

MÉRTÉK MEDIA MONITOR

Four Shades of Censorship

ILLUSION OF PUBLIC SERVICE MEDIA

in the Czech Republic, Hungary, Romania and Slovakia



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Hungary, Romania
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MÉRTÉK MEDIA MONITOR

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PUBLIC SERVICE MEDIA

CZECH REPUBLIC

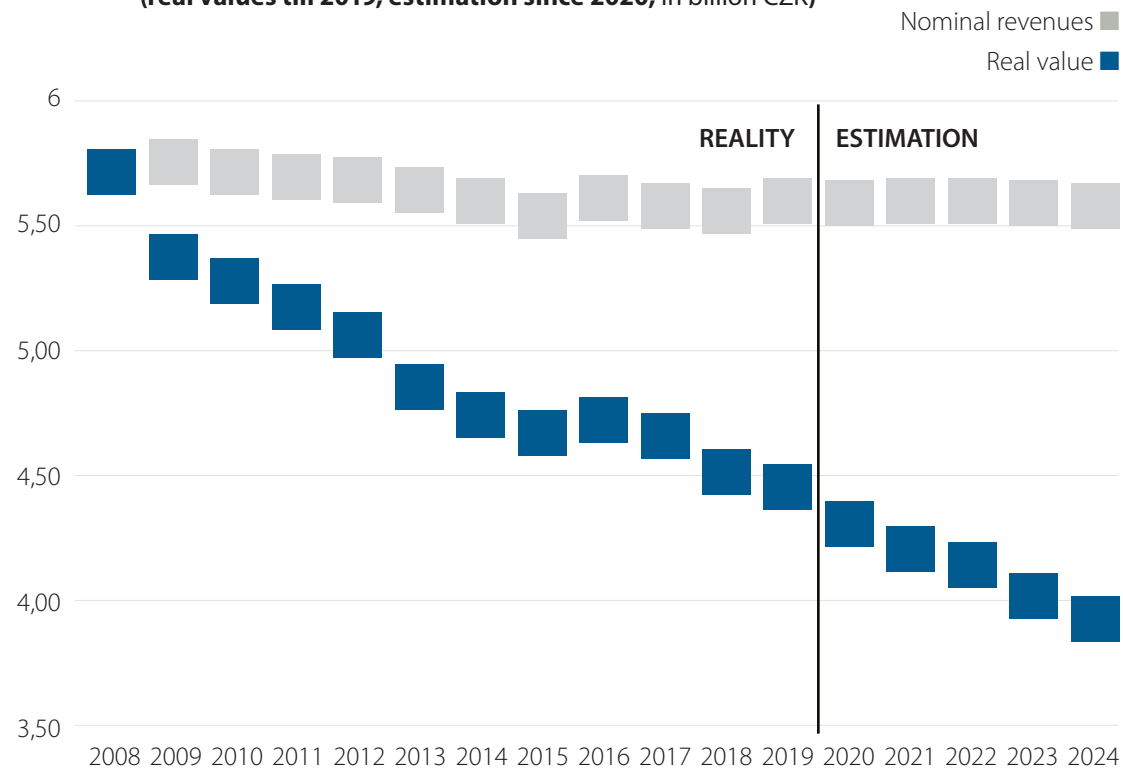
1. FUNDING OF THE PUBLIC BROADCASTER, TRANSPARENCY RULES

Financing of the Czech TV and of the Czech Radio is based on fees obligatory paid by viewers and listeners. There are also limited revenues from advertising allowed but strictly limited. Czech Press Agency is financed only by revenues from selling its service. No public service media is getting any subsidy from the government.

Yearly fee for the Czech TV is CZK 1620 (ca EUR 61) and for Czech Radio it is CZK 540 (ca EUR 20) These amounts are fixed in bills of Czech TV and Czech Radio and are not being adjusted according inflation rate or any other indicator. That results to the fact that fees are on the level of 2008, or not changed for thirteen years.

Not changing of the fix fees is used to put pressure against management of PSMs. Members of the parliament are pushing on the management to safe costs rather than agree on the indexing of fees.

Nominal revenues from fees and its declining real value
(real values till 2019, estimation since 2020, in billion CZK)



Source: www.mediaguru.cz

The following tables show the projected revenues for Czech TV and Czech Radio in 2021.¹

Projected revenues for Czech TV in 2021

	CZK (million)	EUR (million)
Revenues from fees	5965,0	225,6
Revenues from business activities	823,1	31,1
Other revenues	51,9	2,0
Total revenues	6840,0	258,7

Projected revenues for Czech Radio in 2021

	CZK (million)	EUR (million)
Revenues from fees	2077,0	78,5
Revenues from advertising and sponsorship	83,0	3,1
Other revenues	142,1	5,4
Financial revenues	10,9	0,4
Total revenues	2 313,0	87,5

¹ For conversion we have used the 2020 currency exchange average rate, of 26.455 CZK for 1 EUR Eurostat - Data Explorer (europa.eu)

2. APPOINTMENT PROCEDURES OF MANAGEMENT AND OVERSIGHT BODIES

Czech TV and Czech radio

Both Czech Television Council and The Czech Radio Council consist of fifteen members elected and removed by the Chamber of Deputies of the Czech Parliament in such a manner that according to the law it should represent important regional, political, social and cultural opinion streams. Proposed candidates for the members of councils are presented to the Chamber of Deputies by organizations and associations representing cultural, social, trade union, employer, religious, educational, scientific, ecological and national interests. Political parties are legally not allowed to submit these proposals. Members of councils are elected for a six-year term. One-third of the members are elected every two years. Council members may be re-elected.

Although politicians legally do not propose candidates, the practice is opposite. Candidates (which are finally elected by the Chambers of Deputies) are usually proposed after preliminary support of political parties. Their candidacy is legitimized by some association, club or non-profit organization but in fact they are political candidates. In the past however, the membership in councils was agreed among politicians in the way it proportionally represented the distribution of political power and different parties in the Chambers of Deputies. This practice was left in 2020 when Czech Parliament was electing 6 new members of members of TV Council. Only those candidates which got support of leading movement of Czech PM Babiš (ANO) were elected. It can be illustrated on this example: Michal Klíma (co-author of this report), who got the highest support in the pre-election process by members of the parliamentary Election Committee, was later not elected by the Chamber of Deputies. This fact was condemned by international media organizations which sent their protest to members of Czech Parliament.

The council may be removed by the Chamber of Deputies - if it repeatedly fails to comply with its duties or if the Annual Report on Activities or the Annual Report on Economic Performance of Czech TV (Czech Radio) fails to be approved by the Chamber of Deputies twice in sequence. That means that although all councils are legally independent, they can be in fact removed by the Lower Chamber of the Parliament if its annual reports are not approved twice in sequence.

In several past years, the Chamber of Deputies did not approved Czech TV annual reports for voting. It practically means that any time MPs may take two of these reports in a row for voting and by not approving them they may remove the Council. Because the Director-General is appointed by the Council, this is the way, how to influence his/her position through the threat of the Council removal.

In Spring 2020, the dispute about the process of appointing candidates for the membership in the Czech TV Council was criticized by senators. According to the legal assessment (worked out by Jiří Kučera, the lawyer and member of the board of The Endowment for Independent Journalism), the Election Committee in the pre-election process didn't follow the law and didn't appoint only those candidates which could be appointed and elected according to the law which states that candidates should be proposed by "important regional, political, social and cultural opinion streams". On the contrary, among those candidates appointed by the Election Committee were candidates proposed by

“unimportant and even unknown organizations” but were politically acceptable by the majority of members of the Election Committee.

As the Committee rejected to accept this criticism, Michal Klíma (co-author of this report), one of rejected candidates, announced that he will file complaint to the Constitutional Court of the Czech Republic. He insists that according to given rules his constitutional right to stand as a candidate for TV Council was broken by the fact that the Committee in contradiction with the law appointed candidates not eligible and that for those who were eligible were not allowed to run.

Czech press agency (ČTK)

The Czech News Agency Council has seven members elected and removed by the Chamber of Deputies of the Czech Parliament. The members of the Council are elected for a five-year term and may be re-elected, however, not for more than two consecutive terms of office. The Czech News Agency Council is accountable for its activity to the Chamber of Deputies of the Czech Parliament. It elects and removes its Chairperson from its members.








According to the law the Chamber of Deputies of the Czech Parliament may remove the whole Czech News Agency Council, if the Czech News Agency Council has repeatedly failed to comply with its duty to observe the consistent fulfillment of the mission of a news agency, to appoint and remove the Director-General, to approve the budget and the final account of the Czech News Agency, to submit to the Chamber of Deputies the Annual Report on the Activities and Economic Performance of the Czech News Agency or, if during a period of six months the Chamber of Deputies repeatedly concludes in its resolutions that the Czech News Agency fails to fulfill its mission, that is, to provide objective and comprehensive information for the free formation of opinions, to provide a public service by disseminating verbal and pictorial coverage from the Czech Republic, from abroad and to foreign countries. Also this wording of the bill theoretically may be misused to change the board but it was not misused in that way yet.

Above described procedure practically means that although theoretically the process of appointment of council members seems to be independent on political interests, practically the governing establishment has set of tools how to influence the constitution of councils and its acting and that way influence appointment process of the acting management of MPs.

3. ROLE OF PUBLIC SERVICE MEDIA IN THE AUDIENCE MARKET

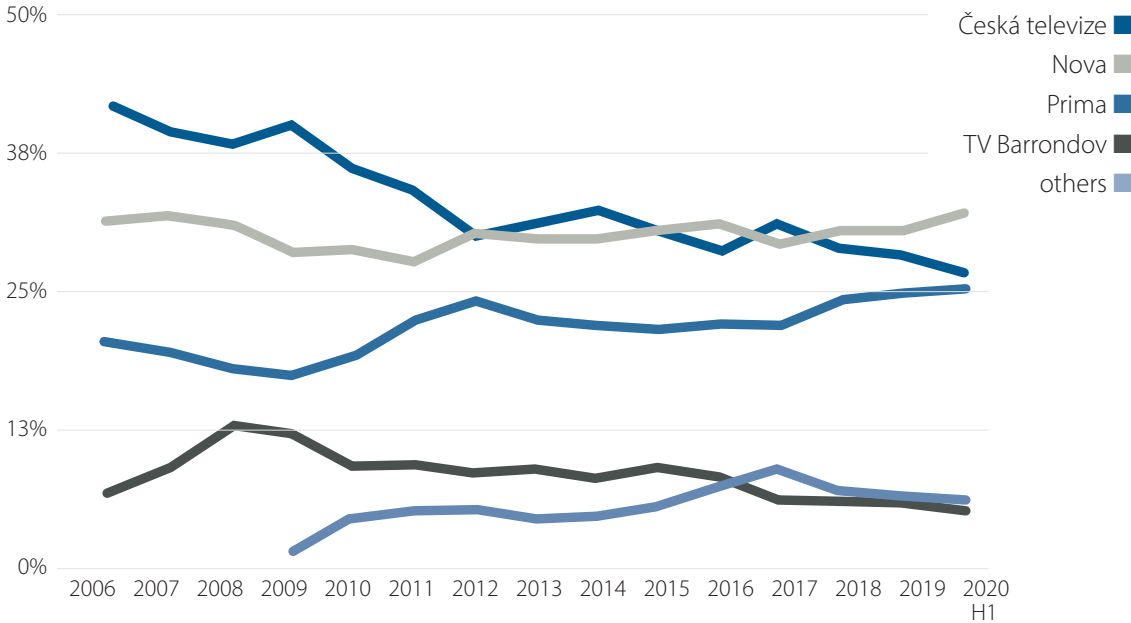
Czech public service television (Česká televize - ČT) keeps the highest reach on the Czech TV market. Daily, it reaches exactly half of Czech population older than 15 years. It has the highest market share from all TV organizations with nearly one third of the market and it keeps its share on the market in the long term perspective.

Key Media Players Situation in H1 2020

Buying group (share of TG 15+/avg. daily reach 15+)	Network	Owner	Audience share (TG 15+)	Average daily reach (TG 15+)
Nova Group (26,9% / 47,7%)		CME	26,7%	47,6%
		CME	0,2%	0,7%
Media Club (35,7% / 51,9%)		FTV Prima	27,7%	45,7%
		Barrandov Televizní Studio a. s.	6,0%	14,7%
		Stanice O, a. s.	0,5%	1,7%
		various	4,5%	14,8%
Česká televize (32,1% / 50,0%)		public TV	32,1%	50,0%

Source: ATO – Nielsen Admosphere

Share of TV Groups Yearly share of viewership in TG 15+



Source: ATO – Nielsen Admosphere

Considering the public radio, you will get more-less same figures. The daily reach of Czech Radio (Český rozhlas) is 29 % - with the audience share over 22 %. The main news channel of Public radio is called Radiožurnál and is on the top of the radio stations from the point of view of both the average daily and weekly reach. By the way, Czech Radio is the oldest radio broadcaster in continental Europe and the second oldest in Europe after the BBC from the United Kingdom.

TOP RADIO STATIONS

Average daily & weekly reach TG 15+ in H1 2020

Rank	Radio station	Average Daily Reach	Average Weekly Reach
1.	Radio Impuls	10,8%	22,4%
2.	Čro Radiožurnál	10,4%	18,6%
3.	Evropa 2	9,3%	21,6%
4.	Radio Blaník	7,7%	15,0%
5.	Frekvence 1	7,6%	16,5%
6.	Rádio Kiss	5,3%	9,8%
7.	Čro Dvojka	3,8%	6,7%
8.	Country Radio	3,0%	6,1%
9.	Radio Beat	2,7%	5,0%
10.	Fajn Radio	2,0%	3,6%

Source: Radioprojekt 1H 2020

Both Czech TV and Czech Radio reach high level of trust among population. According to the research of Masaryk University in Brno in 2020, both Czech Radio and Czech TV are trusted by 57% of all respondents. 25% of the population attitude towards PSM is neutral.

