candidates avoided direct confrontations

There were no direct electoral debates between the main candidates until the week before the second voting round. Both candidates who reached the second round avoided direct confrontation or participating in debates hosted by television channels, while their campaign teams were accusing one another of avoiding debates. The PSD candidate, Victor Ponta, deemed the main favorite of the elections, announced, before the campaign, that he would not participate in any debates in the first round, saying that “In the first round, I will get some popcorn and I will watch the debates between Mrs. Macovei, Mrs. Udrea, Mr. Diaconescu, the two Messrs. Diaconescu, in fact, Mr. Johannis... It will be a "wacking", as the Cotroceni ideologist said, in which I do not wish to participate. It's different in the second round”67.

Finally, there were two debates in the last campaign week, both organized by news channels. The first debate, hosted by Realitatea TV, was not up to par, as the viewers were treated to an amateurish performance from the host and the journalists invited, some of the questions being tendentious or having partisan undertones. The situation was acknowledged by the debate host himself, Rareș Bogdan, who subsequently stated that one of the questions addressed to candidate Iohannis was “shitty” and “uncalled for”. The question had been asked by one of the channel's celebrities, TV hostess and former politician Lavinia Șandru. Two months later, the same Rareș Bogdan (managing director of RealitateaTV) openly confirmed the existence of strong individual partisanship among the members of the editorial staff. "It was very complicated for her (L. Șandru) during the campaign, because myself, together with Denise Rifai, Emma Zeicescu, Andra Miron, had been a group of Iohannis supporters from the very beginning; we supported change, not necessarily Klaus Iohannis; we realized what a “red” Romania would mean, with Victor Ponta and Liviu Dragnea, while she openly supported Elena Udrea and then she was more drawn to Mr. Ponta’s project, which is why she was so conspicuous.”68.

Things went better in the second debate, which was held on the B1 TV channel, where the performance of tv anchor Mădălina Pușcalău was professional and balanced. Less than one month after that moment, Pușcalău resigned from B1 TV, reporting the influence, in the newsroom, of certain individuals whom she called "toxic", as well as certain "visible syncopes in the logics and consistency of the editorial policy". The journalist also added that the channel was facing management problems, as "the attitude of certain individuals with the power to decide upon the editorial tendency has nothing to do with the normality of a newsroom"69. B1 TV is managed by Sorin Oancea, former

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65 Final results of the 2014 presidential election: Antena 3 and România TV lost the election, ActiveWatch, November 18, 2014
66 Ibidem
67 Victor Ponta: I will not participate in debates before the first round, I will get some popcorn and I will watch the other candidates. I'm starting with 40% of the votes, the rest is up to me, Alina Neagu, HotNews.ro, Friday, August 22, 2014
68 Rareș Bogdan clarifies the “situation” of Lavinia Șandru two months after the Ponta-Iohannis debate: “She was…”, Gandul.info, January 20, 2015
69 Mădălina Pușcalău announced her resignation from B1 TV “The channel has a management issue”, Iulia Bunea, Paginademia.ro, December 10, 2014
Prime Minister and candidate Ponta’s election campaign endorsed on public television

A few editorial digressions that occurred in the busy context of the electoral campaign consolidated the public’s perception of TVR as the television “of the powers that be”. Equally, there have been internal individual and institutional reactions condemning such digressions, a rare occurrence in the private environments.

One week before the first round of the presidential elections, candidate and acting Prime Minister Victor Ponta was invited to the “Village Life” show on TVR1, where he discussed the financing intended for farmers (subjects such as the amount of the funds received by farmers, the milk market or the removal of certain excise taxes⁷⁰). Before that specific programme, Ponta had not participated in any televised electoral debate, a situation that lasted until the second round of elections. According to one of the members of the TVR Board of Directors, Adrian Muraru, the programme turned into an electoral endorsement for Ponta. TVR’s Steering Committee notified this case to the Ethics and arbitration committee. A few weeks before, another presidential candidate, Senate president C.P. Tăriceanu, had been invited to the same programme. The ethics committee reviewed the case and concluded that, even though the law or TVR’s internal regulations had not been breached, the timing of inviting Ponta was “debatable”: “Even though, from the standpoint of the law and of TVR’s internal regulations, the presence of Mr. Victor Ponta in the October 26th edition of the Village Life, in his capacity as prime Minister, is in compliance with the regulations, his well-timed invitation in the show is debatable. In a sensitive period, such as the electoral one, journalist Gabriel Gherghescu had to choose between satisfying the legitimate interest of a specific target audience and exposing - himself and TVR - to interpretations fueled by suspicion or to politically-motivated criticism. Under such circumstances, we believe that the avoidance or postponement of the Prime Minister’s participation in the programme would have been preferable, even at the risk of a loss with respect to editorial content.”⁷¹.

Anti-government protests ignored by the main newscast of TVR

On Friday, November 14, on the last day of the election campaign, prior to the second round of the presidential elections, the main newscast of TVR (broadcasted at 8:00 PM) failed to report on the extensive protests organized that evening in Bucharest and in other cities against the defective manner in which the Government had organized the first round of elections in the overseas polling stations.

Once again, the situation was notified by several members of the Board of Directors (Andrei Muraru, Radu Carp and Romina Surugiu), who publicly demanded the firing of Claudiu Lucaci from the position of director of the News Department. In his turn, the President and Managing Director of TVR, Stelian Tănase, criticized Lucaci on his blog for failing to broadcast the anti-government protests. Lucaci defended himself by saying that the news about the protests was not broadcasted for objective reasons in the 8:00 PM Newscast, but was included in the TVR2 10:00 PM newscast and in the TVR1 2:00 PM newscast, the next day. The reasons invoked by Lucaci are related to the hour when the rallies took place (shortly before the beginning of the Newscast), which would not have permitted the timely broadcasting of the recorded materials; also, in Bucharest, the rally in front of the Government building were not broadcasted because the field reporter apparently reported that merely 40 participants were in the square at 6:30 PM. Lucaci also invoked the lack of resources, the events that were happening at the same time and the fact that TVR did not have the necessary resources to cover everything⁷².

At the hearings of the Ethics and Arbitration Committee, the producers of the 8:00 Newscast claimed that Lucaci had warned them to be overly cautious with respect to covering the protests, which in his opinion had electoral connotations and could be sanctioned by the National Audiovisual Council.

The ethics Committee found the existence of a “delay in covering the events” and “hesitations in assuming the proper editorial decisions and managing resources”. The Committee considered that the only solution would have been to broadcast the protests and “their unaltered messages, even at the risk of subsequently having to give explanations before the members of the National Audiovisual Council”.⁷³

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⁷⁰ A member of the Board of Directors of SRTV questions the editorial independence of the public television: Victor Ponta - “a hero” at the “Village Life” show, one week before the elections / The TVR exit poll would be sent to a PSD polling company by I.C., HotNews.ro, October 26, 2014

⁷¹ THE CONCLUSIONS OF THE ETHICS AND ARBITRATION COMMITTEE IN THE CASE OF INVITING PRIME MINISTER PONTA IN THE OCTOBER 26 EDITION OF THE VILLAGE LIFE PROGRAMME, BROADCASTED ON TVR 1, TVR, October 2, 2014

⁷² Lukacsi: The TVR news covered all protests in the electoral campaign. Someone is trying to discredit me, Madalina Cerban, Mediafax, November 21, 2014

⁷³ The conclusions of the ethics and arbitration Committee on the failure to broadcast the street protests on November 14, 2014 in the TVR 1 newscast, www.tvr.ro, December 23, 2014
Ridiculous fines from the National Audiovisual Council

According to the statistics presented by the National Audiovisual Council, Antena 3 and RomâniaTV accumulated over 90% of the total number of complaints submitted to the CNA, divided as follows: Antena 3 - 68 complaints, România TV - 32, Realitatea TV - 5, B1 TV - 4, Digi24 - one complaint, TVR 1 - one complaint. The sanctions imposed by the CNA were once again more than lenient, considering the seriousness of the offences. The fines for violating the regulations during the electoral campaign did not exceed the amount of Lei 10,000 for Antena 3, RomâniaTV and RealitateaTV. The fines were applied for a cumulated series of digressions, not for individual breaches of the regulations.

CONCLUSIONS:

Once again, the politicians and the affiliated press resorted to mediatic propaganda in hope of convincing the voters. The electoral campaign was dominated by open mediatic partisanship, disinformation and personal attacks, some of which had nationalist undertones.

Disappointed by their failure, the commentators of the most influential news channel found the culprit - the Internet.

The editorial excesses were committed during the period when the CNA did not function.

The relevant debates on subjects related to the President’s constitutional duties were absent from the electoral campaign.

Both candidates who reached the second round avoided direct confrontation in television-hosted debates.

The quality of the two debates between the main candidates was below par.

Prime Minister and candidate Ponta benefited from favourable coverage from the public television.

Because of the absence of political will, the CNA did not operate during the electoral campaign. When it resumed its activity, the sanctions imposed, after the campaign, were once again more lenient than the seriousness of the offences should have dictated.

The constituents seems to have massively gravitated towards alternative sources of information, such as the online media, either mainstream or alternative, or towards the social media.

POLITICAL, ECONOMIC PRESSURES OF THE AUTHORITIES AND THE INSTITUTIONS. INTERNAL PRESSURES

PRESSURES OF THE AUTHORITIES

The infiltration of newsrooms by intelligence agents

The infiltration of newsrooms by undercover intelligence agents was reconfirmed in 2014, after a similar case, confirmed by the Romanian Intelligence Service (SRI), was registered in year 2012 (details in the FreeEx 2012 report).

74 Antena 3 and Romania TV gathered 100 out of the total 110 complaints received by the NAC with respect to the manner in which the television stations covered the second round of elections, Petrisor Obae, Paginademia.ro, November 27, 2014

75 From proposals of hundreds of thousand of Lei for the election day, the NAC chose Lei 10,000 for Antena 3, Nașul TV, Realitatea and România TV, Carmen Andronache, Paginademia, December 18, 2014
The subject came under strong public scrutiny after the self-denunciation of one of the most well-known media people, TV host Robert Turcescu. Several other journalists spoke about the attempts of various intelligence services working in Romania (the country has no less than 6 such structures) to recruit them.

Furthermore, the former head of the SRI, George Maior, confirmed the existence of such practices in an interview given to B1 TV on January 25, when he was still in office. Questioned about the existence of undercover intelligence officers in newsrooms, Maior responded affirmatively: "We are the same as all democratic European states. The undercover officer is a special angle, a special weapon of every intelligence service; his/her duty is to gather information of state national security by using this capacity." When the interviewer pointed out that "certain names were known" in the newsrooms, Maior responded: "They are just pointing fingers. Pointing fingers is one thing, finding out names is another."

In the same interview, Maior insulted and openly threatened the opponents of the Big Brother laws (journalists, human rights organizations, members of the Constitutional Court): "I want to warn you very seriously that there is a moral responsibility with respect to the security of the Romanian citizens, not of the state. When a catastrophe occurs, I will know where to place the blame. It is my duty to say that someone is playing with things they don't understand or, in bad faith, is approaching them in this manner. I will not comment on the decisions, we will adjust to them, even with Sherlock Holmes' means." Pursuant to said claims of the SRI’s director, the President and Managing Director of the public television publicly demanded the service’s management to remove their undercover agents from the TVR newsroom. "As a consequence, I hereby demand that you remove your undercover agents from the Romanian Television, which should operate independently and offer citizens accurate and equidistant information.”

For the aforementioned statements and for the insults and threats proffered against the opponents of the Big Brother laws (described in the Legislation chapter), ActiveWatch demanded that the SRI manager should resign. Maior resigned on January 27, 2015. Also, several media and human rights organizations repeated their demands for the parliamentaries to include in the national security laws an express prohibition of the intelligence services to recruit collaborators or agents from among the members of the media. "This way, the opinions and ideas conveyed by the press will only reflect the journalists' beliefs, and not the orders received by some of them from the intelligence services." We must reiterate that on May 21, 2013, the European Parliament adopted (with an overwhelming majority of votes) the "Standard settings for media freedom across the EU" charter. Among other things, the charter demands the member states to adopt the legislation necessary for preventing the infiltration of newsrooms by intelligence officers (the amendment was inserted in the draft charter by parliamentarian Renate Weber, at the request of ActiveWatch).

On September 21, Robert Turcescu, journalist and TV host, denounced himself, in a live TV show on B1 TV, as having been an undercover agent of an intelligence secret service he did not specify. The journalist had posted a text ("Acknowledgment and confession") on his personal blog on the same day, as well as a series of documents meant to prove his affiliation to such structures. The documents were a military book and several salary statements stating that Turcescu was a lieutenant-colonel of the Ministry of National Defense - Military Intelligence Division (the intelligence service of the Romanian army). Turcescu claimed that said documents had been handed to him directly, but did not specify by whom or for what purpose and confirmed that they were genuine. The military book revealed...
that in 2010, Turcescu had been promoted lieutenant-colonel by Military Unit 02515 B. On September 17, a few days before his self-denunciation, Turcescu had been accused by senator Ilie Sârbu, also on B1TV, of being an undercover officer.

Turcescu stated that he did it because it was "God's will" and because he could no longer hide, given the scandal related to the existence of an undercover officer among the presidential candidates, about whom he himself had commented in his own shows. "I could no longer come before you and talk to you about the undercover officer who is a presidential candidate, when I felt like this." In August, President Traian Băsescu had preferred the accusation that one of the candidates in the presidential elections was an undercover officer of an intelligence service.

Turcescu added that he made the disclosure on his own initiative, without being subjected to any pressures or blackmails and that he felt a great emotional relief. "I wish you could experience this moment of relief, so that you can do your jobs in an honest manner. I was dying on the inside. I was a hypocrite. (...) I realized I was dishonest to God, to myself, to my family, to all of you; it is dishonest, I can no longer lie to you, I have to tell you, to confess, no matter what it will cost me."

The so-called journalist gave up his show on B1 TV and announced his withdrawal from public life. He also stated that he will only explain his gesture in front of a judge, should he be forced to. "I will not explain my actions to the public. Not now. I will provide all necessary explanations and all required documents before the judges." The Ministry of National defense neither confirmed nor denied Turcescu's claims and documents and refused to comment on the subject.

Two parliamentaries notified the Public Prosecutor's Office attached to the High Court of Cassation and Justice, demanding to check whether Turcescu's statements were confirmed or not and if they were a threat to national security. The Romanian General Prosecutor, Tiberiu Nițu, stated that the General Prosecutor's Office will not commence any investigation against Turcescu.

Only a few months after this event, Robert Turcescu resumed his activity in the mass-media, being the host of a show broadcasted on the Nașul TV channel.

After R. Turcescu’s gesture, the acting President, T. Băsescu, proffered a veiled accusation against the host of a show broadcasted by B1 TV, Sorina Matei. He told her, on live TV, to "maybe think again about what Robert Turcescu told her during that proverbial show". The President was referring to the show during which Turcescu denounced himself, which show was hosted by Sorina Matei. During that show, Turcescu had asked Matei to "look inside her own soul", in the context of the discussion regarding R. Turcescu's conflict of interest. Sorina Matei denied that she was an undercover officer of any Romanian intelligence service.

Shortly after Turcescu's self-denunciation, two other journalists confessed that they had been the subjects of recruitment attempts by the intelligence service - investigative journalist Daniel Befu and Radu Moraru, Nașul TV owner and show host. Befu recounted how a SRI agent had tried to recruit him during the period of his employment at the Gândul daily newspaper (2009). The SRI agent introduced himself as working for the department for the

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83 “Huge SCANDAL at B1 TV: How Turcescu got mad at Mădălina Pușcalău”, by Cristi Șelaru, stiripesurse.ro, September 17, 2014
84 “Robert Turcescu published the DOCUMENTS on his blog. HE ADMITTED that he was an undercover officer of the Military Intelligence Division”, by Silvana Chiujiadea, EvZ.ro, September 22, 2014
85 Ibidem
86 Ibidem
87 “The Ministry of Defense does not comment on the Robert Turcescu case. The debates that may infringe upon the Romanian Army's image are not beneficial”, by R.M., HotNews.ro, September 22, 2014
88 “Ilie Năstase and Mădălin Voicu, intimation in the Robert Turcescu case”, by Iulia Bunea, PaginaDeMedia.ro, September 26, 2014
89 “The General Prosecutor's Office announces that Robert Turcescu will not be criminally prosecuted for his self-denunciation as an undercover officer”, by the News Department, HotNews.ro, October 2, 2014
90 “Robert Turcescu: Mesaj pentru Sorina Matei: <<She should look very deeply inside herself>>”, February 18, 2015, www.nasul.tv
91 “Reply”, by Sorina Matei, sorinamatei.blogspot.ro, February 5, 2015
92 “I have blue eyes. How the SRI recruited me. My full story”, by Daniel Befu, September 26, 2015, investigatiicenzurate.wordpress.com
defense of the constitution and the state institutions, where he was in charge with media monitoring. As part of the collaboration, the journalist was supposed to inform on certain acts or attempts of editorial censorship, to publish the materials delivered by the SRI in the newspaper and to be remunerated for such activities. Radu Moraru recounted that the SRI director tried to recruit him in the office of the Minister of Defense, Gabriel Oprea, in 2010.93

**Presidential candidate says that the SRI is directing money to television stations**

After the National Anticorruption Directorate (DNA) ordered the commencement of criminal proceedings against Elena Udrea (leader of Popular Movement Party and presidentitl candidate) for various acts of corruption, she accused the management of SRI of ordering the financing of certain media institutions or press people through certain businessmen. In her denunciation, filed with the DNA94, Udrea claimed that her ex husband, businessman Dorin Cocoș (charged in several cases), paid over EUR 500,000 in cash to Sebastian Ghiță for the TV station financed by the latter, România TV, at the request of SRI deputy Florian Coldea. Apparently, the money was delivered in 2011, the year when the station controlled by Ghiță was opened. In an interview for the online publication HotNews.ro95, published one day after the National Anticorruption Directorate filed criminal proceedings against her, the former presidential candidate claimed that businessman Nicolae Dumitru - Niro (charged alongside Dorin Cocoș in the Microsoft case) did Coldea various favours, including the payment of several media people, including B1 TV hostess Sorina Matei. Udrea also accused S. Matei of being the “spokesperson” for the chief of the National Anticorruption Directorate, Codruța Kovesi. Udrea also claimed that her husband was a close friend of the SRI chief, whom he visited every Sunday.96

Ghiță denied Elena Udrea’s claims in an interview given to B1 TV, claiming that he had received no money from Dorin Cocoș and that the station the owner of which he was had been exclusively financed with funds received by bank transfers97. With respect to Udrea’s rather favorable coverage by România TV, Ghiță said that it was probably due to the high ratings her presence generated: “You know what she did? Ratings points. That’s what Mrs. Udrea did. Whether you like her or not, she is a character.”98

In her turn, Sorina Matei denied ever having received money from Dumitru Nicolae and said she was not an undercover officer of any intelligence service in Romania99.

**President Traian Băsescu allegedly gave his “blessing” for the opening of the news station of a PSD senator**

Elena Udrea, former minister, former 2014 presidential candidate and former leader of the People’s Movement Party, charged in several corruption cases, claimed, in a denunciation before the prosecutors of the National Anticorruption Directorate, that Sebastian Ghiță (PSD senator and financer of the România TV station) asked president Băsescu for his consent for opening the România TV station, because “democracy would be better protected with a new television station”.100

România TV (RTV) was established and is controlled, through agents, by politician and businessman Sebastian Ghiță. He is a close acquaintance of Prime Minister Ponta and had been a PSD senator since 2012. Ghiță left the party at the end of 2014. RTV appeared in 2011, after a less than amicable split from Realitatea TV (details in the FreeEx 2011 report). The editorial orientation of Realitatea TV had been hostile towards president Băsescu. Subsequently,

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94 TRANSCRIPTS OF ELENA UDREA’S DENUNCIATIONS, February 16, 2015, www.nasul.tv

95 “VIDEO Full interview (part 1): Elena Udrea is speaking about the money laundering case, the loans taken by Dorin Cocoș from Dinu Pescariu and Cocoș’s weekend trips to the SRI”, by Dan Tapalaga, Cristian Pantazi, HotNews.ro, January 30, 2015

96 Ibidem

97 “Ghiță: RTV did not receive any money from Dorin Cocoș or from any of his companies”, by Silviu Sergiu, February 15, 2015

98 “VIDEO INTERVIEW Sebastian Ghiță: The media group that I am building is preparing for a merger and a sale / I do not want to become either Voiculescu, or Vântu/ The only solution is to downscale this sort of influence”, by Editorial Office of HotNews.ro, May 28, 2014


100 “EXCLUSIVE! THE DENUNCIATION OF ELENA UDREA | Băsescu knew everything! He called Coldea to threaten him that he would publicly disclose the relationship between him and Sebastian Ghiță!”, 16 februarie 2015, www.nasul.tv
the editorial orientation of România TV also became hostile towards the president. In her denunciation, Udrea claimed that the president had called Florian Coldea, SRI deputy, to warn him that he knew that SRI was backing România TV and that he would publicly expose this fact if the television continued its attacks against him: "He called Coldea and told him that he knew what was going on and that if they didn't stop, he would publicly accuse them that Ghiță was their guy, who was serving their interests. RTV ceased immediately"\(^{101}\). In his turn, Traian Băsescu expressed his trust and his support for Elena Udrea, after she was arrested for acts of corruption, saying: "Elena Udrea does not lie".

**Member of the National Audiovisual Council (CNA): the media should be included among the weaknesses against national security**

A member of the National Audiovisual Council, Valentin Jucan, asked President Klaus Iohannis not to remove the mass-media from the category of vulnerabilities against national security, in the future National Defense Strategy\(^ {102}\). Antena 3 commentator Radu Tudor had previously asked the President to remove the media from the category of weaknesses against national security. Jucan had justified his request by invoking "acts of disinformation of the public and pressures upon magistrates and prosecutors, combined with attacks against the main legal state institutions" committed by certain media institutions.

We must reiterate that in 2010, the Presidency sent the Parliament its National Defense Strategy, in which the media was included among the vulnerabilities against national security. The document talks about the "phenomenon of media campaigns on demand, for the purpose of disparaging state institutions by disseminating false information regarding their activity" and "the pressures exerted by media trusts on political decisions in view of obtaining economic advantages or in the relationships with the state institutions".

The strategy was initiated by the Romanian Presidency, adopted by the Supreme Council of National defense (CSAT) and submitted to the Romanian Parliament on June 23, 2010. The strategy was met with an outpour of criticism from journalists and from many organizations of civil society: "This official document, which contains superficial statements and accusations against the media in its entirety, represents a serious threat against freedom of speech, in the fact that it might support certain legislative initiatives meant to annihilate any criticism against the state institutions. For that reason, we condemn the statements made in the CSAT Strategy and we appeal to the Romanian Parliament to make the necessary amendments to this document, by removing the references to the vulnerabilities represented by media criticism", stated a press release signed by over 20 media, human rights and good governance organizations\(^ {103}\).