Other media are less trusted. Next in the level of trust is Hospodářské noviny (Czech business daily) with 40%. The level of trust towards other media is even lower. Czech News Agency (a national public service news agency) is trusted by 43% of population according to the survey which may be seen as little confusing because the output of the agency is not directly consumed by the population itself but it is only used as a source of news for other media companies.

In the situation when majority of private media was over-taken by oligarchs (which are directly or indirectly connected with Czech government) PSM plays more and more important role.

Although the government has tools how to influence them (the members of the broadcasting councils of both Czech TV and Czech Radio are nominated by civil society and cannot be active in political movements, but the final appointment depends on the political majority in the Chamber of Deputies), they still keep a high level of independence and the management is not fully ready to influence the program according to the government interests.

4. MAIN PROBLEM AREAS OF PSM

Financing (described above) together with the political pressure are main problems of the PSM. The electing process to the Councils under the presidency of Miloš Zeman and premiership of Andrej Babiš led to strong political pressure.

Although the bill itself remains unchanged, the practice in election of the PSM's councils members changed dramatically. In past, political parties respected the result of parliamentary election and the representatives of opposition or at least not pro-governmental figures had been elected to the councils as well - which to a great extent had guaranteed the independence of PSMs and made the direct political influence impossible.

This practice changed in 2020 and in 2021. In 2020, six new members were elected to the Czech TV Council. Members of the Chamber of Deputies ignored pre-election results within the Election Committee and only those candidates who were the "products" of political alliances - ignoring democratic opposition were elected. During the first round of shortlisting process in the electoral committee, Michal Klíma (the media manager, journalist and co-author of this report) obtained most of the votes but in the Lower Chamber he was not elected despite votes from all democratic opposition parties.

Different global EU and Czech media organizations addressed open letters to all Czech PM's and warned that "the elected candidates reflect a one-sided political misbalance and open up the risk for direct political influence". Immediately after new members were installed into the TV Council, the council changed its way of operating and focused on finding reasons how to remove the current CEO of Czech TV and in the same time finding arguments against most senior and respected reporters (mainly those who are engaged in critical journalism).

The reason is pretty clear. The station runs investigative reports and covers issues often unpopular with ruling figures. Thus, it has frequently been criticized by President Miloš Zeman, a political ally of Prime Minister Andrej Babiš, as well as by the far-right and xenophobic party SPD. Needless to say, the Council does not control content but can dismiss Czech TV's director, Petr Dvořák, and appoint someone open to personal changes, which critics say could affect news coverage and reporting at one of the most trusted news groups in the country. Following changes to the Council last year, Dvořák has already been under pressure, with council members.

One year later, the situation escalates again. In 2021, 4 new members of the TV Council are being elected. This time the electoral committee itself made a shortlist in the pre-election process and most of candidates which could represent positions critical to the government were not allowed for the final election. Unfortunately, some of those shortlisted represent clear antidemocratic or even xenophobic and anti-semitic positions. If the new elected members will join those members of TV Council elected last year in their campaign against the current CEO and against critical journalists, they will be strong enough to remove the CEO and appoint a new person who will be willing to make personal changes (including those reporters who are critical to the government).

The situation in the Czech TV council was a matter of criticism of many international organizations including International Press Institute, European federation of Journalists, Article 19, European Broadcasting Union and by joint letter of CEOs of European TV stations. These organizations expressed serious concern over the latest efforts by the ruling ANO party and its allies to further politicize the oversight body of the Czech public broadcaster:

"We are aware that the director general has long been under fire from certain political forces and previously faced smears in pro-government media over his leadership of the broadcaster, which has long been unfairly tarred as biased and unbalanced. We also note that during the previous ČT Council election in May 2020, ANO urged MPs not to vote for candidates supportive of Dvořák. In another worrying sign, some of the recently short-listed candidates have spoken openly about their willingness to dismiss him and remove other editors and journalists. /.../ It is crucial therefore that the Czech public television remains a model for public broadcasting in the region and that the bodies that oversee it remain free of political interference. Viewers and voters must continue to have access to impartial, unbiased and independent information, especially during the COVID-19 pandemic. Vital here is the requirement of all political parties to view the public broadcaster as a necessary and valued public watchdog that serves a central role in the country's democracy, as opposed to a political tool of state communication to be instrumentalised ahead of elections."

A petition of representatives of the Czech culture was addressed to the prime minister as well - with a clear demand to stop create a political pressure on the Czech TV.

Although the president has no formal role - neither in the appointing of the TV Council nor the CEO, Miloš Zeman has been criticizing publicly the editors of Czech TV as well as the current CEO and even pleaded for his firing (which was a clear violation of the independence of the Czech TV.

Czech Radio and Czech Press Agency are other two of the three public service media organizations in the Czech Republic. Both have the similar problems with the political pressure as described in case of the Czech TV. But the situation there is fortunately still not as critical as in Czech TV.

Czech Radio is still bringing programs critical to the government. Representatives of the opposition as same as critics of the current government are getting broadcasting time in its programs. Czech Radio runs a very good web site based on data journalism which is repeatedly bringing details of different corruption cases - even if they are connected with the members of the government.

Czech Press Agency maintains its professional service coverage and although there are tough discussions during its council meetings, the service keeps its quality.

5. INFLUENCE OF PSM ON MARKET PLAYERS

Czech Press Agency (ČTK) always influenced content of media scene in the Czech Republic. Traditionally, it has very good quality of the news service and news issued by the agency and create the significant part of the content of other media mostly newspapers and news web sites. As the financial situation of publishing houses and media overall is worsening, the ration of ČTK news in the content of other media is increasing. In such situation the professionalism and quality of ČTK news service has a key importance.

The financial situation of private media emphasizes the role of the public service media - due to the system of fees they do not depend on the immediate financial situation. Therefore, the role of PSM as a source of information increases and the need of its independence is more important than ever before.

Both Czech TV and Czech Radio often invite journalists from other media to comment current news situation, trends, local and international news as same as all kinds of financial and science events. This helps to promote other media and draw attention on its work. Unfortunately, journalists from new independent media are almost never invited to broadcasting of Czech TV and Czech Radio, while journalists of newspapers currently owned by PM Babiš's trust fund are quite often on screen of Czech TV and on programs of Czech Radio.

The fact that journalists who work for independent media do not appear in public service media harms independent media and at the same time doesn't bring full service to viewers and listeners as they are deprived of opinions of independent journalists.





PUBLIC SERVICE MEDIA

HUNGARY

1. FUNDING OF PUBLIC SERVICE MEDIA, TRANSPARENCY RULES

The licence fee was part of the funding scheme for financing the operations of the Hungarian public service media (PSM) between 1996 and 2002. This system was abolished in 2002, and PSM is heavily financed by the central budget in Hungary. Public media became vulnerable to political influence and in recent decades it has depended on the restraint of governments to put public service media under intense pressure.

The funding mechanism itself has been fairly stable over the past period, but the public service media regime has changed a lot over the past decade. To understand the anomaly of funding, it is also necessary to understand the current structure of the PSM.

Originally the 2010 media law¹ assigned the task of providing public media services originally to four private limited companies – Magyar Televízió Zrt. (Hungarian Television), Duna Televízió Zrt. (Duna Television), Magyar Rádió Zrt. (Hungarian Radio), and the Magyar Távirati Iroda Zrt. (Hungarian News Agency). An amendment to the law was adopted by the Hungarian National Assembly in December 2014, primarily aimed at the transformation of the institutional framework of public media services. As a result of this amendment, Duna Médiaszolgáltató Nonprofit Zrt (Duna Media Service Nonprofit Ltd.) was established as the legal successor of the prior companies. So, Duna will thus become the provider of all public service television, radio, and online content services, as well as public service news agent's activities with effect from July 2015.

¹ Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content; Act CLXXXV of 2010 on Media Services and Mass Media

Functions of Duna are discharged by the Media Service Support and Asset Management Fund (Médiaszolgáltatás-támogató és Vagyonkezelő Alap, abbreviated as MTVA in Hungarian). MTVA exercises the ownership rights of public service media assets, and it is also in charge of producing or supporting the production of public service broadcasting items. Practically all of the public media's content acquisition and show production is performed by the MTVA, and it is also the legal employer of the public service media employees.

The complexity of the system is not a coincidence: while the operations of the Duna are subject to the outside review of several public bodies, especially the Public Service Media Board that is made up of the delegates of organisations specified in the media law, the MTVA is subject to the review of a single organisation: the Media Council. Media Council members were delegated by the ruling party, so there is no independent control over the MTVA.

So, Duna is the public service media provider and it is more or less appropriately subject to external control mechanisms, but in reality, the oversight is merely a façade since it has no resources for the actual performance of these functions. And then there is the MTVA, which disposes taxpayer funds without being subject to any meaningful outside control and no one has a clue of where and how it spends the money.

Budget of the public service media in Hungary 2018-2020

	HUF ('million)			EUR ('million) ²		
	2018	2019	2020	2018	2019	2020
MTVA budget	97 656,3	92 861,0	103 126,3	278,0	264,4	293,6
from central budget	84 906,1	83 982,8	94 778,0	241,7	239,1	269,8
Duna budget	2 119,6	2 001,2	2 500,2	6,0	5,7	7,1

Source: https://nmhh.hu/tart/index/232/Koltsegevetes_koltsegevetesi_beszamolo and <https://e-beszamolo.im.gov.hu/oldal/kezdolap>

As can be seen, the MTVA is well financed, with an annual budget of almost 300 million EUR by 2020. The share of the central budget in the MTVA's revenue is very high each year, typically around 90%. The trend is illustrated by the fact that the annual budget of the MTVA was 30.3 billion HUF (ca. 86 million EUR) in 2011 and the planned amount for 2021 is 117.7 billion HUF (ca. 335 million EUR).

Compared to the MTVA, the Duna budget is marginal. It is apparent based on the financial data that even though de jure Duna is the public media service provider, de facto MTVA performs this function.

The European Commission has been reviewing a complaint on the subject filed by former MEP Benedek Jávor, along with a market player, Klubrádió, and the media watchdog NGO Mérték Media Monitor, since 2016. The European Commission attaches strict conditions to public service media funding in order to forestall the market-distorting use of public funds. In our complaint, we highlighted the fact that the funding of the Hungarian "public service" media no longer complies with the European regulations on state aid. In our view, neither the required transparency nor the independent control is met.³

The spending of the MTVA is not transparent, although since 2019 at least an annual report has been published on the website.⁴ In any case, it is unclear how much the MTVA has spent on certain public service purposes. In addition, the MTVA publishes contracts over 5 million HUF, but it should be added that this is a poor quality scanned pdf in a non-searchable format.⁵

The Media Act regulates the mode whereby state funding is distributed among the various public service functions. In principle, the latter responsibility is discharged by the so-called Public Service Fiscal Council. The respective CEOs of the MTVA and the Duna always make up a majority in the Fiscal Council, however, and thus they can jointly decide any issue before the Council. But even if the third delegate, the representative of the State Audit Office proposes some new ideas, the Council has no more than a right of comment when it comes to the MTVA's proposed budget. Hence, there is practically no form of external/societal oversight whatsoever when it comes to the allocation of the MTVA's spending.

Journalists have also found it difficult to get information from the MTVA, even data requests based on Freedom of Information Act have been unsuccessful. For many years, it was common for the MTVA not to respond to data requests, and if the journalist sued, the case dragged on for years. This is, of course, not a viable option for a journalist, as the case to which the request related had long lost its relevance by the time the data was obtained. Unfortunately, journalists have given up covering the MTVA's cases; while in the early 2010s there were many articles on public service media, in recent years there have been hardly any.

2. APPOINTMENT PROCEDURES OF MANAGEMENT AND OVERSIGHT BODIES

As mentioned earlier, according to the law, Duna is the public service broadcaster in Hungary, and it has its oversight bodies.

First, Duna is owned exclusively by the Public Service Foundation and supervised by its Board of Trustees. The Board of Trustees is the only body within the system of media supervision that has members delegated by the opposition parties. Elected for a term of nine years under the law, half of the members are delegated by the ruling parties, and half by factions of the opposition. They are elected by a two-third majority vote of Parliament. However, even in this body, majority is guaranteed for the ruling parties, since another two members and the chair are delegated by the Media Council. The Board of Trustees is vested with general regulatory powers in connection with public service provision and management, most notably including the appointment of Duna's executive director.

Secondly, the Public Service Board, which comprises members delegated by organizations defined by the Media Act, is supposed to implement broad-based social control. However, journalists' and human rights organizations are absent from the list of entities delegating members to it. The Media Act authorizes the body to propose that the executive director be removed from office if it refuses to accept his annual report. The law fails to articulate the criteria for making such a proposal.

² For conversion we have used the 2020 currency exchange average rate, of 351.25 HUF for 1 EUR Eurostat - Data Explorer (europa.eu)

³ <https://mertek.eu/en/2020/09/07/ec-complaints/>

⁴ https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9rtelmez%C3%A9se.pdf

⁵ https://mtva.hu/wp-content/uploads/sites/17/2021/06/2021_janu%C3%A1r_MTV%C3%A1_5millio_feletti_szerzodesek_egyseges_szerkezetben_2_resz.pdf

Thirdly, the Public Service Fiscal Council theoretically controls the financing of public media. The members of this Fiscal Council are the CEOs of Duna and the MTVA respectively, as well a delegate from the State Audit Office. Public Service Fiscal Council only retains a right to comment on proposals drafted and adopted by the MTVA. In allocating budgetary funds, the MTVA is not obliged to consider the Fiscal Council's opinion. Indeed, the delegate of the State Audit Office are always in the minority by the voting, so he/she does not have real power for influencing the decision. Hence no external control or social needs of any kind are considered in decisions regarding the distribution of funding allocations.

As shown earlier, Duna is ultimately a marginal organisation with a low budget. The key player in the public media system is the MTVA, over which there is no real control. The CEO of the MTVA can be appointed and recalled by the president of the Media Council without providing reasons for the dismissal, and whose work is not subject to review by any public body.

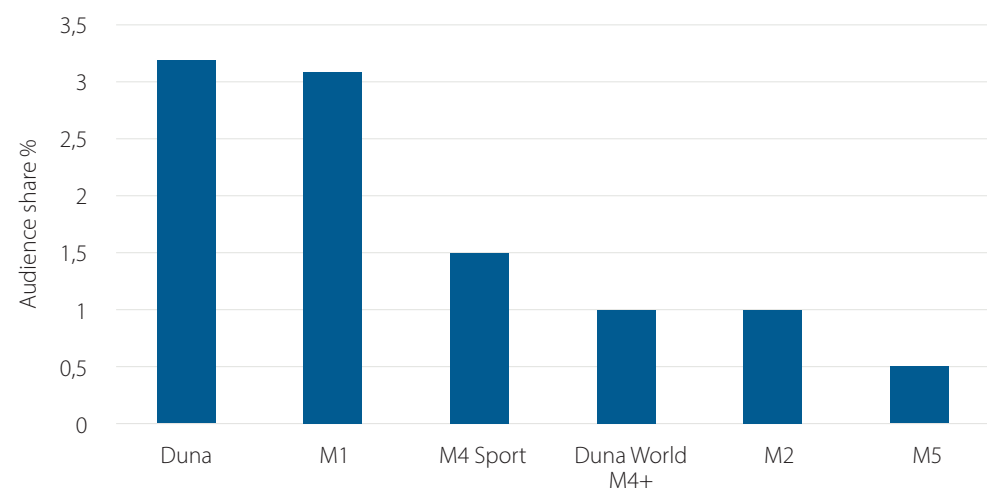
3. ROLE OF PUBLIC SERVICE MEDIA IN THE AUDIENCE MARKET

In Hungary there are a total of six public service channels in the television market. Their audience share is not very high, but they have a notable share of the news and sports markets.

The following TV channels are available:

- M1: news channel (news, talks)
- M2/Petőfi TV: M2 is a children channel and Petőfi TV broadcasts a programme for young people in the evening, with lots of music
- M4 Sport: sports channel
- M5: cultural channel, also broadcast many educational programmes during the epidemic
- Duna: the "main channel" of public service media, with entertainment content, films, daily news
- Duna World/M4+: Duna World is primarily aimed at Hungarians living abroad and to a large extent repeats the programming of other channels. On weekends, sports events are broadcast in the afternoon and evening, and this channel is called M4+.

Audience share of public service channels in 2020 (4+)



Source: MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9ni.pdf p 101

As can be seen from the figure above, the public channels are not very popular, with an aggregate market share of 10.3%. This weak market position is illustrated by the fact that the two main commercial channels attracted much more viewers: TV2 and RTL Klub had an audience share of 11% and 9.2% respectively in 2020 in the total population.⁶

Compared to the previous year, M1's audience share increased slightly (from 2.8% in 2019 to 3.1% in 2020), probably due to the epidemic and the increased news consumption associated with it. The decreased audience share of M4 Sport channel compared to the previous year (from 1.9% to 1.5%), is probably also the impact of the epidemic, as several sporting events were cancelled or postponed. It is noteworthy that M4 Sport was still the market leader in the sports channel market, mainly due to the popular international sporting events such as UEFA Champions League matches and Formula 1 races. The children's segment was also notable, with M2 being the second most watched channel in the 4-7 age group.⁷

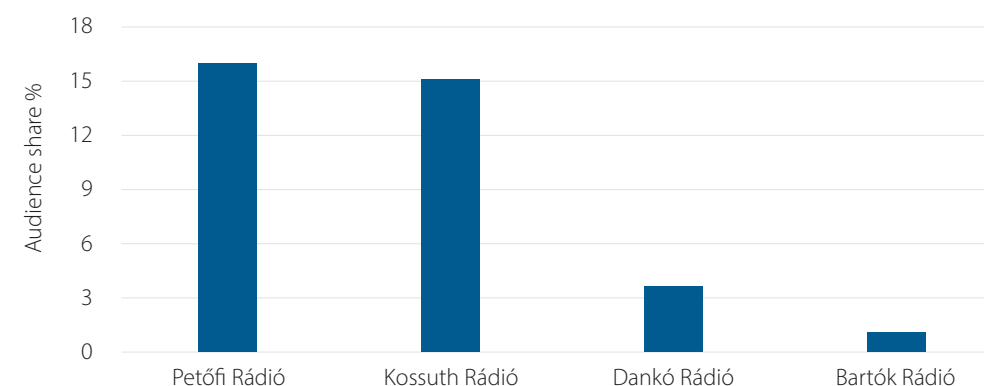
The analysis of news consumption patterns shows that the third most important source of news in the television market is a public service media channel (the top two are RTL Klub and TV2)⁸. Even if the audience of a single channel is not outstanding, the overall public service portfolio reaches a relatively wide audience. This is probably also due to the fact that M4 Sport also broadcasts short, one-minute news programmes, for example during breaks in highly watched football matches.

The alignment of the perception of public service media with party preferences is well illustrated by the 2020 data, which shows that m1 and Kossuth Radio are the most credible news sources for pro-government voters, while they are the least credible among the 12 media outlets surveyed for non-government voters.⁹

In the radio market, there are fewer public service broadcasters, but their overall market position is stronger.

- Kossuth Rádió: news, public affairs, politics, culture
- Petőfi Rádió: popular music
- Bartók Rádió: classical music
- Dankó Radio: Hungarian folklore, world music

Public service radio audience share in 2020 (15+, average day)



Source: MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9ni.pdf p 46

⁶ Report of the Media Council to the Parliament 2020 – https://nmhh.hu/dokumentum/220547/nmhh_orszaggyulesi_beszamolo_mediatanacs_tevekenyseg_2020.pdf

⁷ MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9ni.pdf

⁸ Hann, E. – Megyeri, K. – Polyák, G. – Urbán, Á.: An Infected Media System. The Sources of Political Information in Hungary, 2020 https://mertek.eu/wp-content/uploads/2020/12/Infected_media_system.pdf

⁹ Hann, E. – Megyeri, K. – Polyák, G. – Urbán, Á.: An Infected Media System. The Sources of Political Information in Hungary, 2020 https://mertek.eu/wp-content/uploads/2020/12/Infected_media_system.pdf

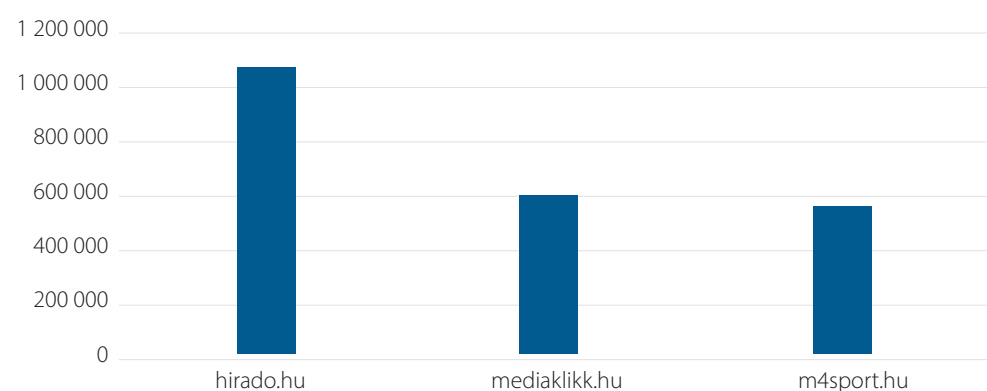
Public service radio had an overall audience share of 35.8% in 2020, a stronger overall market position than television. It is interesting to note that in terms of political news consumption, according to a 2020 survey, Kossuth Rádió was only ranked 4th, ahead of three stations with a music profile that only broadcast short news programs per hour (besides the public service Petőfi, two commercial stations, Retro Rádió and Rádió1).¹⁰

Public service media is of course also available in the online world. The main sites are:

- hirado.hu - news portal with constantly updated daily news
- mediaklikk - the VOD service of public service media, where you can watch and listen to programs
- m4sport.hu - sports portal of the public media

Visits to the main online public media sites

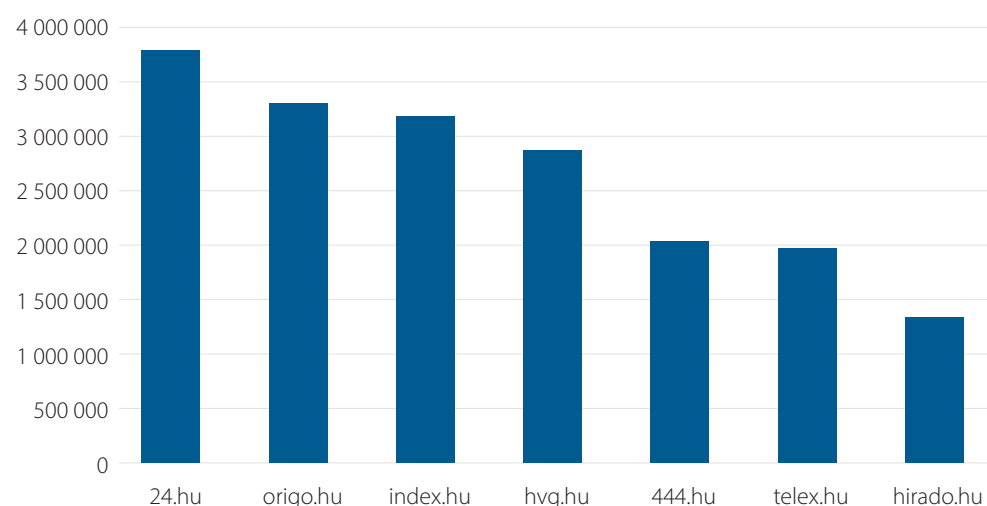
(Real Users in 2020, monthly average)



Source: MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9teli.pdf p 47

In terms of audience data, hirado.hu is clearly the most popular online service. However, if we compare the results of hirado.hu with those of other news portals, it does not seem to be particularly successful.

Traffic to some major news sites (December 2020, real users)



Source: dkt.hu

¹⁰ Hann, E. – Megyeri, K. – Polyák, G. – Urbán, Á.: Megfertőzött médiarendszer 2020 [Infected Media System] https://mertek.eu/wp-content/uploads/2020/12/Megfertozott_mediarendszer.pdf

The news portals in the figure are privately owned, only hirado.hu is part of the public service media system. The relatively poor results support the public perception that the prestige of public service media among young people is rather low. Older media consumers prefer to stick to their old TV channels and radio stations, but for young consumers public service media is not trendy enough.

4. MAIN PROBLEM AREAS OF PSM

There are many problems with the public service media, the most significant of which are lack of transparency, propaganda and political pressure.

The lack of transparency is closely linked to what has been described above, i.e. the fact that in the case of Duna Zrt there is only external control, while MTVA, which spends huge sums of money, operates essentially without any control. It is typical that MTVA has not even published an annual report before, but since 2019 at least a document is available that shows the main features of its operations.

Propaganda is a much more complex issue, but anyone who follows public media programs will encounter this phenomenon on a regular basis. Unfortunately, the public media in Hungary do not fulfil the function that is common in developed Western European democracies. It is no coincidence that people often refer to public service media as state media, since the editorial practices are very similar to what the Hungarian public was used to during the communist era. The pro-Russian narrative, the constant criticism of the European Union, and the presentation of government messages are particularly characteristic. Pro-government politicians and openly pro-government analysts are regularly interviewed, while opposition politicians and independent experts are not invited.

The media law mandates that every media service provider that delivers news to the public has an obligation to report in a balanced manner in its informational and news shows about local, domestic, national and European events and contentious issues that are of interest and relevant to Hungary's citizens and to those who are part of the Hungarian nation. The law specifically designates balanced, accurate, detailed, objective and responsible news and information services as an objective to be pursued by the public service media provider. Such news should also provide the possibility of presenting conflicting views and debates about issues that are relevant for the community, and they ought to contribute to free opinion formation based on reliable information.¹¹

Mertek Media Monitor's Spot Check (Szűrőpróba) series chose one MTVA-produced news show each month and analysed in how far it was in compliance with the requirements of the media law.¹² Mertek examined whether the news show satisfies the conditions for balanced information; whether any biased or manipulated news contents are published; and whether the editorial practices are one-sided, biased, and only focused on amplifying the government's communication. The analyses examined whether any manipulation techniques can be detected in the choice of topics or in the way the news blocks are structured, and whether propagandistic elements appear in the word choice or in the visual or audio elements of the individual news items.

¹¹ Article 83 (1) m)-n) of Act CLXXXV of 2010 on Media Services and Mass Communication.

¹² <https://mertek.eu/tag/szuroproba/> (Analyses are available in Hungarian)

Some examples from recent analyses:

- November 2020: the news reported at length on the successes of handling the Covid-19 epidemic in Hungary. The news did not mention the high number of deaths and the unmanageable pressure on the health system. It is particularly surprising that for 8 minutes there was focus of Brussels, Soros and migrants, even though migration was not really an issue at that time because of the epidemic. Only 1.5 minutes were allocated to the opposition parties, including three speeches by opposition parties, all in the context of raising taxes.
- December 2020: the selected December news praised the government's policy programs (housing, R&D), but the most prominent was the start of the vaccination programs, which took up a third of the news time. Of course, migration also featured, despite the fact that this issue was not relevant at the end of the year. The news also reported on the debate between Manfred Weber, leader of the People's Party in the EP, and Viktor Orbán, of course representing the Hungarian Prime Minister's narrative. The opposition parties were given 28 seconds to speak, with one opposition party urging everyone to vaccinate themselves.
- January 2021. The government's decisions to help young people were reported in detail and praised at length. The opposition parties were given more than 10 minutes, but only 1 minute 20 seconds of this was devoted to their initiatives. In the remaining time, the opposition parties were linked to a single negative issue, regardless of whether the party affiliation in the story was relevant or whether the story had any basis in reality.