In his letter to President Iohannis, V. Jucan also suggested that there is a need to implement some fiscal measures (to lower the VAT or to lower the income tax in the media industry) in order to support media independence. In fact, the idea of granting the media some fiscal facilities had been circulated by important politicians or journalist. In his last speech at Cotroceni, President Băsescu himself supported the need for fiscal facilities "for the mass-media to regain its independence, as it is much too limited by the media owners' interests"\(^ {104}\).

**PRESSURES WHICH INVOLVED LAW ENFORCEMENT**

**The dismissal of the case in which journalist Robert Frunzescu was accused of blocking traffic**

In June 2014, the Prosecutor's Office affiliated to the Bucharest 5th District Court of Law dismissed the case in which journalist Robert Frunzescu of Nașul TV, who in 2013 had reported live from a protest against cyanide mining operations, was accused by law officers of having participated, together with 1000 other protesters, in the blocking of traffic\(^ {105}\). The protocol drawn up against Frunzescu and a few other protesters invoked the blocking of traffic by

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\(^{101}\) Ibidem

\(^{102}\) https://www.facebook.com/ValentinJucan/posts/1564732943781516

\(^{103}\) See the FreeEx 2010 Report.

\(^{104}\) "Băsescu: "<We must find fiscal solutions for the press >>", Petrișor Obae, PaginaDeMedia.ro, December 20, 2014.

\(^{105}\) Case file no. 11897/P/2013, Public Ministry, the Prosecutor's Office affiliated with the Bucharest 5th District Court of Law, personal data
standing in the roadway.

The journalist declared for FreeEx that, although his journalistic credentials were in plain sight (identification card, camera) and he was there in a professional capacity, the gendarmes asked for his ID and wrote him up on the grounds that he blocked traffic together with the protesters. "I believe that I was intentionally involved in this case for intimidation purposes. When I was asked for my ID, they did not draw up any protocol and they refused to give me a reason for asking for my ID, as they are obliged to do", Robert Frunzescu also declared.

**Successive abuses committed by the authorities against the Epoch Times publication**

On september 24, the Epoch Times journalists were prevented from doing their jobs, as, although they had credentials for the Government, they were denied access at the official meeting with the Chinese delegation of Deputy Prime Minister Zhang Gaoli. The next day, the Epoch Times journalists were once again prevented from doing their jobs, this time by representatives of the Romanian Gendarmerie. Law enforcement intervened during the interview given to the team of journalists by Vlad Negrilă, a member of the Falun Gong organization (prohibited in China), who had been apprehended by the gendarmes in front of the Government building a few hours earlier, on the grounds that he participated in an "unauthorized protest" against the Chinese Deputy Prime Minister

The gendarmes also prevented the Epoch Times cameraman from filming the moment when Vlad Negrilă was apprehended by the law enforcement while he was giving the interview.

The ActiveWatch organization asked the Government's media Office why it had denied the Epoch Times journalists access to the meeting with the Chinese Deputy Prime Minister, but we received no reply to our request. "We find that every time high officials of the Chinese state have meetings with the Romanian authorities, the Chinese state decides who has the right to participate in such official meetings, which means that the rights of Romanian citizens are suspended by the Romanian Government at China's demand", ActiveWatch communicated in a press release.

The Epoch Times publication was also the target of abuses from the Romanian authorities in November 2013, when the editorial office was refused credentials by the Romanian Parliament and the SPP (The Security and Protection Service) at the China-Central and Eastern Europe summit, which took place at the Palace of the Parliament between November 25 and November 27.

**PRESSURES IN ART, CULTURE, EDUCATION**

**The Bucharest Art Biennale: "pre-approved art"**

At the end of January 2014, German Nicolaus Schafhausen, the director of Kunsthalle Wien, appointed curator of the 6th edition of the Bucharest Biennale in 2012, announced that he was backing out and cited "insurmountable incompatibilities with the Romanian organizers". At the press' insistence, Schafhausen detailed the main reason for his dissatisfaction and declared that the founder of the Pavilion contemporary art gallery, Răzvan Ion, had e-mailed him a so-called confidential list containing the artists considered desirable and undesirable to participate at the Biennale. The Pavilion representatives denied having sent the message.

In June 2014, information emerged that an artistic work which was supposed to be exhibited in Bucharest at the 6th edition of the Bucharest Art Biennale contemporary art event was rejected by the outdoor advertising agency with which artists Cezar Lăzărescu and the artists of the 1+1 association had already signed a contract for that purpose, Motion Vision Communication (MVC). A week before the endorsement started, MVC dropped out of the contract on the grounds that "it was not contemporary art, the audio message was aggressive and anti-governmental and emphasized Romania's extremely low current level", recounted the representative of the 1+1 association, Florin

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106 "The visit of the Chinese Deputy Prime Minister turns the <rule of law> upside down. A Falun Gong follower forcefully removed from the front of the Government building while he was being interviewed (Video)", Andrei Pricopie, Epochtimes-România.com, September 25, 2014.

107 "The Romanian authorities, abusive in their relationship with Epoch Times", ActiveWatch.ro, September 26, 2014.

108 Details in the previous FreeEx Report.


110 "In Romania, it is the outdoor advertising agency that decides whether what you're making is or is not art", Ioana Moldoveanu, Vice.com.ro,
Bobu. The project made reference to a very low rating received by Romania from an American investment rating company and to the joint shortcomings of the governments over the previous 10 years.

Contacted by the Vice România publication, MVC representative Andreea Timofte invoked the confidentiality requirements under which the contract had been concluded and solely stated that: "There is nothing explosive about this. Some businesses just don't pan out sometimes". In his turn, Răzvan Martin of the ActiveWatch organization declared, for the same magazine: "It seems that the state no longer needs its own censorship mechanism; the companies are doing it instead, out of pure servility and of the wish not to get on the wrong side of the powers that be. But I'm not at all convinced that anyone from the Government asked them to censor that message".

**BCU Bucharest backed out of an event on sexual minorities**

In June, psychologist and writer Andrew Solomon posted a message on Twitter, accusing the management of the Bucharest Central University Library (BCU) of revoking its association with the conference where he was to be a speaker, after finding out that the subject to be discussed was that of the sexual minorities. "My book is on the bestseller list here, in Romania, but my conference at the Bucharest National Library has been cancelled when the management found out I was going to speak about the gay identity. Never be sure that you have won your battles"111, wrote Andrew Solomon.

Florin Buhuceanu, chairman of the ACCEPT association, which is a defender of the Romanian sexual minorities' rights and partner of the event, recounted that the BCU representatives had been approached for an institutional partnership and had given their unofficial consent, after which they suddenly became unavailable for the official signing of this agreement in view of organizing the conference. "What are we to understand from this? A human rights organization that protects the rights of the LGBT members in Romania cannot benefit from a space in the largest library in Bucharest? A remarkable American writer and journalist should not talk about identity and sexuality in a cultural institution? The books of Romanian and foreign gay authors will be disavowed in the academic and literary environment because of the writers' sexual orientation?"112, declared Buhuceanu.

On the other hand, the BCU deputy director, Voichița Dragomir, declared for Mediafax that the agreement was no longer signed because of a "defective communication and defective approach", without any connection whatsoever with the subject of the conference.

**Freedom of speech, excluded from the academic environment**

In 2014, a fifth year student at the Bucharest Ion Mincu University of Architecture and Urbanism (UAUIMB), Dragoș Alecsandru, was expelled after sending the Ministry of Education a complaint signed by 700 of his fellow students, regarding the inappropriate learning conditions in the institution. In its official explanation, the UAUIMB's governing council claimed that it had sanctioned student Dragoș Alecsandru for not approaching the university's management first, as the internal regulations required.

In January 2015, arguing that the decision was out of proportion, ActiveWatch publicly requested the Ministry of Education "to review this case with a maximum of attention, to actively intervene in order to prevent the recurrence of such abuses and to support the sense of community and the citizen's participation, as per the mission and the ideal of the education system, as they are defined in the national education Law"113. In February, the Ministry of Education demanded that the decision to expel the student should be reviewed again and sent several recommendations to the university, starting from the petition initiated by Dragoș Alecsandru114. However, the management of the University of Architecture had no reaction whatsoever, therefore the expelled student appealed the decision made by UAUIMB against him in court and, in March 2015, the Bucharest Tribunal ordered that he should be allowed to attend classes

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111 "Writer Andrew Solomon says that his conference in Bucharest was annulled because of its subject - the gay identity. The ACCEPT Association: BCU offered an unofficial consent to the writer's conference", Dorina Călin, Mădălina Cerban, Mediafax.ro, June 16, 2014.


113 "Freedom of speech, excluded from the academic environment", ActiveWatch.ro, January 27, 2015.

114 "The Ministry of Education demands that the decision to expel the Architecture student should be reviewed again", Știri.TVR.ro, February 6, 2015.
until a final decision was made in the case. "Pursuant to the discussions between the head of the Governing Council and student Alexandru Dragoș and pursuant to the decision to re-matriculate him, we decided to re-matriculate him forthwith," declared at the time the chancellor of the University of Architecture, Zeno Bogdănescu.

Contacted by FreeEx, Dragoș Aleksandru said that he was reinstated in the institution and that the decision to expel him was annulled. With respect to the claims in the petition because of which he had been expelled, the student said that he was still waiting for them to materialize. "The curriculum plan is never amended during the school year, so I'm waiting to see what happens next year, if anything ", Dragoș Aleksandru declared.

PRESSURES IN NEWSROOMS

Journalists fired by Digi 24 for their Facebook posts

In July, the Digi 24 channel fired journalist Cristi Citre of the Political Department for the manner and the language in which he expressed his critical opinions on Prime Minister Victor Ponta. In making this decision, editor-in-chief Cosmin Prelipceanu could not invoke any legal grounds or any internal regulations agreed upon with the employees.

The conflict was generated by the fact that, after a meeting between President Traian Băsescu, Prime Minister Victor Ponta and the Minister of Finance, Ioana Petrescu, Cristi Citre had written on Facebook about the prime Minister: "Does anyone have any doubt that this guy is sick, thick-skinned and undiscerning? That he is mocking you, laughing at you and lying to you without batting an eyelash? After picking lint off his blazer and rolling his eyes in sheer boredom today at Cotroceni, after proving that he knows nothing about economy whatsoever, […]". The day after publishing this text, Cristian Citre was informed by editor-in-chief Cosmin Prelipceanu that "he was out of line on Facebook" and that he was fired. "In the contract I signed with Digi24 there is no clause which could have been invoked as grounds for firing me. Therefore, no contractual clause was invoked," declared journalist Cristian Citre.

In order to justify his decision to fire Cristi Citre, Cosmin Prelipceanu sent the following viewpoint to the ReporterVirtual.ro and HotNews.ro publications: "Digi24 stands by the principles of equidistant journalism and relies on all of its team members to comply with these standards. We will part ways with anyone who does not share the values in which we believe - balance, fairness, impartiality. We also believe in politeness. In its name and in the name of the breathable air that the Romanian media should radiate, we, at Digi24, distance ourselves from the insults directed, in the public space, against any persons, regardless of whether or not they are politicians. We believe that freedom of speech also includes respect."

The ActiveWatch organization sent a viewpoint with respect to the firing of journalist Cristi Citre, in which it pointed out that that decision proved, once again, to what a significant extent the status of the journalist in the newsroom has been weakened by the absence of employment contracts, replaced with copyright agreements and the absence of self-regulatory documents (ethics codes, internal regulations, certificates of good journalistic practices etc.). "If these ethics codes etc. are not negotiated and agreed upon between the media employers and employees, any administrative action taken as a reaction to the utterance of an opinion, in any form whatsoever, about politicians, is equivalent to a form of censorship", the organization also specified.

After the story of Cristi Citre's firing was made public, journalist Ana Iorga Mihail publicly recounted that she had been fired herself by Digi 24 one month before, after publishing on Facebook a message about a mistake made during a show of said channel. The journalist stated that editors-in-chief Mădălina Rădulescu and Cosmin Prelipceanu had also asked her to remove the published text in question, but that she had refused them. Contacted by ActiveWatch

115 “Exclusive. The expelled Architecture student must be allowed to attend classes again. The magistrates’ decision”, Știri.TVR.ro, March 4, 2015.
117 “Digi 24 abusively fired a journalist for his opinions on Facebook”, ActiveWatch.ro, July 18, 2014.
119 “Digi 24 abusively fired a journalist for his opinions on Facebook”, ActiveWatch.ro, July 18, 2014.
120 “Ana Iorga Mihail, of Digi 24, was fired because of a message posted on Facebook”, Anca Murgoci, DcNews.ro, July 18, 2014.
121 “Digi 24 abusively fired a journalist for his opinions on Facebook”, ActiveWatch.ro, July 18, 2014.
via telephone and by messages, Cosmin Prelipceanu and Mădălina Rădulescu provided no opinion in this matter.

**Antena 1 has it in for Mihai Bendeac**

As we recounted in the previous FreeEx Report, in October 2013, actor Mihai Bendeac had a conflict with its employer at the time, Antena 1, pursuant to the fact that the television's representatives tried to force him to comply with a list containing several forbidden subjects. The artist's freedom of speech was breached several times, as he was prohibited from making any references to certain famous persons and subjects in his satire show, iComedy. After several weeks of negotiations with his employer, Mihai Bendeac revoked his contract with Antena 1, in exchange for a contract with Prima TV.

Nevertheless, Bendeac's conflict with his former employer did not end there, as Antena Group continued to accuse him and tried to sabotage his collaborations, on the grounds that the actor had breached his contractual clauses. In August, Bendeac recounted that he had the opportunity to become a member of the jury for the Pro TV show "Romanians got talent", but that the Antena group sent a notification by which they prevented this collaboration. As a reaction, Bendeac published a list of persons deemed by the media group undesirable, whom he had been prohibited from mentioning in his show: Radu Banciu, Mircea Badea, Valentin Stan, Mihai Gâdea, CRBL, Iosif Ava, King Mihai, Dan Voiculescu, Stelian Tănase. "Mihai Bendeac repeatedly violated the clauses of the contract previously signed with Antena 1, which contract is still in force, and for that reason he is facing the usual legal repercussions applicable in such a case", stated Antena Group.

In October, Antena sued Bendeac for "repeatedly violating his contractual clauses", according to the Antena Group PR manager, Diana Zamfirescu. Antena is suing the actor for EUR 1,300,000 in damages for his termination of the contract.

**Media institutions which demanded the prohibition of the freedom of speech**

A means of intimidation used ever more frequently over the last years by an increasing number of journalists and media companies are the legal actions filed against other journalists or media companies. Some companies take advantage of their financial power, disproportionate in relation to the journalists, in order to harass them with legal actions or other legal means. For the journalists, the financial costs and time spent in legal actions are a heavy burden.

Over the last year, we have also noticed a practice that has become quite widespread in the industry: various media people or media institutions sent numerous public notices to other journalists or media institutions, imperatively asking them to cease any criticism against the signatory of the notice.

One by one, the most visible actors in this absurd battle have sent such notices to one another, threatened one another with legal actions, ignoring the principles of free speech, local and international norms, as well as the ECHR case law. The only use of such documents is the pressure that the signatories hope to exert on the recipient, so as to cease the criticism or attacks against them. Some of these notices were published in the publications that sent them.

In November 2013, Intact Production, a member of the Intact group, demanded the dissolution of the company holding the license of B1 TV and of the Evenimentul and Capital Publishing House (which publishes the Evenimentul zilei and Capital publications). In its petition filed with the Bucharest Tribunal, Intact Production claimed that a review of the financial results of the two companies in 2010 and 2011, published on the website of the Ministry of Public Finances, revealed the company registered losses and that its net assets fell below half of the value of the

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122 "Protest. Antena 1 censors Mihai Bendeac", ActiveWatch, ActiveWatch.ro, October 18, 2013.

123 Details in the previous FreeEx Report.

124 "Mihai Bendeac has evidence showing what he was supposed to avoid in his show: Radu Banciu, CRBL, Mircea Badea, Dan Voiculescu and Stelian Tănase", Petrișor Obae, PaginaDeMedia.ro, August 11, 2014.

125 "Antena 1, about Bendeac: <<he repeatedly violated the clauses of the contract previously signed with Antena 1>>", Petrișor Obae, PaginaDeMedia.ro, August 12, 2014.

126 "Exclusiv! Mihai Bendeac is over. Antena 1 is asking him for damages of EUR 1,300,000 for terminating the contract! Until the lawsuit is over, the actor is no longer allowed to produce any TV shows!", Wowbiz.ro, March 23, 2015.

In January 2014, the Evenimentul zilei daily newspaper requested the Antena 3 channel and the Jurnalul Național daily newspaper “to cease any action that is harmful to the image of the newspaper and of its journalists”\textsuperscript{129}. A quote of said summons says: “Immediately cease any action that is likely to harm the image of the Evenimentul zilei newspaper and of its journalists, Ion Cristoiu, Dan Andronic, Silviu Serghi, Mircea Marian, as well as of other journalists in the editorial office, by unrightfully using their names and image in order to give the public false information and disparaging messages about them. We hereby also ask you to immediately remove the fake images from your website, as well as to immediately cease using their image in order to endorse disparaging messages, claims and personal interpretations issued by the journalists of the website, of the Jurnalul Național newspaper or of the Antena 3 channel, of which you are in charge. We must point out that your action is even more serious since you are using the image of the Evenimentul zilei newspaper and of its journalists, for commercial purposes as well”.

In February 2014, Antena 3 summoned the online publication ReporterVirtual.ro to “immediately cease any acts of disinformation with respect to our company and the activity of its journalists and partners”, after the website had published articles on the prizes received by the television channel in several international events\textsuperscript{130}.

The situation occurred again a few months later, when Antena sent ReporterVirtual.ro an identical request. This time, the request referred to the posting, on reportervirtual.ro. of a video recording of the “The day’s brief” programme broadcasted by Antena 3, the edition in which the host was discussing with Adrian Zglobiu about his suicidal thoughts (this case was described in detail in the Ethics in the mass-media chapter)\textsuperscript{131}.

Also in February 2014, Reportervirtual.ro received from commentator Bogdan Chirieac’s lawyer a request to remove from the website a material that would have disparaged her client\textsuperscript{132}. The article in question referred to the legal conflict between Chirieac and journalist Liviu Avram (this case was described in the Legal conflicts chapter)\textsuperscript{133}.

In March 2014, journalist Sorina Matei sent a notification to România TV and to journalist Dragos Pătraru, in which she was asking them to cease “broadcasting and using insulting words and phrases which seriously harm my image, dignity and reputation”\textsuperscript{134} and prohibited them from “replicating my physical appearance or my voice in any way or using such replication, as the case may be”.

In May 2014, after winning a lawsuit with the Intact trust, Stelian Negrea reported that he was still being harrassed by said trust, controlled by Dan Voiculescu: “He filed a criminal complaint for fraud against me, for which I received a resolution not to commence criminal proceedings from the Police, which was subsequently confirmed by the Prosecutor’s Office, he also filed a civil lawsuit against me, in which he was also asking for hundreds of thousands of Euros, which he surprisingly dropped willingly, he threatened me at home, via a court executor, in order to force me to stop talking, he threatened my wife that if I did not have the EUR 100,000 which he had claimed, she shouldn’t sell her apartment, because she would have to give it to Voiculescu, he filed numerous <anonymous> complaints against me with the Fraud Squad, for invented inconsistencies, or dishonest delations, for which I had to repeatedly go there with piles of papers, in order to be tested etc.”\textsuperscript{135} (the case is described in detail in the Legal conflicts chapter).

In July, the Antena 3 channel announced that it would sue B1 TV and its director, Sorin Oancea, for the major moral prejudice that it had caused it by “broadcasting false information, iCNAcurately interpreting facts and situations, as well as authorizing opinions with no factual grounds as facts.”\textsuperscript{136}

\textsuperscript{128} Ibidem.

\textsuperscript{129} EVZ notifies Voiculescu’s trust, Evenimentul zilei, January 20, 2014

\textsuperscript{130} Antena 3 notified us. Boy, look at us all frightened!, Adrian Halpert, reportervirtual.ro, February 11, 2014

\textsuperscript{131} Antena 3 notified us: stop distributing Mihai Gâdea’s “masterpiece”!, Adrian Halpert, reportervirtual.ro, May 30, 2014

\textsuperscript{132} Bogdan Chirieac notifies Reporter Virtual, reportervirtual.ro February 17, 2014

\textsuperscript{133} Bogdan Chirieac notifies Reporter Virtual, reportervirtual.ro, February 17, 2014

\textsuperscript{134} “According to the law, we notified România TV, SC Ridzone Computers SRL, SC RTV Satellite Net SRL, Pătraru Dragos”, sorinamatei.blogspot.ro, March 17, 2014

\textsuperscript{135} “How I won the lawsuit with Dan Voiculescu and I am no longer forced to pay him EUR 100,000. Journalists from all editorial offices, expose your moguls!”, by Stelian Negrea, voxelpublica.realitatea.net, May 19, 2014

\textsuperscript{136} Antena 3 sues B1 TV and demands moral damages of EUR 500,000, Antena 3.ro, July 3, 2015
**CONCLUSIONS:**

The infiltration of newsrooms by undercover secret service agents was reconfirmed in 2014, after a similar case had occurred in 2012. The acting director of the SRI confirmed the existence of said agents.

Politicians and first rank dignitaries used one portion of the press to attack critical voices/inconvenient persons.

Owners and managers are willing to sacrifice journalists or editorial products in order to avoid ruining their relationships with other entities.

School and university regulations leave room for abuses committed against freedom of speech.

The representatives of several public institutions have treated certain citizens' freedom of speech with contempt.

Several law enforcement representatives abused their position in relation with the citizens' freedom to express themselves and to assemble in the public space.

An increasing number of journalists and media institutions abuse legal actions against their peers.