These brief content analyses also highlight the strong bias of the public media towards the government, with virtually one-to-one coverage of the ruling party narrative. It has been suspected for years that there is strong pressure on journalists in the public media from the institution's management, but this was really confirmed when an audio recording was leaked.

Ahead of European Parliament elections in Hungary in 2019 Balazs Bende, a senior MTVA editor gave instructions to the journalists and editors about the editorial guidelines. The audio recording was leaked to Radio Free Europe/Radio Liberty and the whole story was published on its website. Referring to the election campaign Bende says, „I'm sure no one will be surprised to hear that it is not the opposition's list that enjoys the support of this institution" and of course it is not compatible with the media law. He also has a clear message to the editors when he says, „Whoever is in charge must produce content according to the appropriate narrative, method, and direction, mostly about migrants and Brussels." The censorship is clearly reflected in his words when he says that „If anyone is not prepared to work under these conditions, he is free to file his resignation immediately".¹³

The audio recording was, of course, widely circulated, with all the independent news portals covering the issue. However, it says a lot about the situation in Hungary that there was not an overwhelming outcry, and on social media, too, users mostly commented that there was nothing surprising about the incident. Such an audio recording has not been made public before, but its content should not really have come as a surprise to anyone. The public service media have been quite obviously working as propaganda for many years, and it was obvious to everyone that the systematic distortion of the news could only be a command from above.

¹³ Keller-Alant, Á. (2020): Twisting the Truth? How Editors Manipulate News Coverage At Hungary's State Broadcaster. <https://www.rferl.org/a/twisting-the-truth-how-editors-manipulate-news-coverage-at-hungary-s-state-broadcaster/30949003.html>

The bias of the public service media was also identified by the OSCE in its investigation of the 2018 parliamentary elections: „In its editorial coverage, M1 showed bias in favour of the ruling coalition and the government, which received around 61 per cent of the news coverage. On average, 96 per cent of it was positive in tone, while 82 per cent of the coverage devoted to the opposition was negative. This is at odds with OSCE commitments and international standards on fair access to the public broadcaster's programmes and undermined the public's corresponding right to receive media output".¹⁴

5. INFLUENCE OF PSM ON MARKET PLAYERS

As mentioned earlier, public service media are not particularly popular in Hungary, so it cannot be said that they would completely transform the market. There are, however, areas where the impact of public service media is particularly significant.

Television audience shares are typically not very high, so the PSM's impact on the market is only moderate. The biggest impact is in the sports channel market, where M4 Sport has acquired the rights to several major sporting events. Currently, there are 12 privately owned sports channels in Hungary, which are in strong competition with each other, and M4 Sport has the advantage of being able to buy and produce sports coverages with taxpayers' money, unlike its competitors. It is typical that in 2020, which was the year of cancelled sporting events due to the epidemic, MTVA spent 15.8 billion HUF (ca. 45 million EUR) on the production of M4 Sport channel programs, which is 42,5 percent of the total radio and television production costs¹⁵. Sports broadcasting rights account for a very significant proportion of M4 Sport's costs, suggesting that the public service media spends sums on these broadcasting rights that commercial competitors, which live off market revenues, cannot afford to pay.

Public service broadcasters have a significant share of the radio market, but this is not what is basically destroying competition in Hungary. Frequency tendering practice of the media authority has transformed the market to such an extent that the operation of public service broadcasters is of less importance in comparison.¹⁶

The role of public service media in the online market is not overwhelming. Competition in the digital segment is very strong, with numerous media brands trying to reach readers in both the news and entertainment content markets. Public service media, which is mainly attractive to older media consumers, has not been able to achieve significant success in the digital market.

The news agency market is more important in this aspect, since the 2010 media law has revised the function and financial system of the national news agency. Since 1880, news agency functions in Hungary have been performed by the Magyar Távirati Iroda (MTI, which literally translates as Hungarian Telegraph Office). With the appearance of commercial media in Hungary, competition appeared in the news agency market as well. This was the situation that the Orbán government put an end to after 2010 when it set out to restructure the entire media market. MTI was integrated into the public service media system and its news services were made available for free. There was no one in the market who could compete with free services and, one by one, MTI's commercial competitors went out of business leaving the state-owned provider as a monopolist in the market.

¹⁴ OSCE Office for Democratic Institutions and Human Rights: Hungary - Parliamentary Elections 8 April 2018, ODIHR Limited Election Observation Mission, Final Report <https://www.osce.org/files/f/documents/0/9/385959.pdf>

¹⁵ MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9ni.pdf p 60

¹⁶ See the Legal Guarantees part of this project.

Today MTI is only a brand name, not a company, because it became part of the MTVA. This way public service media became dominant player in the news market. Surprisingly MTVA started producing entire news blocks for commercial radios at a low price. Given that news services take up a significant portion of the production costs in radio, many commercial radios availed themselves of this opportunity and now broadcast news blocks produced by the MTVA based on news written by the MTI. In practice, this means that the news blocks are recorded at hourly intervals at the MTVA and are then sent out to all contractual partners. Thus, the radios involved do not need to hire their own news editors. As a result, the various local radios broadcast the same news block throughout the day, thereby granting space to government propaganda.

There have been articles about this in the Hungarian press before, journalists have tried to find out how many radio stations use this service and for how much. MerteK Media Monitor itself has tried to get information by data request based on FOIA, but MTVA has not provided any data. It is therefore not possible to know exactly how many radio stations broadcast MTVA's news block, but the number of listeners reached is certainly significant.



PUBLIC SERVICE MEDIA

ROMANIA

1. FUNDING OF PUBLIC SERVICE MEDIA, TRANSPARENCY RULES

1.1. Funding of the public radio and television

The financing of public television and radio underwent a dramatic change at the end of 2016, when the radio-TV tax (the licence fee), paid by taxpayers (per household), was replaced with direct state funding¹.

The mechanism of financing the public media was at that time on the agenda of the politicians, in the context of the financial crisis of the public television. Thus, in October 2016, the leader, at that time, of the Social Democratic Party (PSD), Liviu Dragnea, initiated a bill eliminating several non-fiscal taxes, starting from January 1, 2017. Among these taxes the radio-TV tax was included. The initiative of the PSD leader to eliminate the radio-TV tax has caused controversy in the public space, being criticized by politicians, dignitaries, members of civil society and current or former managers of public radio and television.

Liviu Dragnea responded to those who criticized the project, because it would increase the dependence of public media on the Government, arguing that these institutions are already politicized by the appointment of Boards and that they already depend in relevant proportions on the state budget. The PSD president also criticized the poor management of resources on public television (TVR), whose debts to the state budget and

¹ This section takes over the information published by ActiveWatch in the FreeEx Report "Press Freedom in Romania" 2017-2018 - <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2018-2019-libertatea-presei-in-romania>

other private creditors exceeded, at that time, 150 million euros, the institution being on the verge of bankruptcy. The management of TVR as well as other public actors, such as non-governmental organizations, had, on the other hand, repeatedly drawn attention to the fact that the public television is underfunded, the tax level being out of date since 2003, which significantly contributed to the accumulation of these debts.

The PSD leader claimed at the time that by eliminating the tax, he aims to solve the problem of financing the public television (TVR) and the public radio (SRR), so that it is predictable, based on calculation formulas established by the state budget law - 21 lei/year (4,3 euros) for each citizen for SRR and 34 lei/year (7 euros) for TVR. Thus, the leaders of the two institutions would no longer have to apply annually for government subsidies to supplement the insufficient tax revenues, a mechanism which, in turn, is a form of dependence on politics. Dragnea specified that this increase will be accompanied by a "serious control by the Parliament on the assumed objectives"² and also argued the need to establish a separate executive management, hired on a project basis, by the Administrative Board.

The project to eliminate the radio-TV tax was adopted by the two chambers of Parliament in a record time of only a few weeks³.

International organizations such as the European Broadcasting Union or Public Broadcasters International sent open letters to President Iohannis and Liviu Dragnea in which they spoke openly in favor of maintaining the radio and TV tax.

President Iohannis later challenged the law in the Constitutional Court, citing that "the inconsistency of the provisions is likely to generate interpretations regarding the status of SRR and TVR employees and may affect the autonomy of public radio and television services."⁴ The complaint was dismissed by the Court. The President also used the other legal instrument at his disposal and sent the law back to Parliament for reconsideration. Both chambers rejected this request, so the law came into force on January 1, 2017.

Through the state budget law, voted in February 2017, the Government allocated significantly higher funding to TVR and SRR than in previous years. Thus, in 2017, TVR benefited from an annual budget almost double compared to the previous year, reaching 1,023,265,912 lei (ca. 211 million euros)⁵. The budget allocation increased from 123 million lei to 956 million lei (ca. from 25 million euros to 198 million euros). In the case of public radio, the institution's budget decreased from 418.5 million lei to 383 million lei (ca. from 86 million euros to 79 million euros), even if the budget allocation increased, this being previously in the amount of 195.5 million lei (ca. 40 million euros).

TVR paid from this budget all debts and recovered economically. More than half of the allocated budget were debts to the state budget. The public television specified that "the change of the financing source allowed the payment of this accumulated debt in a decade" and that, as a result of this approach, the fiscal authorities lifted the seizure of all TVR assets.⁶

Thus, at the end of 2016 the Social Democratic Party found a populist solution to solve the financial problems of public television, eliminating the direct payment by taxpayers of the radio-TV tax and making the two institutions completely dependent on direct funding, from the state budget, as decided by the ruling political parties.

The budget of the TVR has been decreased since 2018. In 2021, the amount allocated from the state budget is 360,000,000 lei (ca. 74 million euros).⁷

TVR annual budget⁸

	2018	2019	2020
Budget	442,632,786 RON 91,485,188 EUR	385,591,866 RON 79,695,733 EUR	382,972,685 RON 79,154,390 EUR
Contribution from the state budget	395,571,3263 RON 81,758,330 EUR	354,477,371 RON 73,264,860 EUR	358,934,526 RON 74,186,083 EUR
Own sources	47,061,459 RON 9,726,858 EUR	31,114,495 RON 6,430,873 EUR	24,038,159 RON 4,968,307 EUR
advertising	32,512,291 RON 6.719.776 EUR	19,333,044 RON ⁹ 3.995.834 EUR	17,677,795 RON 3,653,720 EUR
Profit tax	1,851,132 RON	889,671 RON	754,083 RON
Share of state budget	89.37%	91.93%	93.72%

Budget of the SRR was relatively stable between 2018 and 2020. In 2021, the amount allocated from the state budget is 342,561,000 lei (ca 71 million euros).¹⁰

SRR annual budget¹¹

	2018	2019	2020
Budget	398,867,199 RON 82,439,534 EUR	400,436,826 RON 82,763,951 EUR	395,528,961 RON 81,749,573 EUR
Contribution from the state budget	367,141,283 RON 75,882,290 EUR	374,471,278 RON 77,397,284 EUR	371,566,530 RON 76,796,918 EUR
Own sources	31,725,916 RON 6,557,244 EUR	25,965,548 RON 5,366,668 EUR	23,962,431 RON 4,952,655 EUR
Share of state budget	92.05%	93.52%	93.94%

1.2. Transparency rules for the public radio and television

By law, SRR and TVR have the obligation to submit annually, in the Parliament, to the Mass Media Commissions of the Chamber of Deputies and the Senate a report, together with the budget execution account of each company (to be verified by the Budget Commissions). In addition to these reports, the commissions may also request reports on issues specific to the activities of the two companies or any information and documents relating to the activities of the two companies.

² "VIDEO. Dragnea, episode 2: We are increasing the budget for radio and TV, but it will be a serious control by the Parliament", Paginademedia.ro, 25.10.2016
³ Draft bill PL-x nr. 473/2016 became Law nr. 1/2017 - http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=15991
⁴ "CCR: Constitutional Law on the Elimination of 102 Taxes and Tariffs", Agerpres, 16.10.2016
⁵ For conversion we have used the 2020 currency exchange average rate, of 4.8383 lei for 1 euro - https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ert_bil_eur_a&lang=en
⁶ "TVR has paid its debts. TVR paid 522 million lei to the state budget", TVR.ro, 01.04.2017

⁷ <https://mfinante.gov.ro/buget-2021>
⁸ Source: annual revenue and expenditure budgets and management reports http://www.tvr.ro/date-eco-nomice-2019_31254.html#view For conversion we have used the 2020 currency exchange average rate, of 4.8383 lei for 1 euro - https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ert_bil_eur_a&lang=en
⁹ By comparison, PROTV's television stations had advertising revenue of \$ 188 million in 2019 - "BALANCE SHEET. Less money in 2019 for Pro TV", Pagina de Media, February 7, 2020 <https://www.paginademedia.ro/2020/02/bilant-pro-tv-venituri-2019/>
¹⁰ <https://mfinante.gov.ro/buget-2021>
¹¹ SRR Annual Report - 2020, p. 15 - <http://srr.ro/files/CY1923/104/RAPORTRADIOROMANIA2020.pdf>

SRR and TVR are subject to the provisions of the law on access to information of public interest. Annual reports and other information of public interest can be found on the SRR and TVR websites, but the public radio website contains less information than the public television website. However, both institutions behave opaque, refusing to respond to requests for information of public interest that could endanger their management.

In November 2020, the Bucharest Court of Appeal established by a final decision that TVR is obliged to make public the results of the financial controls performed by the Court of Accounts.¹²

The decision came after a lawsuit opened by the Romanian Union of Journalists MediaSind against the management of public television, and is just one of many lawsuits filed by this union against the management of TVR. Other lawsuits won by MediaSind, through which TVR was forced by the courts to make public information, concern details of a legal aid contract concluded by TVR with a former business partner and former adviser to CEO Gradea¹³, measuring the level of nox and other risk factors from TVR¹⁴, complete information about the employment competitions organized by TVR¹⁵, the list of collaborators (for which 3 million euros had been spent over 3 years)¹⁶. Many other lawsuits for refusing to disclose information of public interest have already been won in the first instance by MediaSind, and others are still pending in the courts.