**AGGRESSIONS, THREATS, INSULTS**

**The President insults the journalists of Antena 3**

President Băsescu's conflict with a portion of the press continued in 2014 and his uncongeniality towards certain media owners materialized into generalized hostility directed against the journalists employed by the media groups that he disliked. Thus, in the first month of the year, President Traian Băsescu interrupted reporter Ionuț Cristache of Antena 3 during a press conference at the Cotroceni Palace, immediately after the reporter introduced himself, wishing to ask the President a question, and told Cristache that he was working “at the TV station for propaganda, disinformation and the betrayal of Romanians”. The journalist’s question was related to certain contracts which Ioana Băsescu, the President’s daughter, in her capacity as Notary Public, had authenticated for the Serbian company Nis Petrol, a subsidiary of Gazprom in România. The President continued to behave in a contemptuous manner towards the Antena 3 reporter over the entire dialogue between the two, accused him of being a liar, “just like his employer”, called him a “child” who was spreading the lies of “secret police officer Voiculescu” (Dan Voiculescu, founder of Antena 3. He was a collaborator of the former Secret Police, according to a final decision of the High court of Cassation and Justice).137

**The Chairman of the Brăila County Council insulted journalists again**

In a press conference held on January 31, 2014, Gheorghe Bunea Stancu, Chairman of the Brăila County Council, was asked by journalist Mădălina Poenaru of B1 TV whether he was resigning because of the manner in which he had managed the snow removal in the county. The dignitary’s reply consisted in a series of insults and threats against the journalist: “Cheeky bastards, the lot of them. A bunch of tramps. (...) I’ll kick her in the mouth. I’ll send you my resignation, man. Cheeky bastards. You have no common sense whatsoever”139.

Present at the press conference, the Minister of Defense, Mircea Dușa, stated that he heard the threat against the journalist and believed that Bunea should apologize. The PSD executive president, Liviu Dragnea, stated that the party should take steps against the Chairman of the Brăila County Council, because he was impulsive and irreverent.140

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137 “Irrevocable decision: Dan Voiculescu was a collaborator of the former secret Police. The conservative leader: The lawsuit will continue at ECHR”, Gabriela Ștefan, Gândul.info, March 10, 2011.

138 We covered this case in our previous FreeEx Report as well.


140 “Dragnea: Bunea Stancu is an irreverent man. He should apologize to the journalist for his unfortunate statements”, Liviu Dadacus, Mediafax.ro,
It was a combination of unhappy circumstances for him. These are unfortunate statements. He should apologize. I hope he did apologize. It happened and he was wrong to do it. Other people holding high positions in the state made unfortunate comments about journalists in the past and no one fired them”, Dragnea declared.

It is not the first time when the Chairman of the Brăila County Council behaves badly towards journalists. In 2011, he insulted a female journalist because of an article published in Viața Brăilei, calling the author an “imbecile” and a “slut”\(^{141}\).

Wishing to obtain an opinion on this subject, another journalist got the same treatment from the Brăila city councillor: “Get out! Get out! Whatever you have to say to me, write it down and leave it with the secretary. It is in accordance with the law. Aren’t you ashamed of yourselves, you pigs? Aren’t you ashamed of yourselves, you animals? What’s that? The health strategy... the health nationalization strategy, Aura Costea. Get out, you losers! Damn losers”.

A citizen attacked by a police officer for recording him in action, in the public space

A young man from Brașov, who, on a July 2014 evening, witnessed a police officer chasing a potential suspect, recorded the moment on his mobile phone and, in doing so, attracted the hostility of the law enforcement officer who, after first asking him to stop recording, ended up spraying tear gas in his eyes, insulting him and hitting him\(^{142}\).

In the young man’s recording, the police officer can be heard saying: “Guys, you wanna lose that phone? You want a piece of this? [...] Please turn off the phone!”. The young man, who was accompanied by two friends, replied that he was in a public space and recounted\(^{143}\) that a few minutes later, he came across the man who was being chased by the Police and that he was asking for the recording, when the police officer reappeared and starting swearing and threatening the running man and took him to the Police car. The man also started recording that scene on his mobile phone, and the recording shows the police officer telling him: “Please go away, we’re busy here”, after which he sprayed him in the face. The young man asked for his ID and rushed to record the Police car’s registration number, at which point the police officer hit him, in order to prevent him from doing that. The assaulted man, who refused to disclose his identity in fear of repercussions from the police officer, told the Antena 1 journalists that, after he had stopped recording, the police officer came at him again, sprayed him with almost the entire contents of the tear gas can and started kicking him until he fell to the ground. The man called the emergency services (112) and was taken to the Brașov County Hospital.

Afterwards, the spokesman for the Brașov County Police Inspectorate (IPJ), Liviu Naghi, told TVR that the institution opened an investigation in order to accurately establish the circumstances in which the incident occurred and that the conclusions of the investigation would be made public\(^{144}\). When this report was written, IPJ Brașov had not yet publicly communicated the results of the internal inquiry.

Journalists assaulted at the solidarity rally for Dan Voiculescu

On August 10, the Antena 3 television station convened people in the street, for a “peaceful walk” in front of the Cotroceni Palace, after businessman and politician Dan Voiculescu, the unofficial owner of the television station (the father of the legal owner) was sentenced to 10 years in prison, to be served in full, for money laundering\(^{145}\), in the case of the illegal privatization of the Food Research Institute (ICA).

The solidarity rally for Voiculescu and his television station, attended by approximately 4,000 people, quickly turned violent, when some of the participants assaulted several journalists from media institutions that were the


\(^{142}\) “Abuse of the Brașov police, recorded by a citizen”, Curaj.TV, July 16, 2014.

\(^{143}\) “Video: Shocking statement of the young man assaulted by the police officer in Brașov: <<he hit me in the head and then he left >>”, SpyNews.ro apud Antena 1, July 17, 2014.

\(^{144}\) “Sworn at and hit because of filming a police officer in action. The images were posted on the Internet”, News, TVR.ro, July 15, 2014.

\(^{145}\) “The motivation of the decision to sentence Dan Voiculescu: He laundered money using a method established by American gangster Meyer Lanski”, Otilia Ciocan, Mediafax.ro, September 16, 2014.
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journalists with an anti-
slogan "

former TVR journalist

pleasure you're giving me"

Tonight, there was some guy who is a reporter for

and block them

Government

of the subject)

opinionators

against the journalists who criticized the Government

 acted during the rally"151 in August. Antena 3 publicly distanced itself from the violent actions of its sympathizers.

Mirel Palada, the government's insult disposer

Also in August, the Government's spokesman, Mirel Palada, started professing a series of insults on Facebook, against the journalists who criticized the Government. "As soon as there's a political subject which emboldens the opinionators like there's been a world catastrophe and a disaster, two, or ten, or twenty (depending on the seriousness of the subject) anonymous airheads on my list appear, commit communicational seppuku and start putting their anti-Government foot in their propagandist mouth on my wall. This way, we can fry some more anti-Government piggies and block them on Facebook and drink one more beer for the souls of the deceased, who are no longer with us. Tonight, there was some guy who is a reporter for Gândul, who used to work for Hotnews and who was foaming at the mouth on my page. What a delight it is to electrically execute him! How much skill I'm going to use to kill, by blocking, the objective and therefore anti-Government journalists. My fluffy friends, you don't know how much pleasure you're giving me", Palada wrote.

Prime Minister Victor Ponta distanced himself from Palada's outburst and criticized his attitude152, and at the beginning of September, Ponta replaced Palada from the position of Government spokesman with Corneliu Calotă, former TVR journalist153.

This is not Mirel Palada's first outburst of this kind. In December 2013, when he was a government strategy advisor for Prime Minister Victor Ponta, Palada gave several journalists accredited at the Government T-shirts displaying the slogan "I'm anti-Government, therefore I broadcast"154. The gesture was meant to be an accusation against the journalists with an anti-Government attitude, as the T-shirts were distributed after a press conference held by Victor Ponta, and was meant to paraphrase the saying "I think, therefore I am". Palada stated that he had bought the T-shirts out of his own money and that the Prime Minister had not been informed of this initiative.

Followed by paparazzi, Marian Vanghelie became violent

In the second half of 2014, several conflicts occurred within the PSD, which ended up also having repercussions on the party's relationship with some reporters.

In October, 5th District Mayor Marian Vanghelie threatened a group of Wowbiz.ro paparazzi who had followed and recorded him in town, in a meeting with his fellow party member Mircea Geoană, and hit and kicked their car, while


147 “The retirees roughed me up at the Antena 3 protestAntena 3”, Ioana Moldoveanu, Vice.com, August 11, 2014.


149 “The attacker of the B1 TV female journalist at the Antena 3 <<walk>> was sent to trial!”, Avram Eliza, RomâniaLiberă.ro, September 30, 2014.


151 “The assaulting of journalists is an attack against democracy”, ActiveWatch.ro, August 11, 2014.

152 “Ponta, on Palada: I do not approve of his turn of phrase. I do not need a Lăzăroiu at the Government”, Liviu Dadacus, Mediafax.ro, August 18, 2014.


also spewing swearwords about his fellow party members Victor Ponta and Sebastian Ghiță. "You know what? We're gonna break your legs, dude! Mark my words: I've got seven cars on you now, I already sent them! If I catch you again, you're gonna end up in the hospital!", Vanghelie told the paparazzi.

Afterwards, the Mayor stated that the individuals who had recorded him had nothing to do with the press and that he would sue Wowbiz "for dealing with people with criminal records, who get down to shady business in discotheques".

At the end of the month, PSD's Executive National Committee excluded Mircea Geoană, Marian Vanghelie and Dan Șova from the party.

**Journalist Ștefan Mako, beaten up by the Police while he was investigating its abuses**

On November 10, independent journalist Ștefan Mako, was taken to a Police Station in the center of Bucharest and assaulted by the law enforcement (among whom he recognized chief inspector Eugen Mardare), after recording on his mobile phone a few police officers who were assaulting a homeless man. Ștefan Mako was working on an investigation on the Police's treatment of the vulnerable social categories, starting from the case of parking man Daniel Gabriel Dumitrache, aka "Tooth", 26 years old, who had died under suspicious circumstances in March, after being beaten up inside Bucharest Police Station.

On the evening of November 10, two police officers asked a homeless man for his ID and, annoyed that he was moving too slowly, they started getting rough with him and, when the fought back, knocked him to the ground and started punching him and kicking him. Ștefan Mako started recording the altercation on his mobile phone and inspector Eugen Mardare, who appeared at the scene, dressed in civilian clothes, asked him to stop and hit his phone, but the journalist continued recording and followed them to a police station. In front of the station, a police officer asked for the journalist's ID, grabbed his mobile phone and deleted the recording (which was recovered afterwards). Mako was then led into the station, when he was hit, spat upon and threatened by the police officers. According to his account, the police officers told him, among others: "So what if you're a journalist? Get the hell away from here, dude, I've asked you nicely, haven't I?", "You're a journalist? Piss off!", "You're from Covasna?! So what, you're coming here, from the countryside, to comment? Record my c..k, man, record my c..k!", "I'm gonna f..k you in the a..s, f..k you. Is this journalism? I'm gonna f..k you in the a..s!"

The Forensic Medical Institute certificate obtained by the journalist after having beaten up attested to the presence of a closed thoracic injury. The Apador-CH organization, which is representing Ștefan Mako in court, published a detailed report of the abuses to which he had been subjected by the police and concluded that Ștefan Mako's deprivation of freedom (taking him to the police station) was illegal, because the journalist was not suspected of committing any offence and immediately showed his ID, when he was asked to. His only <<guilt>> consisted in doing his job as a journalist, by recording something in a public space. Therefore, the fact that he was taken to the station and searched and the inhuman and degrading treatment to which he was subjected had a strictly punitive nature, which is unacceptable, not to mention illegal.

At the end of November, the Ministry of Internal Affairs announced that a criminal investigation had been commenced, in which the police officers involved in the event were investigated for committing the crime of abusive conduct. The case was then transferred to the prosecutor's Office, but when we wrote this report, the results of the investigation had not yet been communicated to us.

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156 "Vanghelie to the paparazzi: <<We're gonna arrest Ghiță>>", Bursa.ro, October 21, 2014.

157 "Ponta excluded Geoană, Vanghelie and Șova from PSD. Vanghelie: <<It made me sick to my stomach. Not even the Communist Party committed such executions >> Șova: <<I accept>>", Cristian Andrei, Gândul.info, November 21, 2014.


159 "Journalist beaten up by the police officers while he was investigating police brutality", Casa Jurnalistului, CasaJurnalistului.ro, November 12, 2014.

160 "Report on the case of Ștefan Mako, a journalist assaulted inside the Old Town Police Station on 22 Șelari Street", Maria-Nicoleta Andreescu, Adelina Boboșatu, Apador-CH, Apador.org, November 27, 2014.
Journalist Cătălin Tolontan and "all of the Bute Gala people"

Journalist Cătălin Tolontan, director of the Gazeta Sporturilor publication, was the target of several insults and intimidation and discreditation attempts in 2014, coming from President Traian Băsescu and from one side of the press, (coincidentally or not) simultaneously with the publication of his inconvenient journalistic investigations related to the organizing of the professional boxing event “The Bute Gala” in 2011 (called that due to the participation of boxing world champion161 Lucian Bute). The investigations conducted by Tolontan had revealed numerous inconsistencies in the awarding of certain contracts from public funds (national and European) allegedly intended for organizing this boxing event, by the Ministry of Regional Development and Tourism, led by Elena Udrea, a close friend of the then head of the state, Traian Băsescu.

Furthermore, a report of the ANAF Anti-Fraud Office, published in 2015 and prepared at the request of the National Anticorruption Directorate (DNA), revealed that the EUR 2 million intended for the event were in fact used for endorsing Elena Udrea’s image and drawing electoral capital in the parliamentary elections of 2012, as well as for the benefit of Rudel Obreja, the president of the Romanian Boxing Federation. The investigators also discovered that the people who were close to Elena Udrea used part of the money intended for the Bute Gala in order to pay “trolls” (people who publish opinions on demand on the Internet) for the benefit of the image of Elena Udrea and of the party a member of which she was (PDL)162.

Nevertheless, in August 2014, Traian Băsescu, President of the state at the time, spoke, during a B1 TV programme, of “journalists who are sycophants and people of no character”, one of his intended, but unnamed targets being the director of Gazeta Sporturilor, Cătălin Tolontan. The head of the state publicly claimed that the media group owned by the family of businessman Dan Voiculescu, which included Gazeta Sporturilor, had been built on money stolen from the Romanian state and hinted that Tolontan was, in his turn, responsible for this situation. In support of his intimations, the President invoked certain Trade Registry documents from 2004, of the existence of which he had been informed by journalist Stelian Negrea (former employee of Voiculescu’s media group). The documents publicly presented by Stelian Negrea showed that Tolontan had signed, in his capacity as administrator of the company that published Gazeta Sporturilor, Convergent Media SRL, a loan contract and a share capital increase contract for the company, in a total value of USD 275,000, from Crescent Commercial & Maritime (Cyprus) Ltd, a company established by Voiculescu in 1991. Starting from there, Stelian Negrea and afterwards President Băsescu claimed that, by signing, in his capacity as administrator, loan contracts with a company considered controversial (Crescent Commercial & Maritime Ltd, about which it was written that it had been created with the money of the former Secret Police, The Securitate), Cătălin Tolontan became an accessory to the illicit dealings of businessman Dan Voiculescu. President Băsescu took this reasoning further and even made a veiled threat, saying that “the state institutions definitely made a mistake” and that “the signatories should be held accountable”163.

In his reply, Cătălin Tolontan wrote a text164 addressed to Traian Băsescu, in which he reminded him that insinuations based on hearsay had been made about him in the past, when his journalistic investigations led to the investigation and sentencing, for corruption, of Monica Iacob Ridzi, former minister of Youth and Sports, another close friend of the Băsescu family and of Elena Udrea165. At the time, Elena Udrea had also intervened and told the journalist that she would make inquiries about his family, because “she had the available means”, a situation which, at the time, had been recorded as a threat against the press in a report of the US State Department166.

In February 2015, Cătălin Tolontan disclosed on his personal blog, on the basis of several testimonies, that in the autumn of the previous year, right before the presidential campaign (Elena Udrea was one of the candidates), his

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161 The International Boxing Federation.

162 “The Bute Gala case. Part of the bribe money went to the PDL and Elena Udrea paid trolls. The prosecutors are talking about amounts of up to the EUR 10,000 a month (Stenographs)”, T.D., Revista22.ro, March 20, 2015.


164 “President Traian Băsescu”, Cătălin Tolontan, Tolo.ro, August 20, 2014.

165 “Motivation of the decision to sentence Monica Iacob Ridzi: Her actions are of <<extreme seriousness>> after attempts to destroy the evidence”, Cătălin Lupasteanu, Mediafax.ro, June 26, 2014.

own arrest and the arrest of his colleagues who were tracking the Bute Gala money, was being considered as well.\textsuperscript{167}

**The individual who threatened Mihai Gâdea, remanded in custody and sent to trial**

In January 2015, a man from Brașov, who telephonically threatened lawyer Pavel Abraham and television man Mihai Gâdea, on the grounds that they had sided with mobster Bercea Mondial, was remanded in custody and in February, the prosecutors of the Prosecutor's Office affiliated with the Brașov Tribunal, ruled upon sending him to trial for his threats against the two aforementioned individuals and for causing them a state of fear.\textsuperscript{168} The judges demanded that the man, called George Romulus Georgescu, be subjected to a psychological examination after becoming aggressive in the courtroom, but he refused.

**CONCLUSIONS:**

The “champions” of the insults against journalists were, once again, politicians, and the attacks against certain journalists continued, also from within the industry.

The journalists were assaulted, threatened and insulted by politicians, public figures, representatives of authorities, law enforcement.

President Traian Băsescu continued to behave in a hostile and contemptuous manner towards one portion of the press.

A journalist was beaten up in a Police Station in the Capital City center, after recording law enforcement assaulting a homeless man.

Journalist Cătălin Tolontan was insulted by the President of the state and by part of the press for the inconvenient inquiries he had published, which also targeted a close friend of the head of the state.

\textsuperscript{167} “Country life 2.0”, Cătălin Tolontan, Tolo.ro, February 11, 2015.

ACCESS TO INFORMATION OF A PUBLIC INTEREST

The Prime Minister and his ministers avoid inconvenient questions

On June 12, 2014, journalist Claudia Pârvoiu, of the online publication Hotnews, was prevented, by the Prime Minister’s advisor, Anca Alexandrescu, from asking the Minister of Finance questions. The incident took place during a press conference also attended by the Prime Minister, Victor Ponta, after the latter’s meeting with the delegations of the International Monetary Fund, the World Bank and the European Commission, where the Government’s proposals to lower the Social Security Contributions, a step not approved by the International Monetary Fund, were discussed. Ponta left the press conference rather quickly, avoiding the press’ questions and left Ioana Petrescu (the Minister of Finance) to answer the questions. When the journalist tried to ask her a question, Anca Alexandrescu turned off the microphone and left the room, together with the Minister of Finance: “She did not want to and she signalled to the technical engineer to turn off the microphone, took Petrescu and ran away with her. I went after them and told them: This is SHAMELESSNESS! I consider this gesture to be CENSORSHIP, purely and simply.” Moreover, the sound of the speakers was turned off, in order to tone down, in the journalists’ opinion, the potential protests of the persons in attendance.

The aforementioned aggressive intervention was confirmed by the other journalists who attended the press conference. The Gândul journalists recounted that “The lowering of the Social Security Contributions [...] was transiently explained by the Prime Minister Ponta and by the Minister of Finance, while the journalists who wanted to ask questions had their microphones taken away and the sound from the speakers was cut off.”

The Hotnews journalist stated that similar situations had occurred in the past, when the Prime Minister refused to answer her inconvenient questions, invoking various pretexts. In February, he had refused to answer some of her questions regarding the transfer of certain national companies under the authority of the Prime Minister’s office. At the time, Ponta justified his refusal by his concern for the other journalists in attendance (“Come on, this is not an interview. It really isn’t fair to the others. We need to let your colleagues have their turn”) Hotnews is known for its critical attitude towards the Ponta government.

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169 Ponta, a new public aggression towards the Government journalists, reportervirtual.ro, Laurenţiu Ciocăzanu, June 13, 2014

170 “The lowering of the Social Security Contribution, presented with microphones taken away and the speaker sound cut off; Where is the hidden cost?”, Thomas Dincă, Gândul.info, June 12, 2014

171 Victor Ponta, once again “allergic” to Hotnews' questions, Sergiu Bidilă, reportervirtual.ro, February 15, 2014
Preposterous tariffs imposed by the authorities for documents of a public interest

APADOR-CH conducted a research in order to check whether the local and county authorities charge citizens for the documents with public information, in accordance with law no. 544/2001. The non-governmental organization sent requests of information of a public interest to 89 local public authorities, demanding details on the cost for photocopying one A4 sheet of a document requested on the basis of Law 544/2001, the local normative act on the basis of which the relevant cost and the amounts charged by the institution as a result of charging such tariffs were set.

The replies received from 79 of the institutions revealed that the average tariff charged by the authorities included in the analysis was three times higher than the market price (Lei 1.41/A4 sheet, where the market price is under Lei 0.5), therefore the level of such tariffs restricted the access to information of a public interest. Only 9 of the 89 questioned institutions do not charge any tariff. The record for the charged tariffs is held by the Drobeta Turnu-Serverin Local Council, which set a fee of Lei 18 for any requested document, except for those demanded by the courts of law, prosecutor's office and other authorities.

Another conclusion of the study is that the restrictive practices are even more widespread when the respective institution is less visible to the general public, as the ordinary citizens are the most affected.

On a normative level, APADOR-CH supports the elimination of the fee for the issuance of photocopies of documents requested on the basis of Law 544/2001, by a Government decision, at least for a number of pages (30, for instance) and the setting of a maximum tariff for the rest of the pages. On a practical level, APADOR-CH recommends that the charging of fees for photocopies of the requested documents should be dropped, at least for a reasonable number of pages and that the sending of such photocopies ex officio should be encouraged, but also that information could be sent electronically.

Justice decides that the Romanian Broadcasting Company (SRR) is subject to Law 544/2001

The Bucharest Tribunal passed a ruling forcing the public radio (SRR) to publicize the information requested by FRJ MediaSind in 2013 (the case is described in the FreeEx 2013 Report). At the time, SRR refused to comply with the ruling, claiming that the institution was not subject to the Law on the access to information of public interest (law 544/2001). MediaSind went to court, which forced SRR, by the court decision of April 22, 2014, to provide the information requested by FRJ MediaSind. The Bucharest Tribunal considered that the SRR is an institution which is subject to the provisions of Law 544/2001.

Conclusions:

The Prime Minister and his ministers avoid inconvenient questions.
The authorities impose preposterous tariffs for issuing documents of public interest, thus limiting access to public interest information.
The parliamentaries hide from the press and try to keep it out of the deliberative process in Commissions, with respect to major laws (the Constitution and the Electoral Code).
The courts ruled that public television and radio are subject to the Law on access to public interest information.

There are cases in which the information that is relevant from a public interest perspective does not reach the public, for economic or national security reasons.

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172 The local authorities sell public information with a boutique increment, APADOR-CH, August 11, 2014

173 The Bucharest Tribunal orders the Miculescu administration to produce the contracts suspected of taking advantage of the Public Radio!, MediaSind, July 30, 2014
FLAGS, ANTHEMS AND TERRITORIAL AUTONOMY. THE HUNGARIAN COMMUNITY AND THE FREEDOM OF SPEECH

In the context of the election campaign and the launching, in the public space, of the draft law on the territorial autonomy of the "Szekler Land" (Ținutul Secuiesc) (a historical entity in the center of Romania, populated by Hungarians in an overwhelming majority), the Hungarian community in Romania found itself in the situation of being constantly denied fundamental civil rights, such as the right to free speech. In fact, the country progress report of the European Commission against Racism and Intolerance (ECRI)\(^\text{174}\) published in 2014 explicitly mentioned the Hungarian community, for the first time,\(^{175}\) as a group that is vulnerable to xenophobia. Said report included several recommendations for the Romanian authorities, in view of creating a climate of tolerance and ensuring equality with respect to the use of national symbols; right now, there is no political will for implementing such recommendations.

In this context, there has been an increase in the number of initiatives meant to limit the freedom of speech of national minorities, especially the Hungarian minority. Most issues were especially related to its political claims: ensuring a legal framework for the use of local/regional/national symbols and territorial autonomy by ethnic criteria. Despite the recommendations made in the ECRI report, the response of the Romanian authorities was to both prohibit the Hungarian symbols and to block the debates on territorial autonomy.

The Târgu Mureș Municipality's Mayor's office prohibits the Szecklers' march

After the 2013 march, when the participants demanded the autonomy of the Szeckler Land, unfolded without major incidents, according to the media reports at the time\(^{176}\), in February 2014, the Târgu Mureș Commission authorizing public manifestations refused to authorize the protest march organized by the National Szeckler Council on March 10, on the Szecklers' Freedom Day. At the time, Valentin Bretfelean, the chief of the Târgu Mureș Local Police, declared that the commemorative service at the Szeckler Martyrs monument had been authorized, but the protest march had not, because it was considered "a separate action, which cannot be linked to a commemorative activity"\(^{177}\).

Despite the march not having been authorized, a few thousand people participated in a protest on the route initially announced, but not approved by the Mayor's office. In this context, there were a few jostles with the law enforcement, caused by persons wearing insignia of a radical right Hungarian organization\(^{178}\). After said incidents, the gendarmerie gave 11 civil fines, according to the press reports.\(^{179}\)

After the 2014 march, the representatives of the state authorities had contradictory positions with respect to the scale of the incidents. The Mureș county prefect at the time, Corneliu Grosu, claims that the instigations came from the radical right militants and that they were not in great numbers. Nevertheless, the government representative in the Mureș county concluded that "in the future, these marches should no longer be allowed to take place and that the specific conditions of the protests should be set out. (...) City walks with flags and this kind of requests to split up the Romanian land in Târgu Mureș should no longer occur; the authorities should prohibit such manifestations, this time on legal grounds which do not currently exist, but should be created"\(^{180}\).

Even though the organizers of the march publicly distanced themselves from the extremist organizations and

\(^{174}\) European Commission against Racism and Intolerance, ECRI report regarding Romania. The fourth monitoring cycle

\(^{175}\) ECRI published country progress reports for Romania in 1999, 2002 and 2006

\(^{176}\) "Meeting for the autonomy of the Szeckler Land in Târgu Mureș", Istvan Deak, Jurnalul.ro, March 10, 2013

\(^{177}\) The Szecklers are denied a protest march", Punctul.ro, February 12, 2014

\(^{178}\) "VIDEO. Târgu Mureș. Extremists from the Hungarian Guard jostled with the gendarmes at the meeting of the Szeckler", Digi24.ro, March 10, 2014

\(^{179}\) "Dorin Florea: My opinion is that the Szecklers' march will not take place; if they organize it, they will do it illegally", Mesagerul de Covasna, February 6, 2015

\(^{180}\) "The Mureș Prefect: At the << Szecklers' march>>, some of the protesters tried to provoke the law enforcement", Andreea Tobias, Ela Giurgea, Mediafax.ro, March 11, 2014
declared that they would not allow chauvinistic chants that were harmful to the Romanian community, the local Târgu Mureș authorities refused to authorize a similar march in 2015, on the grounds that “according to accurate data in our possession and to the recordings made at the actions that you carried out on March 10, 2013 and in 2014, gross violations of the provisions of article 2 of Law 60 of 1991 were committed each time”\textsuperscript{181}. The chairman of the National Széchényi Council classified this refusal as “an attack against democracy” and deplored the attitude of the local authorities\textsuperscript{182}.

**The Covasna Prefecture issues a fine for the singing of the Hungarian anthem**

In November 2014, the Covasna County Prefecture fined the Hungarian Civic Party Lei 5,000 (the maximum fine) for singing the Hungarian anthem in a public ceremony. According to protocol no. 2/ November 28, 2014, the offence was committed on June 4, 2014 in Sfântu Gheorghe, in a ceremony commemorating the Trianon Treaty. At the end of said public meeting, the participants (approximately 200 people) sang “the Hungarian Republic's anthem, even though no representatives of that state were in attendance\textsuperscript{183}”. The fine was established on the basis of Government Decision no. 1157/ 2001 for the approval of the “Norms regarding the display of the Romanian flag, the singing of the national anthem and the use of insignia containing the Romanian coat of arms”. Pursuant to that action, as a sign of protest, a few hundred people gathered in front of the Covasna prefecture for several consecutive days in December 2014, in order to sing the Hungarian national anthem. The actions took place without incidents and no civil fine was applied in this case. The Hungarian Civic Party appealed the fine at the Sfântu Gheorghe Court of Law and obtained the annulment of the minutes and of the fine. The Court’s decision is not final.

**Legislative initiatives that refer to the national symbols and debates on autonomy**

During the monitored period, several legislative initiatives were submitted to the Romanian Parliament, which initiatives refer both to the limitation of the national minorities’ rights and to the freedom of speech in general. Thus, a new initiative for the amendment of Law no. 75/1994 on the display of the Romanian flag, the singing of the national anthem and the use of insignia containing the Romanian coat of arms by the public authorities and institutions is currently ongoing. The draft for the amendment of the law also extends the existing provisions to private contexts: it is prohibited to display the insignia (flag, coat of arms) ‘of states that no longer exist, as well of entities which claim to be states, uCNAcknowledged as such by the Romanian state [...] on the private or public domain of the state or of the administrative-territorial unit or on the private property of individuals and legal entities, in any situations other than those set forth in article 7 of this law’ (Art. 7 of this law - "The flags of other states may be displayed on Romanian territory only accompanied by the national flag and only during the visits of foreign officials, international festivities and reunions, on official buildings and in public places chosen in compliance with the provisions of this law.”). Another problematic issue is the set amount of the fines for failing to comply with said provisions: between Lei 30,000 and Lei 100,000. Said amendments have been tacitly approved by the Senate and the legislative process is ongoing at the Chamber of Deputies, the decision-making chamber.

When this legislative initiative appeared, ActiveWatch publicly reacted, estimating that “the promoters of the draft law are unable to indicate the danger or the pressing social necessity that would result in the need to implement provisions that limit to such a high extent fundamental rights such as the freedom of speech, the right to private life or freedom of thought\textsuperscript{184}.

Other legislative initiatives that refer to the radical limitation of the freedom of speech came from the United Romania Party deputy Bogdan Diaconu. During the monitored period, he submitted four legislative initiatives which, had they been (should they be) approved, would have radically limited (would radically limit) freedom of speech. According to the articles published on the Adevărul blogs by their promoter himself\textsuperscript{185}, some of them targeted the Hungarian community in Romania.


\textsuperscript{182} Ibidem.

\textsuperscript{183} According to the Minor offence report no. 2/ November 28, 2014, issued by the Covansa County Prefecture.

\textsuperscript{184} See the press release “Instilling respect by the use of force produces the opposite effect: ActiveWatch demands that the amendments to Law 75/1994 should be rejected!”, ActiveWatch, June 4, 2014

\textsuperscript{185} “Why the senators dismissed the law against territorial autonomy”, Bogdan Diaconu, the Adevărul blogs, February 28, 2015; “A draft law prohibiting territorial autonomy”, the Adevărul blogs, June 2, 2014. The law that prohibits the extremist Hungarian parties, the Adevărul blogs, January 30, 2014
The Szeckler flag, advertising banner and insult against the Romanian community

The flag war continued in 2014, as local authorities prohibited the display of the Szeckler flag in various locations in the country. Thus, after the National Council of the Hungarians in Transylvania got a fine of Lei 30,000 from the Târgu Mureș Local Police for displaying the Szeckler flag at their own headquarters at the end of 2013, it was Euro-Parliamentarian Tőkés László’s turn in 2014. He was summoned by the Oradea Local Police to remove that flag, displayed on his parliamentary headquarters. The legal grounds for said actions are represented by Law 185/2013 on the authorization and placement of advertising signs, which provides for sanctions with fines ranging between Lei 30,000 and Lei 50,000.

A special case is related to a ruling of the Târgu Mureș Court of Appeals, which officially decided that the Szeckler flag discriminates against the Romanian community in Harghita and Covasna. In Case File no. 139/43/2012, three Romanian civic organizations from the Harghita county demanded the annulment of a decision of the National Council for Combating Discrimination, which ruled that the public display of the Szeckler flag did not represent an act of discrimination. In fact, on March 15, 2010, in a public meeting on the occasion of the day of Hungarians everywhere, the chairman of the Harghita County Council stated that the Szeckler flag, displayed on the institution’s headquarters, was the flag of the entire Szeckler land. The court ruled in favor of the plaintiffs and decided that both the action of displaying the flag and the statements of the chairman of the Harghita County Council represent “nationalist-chauvinistic propaganda, as well as a behaviour intended to infringe upon dignity and to create an atmosphere of intimidation, which is hostile, degrading, humiliating and offensive to the Romanian community”. The Bucharest High Court of Cassation and Justice maintained this ruling by means of Decision no. 3798/October 15, 2014.

CONCLUSIONS:

Even though it is premature to talk about systematic actions, a sufficiently high number of situations occurred, in which the Romanian authorities tried (sometimes successfully) to limit the Hungarian minority’s right to free speech; this makes the Hungarian minority rather more vulnerable to discriminating actions of the state authorities than to hate-mongering speech.

Both the mass-media and the public authorities have a disproportionate reaction to the political claims of the Hungarian minority (mainly to the claims regarding territorial autonomy), considering them a priori extremist and thus stigmatizing a debate subject which is legitimate in any democracy.

Romanian legislation continues to allow abuses directed especially against Romanian citizens of Hungarian ethnicity, mainly by limiting their use of any national symbols other than the Romanian ones (national anthem, flag etc.); these laws contradict freedom of speech and freedom of thought and are likely to create interethnic tensions.

186 According to Court Ruling no. 209 of the Târgu Mureș Court of Appeals, passed in Case File no. 139/43/2012
THE MEDIA MARKET

2014 was a whirlwind year for the Romanian media scene, with situation reversals that repeatedly turned press institutions into the subject of the main news programmes, mainly because of an impressive number of media owners were arrested. To top it off, it was an election year, which frequently moved the stakes of the media institutions from public interest to political partisanship.

In 2014, Romania occupied position 52 in the annual international ranking regarding media freedom, made by the Reporters without Borders organization, dropping 7 positions from the previous year (when it had occupied position 45)\(^{187}\).

More than one half of the Romanians (52\%) declared that the Romanian press is "rather dependent" or "dependent", one out of 5 Romanians thinks that the press is free ("completely independent" or "rather independent"), and 24\% of the Romanians think the press is "neither independent, nor dependent", according to the "Public's trust in the Romanian mass-media" poll, made public in February 2014 and conducted by Kas & Market Links for the Konrad Adenauer Stiftung Foundation, on a sample of 1000 individuals from the urban and rural environment, at a national level.

The respondents considered that the most objective and high quality sources of information are television channels and online publications and indicated television as the main source of information.

Facilities and subsidies for the mass-media

In April 2015, in an open letter addressed to President Klaus Iohannis and to Prime Minister Victor Ponta, National Audiovisual Council member Valentin Jucan suggested the need to implement certain fiscal measures (the lowering of the VAT or the lowering of the income tax on the press industry) in order to support media independence. In fact, the idea of granting the media some fiscal facilities had been circulated by important politicians or journalists. In his last speech at Cotroceni, President Băsescu himself supported the need for fiscal facilities "for the mass-media to regain its independence, as it is much too limited by the media owners' interests"\(^{188}\).

The idea was taken over by Elena Udrea, a close friend of President Băsescu. Prior to being criminally prosecuted and arrested for various acts of corruption (some including the financing of the press with money originating in acts of corruption), Udrea claimed that the priorities of 2015 should include "a law that helps the media to survive this difficult economic period without being forced to dance to the tune of the powers that be"\(^{189}\).

Previously, in June 2014, the self-denounced media undercover agent Robert Turcescu posted a message on his Facebook page, in which he was lamenting the fate of the news television after the end of electoral year 2014 (Romania has no less than 5 national news televisions). He proposed the solution of media market regulations, including "state subsidies (...) or fiscal facilities capable of putting media institutions back on their feet"\(^{190}\).

THE WRITTEN PRESS

The increasing decline of the printed press

Romania is getting further and further away from the states where the print media represents an important and prestigious source of information. Over ten years, between 2004 and 2014, and especially at the beginning of the crisis in 2008, the press run of general interest newspapers has decreased by up to 80-90\%, and their public has decreased by up to 85\%, while tabloids have lost 40\% of their press run and 60\% of their public, according to a material prepared by journalist Petre Barbu for the Forbes Magazine in January 2015, on the basis of the studies provided by the Romanian Bureau of Transmedia Audit (BRAT)\(^{191}\).


\(^{188}\) "Băsescu: <<We should find fiscal solutions for the media>>", Petrișor Obae, PaginaDeMedia.ro, December 20, 2014.

\(^{189}\) "Elena Udrea: If we're putting all of our hopes in Iohannis, they will be shattered / We need a law that helps the media to survive", R.M., HotNews.ro, January 5, 2015.

\(^{190}\) "Turcescu: <<The Romanian media institution is going down the toilet!>>", Laurențiu Cluciță, ReporterVirtual.ro, June 4, 2014.

Press runs and public, including online readers

The most frequently read general interest newspaper in 2014 was Evenimentul Zilei, with an average printed press run of 14,403 copies per issue and an average public of 103,000 readers per issue. The second position was occupied by România liberă, with 13,712 printed copies and 37,000 readers per issue, closely followed by Jurnalul Național, with a printed press run of 13,031 copies; daily Adevărul had, in its turn, an average of 12,110 printed copies per issue. The Libertatea and Click tabloids had 109,827 printed copies and 299,000 readers per issue and 126,620 copies and 353,000 readers per issue, respectively, and the top specialized publications were: Gazeta Sporturilor, with 29,197 copies and 217,000 readers and Ziarul Financiar: 9,291 copies per issue, 65,000 readers, according to the BRAT figures. Also, the newspaper of the Romanian Orthodox Church, Lumina, had in its turn an average press run sold daily (by subscription) which exceeded 21,000 copies193, while the Lumina de Duminică weekly newspaper also sold an average (also by subscription) of over 21,000 copies193.

With respect to the average number of copies sold daily between October and November 2014, BRAT's ranking looks as follows: Click - 110,813 (23,128 subscriptions, 87,684 sold individually), Libertatea - 64,868 (14,707 subscriptions, 50,161 sold individually), Gazeta Sporturilor - 27,180 (1,824 subscriptions, 20,233 sold individually, 5,123 in bulk), Ziarul Lumina - 21,767 (almost all subscriptions), Evenimentul Zilei - 12,894 (2,805 subscriptions, 10,089 sold individually), România liberă - 10,512 (4,456 subscriptions, 1,604 sold individually, 4,452 in bulk), Adevărul 10,013 (3,723 subscriptions, 6,290 sold individually), Jurnalul Național - 7,415 (4,318 subscriptions, 3,097 sold individually), Revista Biz - 7,285, Forbes - 6,119, Capital - 5,089 copies sold on average daily194.

Debts of millions of Euros owed by the former distributors to the media

The media distribution companies PressPoint and Hiparion, which were managed by the same group of individuals and which filed for insolvency in October and January 2013, still have debts of EUR 10.4 million and EUR 10.7 million, a large part of this money representing debts unpaid to the media companies195. According to the information made public at the beginning of 2014, the main debtors of Press Point included: Burda România (which had EUR 2,261,106 to recover), Sanoma Hearst (EUR 1,779,270), Mediafax Group (EUR 916,720), Network Press (EUR 674,461), Hiparion Distribution (EUR 479,365).

Insolvencies: Evenimentul Zilei, Capital, Jurnalul Național

Three of the most significant publications in the Romanian written press filed for insolvency in 2014. In January, the Bucharest Tribunal admitted the petition for insolvency filed by the Intact Publishing company, the publisher of the Jurnalul Național daily newspaper196.

One month later, the Evenimentul Zilei and Capital Publishing House, which publishes the homonymous publications, also filed for insolvency (details in the previous FreeEx Report197). After filing for insolvency, the employees of Evenimentul Zilei were announced that their wages for the month of February had been frozen because of this procedure, which meant that they had to be included in the creditors' group (and would recover their money after the approval of the reorganization plan), and received, in advance, a portion of their wages for the month of March198.

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192 “BRAT: The newspapers’ press runs continue to decrease; only three publications had increases in the third quarter of 2014”, Oana Mihalache, Wall-Street.ro, December 8, 2014.

193 “The religious newspapers are better sold than high-quality press”, Carmen Maria Andronache, PaginaDeMedia.ro, June 6, 2014.

194 “The latest BRAT figures: The Click tabloid remains the clear leader of the written press, with sales approximately 10 times higher than the <<quality>> general interest newspapers”, C. Ionescu, HotNews.ro, March 7, 2015.


196 “The court admitted the petition for insolvency filed by Jurnalul Național. The judicial receiver will be Euro Insol, the insolvency company owned by Remus Borza”, C. Pîrvuoiu, HotNews.ro, January 23, 2015.


198 “The EvZ February wages <<frozen>> as a result of insolvency. The employees first got their money for March”, Petrișor Obae, PaginaDeMedia.ro, March 21, 2014.
The illicit business dealings of the România Liberă owner

In 2014, the authorities discovered that businessman Dan Adamescu had transferred, over a period of three years (2011-2014) a capital of EUR 23 million from Astra Asigurări (a company owned by the Adamescu family) to the Medien Holding Company (owner of România liberă), in the form of loans - which, however, he never repaid\(^{199}\). For that reason, in February 2014, the Romanian Financial Supervisory Authority sent a press release announcing that it had decided to place the insurance company under special administration, by dismissing the management and suspending the legal duties of the significant shareholders, their right to dividends and the members of the Supervisory Board's right to financial remuneration.

Therefore, things went in the exact opposite direction of the "projections" published by România liberă (Adamescu's newspaper) in February 2014 with respect to Astra Asigurări (the Adamescu family's company). At the time, a material published by Romania libera, without the publicity label (P), claimed that "Astra Asigurări remains a solid company, which can be trusted by clients and partners alike. The company's solvency and liquidity will exceed the minimum limits imposed by the law by over two times and its share capital will get closer to EUR 100 million, according to the consolidated financial results of 2013, estimated by the company in an official press release\(^{200}\) and specified, from its very title, that "The largest insurance company in Bucharest was consolidated in 2013".

Another blow taken by billionaire Dan Adamescu in 2014 came in June, when the official distributed press run of the România liberă newspaper was cut in half, after the PricewaterhouseCoopers auditors' report to the Romanian Bureau of Transmedia Audit (BRAT) revealed that for several years, the newspaper's representatives had been "inflating the figures" by up to 60% in the declarations regarding their press runs, thus deceiving their advertising clients, their public and their media partners\(^{201}\).

In February 2015, Dan Adamescu was sentenced to 4 years and 4 months in prison for acts of corruption\(^{202}\).

**Mediafax Group: detentions and arrests for tax evasion and money laundering**

In 2014, the group founded by Adrian Sârbu, Mediafax (which includes the online Gândul.info newspaper, Ziarul Financiar, ProSport.ro and the Mediafax news agency), was a constant target of the National Agency for Fiscal Administration (ANAF) and of the Fiscal Antifraud General Directorate (DGAF), which conducted several controls at the companies in the group (SC Mediafax Grup SA, SC Mediafax SA, SC Apropo Media SRL). The prosecutors suspected that within the Mediafax group, as well as in several artifically created satellite-companies, a criminal group had been established, which was committing tax evasion and money laundering for the purpose of defrauding the state budget (by avoiding to pay taxes and VAT).

Concomitantly with said controls, over the course of the year, several harsh exchanges occurred between Adrian Sârbu and Prime Minister Victor Ponta. Thus, in June, Victor Ponta accused Adrian Sârbu of committing blackmail through his publications, for the purpose of avoiding to pay the fiscal debts owed by the companies under his control to the state. Before the presidential campaign, Ponta (who at the time was running for President) claimed that Sârbu had asked him whether he wanted him to make him President of Romania and said that he "had been having an already long-lasting little misunderstanding" with Adrian Sârbu, starting from one of their discussions. The following month, Prime Minister Ponta also publicly declared that Sârbu had apparently asked him to put a stop to some ANAF controls at the companies owed by the businessman\(^{203}\) and that the politician's refusal to do so resulted in the publication of certain articles that were hostile toward him. Adrian Sârbu denied the Prime Minister's accusations, saying that they were "a pure personal fantasy"\(^{204}\). During that period, the Gândul.info online publication extensively

\(^{199}\) "Billionnaire Dan Adamescu deflates. Astra Asigurări transferred EUR 23 million to România Liberă and was placed under special administration", Jurnalul Național, Jurnalul.ro, February 18, 2014.

\(^{200}\) "The largest insurance company in Romania was consolidated in 2013", Denisa Marin, Românialiberă.ro, February 9, 2014.

\(^{201}\) "< Cațavencii > were right: BRAT caught România liberă inflating their press run by 60% for several years!", Cătălin Tolontan, Tolo.ro, June 6, 2014.

\(^{202}\) "Millionaire Dan Adamescu, sentenced to 4 years and 4 months in prison. One of the bribe-accepting judges got a record sentence: 22 years in prison", Virgil Burlă, EvZ.ro, February 2, 2015.

\(^{203}\) "Victor Ponta: Adrian Sârbu came into my office to ask me if I could put a stop to some ANAF controls, I told him I couldn't", R.M., HotNews.ro, July 7, 2014.

\(^{204}\) "Adrian Sârbu: Victor Ponta is neither the first, nor the last politician who, once in a position of power, mistakes the media for a Disneyland of
reported on the corruption case involving the resigned Chairman of the Mehedinti County Council, A. Duicu, a case file in which the Prime Minister’s name was mentioned as well.

In July 2014, police officers conducted dozens of searches in Bucharest and in the Ilfov county, at the headquarters of several companies, including Media Pro in Bucătaria205, also owned by A. Sârbu. According to the investigators, 66 companies had purchased fictitious services from phantom companies for the purpose of artificially and illicitly deducting VAT and the income tax. Pursuant to the searches, 11 persons in the Mediafax group were remanded in custody206.