In addition, according to information obtained by journalists trade union MediaSind, TVR paid a law firm almost 51,000 euros of public money, among other things to sue this union and a newspaper that had published information about TVR's expenses for Eurovision¹⁷ (both of these defamation lawsuits were lost, one definitively and another in the first instance).

SRR also refuses to provide information of public interest. President-General Manager Georgică Severin refused to respond to a request made by journalists, interested in the salary scales at the public radio, arguing that the publication of this information would violate the legislation on personal data protection¹⁸.

1.3. National News Agency – Agerpres

The financing of AGERPRES expenses is provided from the state budget. According to the law, Agerpres can also get revenues from: services, the sale of news, photographs, videos, documentaries, etc. In 2019, Agerpres benefited from a financial allocation from the state budget amounting to 24,223,000 lei (ca 5 million euros) and generated its own revenues amounting to 3,388,000 lei (700,245 euros)¹⁹. The organization had 295 employees²⁰. By comparison, the competing private agency Mediafax had in 2019 total revenues amounting to 8,178,381 lei (ca. 1,7 million euros) and 113 employees, and the competing private agency News.ro had in 2019 total revenues amounting to 1,270,475 lei (262,587 euros) and 18 employees²¹. It can be noticed that the two competing private agencies attract overwhelmingly higher revenues per employee than Agerpres.

For 2020, the state budget allocated for Agerpres was 26,399,000 lei (ca 5,5 million euros), and its own revenues 2,800,000 lei (578,716 euros)²². For 2021, the approved funds from the state budget are worth 27,463,000 lei (ca 5,5 million euros), but this amount may still undergo small amendments during the year²³.

It should be noted that, unlike TVR and SRR, Agerpres' revenues, keeping the proportion, are increasing from year to year.

The Agerpres website provides fairly up-to-date information on the institution's management, budget, annual reports, organizational chart, list of people managing the institution, including their wealth declarations and interests, their own programs and strategies, legislation and in-ternal operating regulations²⁴. The transparency obligations are provided in Law no. 544/2001, regarding on access to information of public interest, Agerpres being among the institutions that must comply with the provisions of this law. According to the provisions of the law of Agepres, the annual report is presented to the Mass Media Commissions and the Commissions on Budget, Finance and Banking of the Senate and Chamber of Deputies and is approved by Parliament's plenary.

2. APPOINTMENT PROCEDURES OF MANAGEMENT AND OVERSIGHT BODIES

In the following, we will analyze the promotion procedures in decision-making positions, in the three public media institutions, from the perspective of guaranteeing independence from influences of political actors.

The manner of appointing the management at the top of the institutions is established by two normative acts - laws with the status of organic law: Law no. 41/1994²⁵ for the Romanian Broadcasting Company (SRR) and the Romanian Television Company (TVR) and, respectively, Law no. 19/2003²⁶ for the public news agency Agerpres.

- 12 "Court decision: TVR management is obliged to make public the results of financial controls ", Radio Free Europe, November 11, 2020 - <https://romania.europalibera.org/a/decizie-in-instanta-conduc-erea-tvr-este-obligata-sa-faca-publice-rezultatele-controalelor-financiare/30942253.html>
- 13 „The Bucharest Court of Appeal obliges the National Television to make public the amounts paid to the former business partner of the TVR chief! ", Mediasind.ro, 8 April 2021 - <http://www.mediasind.ro/comunicate-1/curteadeapelbucurestiobligateleviziuneanationalasafacapublicesumeleplatiteavocatuluialexandrudumitrescufostpartenerdeafacerialesefitvr>
- 14 "Forced by the court, the head of TVR explains why the health of the employees of the National Television has been endangered for over 12 years", Mediasind.ro, 19 February 2021 - <http://www.mediasind.ro/comunicate-1/obligatadeinstantasefatvrexplacadeceasanatateaangajatorordintelevisiuneanationalaeste-pusadepeste12aniinpericol>
- 15 "TVR management obliged by the court to make public the preferential employments! ", Mediasind.ro, March 12, 2020 - <http://www.mediasind.ro/comunicate-1/conducereatvrobiligatadeinstantasafacapubliceangajarepreferentiale>
- 16 "TVR management obliged by the court to make public the list of collaborators for whom it paid over 3 million euros!", Mediasind.ro, March 2, 2020 - <http://www.mediasind.ro/comunicate-1/conducereatvrobiligatadeinstantasafacapublicalistacoloratorilorpentruicareaplatiteste3milioanedeeuro>
- 17 "The TVR management no longer recognizes the sums it paid to the law firm to fight with MediaSind and misinforms the public opinion!", Mediasind.ro, October 9, 2020 - <http://www.mediasind.ro/comunicate-1/conducereatvrnumairecunoastesumelepecarele-aplatitcaseideavocaturacaseraserazboiascascumedisind-sideinformeazaopiiniapublica>
- 18 "Luxury salaries on public radio, kept secret. Libertatea tried to find out if the head of SRR earns 7,000 euros per month ", Libertatea, November 23, 2018; <https://www.libertatea.ro/stiri/salariile-de-lux-din-ra-dioul-public-tinute-la-secret-2451779>

- 19 Annual Report Anual of Agepres 2019 <https://www.agerpres.ro/corporate/transparenta-decizionala> p. 71 și <https://www.agerpres.ro/corporate/situatie-plati/2019>
- 20 Annual Report Anual of Agepres 2019 <https://www.agerpres.ro/corporate/transparenta-decizionala> p. 96
- 21 Source: Ministry of Finance. Mediafax is owned by Mediafax SA - CUI RO6969223; News.ro is owned by S.C. N.RO AGENȚIA DE ȘTIRI S.R.L - CUI 35416278
- 22 <https://www.agerpres.ro/corporate/situatie-plati/2020>
- 23 https://mfinante.gov.ro/static/10/Mfp/buget2021/Anexa_3/Agentia_Nationala_PresaAGERPRES.pdf; https://mfinante.gov.ro/buget-2021_24
- 24 <https://www.agerpres.ro/corporate/legislatie>
- 25 http://media.tvrinfo.ro/media-tvr/other/201702/vlege-41-1-februarie-2017_06095600.pdf
- 26 <https://www1.agerpres.ro/despre-noi/informa-ii-publice/altele/legea19-2003>

2.1. The public radio and television governing bodies

According to Article 2 of the law, SRR and TVR are “legal persons [operating] under the control of Parliament”²⁷. The management is exercised at the level of three hierarchically ordered levels: the Administrative Board (AB), the President-General Manager (PGM) and the Steering Committee (SC).

The Administrative Board (AB) is the top governing body. It consists of 13 members who are promoted through a mechanism controlled by Parliament. Members shall be appointed by a majority of the component members of Parliament in a joint sitting of both Houses of Parliament. Candidates are nominated by the parliamentary groups (8), the presidency (1), the government (1), the minority group (1) and the staff of SRR and TVR (2), respectively. With the exception of the two employees’ representatives, the rest of the members are promoted politically.

The role of the Administrative Board is to define the strategy of the institution and to control the mechanisms through which the executive forum - the Steering Committee - implements it.

The President of the Board is elected by the members of the Board and subsequently validated by the parliament after hearings and voting in the reunited plenary of the two chambers, with a simple majority of votes. She/He implicitly becomes General Manager. This position, extremely strong from a managerial perspective, is directly controlled, from the level of a simple majority, by the political force usually in government. The term of office of the Administrative Board and the President-General Manager (PGM) is 4 years.

The Steering Committee (SC) is composed of the General Manager and no more than 7 members. According to the law, the members of the Steering Committee must be persons promoted in their positions through competition, under conditions established at the level of the Administrative Board. At the date of writing this report, none of the Steering Committee members of TVR is promoted by the procedure defined by law, respectively by competition. All members are persons “delegated” in the position of director²⁸ through an administrative artifice available to the President-General Manager, who thus bypassed the decision-making filter of the Administrative Board. These persons with directorial attributions control the entire editorial activity of the public television through the functions of “coordinator with attributions of General Producer/ News director/ Programs director/ TVR1 channel director/ Economic director”. This management architecture, parallel to that described in the text of the law, illustrates the vulnerability of the existing promotion mechanism: a person who is approved by the political parties under the control of the government, can take over the editorial control of a public media institution.

Unlike TVR, at SRR, at present, the persons who hold leadership positions in radio, and are also members of the Steering Committee, hold these positions on the basis of a competition, according to the law. But the fact that, based on the same law, there may be an abuse such as that at the public television, shows that it could also appear at the public radio.

Dismissal of the Administrative Board - The political control over the two public media institutions is exercised not only through the direct financing from the state budget or through the appointment of the Administrative Board and the President-General Manager, but also through the mechanism of their dismissal. The boards of directors of SRR and TVR must submit to the specialized parliamentary commissions (mass media and budget) an annual report and the budget execution account. The law states that, “the rejection by the Parliament of the annual report entails the dismissal of the administrative board”.

In recent years, the SRR and TVR reports have been considered by politicians exclusively as instruments of political control of the two institutions. It is common for Parliament to postpone the debate on reports, either because there is no interest in changing the leadership of SRR and / or TVR, or because the parliamentary majority is blocking the discussion of reports²⁹ in order to keep the leadership it has installed. On the other hand, when the parliamentary majority changes its political composition, the rejection of the annual reports of SRR and TVR occurs shortly, as part of the process of taking political control over these public institutions. The instrument of “rejecting the reports” is currently completely emptied of its original intent as designed in the text of the law. Reports can be made in detail, they can be consistent in terms of content (there have been such situations) but these qualities are irrelevant because parliamentarians can invoke any criteria, however subjective, when the aim is to reject the report.

The rejection of SRR and / or TVR reports has become such a habit of transferring the political control of these public institutions that Ludovic Orban, the president of the Chamber of Deputies, who is also the leader of the most important party in the current governing coalition (National Party Liberal), announced publicly in February 2021 that the agenda of the plenary session of the parliament included “voting to reject the SRR and TVR reports”³⁰, even before the respective reports were submitted, read, debated and then finally voted. The threat was met and the activity reports of SRR and TVR for 2017, 2018, 2019 and, in the case of SRR also for 2020, were rejected by the Mass Media Commissions at the beginning of April³¹.

Moreover, although in the election campaign it promised to depoliticize these public media institutions, the current governing coalition intends to over-politicize the TVR and SRR leaderships³². Starting from the idea of separating the positions of President of the Board and General Manager (idea supported by multiple local stakeholders, considered necessary by the European Broadcasting Union³³ and included in a bill amending Law no. 41/1994 adopted by Parliament in 2017 but not promulgated by the President), the parties in power agreed that the holder of the position of General Manager should not be selected by competition (as proposed by the mentioned stakeholders), but politically appointed, similarly to the President of the Administrative Board. This decision, of political appointment and not by competition of the Director General, which would be implemented by amending the law of SRR and TVR until the end of the current parliamentary session, was harshly criticized by many local³⁴ and international voices (Reporters Without Borders)³⁵, because it leads to an even more accentuated politicization of the management of the two public media institutions. The political appointment of SRR and TVR

²⁹ “Ludovic Orban: I notified the culture commissions on the TVR and Public Radio reports for 2019; in the plenary we vote the rejection”, TVR, February 16, 2021 - <http://stiri.tvr.ro/parlament-birouri-permanente-reunite-cererea-de-revocare-a-avocatului-poporului-si-rapoartele-tvr-si-srr-pe-ordin-ea-de-zi-879482.html#view>

³⁰ „The coalition wants to change the leadership of TVR, Radio Romania and the People’s Advocate”, G4Media, February 15, 2021 - <https://www.g4media.ro/coalitia-vrea-sa-schimbe-sefia-de-la-tvr-radio-romania-si-avocatul-poporului.html>

³¹ “Parliament / Culture Commissions rejected the activity reports of public television for 2017 2018 and 2019”, Agerpres, April 8, 2021 - https://www.agerpres.ro/viata-parlamentara/2021/04/08/parlament-comisiile-pentru-cultura-au-respins-rapoartele-de-activitate-ale-televiziunii-publice-pe-2017-2018-si-2019--693083?fbclid=IwAR3Go3tY1xA2fn2U6JLSr-JqvHzer_Ik1UF8oC1hDIO4S95t8mWTLGjgklc

³² “TVR and Public Radio, a politicized business in the Coalition. Power Sharing Project”, Free Europe, March 31, 2021 - <https://romania.europalibera.org/a/draft-proiect-tvr-radioul-afacere-politizata-coalitie-cum-se-%C3%AEmparte-puterea-/31180056.html>

³³ „EBU report for TVR: It is necessary to separate the positions of General Manager and President of the Board; We found a political obstructionism that led to a kind of paralysis”, News.ro, February 21, 2017 - <https://www.news.ro/cultura-media/raportul-ebu-pentru-tvr-este-necesara-separarea-functiilor-director-general-si-presedinte-ca-am-constatat-un-obstructionism-politic-care-a-dus-la-un-fel-de-paralizie-1922414821002017021516659236>

³⁴ “Civic organizations, letter to the coalition leaders: The appointment by the Administration Board of the general manager of TVR and Public Radio deprofessionalizes the two institutions”, HotNews.ro, March 25, 2021 - https://economie.hotnews.ro/stiri-media_publicitate-24689503-organizatii-civice-scrisoare-catre-liderii-coalitie-numirea-catre-consiliul-administratie-directorului-general-tvr-radioului-public-de-profesionalizeaza-cele-doua-institutii.htm

³⁵ https://twitter.com/RSF_en/status/1376878827662610437?s=20

²⁷ http://media.tvrinfo.ro/media-tvr/other/201702/vlege-41-1-februarie-2017_06095600.pdf

²⁸ http://www.tvr.ro/comitetul-director_21758.html#view

leadership would not necessarily be a problem in itself, if it did not, in fact, lead to the deprofessionalization of the two institutions, given the lack of real competence criteria and the lack of management projects assumed by those who take over the leadership of these institutions.