In September, ANAF placed an attachment over the Mediafax clients’ accounts and the notification that was sent mentioned that ANAF was supposed to recover Lei 21 million from SC Mediafax Group SA207. In November, the managing director of the Mediafax Group, Orlando Nicoară, also a target of the prosecutors’ investigations, resigned over his tensions with Adrian Sârbu208.

At the beginning of December 2014, the Judges of the Bucharest Tribunal decided upon a 30-day arrest of 11 other individuals, employees of the Media Pro Studios, on charges of money laundering and tax evasion, deeds which, according to the prosecutors, resulted in a prejudice of approximately Lei 6 million (approximately EUR 1.3 million) for the Romanian state209. The 11 individuals charged had apparently registered in the accounting records and declared to the tax authorities invoices for fictitious purchases, received from 17 “phantom” companies. According to the prosecutors, the amounts representing the equivalent value of such purchases were being transferred into the bank accounts of the “phantom” companies, from where they were then withdrawn in cash by their representatives, on various grounds, and delivered in cash to the individuals who had ordered the transfer210.

In January 2015, Adrian Sârbu officially took over the positions of managing director and sole administrator of the Mediafax group, after replacing Roxana Grigoruță, former administrator of the Allerria company (majority shareholder of Mediafax, holding 99.4%)211. One month before, Roxana Grigoruță had been detained in a tax evasion and money laundering case, together with her colleague Sorin Nicolae Dinu and attorney Dragoș Chiș, on the charge of having created a system by which to abusively use copyright payments in order to avoid the payment of the state obligations.

Adrian Sârbu was remanded in custody in February 2015, on charges of instigating tax evasion, money laundering and instigating embezzlement212.

**TELEVISION CHANNELS**

**Ratings**

In August 2014, the most watched television channels in Romania were, in descending order of ratings at the national public’s level: Pro TV (2.63% rating and a market share of 13.38%), Antena 1 (2.42% rating and a market share of 12.34%), Antena 3 (1.65% rating and a market share of 8.39%), Kanal D (0.97% rating and a market share of 4.96%)

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205 “Hearings in the Media Pro case continue these days (sources)”, Mihaela Tudorache, Agepres.ro, November 26, 2014.

206 “11 individuals remanded in custody after the searches conducted today in the MediaPro buildings”, Iulia Bunea, PaginaDeMedia.ro, July 9, 2014.

207 “Attachment on the Mediafax clients’ accounts. ANAF announces the clients of the debts of Sârbu’s company: Lei 21 million. Orlando Nicoară: <<We are currently filing an appeal>>”, Petrișor Obae, PaginaDeMedia.ro, September 21, 2014.

208 “Orlando Nicoară, resignation on Adrian Sârbu’s desk”, Cătălin Tolontan, Tolo.ro, November 5, 2014.


211 “Adrian Sârbu also took over the leadership of Mediafax: he is the managing director. He is also the sole administrator, replacing Roxana Grigoruță, who was detailed in the Mediafax case”, Adrian Vasilache, PaginaDeMedia.ro, January 21, 2015.

212 “Update: Adrian Sârbu, arrested for 30 days. The decision is not final”, Sorin Ghica, Adevărul.ro, February 3, 2015.
and România TV (0.97% rating and a market share of 4.91%), according to the Kantar Media monitoring\textsuperscript{213}.

**The “Antena” channels abandoned public interest and embraced the owners’ interests**

During the first part of the year, the Antena channels tried to prevent the unavoidable, which occurred in August: the sentencing of businessman and politician (PC) Dan Voiculescu, father of the legal owner of the Intact group to 10 years in prison, to be fully executed and the confiscation of approximately Lei 6 million from the shares donated by Voiculescu to his daughters, Camelia and Corina, in the Food Research Institute (ICA) privatization case. Both prior to sentencing and afterwards, the television channels of Camelia Voiculescu publicly accused the magistrates’ decisions and resorted to manipulation techniques in order to turn Voiculescu into “a victim of the regime” in the public’s eyes (details in the Politicization chapter). Also in 2014, the Intact group lost two more “battles”: the one for the status of ratings leader (with Pro TV as its opponent) and the one for the Romanian Presidency, where the Voiculescu family’s TV stations openly supported, even after the results were made public, another candidate than the one who was elected head of the state\textsuperscript{214}.

At the beginning of 2015, the employees were announced that salary cuts were going to be made (of 10-15%) and that 50 of them were to be dismissed\textsuperscript{215}.

**Black clouds over Realitatea Media as well**

Realitatea Media had a sinuous journey in 2014, marked by changes at the top and financial difficulties and, at the end of the year, one of the group’s co-owners, Maricel Păcuraru, was definitively sentenced to four years in prison for money laundering and complicity to abuse of office\textsuperscript{216}. In October 2009, Maricel Păcuraru had been sent to trial by the prosecutors of the National Anticorruption Directorate (DNA), together with seven other persons, for providing his employees with insurance policies which caused the Romanian Post a prejudice of over EUR 4 million.

At the beginning of 2014, after just having been appointed editorial chief of Realitatea TV, Rareș Bogdan declared that the television channel (which had been insolvent since 2011) had paid its debts to the state in full and was soon going to come out of insolvency\textsuperscript{217}. This information has proven to be incomplete. An evidence to that effect is the fact that the “historical debts”\textsuperscript{218} of Realitatea Media to the Romanian state have not been paid in full and in February 2014, the Bucharest Court of Appeals annulled the reorganization plan provided by Realitatea Media in 2013, challenged in court by ANAF and by E-Boutique KFT (company owned by businessman Elan Schwartzzenberg, former owner of Realitatea TV). Moreover, the DNA prosecutors stated, with respect to Realitatea TV, that “There are solid data and clues that it was financed with money originating in tax evasion; the money was transferred in the form of loan contracts”\textsuperscript{219}.

**Expense cuts at România TV**

In December 2014, the employees of România TV, a television station owned, through agents, by businessman Sebastian Ghiță, were announced by editorial chief Cătălin Popa that he was going to cut expenses by 10-12%, by means of adjustments which targeted “a few dozen people” and by salary cuts\textsuperscript{220}.

\textsuperscript{213} “General hearings in August 2014. Pro TV maintains its position as leader, TVR 1 registers the biggest fall from top 10. What positions did Antena 1 and 3 hold?”, Radar de Media editorial office, RadarDeMedia.ro, September 4, 2014.

\textsuperscript{214} “Final results of the 2014 presidential election: Antena 3 AND România TV lost the election”, ActiveWatch, ActiveWatch.ro, November 18, 2014.

\textsuperscript{215} “Salary cuts at Antena 3. In addition, 50 people dismissed, as of February 1”, Adrian Halpert, ReporterVirtual.ro, January 15, 2015.

\textsuperscript{216} “Bucharest Court of Appeals: The former head of the Romanian Post, Mihai Toader and Maricel Păcuraru, definitively sentenced to 4 years in prison”, Mădălina Cochesescu, Agerpres.ro, November 3, 2014.

\textsuperscript{217} “Rareș Bogdan, the new editorial chief of Realitatea TV, claims that Realitatea Media paid its debts to the state in full and that within 3 months, it would <<come out of insolventy>>”, Tudor Borcea, Mediaddict.ro apud HotNews.ro, January 14, 2014.

\textsuperscript{218} “Rareș Bogdan: Ponta is trying to connect me to a case of Elan Schwartzzenberg”, Bogdan Irimescu, ReporterVirtual.ro, March 9, 2014.

\textsuperscript{219} “Neverending soap opera. The court annulled the Realitatea Media reorganization plan”, Iulia Bunea, PaginaDeMedia.ro, January 22, 2014.

\textsuperscript{220} “România TV, dozens of layoffs. 10-12% cost cuts at Sebastian Ghiță’s station”, ReporterVirtual.ro, December 11, 2014.
("Seasonal") layoffs and salary cuts at B1 TV

In June 2014, the main shareholder and head of B1 TV, Sorin Oancea, announced "seasonal layoffs" for 14 of the television station's employees, salary cuts of up to 20% and the relinquishing of remunerated collaborators, about whom he said that "they were free to continue to appear on the air, but only as programmes guests". "We must save some money, given the harsh conditions on the media market," Oancea said. During the same month, the station was left with only one territorial correspondent, Mircea Simțe, in Cluj.

In March 2015, the employees of B1 TV were confronted with new salary cuts, as well as with layoffs in the newsroom and the technical department. "We are no longer able to cover events. We can no longer have live coverage of events, because we are understaffed and we cannot go in all the places where we should go. This is why, lately, we have had many breaking-news read from the teleprompter and accompanied by images from the archive", a B1 TV journalist declared for the Reporter Virtual website.

Major expense cuts at the Sport.ro television

In May 2014, the Sport.ro television, a member of the Pro TV group, halved the number of its own productions and laid off approximately 20 of its employees, including editors, producers, hosts, two news presenters and collaborators.

Digi 24 made the must-carry list and conducted massive layoffs

In February 2014, the Digi 24 news television channel, owned by the company RCS& RDS, became part of the must-carry system, which means that all cable companies have to broadcast this channel, in accordance with article 82 of the audiovisual law.

In 2013, the Digi 24 channel was cited as a positive example, an example of balance, together with the public television, in the report drawn up by the Organization for Security and Cooperation in Europe (OSCE) with respect to the parliamentary elections in Romania.

In December, the Digi 24 local stations received directives to halve their teams starting from January 2015 and approximately 100 employees were laid off at a national level.

The Professional Football League, sanctioned by the Competition Council for the rights to broadcast the First League

The rights to broadcast the First League football matches generated a conflict on the television market and, in January 2015, the Competition Council fined the Professional Football League (LPF) for the manner in which the broadcasting contract was awarded.

On March 4, 2014, the LPF announced the signing of a 5-year media partnership with the Maltese company Intel Sky Broadcast, for selling the rights to broadcast the First League matches in exchange for EUR 27.5 million per season. One month later, Intel Sky Broadcast signed an agreement with the general interest television channels

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221 "After Pro TV, B1 TV is also announcing layoffs. Sorin Oancea: "These are seasonal layoffs. We must save some money, given the harsh conditions on the media market"", RadarDeMedia.ro, June 4, 2014.

222 Ibidem.

223 "B1 TV, without any territorial correspondents", ReporterVirtual.ro, June 4, 2014.

224 "Exclusive. The restructuring of Sport.ro. Who is leaving the sports channel. The station is significantly cutting its own productions", Petrișor Obăe, PaginaDeMedia.ro, May 17, 2014.


226 "TVR and Digi 24, nominated by OSCE for their balanced attitude", Anca Simionescu, EvZ.ro, January 18, 2013.


228 "The LPF announced who will broadcast the Premier League matches: "We are talking about two stations!" All of the details about the TV rights and the League's plans", Andrei Crăițoiu, Gsp.ro, March 12, 2014.
Look TV and Transilvania Live (which subsequently became Look Plus) by means of which it assigned the rights to broadcast the football matches in the First League and the FA Cup. The two television stations decided to give up the must-carry regime starting from July 1st and to charge the cable operators for re-broadcasting tariffs. In June, Look TV and Look Plus concluded agreements with some cable operators (UPC, Romtelecom and Focus Sat), but the main cable market operator, RCS&RDS, filed a complaint with the Competition Council against the LPF, considering that "the sale of the rights to broadcast the First League matches was carried out in breach of the competition legislation". For a fee, UPC transmitted the matches broadcasted by Look TV. On June 30, RCS&RDS removed the Look TV and Transilvania Live channels from its schedule, after the two decided to give up the must-carry regime. RCS&RDS is also a significant content provider, as it owns the licenses for three sports channels, DigiSport 1, 2 and 3. Over the previous years, the three channels broadcasted First League football matches.

In February 2015, the Competition Council fined the LPF Lei 185,000 for failing to comply with the undertakings imposed by the 2011 Decision and to organize an auction for the assignment of the rights to broadcast the First League matches. RCS&RDS announced the signing of an agreement by which, starting from February, it would start broadcasting the First League matches for free.

Scandals and criminal records for the rights to broadcast the First League matches

In April 2014, the president of the LPF at the time, Dumitru Dragomir, was charged with tax evasion, embezzlement and money laundering. According to the prosecutors, he had appropriated Lei 12.1 million under a contract signed by the LPF with a company, for services that were no longer provided. The prosecutors are accusing Dragomir of "having created, in parallel with the legal circuit of sale (by direct negotiation) of the broadcasting rights to S.C. RCS&RDS SRL, an illegal - fictitious - circuit, capable of creating confusion with the legal one, in view of embezzling EUR 3,000,000 from the LPF patrimony". The company that collected the money from the LPF is called SC Capital Properties and is owned by the close friend of Zoltan Teszari, the owner of RCS&RDS.

Another criminal case in which Dumitru Dragomir and RCS&RDS are involved is also described in the FreeEx 2013 report. According to the contract published by the Media Investigations Group, the RCS&RDS company invested over EUR 3 million in a personal business of Dumitru Dragomir, president of the Professional Football League (LPF). RCS&RDS received the broadcasting right for the First League matches from the LPF, for the 2011 - 2014 seasons, with D. Dragomir as negotiator on behalf of the League. Thus, RCS&RDS paid almost EUR 2 million in order to promote itself at the weddings and baptisms which were to be performed in a building owned by Dumitru Dragomir's company. Furthermore, on the date of signing of the contract, the building was not fitted out, so RCS&RDS offered to fit it out at its own cost.

During the same year, the DigiSport channel, owned by RCS&RDS, won, in an auction, the right to broadcast the First League matches. Dumitru Dragomir, as president of the League, was the only person who could have terminated the contract, if certain technical requirements were not complied with. Gazeta Sporturilor quoted sources which claimed that DigiSport did not meet certain technical requirements, such as the fact that it used 6 cameras instead of 12, as the contract provided. According to the statements of RCS&RDS, the contract concluded with the company

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229 "Romtelecom is negotiating the continued transmission of Look TV and Transilvania Live, which will broadcast the Premier League", Mădălina Cerban, Mediafax.ro, July 2, 2014.

230 "It's official: The Premier League can be watched exclusively on Transilvania Live and Look TV! This is the request sent to the cable operators", Gsp.ro, April 2, 2014.

231 "The Premier League will be watched on UPC for the following 5 years", ReporterVirtual.ro, June 5, 2014.

232 "The LPF: We are hoping that RCS&RDS will end their chicanery and the subscribers will be able to watch the Premier League", Mădălina Cerban, Mediafax.ro, July 7, 2014.

233 "The Professional Football League was fined Lei 185,000 by the Competition Council for failing to organize an auction for the sale of certain TV rights", Iulia Bunea, PaginaDeMedia.ro, January 22, 2015.

234 Ibidem.


236 A possible reason for the friendship between RCS and Dragomir: "I'm not terminating the contract!", Justin Gafiuc, Gazeta Sporturilor, June 5, 2013.
Significant delays in the digitisation process

România is still unable to make the definitive transition to digital television, even though year 2015 (June 17) should be the deadline for the transition from analogue television to terrestrial digital television, according to the 2006 Geneve agreement signed by Romania and to the Strategy passed by means of the the Government Decision published in Official Gazette no. 400 of July 3, 2013237.

In June 2014 ended the first auction for the awarding of national digital multiplexes, pursuant to which the National Communications Company S.A. was awarded three multiplexes. In December, ANCOM published the specifications for the auction intended to awarding two unappropriated national digital television multiplexes, as well as of 40 regional and 19 local multiplexes238, and in March 2015, ANCOM announced that it would organize a new auction for the two national, 31 regional and 19 local multiplexes which remained unappropriated239.

In its turn, the public television (TVR) asked the Government in March to extend the term for analogue broadcasting (in parallel with digital broadcasting) until December 31 2016, in order to avoid blocking access to information for such categories of the public that do not have the devices necessary to receive digital television programmes240. In the same context, TVR and the National Radiocommunications Company (SNR) also undertook to submit to the executives a draft law supporting the underprivileged categories in purchasing the devices required for receiving terrestrial digital programmes.

RADIO STATIONS

Most of the radio stations registered audience boosts in 2014, as compared to the previous year, and the radio stations most listened to remained Kiss FM (in the general urban area) and Radio ZU (in the Capital City) 241.

During April 20 - August 17, 2014, the average daily audiences of the main radio stations at the level of the entire population were as follows: Radio Kiss FM - 2,310,000, Radio România Actualități - 2,012,000, Radio ZU - 1,885,000, Radio Pro FM - 1,692,000, Europa FM 1,410,000, according to the Radio Ratings Survey taken by IMAS - Marketing and Surveys SA and by GfK România - Market Research Institute SRL, on a sample of 9,436 individuals, with a +/-1.0% error242.

Local radio stations risk disappearing

The case of the Siculus radio station, from Târgu Secuiesc, discussed in a meeting of the National Audiovisual Council (CNA) at the beginning of 2015, called attention to a dramatic situation faced by the Romanian local radio stations, obliged to pay the same fees paid by national radio stations to the Romanian Union of Composers and Musicologists and to the Copyright Association (UCMR-ADA)243. After UCMR-ADA demanded the bankruptcy of the Siculus radio station on the grounds that it had failed to pay such fees, CNA member Valentin Jucan proposed to his colleagues to notify the Parliament's cultural Committees, in view of changing the relevant legislation. The fees paid by the national radio stations for copyrights are the same as the fees that the local radio stations should pay, but the differences in financial resources between the local and the national stations are huge, which makes such fiscal

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238 “ANCOM launches the auction for the allotment of the national, regional and local digital television multiplexes” Ancom.org.ro, December 2, 2014.


240 “TVR asks the Government to allow analogue terrestrial broadcasting until December 31, 2016”, Mădălina Cerban, Mediafax.ro, March 5, 2015.

241 “Radio audiences: As usual, Kiss FM is the leader in the cities and Radio ZU is the leader in Bucharest. Most of the stations registered increases”, Carmen Maria Andronache, PaginaDeMedia.ro, September 8, 2014.


243 “At the local radio, the funeral band passed by, led by a composer”, Mihai Pavelescu, Forbes.ro, February 20, 2015.
measures discriminating and anti-competition\textsuperscript{244}.

\textbf{ONLINE MEDIA}

The discrediting of many of the television stations in the presidential election campaigns, amid openly assumed partisanship, made the Internet increasingly arouse the Romanians’ interest in being informed and website traffic on the platforms for the mobilization of civil society increased during the election period\textsuperscript{245}.

\textbf{THE ADVERTISING MARKET}

The 2014 Media Fact Book report indicated an increase of the advertising expenses on the Romanian market, estimated at EUR 306 million for 2014\textsuperscript{246}. At the end of the year, the Zenith Romania Advertising Expenditure Forecast report confirmed the fact that the Romanian advertising market was on the increase and envisaged that in 2015, advertising investments would increase by 1.9%, estimating that they will be as high as USD 403.9 million\textsuperscript{247}.

One quarter of the Romanian overall advertising originated in European Funds in 2013. The Romanian public advertising market keeps on expanding and exceeded Lei 338 million in 2013, out of which EUR 31.5 million originated in nonreimbursable financing projects. This data is part of a report drawn up by the Center for Independent Journalism (CJI) in the “Monitoring of the advertising expenses from European projects – Romania’s experience” project, supported by the European Union\textsuperscript{248}. The writers of the report pinpointed the risk of preferential fund allotment, because of the absence of a centralized project monitoring system and the limited transparency of the procedures.

\textbf{Accusations of anti-competition practices}

After a two-year investigation, in October 2014, the Competition Council (CC) sanctioned 11 media agencies accused of concluding an anti-competition agreement and forming a coalition in order to eliminate another agency from the auctions in which companies choose with which agencies to collaborate. In this case, the Competition Council fined 11 advertising agencies with percentages between 2.4% and 2.6% of their business turnovers, in a total amount of Lei 14,567,555 (approximately EUR 3.2 million). Their target had been the local communication holding The Group, which includes the Media Investment agency\textsuperscript{249}.

The Romanian Advertising Agencies’ Union (UAPR) announced that it will appeal such sanction in court, stating that “For reasons still unclear, the Council sided with those who implemented the unethical practices on the Romanian media market, thus backing a totally reprehensible business practice”.\textsuperscript{250}

UAPR specified that the fined agencies “did not seek to eliminate anyone from the market, but solely to eliminate the unethical practices of those that the Council protected by means of its decision”\textsuperscript{251} and that “the Council’s investigation and decision, far from contributing to the industry’s reconstruction, merely confused the media market and imposed a distorted outlook on the reality, in which the clients will only now start having trouble discerning

\textsuperscript{244} Ibidem.

\textsuperscript{245} “A Clean Romania - the website for the mobilization of civil society! record audiences during elections (Trafic.ro)”, RomâniaCurată.ro, 16 noiembrie 2014.

\textsuperscript{246} http://www.mediafactbook.ro/

\textsuperscript{247} “Survey: The Romanian advertising market is on the increase”, V.B., Bursa.ro, December 15, 2014.

\textsuperscript{248} The Monitoring of the advertising expenses from European projects - Romania’s experience” project, supported by the European Union project, www.cji.ro

\textsuperscript{249} “Video: The Competition Council’s ruling with respect to the 11 media agencies: 11 companies fined a total of EUR 3.2 million”, Costin Ionescu, HotNews.ro, October 2, 2014.

\textsuperscript{250} The advertising agencies’ union “categorically dismisses” the Competition Council’s decision to fine 11 media agencies, Costin Ionescu, Hotnews.ro, 2 octombrie 2014.

\textsuperscript{251} Ștefan Iordache, Starcom: “The thief called out the thieves and the Competition Council fell into the trap “. UAPR ends its collaboration with this institution, Petrișor Obae, Paginadmedia.ro, October 2, 2014
between the European practices and those of the agencies supported by the Council. UAPR also announced that it was ending its collaboration with the Competition Council, in view of developing a set of principles with ensured transparency and professionalism on the market (the Pitch Guide and the Ethics Code).

CONCLUSIONS:

Romania dropped seven positions in the world ranking regarding media freedom, put together by Reporters without Borders.

The financial difficulties and the imminence of bankruptcy increased media compromise, a situation which was all even more visible since 2014 was an election year.

The newspapers occupied a marginal position in the Romanian media scene. A few established newspapers filed for insolvency. The satire publication "Academia Cațavencu" shut down.

The insolencies of the media distribution companies left behind unpaid debts of millions of Euros to the media institutions.

Several media owners were arrested for corruption and tax evasion.