Returning to the rejection of the annual reports, which leads to the automatic dismissal of the Administrative Boards of SRR and TVR, we consider that the current form of the law represents a vulnerability for the independence of the two institutions. The law allows the arbitrary change of leadership structures with each change in the balance of political forces, a fact confirmed by the rejection of SRR and TVR activity reports in April 2021, just a few months after the parliamentary elections and the formation of a new government. In fact, since the establishment of the position of President-General Manager of public television, 27 years ago, only one appointee has carried out his term, until the end, the others losing their position either by the rejecting of activity reports or by resignation. Even when they do not reject the reports, the parties that hold the parliamentary majority have the possibility to block the timely debate of the annual reports of the two institutions, thus using the postponements as a form of pressure on the leaders of the two institutions.

2.2. The national press agency governing bodies

Agerpres is the national news agency, with the status of a public institution, subordinated to the parliament. According to the law³⁶, Agerpres is governed by a Steering Committee coordinated by a General Manager. The director general is proposed by the prime minister and appointed by a vote of parliament, after obtaining the approval of the specialized commissions (mass media). The term of office of the General Manager is 5 years. After the appointment, the persons that will later become members of the Steering Committee are selected from the managerial positions gained on the basis of a competition which is organized by the General Manager. The Steering Committee of Agerpres consists of the General Manager, the Deputy General Managers, the Directors of the Financial and Technical Departments.

The term of office of the General Manager ceases at the expiration of the 5 years or under conditions defined by law - resignation, impossibility to exercise office for a period of more than 6 months, final conviction for committing crimes, a situation of incompatibility defined by law. There is no provision allowing Parliament to take the initiative to dismiss the General Manager. The absence of such an intervention lever on the institution's leadership, as well as the duration of the mandate that is delayed compared to the four-year cycle of parliamentary elections, makes the vulnerability of Agerpres management to political actors limited to the mechanism of nominating the candidate for General Manager. On the other hand, the decision-making power of the General Manager is not counterbalanced by an alternative control system (the equivalent of an Administrative Board). However, the level of dependence of Agerpres on political actors is lower than that of SRR and TVR, and this, primarily, due to the lack of possibility for the Parliament to force the dismissal of the Agerpres leadership. The frustration of politicians generated by this "dysfunction" was publicly visible in 2017 when the ruling political group advanced a draft bill that would create the possibility that "the director could be fired by Parliament at any time during the term, by rejecting the report annual activity, but without including in the bill the criteria that could lead to the rejection of the report"³⁷. The draft bill was eventually abandoned, following protests from civil society.

³⁶ <https://www1.agerpres.ro/despre-noi/informa-ii-publice/altele/legea19-2003>

³⁷ "Human rights and freedom of the press organizations ask senators not to vote on the draft amendment to the AGERPRES Law", Agerpres, October 30, 2017 - https://www.agerpres.ro/cultura/2017/10/30/organizatiile-pentru-drepturile-omului-si-libertatea-presei-cer-senatorilor-sa-nu-voteze-proiectul-de-modificare-a-legii-agerpres-11-52-19?fb_comment_id=1592447890794354_1592470990792044

3. ROLE OF PUBLIC SERVICE MEDIA IN THE AUDIENCE MARKET

The audience and, respectively, the role in the audience market of the three public media institutions are different.

3.1. The public television

While TVR claims to be the largest media company in Romania, by the number of employees, the coverage and distribution it benefits from, the number of channels it owns and the annual budget of approximately 80 million euros, this positioning is not reflected in the public television audience.

The mission of determining the television audience in Romania is assumed by the organization Romanian Association for Audience Measurement (ARMA), an association whose members are television stations, advertising clients and advertising and media agencies. ARMA is the contractor of the National TV Audience Measurement Service (SNMATV). ARMA, together with the National Audiovisual Council, establish, in accordance with the provisions of the Audiovisual Law, the selection procedure of the measurements operator. The operator is chosen for periods of four years each. In the period 2020 - 2023 the operator is Kantar Media Audiences.

According to the audience data determined by Kantar Media Audiences for January 2021³⁸, public television appears in modest positions. TVR has 3 national channels - TVR1, TVR2, TVR3 - among which the first has a generalist approach. The editorial content of the other two channels does not allow the identification of specific profiles - they are generalist, with slightly more content focused on cultural and educational programs. Besides the 3 channels mentioned, there also are: TVR International (dedicated to Romanians in the diaspora), TVR Moldova (licensed in the Republic of Moldova) and the regional studios TVR Craiova, TVR Iași, TVR Târgu Mureș, TVR Cluj Napoca and TVR Timișoara.

The TVR1 audience measured for February 2021 places the station behind 5 other television channels, with a rating of 0.5% and a share of 2.04%, nationally. By contrast, the first TV station as an audience, ProTV, has, in the same period, a rating of 4.5% and a share of 18.18%, nationally. The other two public channels have much smaller audiences, with subunit values of percentages. The situation presented is not a conjunctural phenomenon related to market developments in the context of the pandemic or other episodic phenomena. Two years ago, in 2019, TVR's market position was considered by experts to be "ridiculous"³⁹. Thus, in 2019, while two media groups held together, almost 55% of the market share (ProTV group - 30%, Intact Media group - 24.7%), TVR had, with all its main three channels, 1.1% of the market share.

³⁸ <https://www.arma.org.ro/rapoarte-de-audienta/>

³⁹ "How the TV advertising market was divided in the first quarter of 2019", Forbes, April 4, 2019 - <https://www.forbes.ro/cum-s-impartit-piata-de-publicitate-tv-trimestrul-2019-136749>

3.2. The public radio

The measurement of the audiences of the radio stations is made through an association of the main stakeholders in the Romanian radio market⁴⁰. The Association for Radio Audience is established in order to “represent the common interests of the founders - broadcasters, advertising agencies and media agencies - in the process of measuring the audience and market shares of radio stations, through the framework procedure established of the Audiovisual Law no. 504/2002 or by other similar procedures that respect the internationally recognized standards and customs in the field”⁴¹. Between 2020 and 2023, the audience research is conducted in three waves, each year. The results of the latest wave of research⁴⁰ place the radio stations operated by the Romanian Radio Broadcasting Company on the first position with a cumulative market share, at national level (on total population 11+ / 11 years and older), of 26.4%⁴³. Radio Romania News (Radio România Actualități) - generalist station -, with a share of 12.1%, occupies the first position at national level (total population 11+). Two private radio stations are in similar positions: Kiss FM, with 10.4%, and Radio Zu, with 10%. Among the radio channels in the SRR portfolio, Radio Romania News is followed by Radio Antena Satelor - with programs dedicated to the rural public, which has a market share, at national level, on total population 11+, of 5%. In addition to these two stations, SRR has 9 regional and one cultural stations, some of which have significant audiences: Iași 2.7%, market share (daily reach: 358,500 listeners), Craiova 1.9% market share (daily reach: 347,400 listeners) and Radio Romania Cultural 1.3% market share (daily reach: 270,400 listeners). However, all these measurements, being carried out at national level, are only indicative when it comes to radio stations with regional or local coverage.

3.3. The national news agency

For the news agencies in Romania, no results of any comparative research on the main operators in the field were identified.

The news agency market has undergone significant changes over the last 10 years. The private news agency Mediafax, which has been Agerpres’ main competitor for years, outperforming it without appeal, has slowly lost its flagship role in this field.

News.ro is a relatively young news agency (it appeared in 2016), being started by a former Mediafax manager, with journalists who had previously worked at Mediafax⁴⁴. News.ro has positioned itself as a balanced and credible agency, but its presence on the market has reduced its impact in the last year.

In terms of news agency photography, Agerpres’s main competitors are Mediafax Foto⁴⁵, which is 25 years old (it was developed as part of the Mediafax news agency) and Inquam Photos⁴⁶, the first agency to offer exclusively photography. Inquam Photos was founded by a photojournalist in 2013⁴⁷, and despite its small size, has quickly become a well-known brand, due to the quality of its photos and its presence at relevant social and political events.

In the annual activity report for 2019⁴⁸, Agerpres assumes the status of market leader: “The process of rethinking the strategies for 2020 represents the confirmation of Agerpres’ position as the main source of information from and about Romania”⁴⁹. In turn, the private agency Mediafax also claims to be a market leader in providing real-time news and information flows⁵⁰.

Measuring the impact of these news agencies is difficult to do. Comparing the number of subscriptions is a criterion, even if subscribers include, in addition to media clients, institutional (authorities) and corporate clients. But such data are neither available nor easy to compare.

On the other hand, no dedicated research has been identified to measure the impact of news produced by agencies and republished by other media outlets, but it is very possible that such research might show that Agerpres has the largest presence of the three agencies in terms of news republished by other media institutions.

At the same time, data on the direct impact on the public are measured and they prove that Mediafax is a leader in this regard. Thus, the Internet Audience and Traffic Study (SATI), published by the Romanian Transmedia Audit Bureau (BRAT)⁵¹, highlights a significant difference in audience in favor of Mediafax. For February 2021, the Mediafax site had over 1,100,000 unique visitors⁵², while in the same period, Agerpres had 137,000 unique visitors⁵³, and News.ro 79,000⁵⁴. It should be mentioned, however, that we do not know the extent of the paid news flows versus freely available news of Mediafax versus Agerpres or versus News.ro.

According to the most recent annual report available at the time of writing, Agerpres published in 2019 over 125,000 news and other journalistic materials, to which were added 30,000 photos and videos⁵⁵.

⁴⁰ <http://www.audienta-radio.ro/default.aspx?id=14>

⁴¹ <http://www.audienta-radio.ro/default.aspx?id=2>

⁴² Source: “Results of the Radio Audience Study - Autumn Wave 2020”, published by the Association for Radio Audience, IMAS and Mercury Research, p. 2, <http://www.audienta-radio.ro/userfiles/items/Audienta%20radio%20-%20Valul%20de%20Toamna%202020.pdf>

⁴³ Market share: Radio Antena Satelor - 5%; Radio Romania News - 12.5%; Radio Romania Bucharest FM - 0.5%; Radio Romania Braşov FM - 0.0% (new station, small audience); Radio Romania Cluj - 0.5%; Radio Romania Constanta - 0.3%; Radio Romania Cultural - 1.3%; Radio Romania Iaşi - 2.7%; Radio Romania Oltenia Craiova - 1.9%; Radio Romania Resita - 0.8%; Radio Romania Târgu Mureş - 0.5%; Radio Romania Timisoara - 0.8%. Source: Ibidem.

⁴⁴ <https://www.news.ro/despre-noi>

⁴⁵ <https://www.mediafaxfoto.ro/>

⁴⁶ <https://inquamphotos.com/>

⁴⁷ “How does the only independent photography agency in Romania withstand”, PressOne, November 13, 2017 - <https://pressone.ro/cum-rezista-singura-agentie-independenta-de-fotografie-din-romania>

⁴⁸ <https://www.agerpres.ro/corporate/transparenta-decizionala>

⁴⁹ Ibidem

⁵⁰ <https://www.mediafax.ro/pagini/despre-noi-311376/>

⁵¹ BRAT is a non-profit organization of the media and advertising industry that has as members publishers of print and online press, agencies, companies and advertising clients, media broadcasters, companies that own radio stations, outdoor companies and other interested third parties.

⁵² <https://www.brat.ro/sati/site/mediafax-ro/audienta/delivery/first>

⁵³ <https://www.brat.ro/sati/site/agerpres-ro/audienta/delivery/first>

⁵⁴ <https://www.brat.ro/sati/site/news-ro/profil-audienta/>

⁵⁵ Annual Report Agerpres 2019 <https://www.agerpres.ro/corporate/transparenta-decizionala>. Agerpres is also an important archive repository. The archive contains press news, since 1928, newspaper collections, since 1944. Since 2000, AGERPRES news is stored in electronic format. The historical photography archive includes over 400,000 films and about 5,000 photographic plates, from 1927-2003, for which Agerpres is in a process of digitization. Source: Ibidem, p.36

4. MAIN PROBLEM AREAS OF PSM

The activity of the three public media institutions, from the perspective of freedom of expression (biased editorial practice, propaganda, distortion of democratic public sphere, censorship cases, documented political pressure on editors, etc.), as it is publicly visible, indicates comparable developments for SRR and TVR and significantly different for Agerpres.

SRR and TVR are governed by the same law, which creates the premises for a similar vulnerability to political influences in editorial production. The different forms this influence takes, are determined, among other causes, by the management styles of the successive President-General Managers (PGM). We will assess below the nature of the issues relevant to freedom of expression as they were manifest during the terms of the last PGMs.

4.1 The Romanian Television Company

Doina Gradea, the person who is, at the time of writing this report, President - General Manager of TVR, gained a strong negative notoriety during her term. In a concise form, her managerial style can be described as authoritarian, abusive and lacking in transparency.

Personnel policy

PGM Gradea pushed the law to avoid control by the Administrative Board and built a Steering Committee with people who did not go through a public selection process. The management positions of the members of the Steering Committee are held by people who have been delegated by the PGM, so they are exposed to arbitrary dismissal at the decision of the same person. In the same situation are not only the members of the Steering Committee, but also the directors of the territorial studios of TVR and over 50 people with various management positions in TVR⁵⁶.

On the other hand, in order to retain the loyalty of some members of the Administrative Board, Gradea organized competitions for permanent positions within TVR. Three of these positions were assigned to two full members and one alternate member of the Board⁵⁷.