The Competition Council investigated and sanctioned several non-competition practices, both in the TV and in the advertising industry.

\[252\] Ibidem.

\[253\] The advertising agencies' union "categorically dismisses" the Competition Council's decision to fine 11 media agencies, Costin Ionescu, Hotnews.ro, 2 octombrie 2014.
THE NATIONAL COUNCIL OF THE AUDIOVISUAL

THE COUNCIL’S STRUCTURE AND OPERATION

Internal scandals

In 2014, the internal disputes between the Council’s members continued and escalated, fueled by the same reasons as in the previous years. The disputes included mutual accusations of double standards among the institution's members, accusations of using the institution as a political outlet, of intentionally blocking the institution by the absence of a quorum, of compromising the credibility of the CNA by the defective and sometimes abusive handling of the internal conflicts, of lack of transparency etc. However, a few new ingredients appeared as well—recordings of compromising internal discussions between the president of the CNA and an employee, as well as the criminal cases opened by the prosecutors against the Presidency of the CNA and another member of the Council, for abuse and instigation to influence peddling (cases described in detail below).

Stenographs of certain discussion reveal possible acts of corruption

Shortly after the scandal regarding the live broadcasting of the meetings, a series of audio recordings appeared in the media, of certain discussions between the president of the CNA and an CNA subordinate employee. The discussions reveal that a certain television station - România TV (owned by PSD parliamentarian Sebastian Ghiță) - had been favored by the CNA. Among others, the CNA president was claiming: "It drives me nuts that you’re asking me to cover for that idiot Ghiță (Sebastian, PSD deputy and owner of România TV, editor’s note) and you're not taking any advantage of it… You know what I’m saying? Do you think anything legal works in Romania? I’m gonna come and blackmail you… How do you think it works in Romania? Do you think anything legal works? Do you think I can go there and say: Please excuse me, I have this law. Can I do my job in compliance with it? No. To hell with you then! I’m gonna come and blackmail you, what else can I do?"254

In another recording, the head of the CNA speaks of a possible sponsorship for the institution, in the form of equipment, from certain economic actors subject to the CNA regulations. The head of the CNA recommends that they should be threatened, in order to obtain the desired sponsorships from them: "I’m giving you UPC, Dolce, RCS&RDS, the best specialists, coordinate with them, to see what we’re doing. I want them to give us servers, to see what they’re giving us and then I’ll write about other stuff. I wouldn’t invest in laptops, man. I’m not stupid to buy laptops for the institution, when we can get them another way; so many people owe me, don’t you understand what I’m saying? It's a damn pity, man! I hate taking money from the institution to solve the problems. It seems shitty to me."

An even more serious accusation refers to the fairness of the review process with regard to the complaints reviewed by the Council; the counsellor discloses the preferential treatment given to certain broadcasters. Thus, certain channels are specifically sought out, while others are given preferential treatment: "We receive a very large number of complaints against Antena 3 and Antena 1, which are discussed in bulk at the meeting, while certain channels are specifically sought out: B1, Naşul TV, Realitatea TV, for a single word. Any word that was being said at Realitatea… At some point, we were at the lady's beck and call. We were also called at home and asked to transcribe full passages from Rareș Bogdan’s programme, from "Nașul”. So we were practically transcribing, even though there was no official notification"255.

Eight members of the CNA publicly distanced themselves from the behaviour of Laura Georgescu, whom they deemed “unfit” for the position of member of the CNA256. The eight members considered L. Georgescu responsible for the “institutional standstill” of the CNA.

Pursuant to such conflicts, Narcisa Iorga, together with two other members, V. Jucan and F. Gabri, boycotted the Council's meetings in July and August, saying that they would only return when the head of the CNA resigned and

254 “Laura Georgescu, head of the NAC: <<You're asking me to cover for that idiot Ghiță and for România TV and you're not taking any advantage?>>” Realitatea.net, June 30, 2014.

255 Ibidem.

256 “Eight out of the 10 members of the NAC distance themselves from the language used by NAC chief Laura Georgescu”, Iulia Bunea, PaginaDeMedia.ro, September 2, 2014.
they would not attend any meeting chaired by L. Georgescu.

On September 11, the Council adopted some amendments to the Organization and Operation Regulation (ROF), which restricted the president's duties. Thus, most departments under the president's authority were transferred under that of the Council, as a collegial forum, and its meetings would no longer be chaired by the President, but by each member, taking turns257.

On March 9, 2015, Laura Georgescu approached the Bucharest Court of Appeals, demanding the annulment of the ROF amendments passed in September 2014, which restricted some of her duties. The president of the CNA motivated her endeavour by her wish to find "the interpretation of the law"258.

Criminal records for the president of the CNA and for her rival

The National Anticorruption Directorate (DNA) initiated criminal proceedings against the president of the CNA and her Council rival (Narcisa Iorga). L. Georgescu is investigated for abuse of office, while N. Iorga is investigated for instigation to the crime of using her influence or her authority in order to obtain money, goods or other undue advantages for herself or for another person. In the same case, the Vice-President of the Chamber of Deputies, Viorel Hrebenciuc (PSD), was charged with influence peddling in order to help Piatra Neamţ municipality mayor Gheorghe Ştefan (PD-L) to obtain the license for the Giga TV station. The CNA revoked the license in September 2013, at the proposal of Laura Georgescu, because said station had ceased broadcasting the programme schedule for which it had been granted the audiovisual license, for over 96 hours259. Alexandru Jucan, Narcisa Iorga, Florin Gabrea and Radu Călin Cristea voted against the revocation.

Two weeks later, the CNA gave the Giga TV station its license back. According to a press release of the National Anticorruption Directorate, three members had unjustifiably changed their vote, despite the fact that no changes actually occurred: "despite the fact that the de facto situation has not changed and no technical document has been drawn up in the institution, in order to check the arguments claimed in the relevant appeal"260.

Narcisa Iorga is accused of having advised Gheorghe Ştefan as to what political acquaintances he should go to in order to influence the votes of certain members, so that he could recover the license for the Giga TV station. The National Anticorruption Directorate claims that the politicians nominated by Narcisa Iorga also included parliamentarian Viorel Hrebenciuc261.

Neither of the two resigned pursuant to the prosecutors' action. The president of the CNA claims that no political interventions were made, while Iorga denied being guilty ("I assure you that I am in no way connected to the corruption acts committed in view of obtaining any undue advantages")262).

Gheorghe Ştefan, the owner of Giga TV, is also under criminal investigation for instigation to using influence, in the same case.

Another National Anticorruption Directorate case for fictitious notifications

In January 2015, the National Anticorruption Directorate (DNA) launched an investigation with respect to certain notifications received by the CNA, suspected of having been sent by a person with a false identity. The notifications targeted the Etno TV and Estrada TV stations and referred to the broadcasting of teleshopping and publicity. The DNA had previously conducted searches at the CNA in a criminal case targeting suspicions with respect to crimes assimilated to those of corruption, committed in 2014. The Mediafax agency claims that said searches were related to the sanctioning of several television stations, including Antena 3, Estrada TV, Etno TV and Taraf TV. According to


258 The NAC president sues the institution she manages, as well as six Council members. She wants the annulment of the institution's Operation Regulation", Iulia Bunea, PaginaDeMedia.ro, March 13, 2015.

259 "Giga TV, officially closed. The NAC revoked its audiovisual license", Carmen Maria Andronache, PaginaDeMedia.ro, September 17, 2013.

260 "Narcisa Iorga, under criminal investigation. The NAC member allegedly advised Pinalti <<to resort to acquaintances in order to influence the vote >>", Carmen Maria Andronache, PaginaDeMedia.ro, September 4, 2014.

261 Ibidem.

262 Ibidem.
the Mediapax sources, the anticorruption prosecutors checked the manner in which several television stations had been fined, due to suspicions that the head of the CNA, Laura Georgescu, had instigated several individuals to filing false notifications with respect to said television stations.

SANCTIONS THAT ENCOURAGE LAW-BREAKING

The 2013 enthusiasm rapidly evaporated in the context of electoral year 2014. The CNA abandoned its intentions to sanction infringements of the law more firmly and sanctioned broadcasters, especially news channels, more and more timidly. Their serious infringements, their disinformations, insults, slanders, manipulations, vulgar language and explicit partisan propaganda were overlooked or mildly sanctioned by the CNA, even when such infringements occurred during the electoral campaign.

The aggressive campaigns initiated by Antena 3 against the magistrates were also overlooked by the CNA, even though the Superior Council of Magistracy's Judicial Inspection repeatedly found that justice was being discredited and that the independence of the judicial system was being infringed upon.

Instead, the Council harshly sanctioned situations which, in our opinion, fell within the limits of the freedom of speech, thus proving that its members did not fully understand the norms and the case-law of the European Court for Human Rights. Some of these sanctions were annulled by the courts of law.

In February 2015, the CNA called a meeting with the broadcasters' representatives and announced them that the institution will increase the level of the fines applied, if the stations continued to commit constant breaches of the audiovisual law. "We are determined to increase the fines, despite any pressures that might be exerted upon us", said Laura Georgescu, CNA president, to the representatives of the TV and radio stations in attendance.

The Council also continued the practice of multiple sanctions for cumulated, not individual infringements, which raises fairness and legality issues. Thus, a sanction may cover three or four law violations, a situation which is very convenient for the broadcasters. The sanctioned broadcasters or journalists may appeal these decisions in court, referring strictly to one of the infringements covered by the sanction.

One case that caused controversy in the public space was sanctioned by the CNA with Lei 50,000 (approximately EUR 12,000). The case in question is a vulgar attack against journalist Andreea Pora, broadcasted by Antena 3.

CNA sanctions annulled by the courts

At the end of 2013, the CNA started sanctioning the hosts or their guests' right to an opinion. We believe that this is an alarming trend, as such sanctions disregard the norms and the case law of the European Court for Human Rights.

The first sanction was a summons against Radio România Actualități for the fact that host Alexandru Rusu failed to intervene when his guest, actor Dan Puric, made statements considered insulting by the CNA, as well as for failing to comply with the principles of objectivity and balance. The guest had claimed that Romania is led by a "mobster nest" and by a "gang of Securitate police officers" or that "this mobster-type system which paralyzes Romania's development is a social cancer".

The decision was appealed in court, not by the sanctioned party (SRR), as it would have been normal, but by A. Rusu, the host of the programme that the CNA sanction targeted. The Council appealed his procedural capacity, but the court dismissed this petition. The Bucharest Court of Appeals annulled the CNA sanction, finding that D. Puric's claims "fall into the category of value judgments and are made during a debate on general matters, therefore a sanction, even a small one, represents an intrusion into the right to free speech, guaranteed by article 10 of ECHR".

At the beginning of 2014, the CNA sanctioned, for the same infringements, the statements of host Robert Turcescu and of the guests of a B1 TV programme, for phrases such as "This was another failed attempt, fortunately, at least so far, not at a coup d'état, but at a hard hook applied to the Romanian rule of law" or "political hoodlums". The applied fine was of Lei 70,000 and also sanctioned the infringements committed during another programme broadcasted by de B1 TV, Ring TV.

In February 2015, the Bucharest Court of Appeals lowered the fine to Lei 40,000 and annulled the sanction.


265 "The NAC told the heads of televisions that it is determined to increase the level of the fines applied", Mădălina Cerban, Mediafax.ro, February 18, 2015.


267 "Decision no. 118 of February 6, 2014", CNA.ro.
ActiveWatch considered that such sanctions risk bringing about censorship situations in newsrooms and self-censorship among the journalists and publicly addressed the Council\(^{269}\), stating that "The message send by the National Council of the Audiovisual to the broadcasters is extremely dangerous and such sanctions risk bringing about censorship situations in newsrooms and self-censorship among the journalists. (...) the question arises whether we are dealing with an institutional policy of sanctioning critical opinions about the political power or with an error of interpretation of the regulations in force\(^{270}\).

The Bucharest Court of Appeals also annulled the Lei 10,000 fine applied by the CNA to the B1 TV news channel for the statements made by anchor Radu Banciu in several editions of the Banciu's World programme\(^{271}\). The sanctioned actions include insults against the president of the Senate, C.P. Tăriceanu ("Man, he was a huge bastard and a huge twerp, but I remember him going to Victor Ponta's office like an old geezer, ever so humbly, cap in hand, begging to be allowed back into politics, and look how quickly tables turned in his favor!").

In January 2014, the Bucharest Court of Appeals annulled a sanction applied by the CNA to the România TV station for showing, in June 2013, certain images of journalist Andreea Pora eating (the same images used in the montage broadcasted by Antena 3 in January 2014), as well as sequences from other programmes, in which the journalist was called "Woody Woodpecker" by Gigi Becali. The CNA considered that "The back and forth editing of these images was intended to convey to the public a pejorative image of the individual Andreea Pora, by using her image in bad faith in a situation that had nothing to do with public interest whatsoever\(^{272}\). The Decision of the Court of Appeals was challenged by a second appeal and is judged by the High Court of Cassation and Justice.

A member of the CNA, Lorand Turos, proposed the revocation of the license of the Nașul TV station for the statements made by the host of a programme. The latter had expressed his wish to eliminate the political parties and to ensure a governance by the people: "we should completely change the system, starting from its roots, we should completely eliminate political parties and ensure the people's governance of this country". Turos stated that the opinions expressed by the host incited to actions "the purpose of which was the dissolution of state authority" and claimed that the programme is a "Chinese water torture, which, day after day, questions the meaning of the political system, of the Romanian state's institutions and the Constitution". However, Turos' proposal was not supported by his colleagues, therefore the sanction was a fine of Lei 10,000.

**REGULATIONS**

The CNA implements the delay mechanism

The beginning of 2014 also brought about new proposals for the amendment of the regulatory Code of the Audiovisual Content, amid debates on the degradation of journalistic speech and the onslaught of tabloid-type products. The CNA sought to implement the broadcasters' use of the delay option in order to prevent any violations of the audiovisual regulations and wished to expand the current provisions, which prohibit insulting language.

The article that regulates the delay instrument is very likely to threaten the right to free speech. "ART. 29^1 - In the case of live programmes, other than the news and sports programmes, broadcasters are obliged to use any means, including the delay, so as to prevent the broadcasting of any scenes, language or behaviours that contradict the current code on the protection of minors and of human dignity ".

Consulted by the CNA in this respect, ActiveWatch stated that: "the implementing of the delay mechanism in audiovisual law is risky, as it threatens both the right to free speech and the public's right to be informed".

Despite the contrary opinions, the delay mechanism was adopted by the CNA in March\(^{273}\). The provisions referring

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268 "Court of law. Turcescu did not break the law when he talked about <<coup d'etat>> on B1. The Court of Appeals lowered the Lei 70,000 fine applied to B1 TV", Iulia Bunea, PaginaDeMedia.ro, February 18, 2015.

269 "Once again, the National Audiovisual Council sanctions the right to an opinion", ActiveWatch, February 10, 2014.

270 "Once again, the National Audiovisual Council sanctions the right to an opinion", ActiveWatch, February 10, 2014.

271 "The Court of Appeals annuls a fine given by the NAC to Radu Banciu", Iulia Bunea, PaginaDeMedia.ro, November 4, 2014.


273 NAC Decision no. 197 of March 27, 2014.
to insulting language have been amended as well.

CONCLUSIONS:

The CNA seriously damaged its own reputation in the public eye because of its defective operation, the timidity with which it sanctioned the breaking of the law, the internal conflicts between its members, the President's performance and her own criminal issues, as well as another member's. The institution is suspected of corruption. The President and another member of the CNA are charged for acts of corruption and the recordings of some internal discussions between the President and the employees reveal that certain stations are favored and certain cable operators were asked for sponsorships. The live transmission of the Council's meetings caused a serious conflict between the members. The employees notified the state of terror instilled by the President in the institution. The CNA increasingly timidly sanctioned broadcasters, especially news channels; these sanctions do not have the strength to discourage abusive editorial conducts. The internal conflicts often paralyzed the Council's activity. The CNA did not operate over the period of the electoral campaign, due to the absence of a quorum, as the parliamentary parties showed no interest in quickly appointing new members. Many decisions are subject to double standards, depending upon the political affiliation of the CNA members and of the broadcasters. The CNA made decisions which affect the right to free speech, sanctioning the right to an opinion, disregarding the ECHR case law.

PUBLIC TELEVISION AND RADIO

NEW BOARDS OF DIRECTORS

Public radio and television renewed their Boards of Directors (BoD) in 2014. Both institutions resorted to abusive procedures in order to prohibit any individuals from outside the institution from candidating for the positions of employee representative in the BoD.

Public television got a new Board of Directors after the previous one had been dismissed in December 2013, by means of the rejection of the annual activity report. In April 2014, the Parliament voted for the new membership of the BoD and in June it confirmed Interim Managing Director Stelian Tănase on the position of President and Managing Director.

The internal elections organized at the beginning of 2014 for the appointment of the employees' representatives in the future TVR Board of Directors were marked by the scandal caused by the Steering Committee's abusive decision to prohibit the candidacy of any individuals from outside the institution, reserving this right to TVR employees only. The action comes after one of the employees' representatives (Valentin Nicolau) publicly criticized the management's decisions in the last Board of Directors (relieved from its position in December 2013). Valentin Nicolau was the President and Managing Director of TVR between 2001 and 2005.

The action was vehemently challenged by some employees, unions and NGOs. In a notification addressed to the culture, arts and mass-media parliamentary Committees, the organizations consider “that this decision is of a discriminating and illegal nature, it affects the credibility of public television and limits public control over the institution”274.

TVR's ethics and arbitration Committee also found that the decision of the Steering Committee is legally questionable, it is discriminating, it represents a limitation of the employees' rights, it was made in conditions of zero transparency and it contradicts the logics of TVR's organizational chart. The conclusions of the ethics Committee do not have administrative power, therefore they had no effect.

The internal elections were eventually held with no outside candidates. The winners were two well-known figures of public television, director Cornel Mihalache and journalist Mihai Rădulescu. Even though they categorically won

274 “Update, January 13, 2014 The management of TVR is trying to remove the independent voices from its Board of Directors”, ActiveWatch, January 9, 2014.
the elections, their candidacies were rejected on bureaucratic grounds, because the two had failed to submit their criminal records in due time, therefore the persons occupying the 3\textsuperscript{rd} and 4\textsuperscript{th} places in the internal election were declared winners. M. Rădulescu and C. Mihalache challenged the result of the elections in court, but the Parliament did not put to vote the candidacies for the two employee representative positions. Until the date when this report was written, TVR’s BoD had been operating with 11, out of the 13 members, without the two employee representatives.

In June, the Romanian Broadcasting Company (SRR) renewed its Board of Directors, mostly with former members of the previous Boards. According to the president of the Senate’s culture Committee, all proposals submitted by the Presidency, the Government and the parliamentary groups were unanimously voted upon by the two culture and media committees in the Senate and the Chamber of Deputies\textsuperscript{275}.

However, the Parliament’s vote was annulled after an appeal filed by the National Liberal Party with the Constitutional Court, which on July 3\textsuperscript{rd} found that the provisions on nominating the candidates depending upon the political algorithm and the share of the parliamentary groups had not been complied with\textsuperscript{276}.

For 6 months, SRR operated without the BoD, as the Parliament postponed the appointment of new members. Also, the position of President and Managing Director continued to be held by O. Miculescu, a situation considered illegal by PNL, which claimed that a decision of the Parliament’s culture committees was required in order to extend Miculescu’s mandate\textsuperscript{277}. The Parliament voted on the new membership of the SRR, for the 8 positions intended for the parliamentary groups, only as late as December \textsuperscript{278}.

SRR adopted the same tactics used by TVR in January 2014 in its internal elections for the appointment of the employees’ representatives in the Board of Directors. On June 3, the Steering Committee of the Romanian Broadcasting Company adopted a decision according to which only employees of the institution are allowed to run in the elections. Just like in TVR’s case, the action was taken in order to block the appointment in the BoD of inconvenient persons who had criticized the management of SRR over the last years. We are referring to trade unionist Adrian Moise, whose conflicts with the SRR management we covered in the 2013 FreeEx report.

According to the new electoral regulation, the candidates can only be SRR employees, either proposed by an internal trade union or independent. The Employees’ United Trade Union - Radio România designated political scientist Cristian Pîrvulescu and former SRR employee, trade unionist Adrian Moise, as candidates \textsuperscript{279}. Their candidacies were dismissed on the basis of the new regulation.

The Court of Accounts signals inconsistencies at SRR and TVR

A report of the Public Court of Accounts (the public institution authorized to check the method of management and use of the financial resources of the state and of the public sector) found the existence of several inconsistencies at TVR and SRR.

According to the report, TVR failed to take all necessary actions in order to recover Lei 24.8 million from the Splendid Media, which sold TVR’s advertising space and, as a result, the public television definitively lost Lei 2,754,000, for which the statute of limitations has expired\textsuperscript{280}.

In SRR’s case, the Court of Accounts found several inconsistencies, including the auction for the sale of advertising space, which broke the law, because the "lowest price" was not taken into consideration, as per the Specifications, the contract was concluded with the company that offered the highest fee and, as a result, a loss of Lei 298,998.28 was registered during the first year of the contract’s performance alone. Just like in TVR’s case, the public radio “failed to calculate, invoice, monitor and collect the penalties related to the amounts paid with delay (in full or in part), as well as to those unpaid at all, from the companies to which SRR sold advertising space, namely beneficiaries

\textsuperscript{275} “The culture committees unanimously approved the proposals for the new BoD of SRR”, Valentina Postelnicu, Mediafax.ro, June 16, 2014.

\textsuperscript{276} “The Constitutional Court: The appointments in SRR’s Board of Directors are unconstitutional”, Otilia Ciocan, Mediafax.ro, July 3, 2014.

\textsuperscript{277} “Press release - PNL. PSD has been blocking the appointment of a new Board of Directors of the Public Radio for 6 months”, Agerpres.ro, November 24, 2014.

\textsuperscript{278} “8 members of the Board of Directors of SRR were voted by the Parliament”, RadioRomâniaCultural.ro, December 2014.

\textsuperscript{279} “The radio and TVR, the same situation: Only employees can get management positions. Cristian Pîrvulescu and Adrian Moise cannot candidate”, Carmen Maria Andronache, PaginaDeMedia.ro, June 4, 2014.

\textsuperscript{280} “The Court of Accounts: Inconsistencies in the travels abroad and in the TVR advertising contracts” Mădălina Cerban, Mediafax.ro, February 7, 2014.
The economic difficulties of public television

The public televisions are in a state of undeclared bankruptcy. Its income cannot increase, because the fee (under EUR1/household) is maintained at a ridiculously low level. The expenses have decreased after the restructuring process which occurred in 2012 and which managed to reduce the losses, but in the current legislative framework, there are no realistic prospects for TVR's huge debts to be paid and their incredible amount (over Lei 800 million) risks bringing TVR in a state of payment incapacity.

The political environment does not seem to have any intention to seek a solution for this serious situation with which the public television is confronted; on the contrary, TVR's debt, a significant part of which is to the state, may be an instrument of control when TVR becomes an inconvenience. An example to that effect is the scandal related to the BoD's rejection of the autumn programme grid, when the President and Managing Director complained of the governing party exerting political pressures. Prime Minister Ponta immediately denied the accusations and insisted on expressing his discontentment with TVR's dire financial situation: “The problem still remains that a low quality service is being provided from public money, and instead, we have scandals. Someone will have to clean up there, I was hoping it would be Mr. Tănase, because that's what he promised me. He cleaned up so well, that since Mr. Tănase arrived, they've got even more debts”.

Stelian Tănase announced that, in the absence of political support, the institution risks ending up in a state of payment incapacity. In his discussions with the Ministry of Finance during the first months of 2014, Tănase demanded the annulment of TVR's debts to the state. They represent the largest portion of the total debt of over Lei 800 million (approximately Lei 544 million). TVR has to face the hundreds of lawsuits filed by the employees fired pursuant to the restructuring. According to the interim Managing Director, Stelian Tănase, out of over 300 lawsuits filed, over 15% have been solved in court against TVR, but are now in the appeal stage.

President and Managing Director Stelian Tănase had a series of meetings with Prime Minister Ponta and other political leaders at the end of March 2014, in order to discuss the solutions for TVR's economic recovery. An increase of the fee was not taken into consideration for the following period, despite the requests of the two previous heads of the institution, Claudiu Săftoiu and Stelian Tănase. After his meeting with Prime Minister Ponta, Tănase declared that it was possible that the institution might go through a restructuring and reorganization process again, this time of the institution.

On the other hand, more internal protests challenged some measures of the Tănase governance, especially the contracting of new hosts or anchors for the programmes included on the spring and autumn programme grids and

281 “The Court of Accounts confirms the Public Radio robbery!”, FRJ MediaSind Communication Department, MediaSind.ro, December 8, 2014.

282 “Ponta: I have not discussed with Tănase since he's got that position, I have not stepped foot inside TVR. He has disappointed me”, Alina Novâceanu, Mediafax.ro, September 19, 2014.

283 “INTERVIEW - Stelian Tănase: Without political support, this year, TVR will end up in a state of payment incapacity”, Mădălina Cerban, Mediafax.ro, March 20, 2014.

284 “Ponta: I will meet with Stelian Tănase. TVR's financial situation is extremely serious”, Alina Novâceanu, Mediafax.ro, March 17, 2014.

285 “TVR has approximately 300 lawsuits with some of the employees fired last year. 15% of them were lost”, Mădălina Cerban, Mediafax.ro, March 5, 2014.


287 Ibidem.

288 “Interview with the president of TVR, Stelian Tănase: I am subjected to huge political pressures from the highest circles of PSD. I am asked for the head of an anchor. One solution is to dissolve TVR”, Raluca Ion, Gândul.info, September 18, 2014, Updated on September 19, 2014.
accused the unjustified spending of TVR's resources, since, according to the protesters, the institution had staff that was qualified to cover such positions. The employees repeatedly asked the President and Managing Director to resign, accusing him of "managerial incoherence, with abuses, employments, gross interferences in the editorial policy" 289.

Until the date when this Report was written, the Government and the Parliament had not taken yet any steps towards finding solutions to the public television’s problems.

**EDITORIAL ABUSES**

The Interim Director interrupted the broadcasting of a programme

On February 7, 2014, Interim Managing Director Stelian Tănase ordered the interruption of a programme of the TVR Moldova channel, which broadcasts on the territory of the Republic of Moldova. The interrupted programme was an episode of the documentary "The clandestine heritage" produced by journalist Monica Ghiurco, which covers aspects of foreign politics during the Communist era. Tănase's intervention was also confirmed by the director of TVR Internațional, Beatrice Comănescu: "Stelian Tănase called me and asked me to interrupt the broadcast of TVR Moldova. It is unprecedented. No managing director or president of TVR has ever interrupted a broadcast. The interruption was demanded without any argument, in an unexpected manner. What happened was not ok. TVR's programme grids are developed by the channels, approved by the director of programming. In the past, a programming board, which no longer exists, used to approve such programme grids. This framework grid was approved approximately two months before" 290.

The CNA sanctioned TVR in connection with this case, not for the act of censorship, but for the fact that TVR failed to provide the institution with the "witness" tape. The CNA considered that the audiovisual legislation does not stipulate sanctions for censorship acts 291.

In a reply sent to TVR's Ethics and Arbitration Committee, Stelian Tănase claims that the decision to interrupt the broadcast was not an act of censorship and was performed in compliance with the institutional procedures.

The Ethics and Arbitration Committee responded at the beginning of April 2014, deeming the decision to interrupt the broadcast "excessive, speculative and, due to the scandal that occurred, harmful to the image of public television. (...) The decision to remove the «The Clandestine Heritage» documentary from the TVR programmes, invoked as a justification for the interruption of the programme's broadcasting on February 7, was arbitrary and based upon subjective considerations, rather than on solid professional arguments".

The broadcasting of an interview with Traian Băsescu stopped

Channel TVR3 stopped the broadcasting of an interview with President Traian Băsescu, scheduled for broadcasting on the evening of May 13, during the "Everything in plain sight" ("Totul la vedere") show. The show is produced by TVR Timişoara and hosted by Brândușa Armanca. According to the journalist's statements, the show had obtained the approval of TVR3 channel's management, in order to broadcast it on this national coverage channel as well, but it was subsequently decided to only broadcast it on the regional channel, TVR Timişoara. In an official press release, TVR's management claims that the show had never been scheduled for broadcasting by TVR3.

The Ethics and Arbitration Committee reviewed this case and considered that TVR3's management's decision not to broadcast the show represents "a groundless editorial decision, undertaken hesitantly and communicated vaguely and with delay" 292. After hearing the persons involved, the Committee learned that the director of TVR3 had sent the tape with the recording of the interview to the interim Managing Director Stelian Tănase, for viewing purposes, one day before the interview's broadcasting. The Committee considered that this gesture "only increases the aforementioned justified feeling of mistrust" 293.

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289 "A group of employees demands that the <<TVR abuse>> be stopped and that Stelian Tănase should resign. They claim that Nistorescu, Dinescu and other outside anchors are paid salaries of of several thousands of Euros, despite the financial disaster threatening the television", C.I., HotNews.ro, May 22, 2014.


291 "TVR: the tape than proved Tănase's censorship has vanished!", Bogdan Irimescu, Reporter Virtual, February 26, 2014.

292 The conclusions of the Ethics and Arbitration Committee in the case of the decision not to broadcast, on TVR3, the interview made by Brândușa Armanca (TVR Timişoara) with President Traian Băsescu, the meetings of May 19, 20 and 21, 2014.

293 Ibidem.
The head of the news stops the broadcasting of an interview with the head of the DIICOT

In October, when the electoral campaign for the presidential elections was in full swing, the public space was invaded by a series of images in which Elena Udrea, Presidential candidate on behalf of the People’s Movement Party, appeared together with DIICOT (Department against organized crime) chief prosecutor Alina Bica and Ana-Maria Topoleaneu (former head of the National Investment Company), while on vacation in Paris. Documenting a piece of news for TVR's Newscast, reporter Andreea Anghel called Alina Bica in order to obtain a reaction from her. She told her: "What photos did I appear in? Don't you have any friends, don't you go out during the weekend? Am I in lamentable situations? Am I depicted sniffing drugs?"

A few hours later, the journalist was called by Alina Bica, who asked her not to broadcast the telephone interview, saying that she didn't know she was being recorded. The recording of the conversation reveals that Bica knew she was being recorded, as she herself said, at the beginning of the discussion "I assume you're recording this conversation" and the journalist confirmed it. The newsroom's decision was to broadcast the aforementioned statement of Alina Bica. Afterwards, the director of the News Department, Claudiu Lucaci, intervened and insisted that the conversation should not be broadcasted and asked Andreea Anghel to call Alina Bica again and conduct another interview, which was actually broadcasted by TVR. The situation was publicly exposed by Andreea Anghel's newsroom colleague, well-known journalist Adelin Petrișor.

Lucaci denied any liability, claiming in an interview that the decision not to broadcast the telephone discussion had been the reporter's and that he had not intervened in any way.

The operation law remains unchanged

In 2014, the amendment of the law for the operation of the public media was once again absent from the agenda of the political scene or the media. The legislative initiatives that appeared referred to aspects related to the economic activity of the two institutions, not to material amendments in view of the institutional redefining of the radio and television public services.

CONCLUSIONS:

TVR and SRR continue offering editorial services to the governing political parties.
A series of editorial products were censored by persons holding management positions in TVR.
The President and Managing Director complained about the existence of political interferences from the governing political party.
The new programme grids launched in February and September caused heated discussions and controversies within TVR, in the public space and within the CNA.
The parliament voted new Boards of Directors for SRR and TVR.
The Parliament's nomination of SRR's Board of Directors' members was deemed by the Constitutional Court unconstitutional.
The managements of both institutions abusively blocked the candidacies of persons from outside the institution for the BoD positions reserved for the employees' representatives. Two representatives voted by the TVR employees were rejected for bureaucratic reasons (failing to submit their criminal records in time).
TVR did not manage to reposition itself on the market after the end of the restructuring process.
TVR's financial difficulties continue after the end of the restructuring process.
A report of the Court of Accounts (the public institution authorized to check the method of management and use of the financial resources of the state and of the public sector) found the existence of several inconsistencies at TVR and SRR.
The National Agency for Integrity found the existence of a state of incompatibility in the case of several members

295 Ibidem.
of the management structures of SRR and TVR.

The management of SRR dragged the institution into a conflict with one of the trade union leaders, committing a series of abuses which harm the institution's image.

There is no political interest in the amendment of Law 41/1994 for the operation of TVR/SRR.
THE RIGHT TO DIGNITY, IMAGE, PRIVATE LIFE. OTHER LEGAL CONFLICTS AND LAWSUITS

The cases presented in this chapter are of an illustrative nature. We did not publish details about all of the lawsuits brought to our attention, but only chose those which we considered more relevant. Many other lawsuits were probably not brought to our attention.

Antena 1 vs journalist Petrișor Obae of Pagina de Media

In February 2013, Antena TV Group sued journalist Petrișor Obae, owner of and journalist at the online publication Pagina de Media, after he published several critical articles against Antena 1297.

The Antena TV Group claimed material prejudice in the amount of EUR 500,000 and moral prejudice in the amount of EUR 100,000. In addition, the Antena TV Group also filed a complaint for abuse of office with the Police. Petrișor Obae was summoned and went to the Police, where, after being informed of the accusations against him, refused to give any statement, a refusal to which he was allowed under the criminal procedure Code.

In one of the articles denounced by Antena, published on February 4, 2013, Pagina de Media signalled several digressions in an entertainment programme. Over 100 complaints were filed by the viewers with the CNA298. The next day, Pagina de Media presented a list of the companies endorsed in said programme and, the following day, it published the news that Avon, one of the companies which were advertised on the channel, stated that it no longer wanted to be associated with the “Acces Direct” programme, which had broadcasted the material in question (the case is presented in detail in the 2013 FreeEx Report).

In January 2014, the Bucharest Tribunal dismissed the action of Antena Group against Petrișor Obae as unsubstantiated299.

The Bucharest Tribunal motivated its decision by the fact that Petrișor Obae “accurately informed public opinion with respect to what had happened during the “Acces Direct” programme, the court does not acknowledge that he acted in bad faith and it does not acknowledge the abusive exercise of rights invoked by the plaintiff, as the facts were presented exactly the way they happened in the programme and the way they were perceived by the general viewing public”300. The court’s motivation also stated, with respect to the programme in question, that: “It is in fact the plaintiff (…) which committed an infringement upon dignity, honour and private life, by means of which it caused at the very least the indignation of public opinion, despite the fact that it acted under the pretense of trying to help that person”301. The court also states that: “The court acknowledges neither the partisan manner in which the facts were presented, nor the unfair and biased manner in which the journalist allegedly approached the subject under debate in its articles (…)”302.

Antena Group appealed the decision of the Tribunal at the Bucharest Court of Appeals, which in October 2014 dismissed the action as unsubstantiated.

ActiveWatch considers this a relevant case of brutal intimidation of a critical voice which meddles into the interests of a powerful media trust. For the unsubstantiated criminal complaints filed against them, the journalists may, in their turn, file criminal complaints for calumnious denunciation.

298 "Over 100 complaints filed with the NAC, in the case of Ioana Tufaru", Iulia Bunea, PaginadeMedia.ro, February 6, 2013.
301 Ibidem.
302 Ibidem.
RCS&RDS vs Intact

In November 2014, the Bucharest Court of Appeals decided that several companies in the Intact group should pay RCS&RDS the amount Lei 5 million (one one million Euros), representing compensation for the moral prejudice caused by the "illicit nature of the defamation campaigns led by the respondents against the applicant in 2011 and between April and May 2012." The court also ruled that the companies in the Intact group should "broadcast the eCNating terms of the decision, starting from the date when it was deemed final and irrevocable, for a period of one month, on the Antena 1 and Antena 3 TV channels, in the form of news and news tickers broadcasted every hour, during the news programmes" and "for one month, once a week, in a high circulation daily newspaper." In addition, it forced them to pay court expenses in the amount of Lei 81,241. In the same lawsuit, the Bucharest Tribunal (as the first Court) had dismissed the legal action of RCS&RDS as unsubstantiated. Intact Media Group announced that it would file a second appeal against the decision of the Court of Appeals.

As we wrote in the 2013 FreeEx Report, on April 20, 2012, Antena 1, Antena 3 and Euforia TV, members of the Antena Group, were removed from the Digi network after a financial dispute. Apparently, Antena Group demanded EUR 7 million a year in order to broadcast the channels through the DTH network. Pursuant to this situation, the TV channels in the Intact group broadcasted several materials referring to RCS&RDS and the conflict with said company.

Oana Schmidt Hâineală vs Antena 3

In March 2014, the Bucharest Tribunal partly admitted the legal action of the former head of the Superior Council of Magistracy, Oana Schmidt Hâineală, and forced Antena 3 to pay moral prejudice in the amount of EUR 10,000. On March 26, 2015, the Bucharest Court of Appeals dismissed the appeals of the two parties as unsubstantiated and maintained the first Court’s decision.

In 2013, Oana Schmidt Hâineală had filed several complaints against Antena 3 with the CNA. The Intact trust's news channel was sanctioned by the CNA with several fines.

Intact vs Stelian Negrea

Stelian Negrea, who had been head of the Intact trust’s Investigative Department and who in 2011 had revealed that the department’s investigations were used as an instrument of blackmail and harassment against the political opponents of the trust’s (unofficial) owner, Dan Voiculescu, or against certain companies, depending upon the interests of the owner and of the manager, won his lawsuit with said trust at the end of 2013.

In June 2011, Stelian Negrea had resigned from his position as head of the Intact trust’s Investigative Department, only 2 months after his appointment, without having had signed the services contract between his company and Intact.

In the letter sent by Stelian Negrea to the CNA, he mentioned the existence of a media lynching targeting the opponents of the political alliance a member of which was Dan Voiculescu, owner of the Intact trust. Another objective was to obtain advertising from the private companies. "By means of the contract which Intact Media

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305 Ibidem.

306 "The reaction of Intact Media Group after the Bucharest Court of Appeals’ decision to order the Antena channels to pay Lei 5 million to RCS: We will file a second appeal", de Iulia Bunea. PaginadeMedia.ro, December 2, 2014.

307 Case file no. 9173/3/2013. Bucharest Tribunal. "Antena 3 loses one lawsuit after the other. The former chief of the Superior Council of Magistracy, Oana Schmidt Hâineală, won in the court of first instance and the channel was forced to pay damages of EUR 10,000", by D.Tapalaga, HotNews.ro, March 25, 2014.

308 Case file no. 9173/3/2013. Fifth Civil Division of the Bucharest Court of Appeals. Decision 170/2015/March 26, 2015.

309 Antena 3, forced by the court to pay EUR 10,000 to Oana Schmidt Hâineală, representing moral damages" by Carmen Maria Andronache, March 25, 2014.

310 “Stelian Negrea, former Intact employee: I was going to become a simple tool of the owner’s political and business interests”, Carmen Maria Andronache, Paginademedia.ro, June 8, 2011.
Group imposed upon me by the signatures of the two directors, I, as coordinator of the Investigative Department, was going to become a simple tool of the owner’s political and business interests (as it may be seen in the manner in which managing director Codruţ Şereş [director of Intact in 2011- our note], dealt with the companies which did not have any advertising or with which the owner had a political dispute or with Mr. Dan Voiculescu’s political opponents”), Stelian Negrea stated in a document sent to the National Audiovisual Council in 2011.

The Investigative Department was not under the authority of the trust’s editorial management, but under the direct authority of Intact’s director, Codruţ Şereş. Furthermore, the commercial contract which Stelian Negrea refused to sign provided for sanctions of EUR 100,000 for discrediting, through statements or any other attitude or method, any individuals in the current or future management of the beneficiary, either individually or collectively, or the Beneficiary or the Beneficiary’s Affiliates311 (more details on the Negrea case in the 2011 FreeEx Report as well).

After these revelations, although it did not deny the existence of the contract made public by Stelian Negrea, the Intact group sued him in 2011, demanding that he pay damages in the amount of EUR 100,000 for discrediting the Beneficiary.

However, the Bucharest 1st District Court of Law found that the parties only had a commercial relationship of performance of services the object of which was the provision of media materials, but no service contract had been concluded, as the plaintiff had claimed, so it dismissed the petition that Negrea should pay damages312.

In May 2014, after winning the lawsuit before the Court of Law, Stelian Negrea recounted that he was still being harrassed by said trust, controlled by Dan Voiculescu: "They filed a criminal complaint for fraud against me, for which I received a resolution not to commence criminal proceedings from the Police, which was subsequently confirmed by the Prosecutor's Office, they also filed a civil lawsuit against me, in which they were also asking for hundreds of thousands of Euros, which they surprisingly willingly dropped, they threatened me at home, via a court executor, in order to force me to stop talking, they threatened my wife that if I did not have the EUR 100,000 which he had claimed, she shouldn't sell her apartment, because she would have to give it to Voiculescu, they filed numerous <anonymous> complaints against me with the Fraud Squad, for invented inconsistencies, or dishonest delations, for which I had to repeatedly go there with piles of papers, in order to be tested etc313.

The Bucharest Tribunal maintained the decision in favor of Stelian Negrea, by means of a decision of December 2014314.

In 2013, the prosecutors of the National Anticorruption Directorate ruled upon sending to court, on charges of blackmail and complicity to blackmail, a number of shareholders and employees of the Intact group, as well as 3 companies from said group, in connection with the use of the media institutions under their control (television stations, online and written publications) for blackmail for the purpose of obtaining significant illicit material advantages315 (details on the case in the 2013 FreeEx Report). In 2014, the former owner and official financer of the Intact group and of the Antena 3 channel, Dan Voiculescu, was charged in another blackmail case. According to the DNA prosecutors, he had threatened businessmen with discreditation campaigns unless they signed advertising contracts with his media group, and they denounced him to the DNA316.

311 “The political and economic pressures from Intact and Adevărul Holding are unacceptable”, ActiveWatch. Art.4.6 “Under the sanction of damages in an amount equal to EUR 100,000, both during the Term of the Contract and afterwards, in perpetuity, the Performer and the Key Person, respectively, individually undertake not to discredit, by any statements or any other attitude or method any individuals in the current or future management of the beneficiary, either individually or collectively, or the Beneficiary or the Beneficiary's Affiliates or any other company that generically belongs to the <<Intact Trust>> or the individuals in the current or future management of such companies, in front of the Beneficiary's employees, the Beneficiary's business partners, the respective companies' employees or business partners, in the mass-media or in the presence of any other third parties and/or not to give any kind of written or verbal statements to the written press, the televisions or any media organizations, which are likely to infringe upon the Beneficiary's image or the image of the aforementioned companies or their management, employees or business partners or their products, services or policies”.


313 “How I won the lawsuit with Dan Voiculescu and I am no longer forced to pay him EUR 100,000. Journalists from all editorial offices, expose your moguls!”, by Stelian Negrea, voxpublica.realitatea.net, May 19, 2014.


315 DNA press release of October 1, 2013.

316 Dan Voiculescu, under court-supervised monitoring in a new investigation in which he is being accused of blackmail in view of obtaining
Bogdan Chirieac vs Liviu Avram and Cristian Sima

In November 2012, commentator and businessman Bogdan Chirieac, accused by the fugitive broker Cristian Sima of influence peddling in favor of certain multinational companies (details in the 2012 FreeEx Report, the Ethics chapter), sued both Sima and journalist Liviu Avram - who had published documents in connection with this accusation. Bogdan Chirieac demanded material damages in the amount of USD 640,000 and morale damages of USD 150,000.

In February 2014, the Bucharest Tribunal dismissed the action filed by Bogdan Chirieac against journalist Liviu Avram from Adevârul, on the grounds that the latter acted in good faith and for the public interest, and forced Sima to pay him moral damages of USD 30,000317.

However, in January 2015, the Bucharest Court of Appeals dismissed the plaintiff’s action and petition for court expenses, therefore also exempted Cristian Sima from the payment of the moral damages318.

Liviu Avram told Pagina de Media that he asked Bogdan Chirieac, to whom he had also sent the documents in question, for an opinion, but that the latter chose to publish them on the DCNews website, claiming they were fake, prior to the publication of the Adevârul article319. According to an article published by Tiberiu Lovin on ReporterVirtual.ro, journalist Liviu Avram chose to defend himself320.

Oana Stancu vs Andrei Manțog, Marian Turosu and Revista Kamikaze

Journalists Andrei Manțog and Marian Turosu, jointly with the satirical publication Revista Kamikaze, were each forced to pay Lei 30,000 as moral damages to TV anchor Oana Stancu, after publishing two articles “I offer myself to f...k Oana Stancu and beat up Mircea Badea” (signed by Andrei Manțog) and “Important journalists turned fashion critics – Oana Stancu” (signed by Marian Turosu).

The two, together with the Kamikaze magazine, were also forced to pay the plaintiff’s court expenses, in the amount of Lei 4,350.38. Marius Borțea (editor in chief of the Kamikaze magazine) was exempted from liability by the court of law. The court also forced defendant S.C. Logo 77 Logic S.R.L. (publisher of the Kamikaze magazine) to remove the two articles in question, as well as the related comments posted by the readers, which are insulting towards the plaintiff, from the media under its control. The decision was passed in 2013 by the Bucharest Tribunal321 and maintained in 2014 by the Bucharest Court of Appeals322. Kamikaze removed the articles from the website.