Economic policy

Alarm signals regarding irregularities in the management of TVR funds were launched by an important local trade union of journalists, MediaSind. One of the main arguments invoked in this regard by MediaSind is an audit report of the Court of Accounts on the legality of TVR's financial activity, in relation to a series of unfavorable findings⁵⁸.

In his turn, Iulian Bulai, MP of the Union Save Romania (USR), member of the Mass Media Commission in the Chamber of Deputies, made public in October 2019 the salary of the President-General Manager Doina Gradea. Bulai then showed that PGM Gradea has a gross salary of 28,500 lei (5890 euros), plus a 25% seniority increase. Bulai stated that the salary of the PGM of TVR exceeded by approx. 1,000 euros that of the President of Romania and that of the Prime Minister of Romania. The USR MP also stated, at that time, that the salary increases that Gradea granted herself, with the support of the majority held in the Administrative Board, are illegal, according to a report of the Court of Accounts⁵⁹. In reply, Gradea announced that she had challenged the Court of Accounts' report on, inter alia, the legality of this expenditure and stated that the level of remuneration had been legally established, which would have been confirmed by the Ministry of Labor, and by the Parliament⁶⁰.

Political influences

Since her appointment as President-General Manager of TVR in 2018, Doina Gradea is accused in the public space of interfering in TVR's editorial policy, favoring the governing political alliance until 2019. Among the interventions with great notoriety we point out the unilateral termination of the contract with the producers of a show with a large audience - "State of the Nation" - a program of political satire in which the politicians in power were not spared. In 2018, intuiting that the repeated pressures that Gradea exerts on him aimed at eliminating the show from the public television programming, the main figure of the "State of the Nation" show, journalist Dragoș Pătraru, recorded several conversations he had with Gradea and the director of TVR 1, and made them public⁶¹. The incident sparked a wide-ranging public debate and was followed by a series of conflicts between TVR's management and the Ethics and Arbitration Commission, an independent internal body empowered to report violations of professional ethics. The Ethics and Arbitration Commission analyzed the situation described above and found - after a laborious investigation in which it heard all parties involved - that Doina Gradea behaved abusively, including by dismissing some editors as a result of political interventions. The President-General Manager requested in court to annul the report of the Ethics and Arbitration Commission, although the document is of an advisory nature. The judges of the Court of Appeal rejected the complaint⁶², considering that the members of the commission acted in compliance with their obligations under the Statute of the TVR journalist. Dissatisfied, Doina Gradea declared an appeal, the trial currently pending before the High Court of Cassation and Justice⁶³.

56 "UPDATE Two members of the Administrative Board of TVR and one alternate member - hastily hired on permanent positions at the public television" - HotNews.ro, April 25, 2019- http://economie.hotnews.ro/stiri-media_publicitate-23109095-doi-membri-tvr-membru-supleant-angajati-repede-inainte-posturii-permanente-televiziunea-publica.htm?fbclid=IwAR3D4ilSZczRXzCVvvU6foMdzEkySL8vT6vmEicG-zCtPsQYx73VpxLt6s

57 "Hotnews: HASTLY hirings at TVR. Two members of the TVR Administrative Board and one alternate member, transferred to permanent positions", Pagina de Media April 26, 2019- <https://www.paginademedia.ro/2019/04/angajari-pe-repede-inainte-la-tvr/>

58 „Court of Accounts: Too much money for the heads of Public Radio and Television, problems confirmed at the Golden Stag, fiscal irregularities at Agerpres”, Hotnews, January 29, 2020 <https://m.hotnews.ro/stire/23630120>

59 "USR deputy Iulian Bulai publishes the salary of the TVR chief: Higher than that of the president. He received more increases than those who work on the minimum wage", Adevărul, October 22, 2019 - https://adevarul.ro/entertainment/tv/deputatul-usr-iulian-bulai-publica-salariul-sefei-tvr-mai-mare-decat-presedintelui-primit-mai-multe-mariri-decat-cei-muncesc-salariul-minim-1_5daecdb9892c0bb0c6ce4b58/index.html

60 "TVR's reaction after the information regarding Doina Gradea's salary and the accusations that she would pay more than the law allows", Adevărul, October 22, 2019 - https://adevarul.ro/entertainment/tv/reactia-tvr-informatiile-privind-salariul-doinei-gradea-acuzatiile-si-ar-acorda-diurne-mai-mari-decat-permite-legea-1_5daf22e0892c0bb0c6d0eec2/index.html; "TVR challenged the report of the Court of Accounts for 2018: The auditors did not take into account the arguments brought. The Parliament decided that the president's salary was set correctly", News.ro, January 30, 2020 - <https://www.news.ro/cultura-media/tvr-a-contestat-raportul-curtii-de-conturi-pe-2018-auditorii-nu-au-tinut-cont-de-argumentele-aduse-parlamentul-a-decis-ca-salariul-presedintelui-a-fost-stabilit-core-ct-1922401830002020011619248008>

61 The Pătraru case and the decisions of the Ethics and Arbitration Commission are analyzed in detail in the FreeEx Report "Press Freedom in Romania" 2018-2019 - p. 95, published by ActiveWatch <https://active-watch.ro/Assets/Upload/files/Raport%20FreeEx%202018-2019.pdf>

62 http://www.tvr.ro/hotararea-curtii-de-apel-bucuresti-in-procesul-intentat-comisiei-de-etica-si-arbitraj-de-conducerea-tvr_25812.html#view

63 "TVR does not give up: Goes to the High Court against its own Ethics Commission" HotNews.ro, December 10, 2019 - https://economie.hotnews.ro/stiri-media_publicitate-23541960-tvr-nu-lasa-merge-inalta-curte-impotriva-propriei-comisii-etica.htm

The recordings made public by Pătraru how PGM Doina Gradea understands the role of public television: "They don't deserve anything, I was (...) at all the commissions they called me to, Budget-Finance, Mass Media Commissions, at the Ministry of Finance. (...) TVR will have the largest budget it has ever had. Because I first made an investment after 10-12 years, when it has fabulous investments in technology, you understand? (...) I fight (...) but you wake up that a moron involves the institution. And they did that non-stop. When PNL [the Liberal Party] came to power, they attacked PNL. When it was PD [the Democratic Party], they attacked PD. Now that these are in power, they take care of them. They have a hatred, like that. They are coming out of some holes, like that, you know? Haters by profession. They are not against a party, they are against as a profession, and that's it. They have the Statute of the journalist, there are thousands of regulations, you have to put them in the disciplinary commission, which sends them to the ethics commission, which ... (...) and so on"⁶⁴. To Dragoș Pătraru, Doina Gradea suggested, related to the shows State of the Nation: "Maybe you make them softer now, with holidays now (...)." ⁶⁵

Another event that affected TVR's reputation was the presence of the PSD president, Liviu Dragnea, in the middle of the electoral campaign for the 2019 European elections, at two consecutive editions of the "Village Life" show. A show with a significant audience in rural areas, the "Village Life" was not included in the list of electoral programs, according to the legal provisions.

As a result of this flagrant violation of the audiovisual rules specific to the electoral campaign, established by the National Audiovisual Council - violations found but not sanctioned by the NAC⁶⁶ -, Gradea was asked to provide explanations in the Mass Media Commission of the Chamber of Deputies. She presented there, but refused to answer questions, the format of the hearing being imposed by Commission members of the ruling party's (at that time, a party that had supported Gradea at TVR's leadership and whose President had been present on the above mentioned show). The TVR chief read her point of view and left the meeting. Opposition lawmakers later left the meeting in protest⁶⁷. The chairman of the parliamentary Commission (member of an opposition party) said that the attitude of the head of the public television towards the Commission was unprecedented and asked her to resign⁶⁸.

Internal censorship

The termination of the contract with the team of the show "State of the Nation", a situation described above, can be considered an act of disguised censorship. In fact, the court of the Bucharest Tribunal considered it abusive to terminate the contract with the show's team, forcing TVR to pay substantial damages.⁶⁹

Also, the legal action against the report issued by the Ethics Commission, also mentioned above, is an approach made with the obvious intention of blocking the result of the investigation and intimidating the journalists from this professional forum. In fact, in an attempt to counter the independence proved by the Ethics Commission and defying the internal regulations and the Statute of the TVR journalist, the President-General Manager hired a former officer of the Romanian Intelligence Service as technical secretary of the commission, granting him the quality of Ombudsman, which does not exist in the organizational chart.⁷⁰

The same adversity shown by Doina Gradea towards the Ethics and Arbitration Commission led, in 2020, to the establishment, without the approval of the Administrative Board and the Steering Committee, of a so-called Ethical Conduct Procedure in TVR, that assimilates employees to civil servants. The disguised purpose of the new regulation, drafted and imposed in violation of several laws and internal regulations, was to try to de facto subordinate the Ethics Commission - a body elected by the plenary of TVR journalists - to an Ethics Adviser appointed directly by the President-General Manager, without the obligation to comply with integrity criteria.⁷¹

Moreover, the author of the respective Conduct Procedure, later appointed as Ethics Adviser, was the holder of a management position in TVR and, since 2017, member of the Administrative Board of the public radio, even if, by the final decision of 2017 of the High Court of Cassation and Justice, he was forbidden to hold any public office for three years for violating the Law on Conflict of Interest⁷² (details in chapter 4.2.).

Resignation requests - a controversial President-General Manager

The attempt of some members of the Administrative Board to determine Gradea to comply with the law triggered an acute conflict between the Board and the PGM. During 2020, the conflict reached extreme heights: members of the Board tried to put on the Board agenda a decision to suspend the PGM. Their intention was thwarted by the PGM either by boycotting the meetings of the Board⁷³, or by refusing to convene them. Consequently, Doina Gradea's opponents from the Administrative Board addressed the court of the Bucharest Tribunal with a civil liability action against Doina Gradea, in her capacity as TVR administrator, accusing her of spending public money discretionary, non-transparent and in violation of the law.

In turn, MediaSind⁷⁴ (the national trade union of journalists and media workers) has repeatedly called for the dismissal of Doina Gradea, citing a long list of alleged violations of personnel policy and financial management⁷⁵. MediaSind protests had international echoes: European trade union structures of journalists took the calls of Romanian colleagues and relayed them to relevant national and international forums.⁷⁶

⁶⁴ „VIDEO Recordings with the head of TVR, Doina Gradea, about the journalists of the Public Television, published by Dragoș Pătraru: It's worth punching in the mouth! They are haters by profession ", HotNews.ro, May 3, 2018.

⁶⁵ Ibidem.

⁶⁶ "CNA has definitively buried the Dragnea case on TVR - Viața Satului: no sanction", HotNews.ro, June 25, 2019 - https://economie.hotnews.ro/stiri-media_publicitate-23222215-cna-ingropat-definitiv-cazul-dragnea-tvr-viata-satului-nicio-sanctiune.htm

⁶⁷ "ABSURD. PSD, shield for the head of TVR. Doina Gradea, heard without questions. Everything he said to Pătraru ", Media Page, May 8, 2018 - <https://www.paginademedia.ro/2018/05/absurd-psd-scut-pentru-sefa-tvr-doina-gradea-audiata-fara-intrebari-tot-ce-a-spus-la-adresa-lui-patraru>

⁶⁸ "Challenge. The head of TVR, Doina Gradea, supported for this position by PSD, refused to answer the questions of the deputies from the Culture Commission ", HotNews.ro, June 19, 2019 - https://economie.hotnews.ro/stiri-media_publicitate-23212346-sfidare-sefa-tvr-doina-gradea-sustinuta-pentru-aceasta-pozitie-psd-refuzat-raspunda-intrebarilor-deputatilor-din-comisia-cultura.htm

⁶⁹ "Dragoș Pătraru won in the first instance the lawsuit with TVR: how much should the public station pay him", Adevărul, October 4, 2019 - https://adevarul.ro/entertainment/tv/dragos-patraru-castigat-instanta-procesul-tvr-suma-trebuie-sa-i-plateasca-postul-public-1_5d9724fe892c0bb0c6407174/index.html

⁷⁰ "EXCLUSIVE. A former SRI officer, named the liaison between TVR and his audience. The position of ombudsman, held by a specialist in "detecting covert behavior", Pagina de Media, October 6, 2018 - <https://www.paginademedia.ro/2018/10/exclusiv-un-fost-ofiter-sri-numit-omul-de-legatura-dintre-tvr-si-publicul-sau/>

⁷¹ "Dragnea's legacy: TVR journalists and employees, treated as civil servants through a procedure on ethical conduct", Free Europe, June 1, 2020 - <https://romania.europalibera.org/a/mo%C8%99teni-rea-lui-dragnea-jurnal%C8%99tii-%C8%99i-angaja%C8%99ii-tvr-trata%C8%99bi-ca-func%C8%99Bion-ari-publici-printr-o-procedur%C4%83-privind-conduita-etic%C4%83/30645560.html>

⁷² "Several NGOs ask the Parliament to dismiss Demeter Andras, who has a final decision of conflict of interest, from the administrative board of Public Radio", G4Media, March 12, 2019 - <https://www.g4media.ro/mai-multe-ong-uri-cer-parlamentului-demiterea-lui-demeter-andras-care-are-decizie-definitiva-de-conflict-de-interese-din-consiliul-de-administratie-al-radioului-public.html>

⁷³ "The scandal on Romanian Television, far from the end", Bursa, December 18, 2020 - <https://www.bursa.ro/scandalul-din-televiziunea-romana-departe-de-final-64865148>

⁷⁴ <http://www.mediasind.ro/despre-noi>

⁷⁵ "The scandal on Romanian Television, far from the end", Bursa, December 18, 2020 - <https://www.bursa.ro/scandalul-din-televiziunea-romana-departe-de-final-64865148>

⁷⁶ "The International Federation of Journalists and the European Federation of Journalists have reported to the Council of Europe the abuses of Romanian Television!", Mediasind.ro, June 16, 2020 - <https://sites.google.com/a/mediasind.ro/mediasind/comunicate-1/federatiainternationalaajurnalistilorsifederatieaeuropeanaajurnalistilorausesizatlaconsiliuleuropeiabusuriledintelevisiuneanationala>

In response to the actions challenging her managerial activity, the President-General Manager sued both MediaSind, and the opponents from the Administrative Board for defamation⁷⁷. At the same time, Doina Gradea summoned the publications that published information and documents invoked by the TVR chief's critics to expose their sources, threatening them that otherwise they will be sued⁷⁸. Such a threat was put into practice in the case of the newspaper Libertatea, Doina Gradea's complaint being rejected by a first instance court⁷⁹. The lawsuits meant to protect Gradea's image, were paid with funds from the public television budget (see chapter Transparency rules for the public radio and television)

Final comment

If the performance of TVR is evaluated in the context of the activity of other televisions, in particular the news channels, a particular feature of the information distortion can be noticed. Some shows, broadcast on private television stations, practice open, violent political propaganda. In these shows, political opponents are attacked in absentia, the messages transmitted are biased, the facts, the statements of the enemies are interpreted in bad faith, taken out of context, etc. On public television, such phenomena are exceptions and are usually visible because they produce reactions from the Ethics Commission or / and public reactions. The way in which, however, TVR manifests when distorting the information is the omission. There is an intervention at the level of the programming structure that has this effect: the investigation, reportage and political talk show programs have almost completely disappeared from the TVR programming. In addition, the mechanism of avoiding "sensitive" subjects can take the invisible form of self-censorship, which works at the level of the journalist - a phenomenon described by journalists inside the institution⁸⁰. Finally, in those cases where journalists assume to address sensitive issues for the those in power, the leadership may intervene, hierarchically - through the directors appointed by delegation - or, less often, even at the level of PGM, as illustrated by an example, above.