Victor Ponta vs Evenimentul Zilei

In May 2014, Evenimentul Zilei won a lawsuit filed by Prime Minister Victor Ponta. The Bucharest Court of Appeals dismissed the second appeal by which Victor Ponta demanded the liability in tort of four journalists, Cătălin Antohe, Vlad Macovei, Marius Vulpe, Carmen Velicu and Cristian Vasilcoiu, jointly with Evenimentul Zilei, for an article published in 2011323, as unsubstantiated. Said journalists had written about the contracts concluded by the law firm managed by Dan Şova, who was a “senior partner” there and the current Prime Minister Victor Ponta, with the Turceni and Rovinari power Stations. The article presented the results of a control conducted by ANAF, which revealed that the law firm had illegally collected Lei 4.4 million. In 2015, the DNA asked the Parliament for a formal notice for the detention and arrest of senator Dan Şova in a case that specifically targets the business dealings of his law firm with the Turceni and Rovinari power Stations. The investigation was commenced in 2012. According to the press, Dan Şova
denied any involvement of Victor Ponta in these contracts, but his name is mentioned in the case files opened by DNA’s territorial structures, which case files were subsequently linked up by the central DNA\textsuperscript{324}.

**ECHR - The Roșianu vs. Romania case\textsuperscript{325}**

Romania was forced by the European Court for Human Rights to pay damages in the amount of EUR 4,000 to Baia Mare journalist Ioan Romeo Roșianu, because the town’s mayor refuse to provide him with information of a public interest.

Thus, Baia Mare journalist Ioan Romeo Roșianu sent several requests for information of public interest to Baia Mare municipality mayor Cristian Anghel (who was mayor between 1993 and 2010). Pursuant to his refusal to communicate the information to him, the journalist went to court. By means of final and irrevocable decisions, the mayor was obliged by the courts of law to provide the information regarding public procurement contracts and the management of the public patrimony. However, the decisions remained unenforced, despite several endeavours to that effect, which included the court giving the mayor civil fines for failing to comply with the decisions and the prosecutor's giving the mayor administrative fines, pursuant to a criminal complaint.

The plaintiff notified the European Court for Human Rights in 2006\textsuperscript{326}, invoking the violation of articles 6 (the right to due process of law) and 10 (freedom of speech) of the Convention\textsuperscript{327}. The petition stated that the failure to enforce a court decision regarding a civil right of the plaintiff (the right to receive public information according to Law no. 544/2001) represents a denial of the actual access to justice. Furthermore, this was liable to restrict the media’s freedom of speech with respect to information of public interest.

Before ECHR, the Romanian Government claimed that the plaintiff had been provided with the information requested, but that he failed to pick it up from the mayor’s office. In fact, for the specific purpose of discouraging him from requesting the information, the mayor “offered” the journalist a series of documents, in exchange for ridiculous amounts of money (hundreds of Euros) in order to photocopy them.

The court deemed that the plaintiff should have been offered the specific information that he had requested, instead of volumes of documents that he had not requested, therefore it could not acknowledge that the court decisions means to force the defendant to communicate the information were actually enforced. As a consequence, the Court deemed that both the plaintiff’s right to due process of law and his freedom of speech were infringed upon.

"In 2006, when I submitted the plaintiff’s petition to the Court, there was no case law regarding the inclusion of information of public interest in the scope of the freedom of speech. However, the plaintiff was invoking the fact that, in his capacity as a journalist, he could not do his job in the absence of the public information requested from the mayor’s office, therefore his freedom of speech was being infringed upon, but also his right to due process of law, because favourable court decisions had remained unenforced. Over the last years, the European Court made its ruling in other similar cases as well, such as Kenedi vs. Hungary, - so that the Roșianu case, a first for Romania, helps consolidate and expand the fairly recent ECHR case law on the subject", explained the lawyer of plaintiff Roșianu, Diana Hatneanu, member of APADOR-CH, the organization which supported the litigation before ECHR.

Romeo Roșianu was given satisfaction by ECHR 7 years after the registration of his petition. In the meantime, the former mayor of the Baia Mare municipality, Cristian Anghel, has been sentenced to 2 years and 6 months in prison for acts of corruption. Set free in 2011, after only 10 months in prison, he resurfaced in politics, but still has debts to pay to the mayor’s office the head of which he had been. For his actions, Romania still has to pay compensation of EUR 4,000, plus court expenses, to journalist Romeo Roșianu\textsuperscript{328}.

**CONCLUSIONS:**

\textsuperscript{324}“What Ponta’s name is doing in Șova’s case file”, România Curată, March 17, 2015.

\textsuperscript{325} The summary of the case was made by APADOR-CH and has been quoted in full from the press release with the same title, published on June 25, 2014; www.apador.org

\textsuperscript{326} Petition no. 27329/06.

\textsuperscript{327} The case was defended by lawyer Diana Hatneanu and supported by APADOR-CH as a strategic case for Romania.

\textsuperscript{328} The summary of the case was made by APADOR-CH.
The media's infringements of its professional norms have been sanctioned by the courts of law on the basis of the new Civil Code (which came into force in the autumn of 2011).

Some decisions took into consideration the case law of the European Court for Human Rights, but there were also decisions which may be deemed disproportionate to the seriousness of the infringement. There were also lawsuits which the courts dismissed as unsubstantiated.

The courts' decisions prove the absence of a case law, with disproportionate decisions with respect to the amount of the moral compensation. In one lawsuit, the record amount of over EUR 1 million was granted as compensation for the moral prejudice caused.

Some of the claims for which the press was sanctioned by the courts subsequently proved to be true or partially true, which means that the interest in allowing the media to debate upon public issues should weight a little bit more for the judges.

The courts have started making the publishing of apologies mandatory. The obligation to publish apologies, without any clear indication as to how to formulate them, might be a little too vague and, practically speaking, might have zero effect, or even a contrary effect to what the court had sought. Apart from the fact that the apologies would not remedy the prejudice, one may also argue that forcing someone to publicly apologize could, in certain cases, infringe upon the right to freedom of thought, as officially decided upon by the Romanian Constitution.

Other measures which could be considered disproportionate are: the obligation to publish complete court decisions (which implies unrealistic logistics and costs) and the obligation to remove certain articles from the online media.

With respect to certain court of law's practice to demand the journalists to publish an entire court decision, we believe that it might be deemed disproportionate and sometimes unenforceable because of the length of the decisions. A much more reasonable alternative, if the use of this procedure is desired, would be to only demand the publication of the eCNAting terms of the decision, as they have a much more reasonable length, from the point of view of their publication in the written press and their contents are sufficiently clear.

The number of civil disputes seems to have increased lately, especially after the new Civil Code was adopted. The undisputed champions with respect to the number of lawsuits, either as plaintiffs or as defendants are the Intact group and (former and current) employees of the same. The Intact group was also forced, in a lawsuit, to pay the amount of over EUR 1 million for the moral prejudice caused. The Intact group also uses the method of criminal complaints against its critics.

THE LEGISLATIVE FRAMEWORK

The Criminal Code


One subject that stirred up debates during 2014 was the decriminalization of article 276 of the New Criminal Code329, more specifically of the crime of "exerting pressures on justice". According to this article, "The act of an individual who, during an ongoing legal proceeding, makes false public statements regarding the commission, by the judge or by the criminal investigation authorities, of an offense or of a serious disciplinary violation related to the investigation of the cause in question, in order to influence or intimidate them, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine".

The decriminalization was voted upon by the Parliament in December 2014, after the voting of a draft law initiated by the three Liberals (Crin Antonescu, George Scutaru, Alina Gorghiu) and supported by a dozen other Liberal deputies and senators and a PSD senator330.

In its turn, APADOR-CH demanded the removal from the new Criminal Code of the crime of placing pressures on


justice, which “does not represent a predictable law, in the sense of the European Human Rights Convention, as article 276 is written in an extremely loose, vague and ambiguous manner and allows for abuses to be committed, which will prevent the community members from freely discussing matters of a public interest regarding the proper functioning of the public authorities”.

The three Liberals’ draft law was initiated in December 2013 and adopted by the Senate and the Chamber of Deputies in February 2014. In March, President Traian Băsescu demanded that the law should be reexamined. The President argued, quoting the Recitals from the passing of the new criminal code, that “the main reason for the inclusion of this crime was to guarantee and to protect the fairness and the freedom of the judges and the criminal investigation bodies in the exercise of their judicial duties conferred under the law against any attempts of intimidation or control”. The recitals also quote the opinion of the Superior Council of Magistracy, which specified that this crime “only alludes to false public statements made for control or intimidation purposes, which is the equivalent of a distortion of reality, committed in bad faith (...).” The Superior Council of Magistracy invoked the ECHR case law and the backup obligation that prohibits the magistrates from publicly responding to the attacks against them.

The Senate and the Chamber of Deputies maintained the decriminalization by means of a vote cast in September 2014. The acting President Traian Băsescu challenged the law at the Constitutional Court. In December, the law came into force after being deemed constitutional by the supreme forum.

There have also been complaints made by DNA prosecutors against this legal provision. One of such complaints was in fact from October 2014 and referred to Radu Mazăre, the mayor of Constanța and an important member of PSD at the time (at this report’s date, under arrest). According to the DNA press release, Radu Mazăre had made “false statements with respect to the criminal investigation body’s commission of a serious disciplinary violation related to the handling of that case, in order to influence or intimidate him”.

Another initiative that stirred up controversy was that of senator Șerban Nicolae. By means of the draft law submitted to the Senate in February 2014, the Senator proposed an improvement of article 276 (discussed above) and an amendment of paragraph 3 of article 277, “Compromising the interests of justice”. By the amendment of article 277, any person who would have disclosed information from the criminal files should have been punished by at least 3 years in prison. Thus, the current wording states: “The unrightful disclosure of information in a criminal case by a witness, expert or interpreter, when such prohibition is imposed by the criminal procedure law, is punishable by imprisonment from one month to a year or by a fine”. The draft law proposed a new wording: “The disclosure of information which, according to the law, is not of a public nature, from an ongoing criminal case, is punishable by imprisonment from 6 months to 3 years. If the deed is committed by a judge or by a representative of the criminal investigation body, the punishment is imprisonment from 2 to 5 years”.

The draft law was passed by the Senate by tacit approval in September 2014, despite the fact that it had received a negative clearance from the Senate’s Judicial Committee and was then submitted to the Chamber of Deputies. In its turn, the Government gave a negative clearance, pursuant to an equally controversial meeting, in the sense that the press was initially informed that the clearance had been positive and afterwards, it was informed that the clearance had in fact been negative.

After its tacit approval by the Senate, a few NGOs, ActiveWatch included, asked the deputies to dismiss the amendments brought to article 277 of the Criminal Code by means of the draft law initiated by senator Șerban Nicolae. The organizations claimed that “the amendment of art. 277 directly targets the mass-media's broadcasting of the information in the case files and unjustifiably includes journalists among law subjects, which means that they risk being imprisoned for broadcasting certain information”. On the date when this report was written, the draft


333 Press release of the National Anticorruption Directorate of September 15, 2014 No. 1286/VIII/3.

334 PL-x nr. 473/2014.


336 “The amendment of article 277 of the Criminal Code restricts the right to be informed”, press release of September 30, 2014 of ActiveWatch,
law was being developed by the specialized committees of the Parliament.

In December 2013, the Chamber of Deputies reincluded insult and calumny in the criminal code, “through the back door”. At the December 12 voting in the plenum of the Chamber, one included in the draft Law for the abrogation of art. 741 of the criminal Code (PL-x nr. 680/2011)\(^ {337} \) an amendment by means of which insult and calumny were sanctioned with a criminal fine. Because of several other preposterous provisions contained in the draft law\(^ {338} \), it was declared unconstitutional by the Constitutional Court, by means of Decision no. 3 of January 15, 2014. The draft Law was ultimately rejected by the Senate on March 18, 2014 with 137 votes for, one against and no abstentions.

Unfortunately, the 2013 events and the attitude of the Constitutional Court, which reiterated, both in its 2007 decision\(^ {339} \) and in its 2013 decision\(^ {340} \) that decriminalization of insult and of calumny is not constitutional and supported the idea that an individual’s reputation and honour can only be protected by criminal means (details in the 2007, 2013 and 2014 FreeEx Reports), show us that the threat of reincriminating insult and calumny is current and real.

**The guide on the relationship between the Romanian judicial system and the mass-media**

In May 2014, the Superior Council of Magistracy adopted a new version of the Guide on the relationship between the Romanian judicial system and the mass-media. Prior to adopting it, several organizations protested against the fact that no real debate with the mass-media was organized with respect to this Guide\(^ {341} \). Subsequently, there were a few consultations with journalists and NGOs, which were announced at very short notice. The version of the Guide, as it was adopted pursuant to the consultations, did not include any of their significant amendments\(^ {342} \), just as it had happened at the discussions regarding the previous version of this document (See the 2012 FreeEx Report).

The most important amendment is that, during the criminal investigation stage, the press can only be issued excerpts from certain documents and, after the drawing up of the indictment, the press can only still receive excerpts from this document.

Attila Biro, a journalist involved in the CSM negotiations, commented that in the version voted upon by the plenum of the CSM, the article restricts the access to the information included in the criminal case files and that the wording “removal of the passages (...) regarding evidence and their examination” means that documents such as reports or indictments are emptied of any content, so that they can no longer be presented by the media\(^ {343} \). According to the research conducted by the authors of this report, with a few exceptions, some of which were regulated in the process, the media did have access to information and continues to publish the contents of official documents.

On the other hand, the guide does not manage to harmonize the practice regarding the journalists’ access to the documents in the file during judgment, even though, according to the law, with a few exceptions, trials are open to the public. There are cases in which the case file can only be reviewed, not photocopied, which puts the journalists in the position of being unable to “support” the press materials with documents the regime of which is public under the law. Thus, the journalists may commit errors caused by the defective or incomplete understanding of certain issues discussed in the court of law, a problem which ultimately affects both the persons involved in the cases and

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338 These referred to: the redefining of the crime provided for under art. 253 of the 1968 Criminal Code; the inclusion of certain provisions referring to the implementing of the decriminalization law; amendments brought to the provisions referring to the statute of limitations of criminal liability, in the sense of reducing its duration; exempting certain categories of individuals from being subject to the provisions regarding civil servants, from the Criminal Code in force and from the new Criminal Code; amnesty and pardoning.


340 Decision 206/2013.

341 “Two organizations are warning the Superior Council of Magistracy that the review of the Justice-media Guide should not be a “step towards censorship” By I.C., HotNews.ro, March 10, 2014 (the organizations referred to in the title are Freedom House and Expert Forum). “Several NGOs demand that the Superior Council of Magistracy should extend the period of public consultation with respect to the Guide on the relationship between justice and the mass-media”, by V.M., HotNews.ro, March 7, 2014 (the organizations are APADOR-CH, ActiveWatch, the Center for Independent Journalism, the Romanian Center for Investigative Journalism, the Romanian Academic Society and the Central for Legal Resources).

342 “The Superior Council of Magistracy denies the media the access to the corruption case files. The Council proposed a guide promoting non-transparency in public communication”, by Biro Attila, Gindul.info, May 6, 2014

343 Ibidem.
the public.

In February 2015, in the case of Apostu vs. Romania, The European Court for Human Rights claimed that, as a result of a leak to the media of certain excerpts from the recordings of the telephone conversations of Sorin Apostu, former mayor of Cluj, prior to the commencement of the criminal action, his right to private life was violated. The Court considered that the recordings made Apostu seem guilty before being judged and that their publication was not necessary, as it did not help the criminal investigation advance. The information would have become accessible when the prosecutor brought the case file before the court, at the latest. Moreover, some of the published conversations were of a private nature and their publication did not address a pressing social need. The Court’s conclusion was that the leak was not justified in this case and that Sorin Apostu’s right to private life was violated344.

The "Big Brother" Laws

During 2014, the Parliament adopted two questionable legislative proposals: the draft law regarding the registration of the prepaid cards and the identification of the public WiFi hotspot users (PLx. 277/2014) and the draft law on cybersecurity (PLx. 263/2014). Fortunately, both were subsequently invalidated by the Constitutional court.

In June and July 2014, the Government and the Parliament first attempted to limit the mobile telephony and Internet users’ right to anonymity in their electronic communications. Through the draft law regarding the registration of the prepaid cards and the identification of the public WiFi hotspot users (PLx. 277/2014), the authorities’ intention was to legally force the owners of prepaid cards to register, like all WiFi connection providers. Moreover, the latter would have been obliged to control the identity of all users (for instance the clients of a bar, who were surfing the Internet).

The law on the registration of the prepaid cards and the identification of the public WiFi hotspot users was initiated by the Government in April 2014, it was approved quickly by the Romanian Senate (On June 2)345 and even more quickly by the Chamber of Deputies (July 2)346. This, in spite of the protests of civil society and even of the providers of electronic communications services, who wanted a public debate on the subject and, more importantly, wanted such a step to be given up altogether. The Government adopted this draft law only one day after the April 8, 2014 decision of the European Union's Court of Justice (CJUE) had invalidated Directive 2006/24/EC of the European Parliament, on the retention of the telephony and Internet users’ data - also known in Romania as the "Big Brother Directive" - on the grounds that it represents a serious and disproportionate interference in the fundamental rights to respect for private life and to the protection of personal data347.

The organizations that took a stand against the passing of the Law on the registration of the prepaid cards and the identification of the public WiFi hotspot users (officially: the Law for the amendment and supplementing of Government Emergency Decision no. 111/2001 on electronic communications) claimed that said Law seriously affects the right to private life, legalized by the Constitution348. The organizations commented that the passed Law is unclear and has effects over more than the prepaid telephone card field. For instance:

- all citizens connecting to free WiFi systems will not have to be identified;
- all 13 million users of prepaid cards must register within 12 months following the passing of the Law, otherwise their service will be deactivated;
- the registration of the users is performed under uncertain circumstances, one does not know exactly who has access to the database, why the users’ Personal Identification Number is necessary etc.

The Constitutional Court, notified by the Ombudsman after receiving repeated petitions from several organizations of civil society, deemed this Law unconstitutional in September 2014349; this was one success (probably


346 "Cybersecurity and the registration of prepaid cards, subject of debate in the Chamber of Deputies - the Information Technology Committee", by Bogdan Manolea, June 11, 2014, www.apti.ro

347 "We hereby ask the parliaments not to vote on the draft law regarding the registration of prepaid cards", press release signed by APADOR-CH, ApTI, ActiveWatch and the Center for Independent Journalism, April 11, 2014, www.apador.org

348 The ApTI opinion with respect to the prepaid project in the "Cybersecurity and the registration of prepaid cards, subject of debate in the Chamber of Deputies - the Information Technology Committee", by Bogdan Manolea, June 11, 2014, www.apti.ro. The ApTI opinion was joined by several organizations.

349 "Petition to notify the Romanian Constitutional Court prior to issuance", press release signed by APADOR-CH, ApTI, ActiveWatch and other organizations, www.apti.ro
only temporary) of the law’s opponents, the most active of which were organizations of the civil society and citizens.

Also in the Parliament and also in June, the committees discussed the draft law on cybersecurity (PLx. 263/2014). For this particular draft law, the IT Committee organized two meetings with the interested parties, in view of discussing the issues raised by the original wording. The first meeting was held on June 11 (when aspects related to the previous proposal related to the prepaid cards)350, and the second meeting was held on June 24, when several organizations, the most important of which were the Technology and Internet Association (ApTI) and the Association for the Protection of Human Rights in Romania - the Helsinki Committee (APADOR-CH), prepared a series of amendments351. The meeting was attended, among others, by representatives of the mobile telephony operators, ANCOM, CERT-RO and the Romanian Intelligence Service.

The organizations proposed specific amendments for correcting the main aspects, but claimed that the best solution would be to dismiss the draft law on cybersecurity and to propose a new draft law only after the passing of the EU directive on information security (the NIS directive), which was in an advanced stage.

According to the NGOs involved, the draft law had fundamental drafting issues, as it proposed a series of vague measures with a limitative effect on the right to private life in the digital domain and clearly violated the discussed European regulations on the subject of information security352.

The subject of the competent institution, according to this law, also represented a complex matter which, in the NGOs’ opinion, might require detailed public debates in order to meet the criteria adopted in the NIS directive draft at an European level, at its first reading by the European Parliament. As said directive has not yet been adopted at the European level, it is very likely that, depending upon the precise wording adopted at the European level, the national law on information security might have to be amended and supplemented. For that reason, the NGOs deemed it advisable to dismiss the draft law and to propose a new draft law after the EU directive is passed.

The organizations returned with these amendments to all committees involved in the passing of the draft law.

Unfortunately, after an electoral hiatus, the draft law briefly passed through the Senate, where no debate was organized, and was passed in December 2014. A higher number of organizations filed petitions (against passing the draft law) with the Romanian President, the Ombudsman, ICCJ and the leaders of the parliamentary groups (petitions to notify the Constitutional Court). At the end of December, PNL's parliamentary group notified the Constitutional Court. In January 2015, Apador-CH and APTI drew up an amicus curiae, supported by several organizations353. In January 2015, the Constitutional Court deemed the law unconstitutional, supporting the arguments of the civil society, while also identifying other significant issues of the passed text.

The security structures have a very strong interest in the passing of this legislation. Said structures, headed by the Romanian Intelligence Service, played an essential role in the form in which such laws were passed by the Parliament, despite the fact that they do not have a right of legislative initiative. In fact, the head of the SRI at the time, George Maior, insulted and openly threatened the opponents of the “Big Brother” laws (journalists, human rights organizations, members of the Constitutional Court): “I want to warn you very seriously that there is a moral responsibility with respect to the security of the Romanian citizens, not of the state. When a catastrophe occurs, I will know where to place the blame. It is my duty to say that someone is playing with things they don't understand or, in bad faith, is approaching them in this manner. I will not comment on the decisions, we will adjust to them, even with Sherlock Holmes’ means”354. Said legislative initiatives also benefited from extensive support from the mass-media.

At the beginning of 2015, the Presidency formed a task force, which also included civil society organizations. The task force intends to discuss principles which should govern any future legislation in these fields.

350 “Cybersecurity and the registration of prepaid cards, subject of debate in the Chamber of Deputies - the Information Technology Committee”, by Bogdan Manolea, June 11, 2014, www.apti.ro


352 Ibidem.


354 “Event-interview given by George Maior to Dan Andronic, prior to his resignation from the management of the SRI - Complete programme (VIDEO)”, B1.ro, January 27, 2015
CONCLUSIONS:

Legislative initiatives which are a threat to the freedom of speech are periodically brought before the Parliament. The guide on the relationship between the justice and the mass-media limits the access of public interest information and does not help create an unitary practice.

The passing of the “Big Brother” Legislation represents a permanent threat, despite the opposition of a large number of informed citizens and of the invalidation of the constitutional nature of any such legislative provisions by the Constitutional Court and the European Court of Justice.

Audiovisual legislation is in a continuous process of change.

The Ministry of Education does not believe in the pupils’ right to free expression.

The threat of reincriminating insult and calumny is current and real.