4.2. The Romanian Radio Broadcasting Company

For the past four years, Georgica Severin, a politician, has been acting as interim General Manager and, later, President-General Manager of SRR. Georgică Severin, who was nominated by the ruling party (Social Democratic Party), at that time, after leading the Mass Media Commission of the Senate, as an MP of this party⁸¹, followed Ovidiu Miculescu at the leadership of the public radio. Miculescu's mandate was marked by controversial events that contributed to building the image of an abusive manager⁸². It is relevant to refer, in this report, to the functioning of SRR during Miculescu's term because it allows the identification of organizational vulnerabilities to such a managerial style and to political pressures.

Economic policy

SRR has been constantly the subject of criticism and investigations, by the authorized institutions, in regards to budget management. The information that has become a hallmark of SRR is the high level of salaries of directors in the institution, in particular the PGM. According to an open letter published in August 2020 by a member of the Board, the salaries of directors would have been 3 times higher than those of regular employees, amounting to 4,000 euros per month⁸³.

The same member of the Administrative Board stated that the PGM's salary would be 7,000 euros per month, showing that this salary is even higher than that of the President of Romania⁸⁴. The additional expenditure, considered illegal, was confirmed by controls carried out by the Court of Accounts⁸⁵. SRR challenged this report⁸⁶. From an appeal of TVR, to the Court of Accounts, on the same subject, it appears that there could be a legal basis for establishing such a high salary, which would be exclusively the right of decision of the Board⁸⁷. In the Public Report of the Court of Accounts for 2019 (published in December 2020) this situation is no longer found⁸⁸, although the August 2020 communiqué of the above mentioned Board member stated that this unjustifiably high salary of the PGM, even higher than that of the President of Romania, would have been maintained.

In contrast to the PGM's salary, the salary of an editor / reporter is around 3000 lei (620 euros) per month. Thus, in November 2018, the deputy Iulian Bulai, member of the Mass Media Commission, revealed that the salary of a journalist was between 2,850 lei (editor/reporter) and 10,032 lei gross per month (ca. 590-2073 euros), while the chief of staff of the PGM Severin received between 10,925 lei and 17,043 lei gross (ca. 2258-3522 euros) per month⁸⁹.

The investment needs in SRR are enormous. They include infrastructure, such as buildings in need of repairs. Another example is the technical infrastructure. Thus, according to some information inside SRR, the broadcast is often done using old, expired software, which can no longer be updated.

⁷⁷ http://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000000950328&id_inst=3

⁷⁸ "TVR threatens Paginademedia.ro with the lawsuit: << Reveal the sources used >>", PaginadeMedia, February 9, 2021 - <https://www.paginademedia.ro/2021/02/tvr-ameninta-paginademedia.ro/>

⁷⁹ "TVR loses the lawsuit with Libertatea filed after the revelations about the expenses of almost half a million euros with Eurovision", Libertatea, March 17, 2021 - <https://www.libertatea.ro/stiri/tvr-pierde-procesul-cu-libertatea-intentat-dupa-dezvaluirile-ziarului-despre-cheltuielile-de-aproape-jumatate-de-milion-de-euro-cu-eurovisionul-3456545>

⁸⁰ See report on journalism in this project.

⁸¹ Severin was first appointed interim director in April 2017, becoming PGM in October of the same year.

⁸² FreeEx Report "Press Freedom in Romania" 2016-2017, published by ActiveWatch - <https://activewatch.ro/freeex/publicatii/lansarea-raportului-freeex-2016-2017-libertatea-presei-in-romania>

⁸³ "Alexandru Muraru (PNL): Under the leadership of PSD, the Public Radio has reached an unprecedented financial and administrative collapse", G4media.ro, August 12, 2020 <https://www.g4media.ro/alexandru-muraru-pnl-sub-conducerea-psd-radioul-public-a-ajuns-intr-un-colaps-financiar-si-administrativ-fara-precedent-radioul-are-un-deficit-de-aproximativ-33-milioane-de-lei-georgica-severin.html>

⁸⁴ Ibidem.

⁸⁵ <http://www.romania-actualitati.ro/reactii-la-datele-privind-srr-din-raportul-curtii-de-conturi-134696>; Public report of the Court of Accounts for 2018, p. 158 https://www.curteadeconturi.ro/uploads/216b-cbcbf/60ca864b/6a0cbae1/c05145e7/ac582a47/2820f090/6db6a5b9/0dbb4d3e/Raportul_public_pe_anul_2018.pdf

⁸⁶ "UPDATE Public Radio and TVR, about the report of the Court of Accounts for 2018, critical of the management of the two institutions: I filed appeals" HotNews.ro, January 30, 2020, https://economie.hotnews.ro/stiri-media_publicitate-23632481-radioul-public-despre-raportul-curtii-conturi-2018-critic-adresa-conducerii-sale-contestat-decizia.htm

⁸⁷ "TVR's reaction after the information regarding Doina Gradea's salary and the accusations that she would pay longer than the law allows", Adevarul, October 22, 2019 - https://adevarul.ro/entertainment/tvr/reactia-tvr-informatiile-privind-salariul-doinei-gradea-acuzatiile-si-ar-acorda-diurne-mari-de-cat-permite-legea-1_5daf22e0892c0bb0c6d0eec2/index.html; "TVR challenged the report of the Court of Accounts for 2018: The auditors did not take into account the arguments brought. The Parliament decided that the president's salary was set correctly", News.ro, January 30, 2020 - <https://www.news.ro/cultura-media/tvr-a-contestat-raportul-curtii-de-conturi-pe-2018-auditorii-nu-au-tinut-cont-de-argumentele-aduse-parlamentul-a-decis-ca-salariul-presedintelui-a-fost-stabilit-corect-1922401830002020011619248008>

⁸⁸ https://www.curteadeconturi.ro/uploads/2e5d9d60/9e269eac/5d043042/db30da5f/0e159ef-b/3674e79b/8c5c968b/0c25bb49/Raportul_public_pe_anul_2019.pdf

⁸⁹ "How much does Georgica Severin's chief of staff, director of Radio Romania, earn per month", Ziare.com, November 27, 2018 - <https://ziare.com/media/radio/cat-incaseaza-pe-luna-sefa-de-cabinet-a-lui-georgica-severin-directorul-radio-romania-1539852>

Personnel policy

Although, currently, the members of the Steering Committee hold positions based on a competition, according to an analysis published by the Kompatibil Association, bombed by public radio journalists, of the 101 directors at the end of 2019, one third hold the position without having competed for it⁹⁰. Moreover, this association showed that there was a chief at 22.6 employees, which would represent, in the opinion of this association, an oversized staffing scheme.

SRR's salary policy is relevant to our analysis. From the reports of the Kompatibil Association, we find that the average salary of chiefs is 2.5 times higher than the average salary of employees. The comfortable and extremely stable incomes compared to the unpredictability that characterizes the Romanian labor market, make these people a class of managers benefiting from a quasi-immovability status. The opinion that establishes a relationship between the salary policy and the freedom of editorial expression in the institution is plausible: it can be assumed that the high salaries of most of those in management positions contribute to maintaining, by inertia, an organizational culture of self-censorship.

A special mention is useful to illustrate the institution's tolerance of abusive management. The authority specialized in verifying the incompatibility of dignitaries and civil servants - the National Integrity Agency (ANI) - reported incompatibilities of PGM Ovidiu Miculescu and, respectively, of Demeter Andras Istvan, member of the Administrative Board, and although both lost the appeals in court against the ANI's decision in 2017, continued to retain their positions⁹¹. Miculescu was finally dismissed by Parliament's in April 2017, but Demeter Andras Istvan remained a member of the SRR Board for another term, being also a director in TVR (and Ethics Adviser – see 4.1.), and, in March 2021, he was also appointed secretary of state in the Ministry of Culture⁹². ANI has opened a lawsuit for Demeter's violation of the legal obligations regarding the conflict of interests, which is pending before the Bucharest Court of Appeal⁹³. The ANI decision had been generated by a situation in 2011, when Demeter, from the position of director of SRR, signed an order appointing himself as coordinator in a POSDRU project, obtaining from this activity a gross income of 190,000 lei (39,270 euros)⁹⁴.

90 "Association of Public Radio Employees: SRR Managers - accused of amateurism and concern not to disturb "/> One in three bosses holds the position without competition", Hotnews.ro, November 1, 2019 - https://economie.hotnews.ro/stiri-media_publicitate-23461422-asociatie-angajatilor-din-radio-public-managerii-din-srr-acuzati-amatorism-preocuparea-nu-deranja-unul-din-trei-sefi-ocupa-functia-fara-concurs.htm

91 <https://www.integritate.eu/Comunicate.aspx?PID=20&NewsID=1705>

92 "Andras Istvan Demeter, appointed Secretary of State at the Ministry of Culture, although he was definitively banned from holding a public office for three years. He refused to resign after the final sentence in 2017 ", G4Media, March 8, 2021 - <https://www.g4media.ro/andras-istvan-demeter-numit-secretar-de-stat-la-ministerul-culturii-desi-a-avut-prin-sentinta-definitiva-interdictie-de-a-ocupa-trei-ani-o-functie-publica-el-a-refuzat-sa-demisioneze-din-functii-du.html>

93 "For conflict of interest, ANI asked the Court to cancel all documents signed by Andraş Istvan Demeter, head of the Production House of TVR and member of the Administrative Board of Public Radio!", Mediasind.ro July 22, 2020- <http://www.mediasind.ro/comunicate-1/pentruconflictdintereseaniasolici-tatjustitieianulareatuturoractelorsemnatedeandrasistvandemetersefulcaseideproductiedintvrsimemb-rualcadinradioulpublic>

94 "Andras Istvan Demeter, appointed Secretary of State at the Ministry of Culture, although he was definitively banned from holding a public office for three years. He refused to resign after the final sentence in 2017 ", G4Media, March 8, 2021 - <https://www.g4media.ro/andras-istvan-demeter-numit-secretar-de-stat-la-ministerul-culturii-desi-a-avut-prin-sentinta-definitiva-interdictie-de-a-ocupa-trei-ani-o-functie-publica-el-a-refuzat-sa-demisioneze-din-functii-du.html> .

Editorial policy

In general, little information about the political pressures inside the public radio has become public over time. Such pressures have been visible many times in the past in the obviously biased content towards the ruling political parties, but in recent years, even if such pressures have existed, they are rarely visible.

As with TVR, the structure of the programs was changed at SRR, the political talk shows being eliminated or moved to hours with a minimum audience. In addition, the mechanism of avoiding "sensitive" subjects can take the invisible form of self-censorship, which works at the level of the journalist - a phenomenon described by journalists inside the institution⁹⁵.

In March 2019, a publication covering exclusively the media field (PaginadeMedia.ro) published an article in which it analyzed the content of a news bulletin of Radio Romania Actualitati in which the first eight news had all been with ministers, presented in a positive context. The news contained all interviews with each of these ministers. By contrast, a news story about a protest against the government's highway policies lasted 22 seconds, continuing with a news story about the construction of a new highway, which lasted almost two minutes and also benefited from an interview with the Minister of Transport⁹⁶.

Other issues in the newsroom of Radio Romania Actualitati (RRA) were made public in April 2019 during a debate on the situation of public radio and television⁹⁷. Mira Gomboş, a journalist of RRA, reported on two situations from that month. One referred to a news item she had written herself, for which she was asked to change the meaning of some information about the Social Democratic Party (PSD - party that was in power at the time and for which the PGM in office, Georgică Severin, was an MP for two terms). The news referred to the fact that the Party of European Socialists had announced that it had frozen relations with PSD. The deputy editor-in-chief asked the journalists to rewrite the news, claiming that relations would be frozen only until June. Mira Gomboş refused, saying that the piece of news she wrote was the correct one. Finally, the producer rewrote the news, still correct, according to Mira Gomboş, but rearranging the words.⁹⁸

Mira Gomboş also reported a similar situation, which happened on the same day. Thus, according to the journalist, Dan Preda, manager of RRA, would have put pressure in the newsroom to change a news item about a decision of the Romanian Constitutional Court regarding the panels of 3 judges, in which it was mentioned that among those favoured by the decision was the PSD leader at that time, Liviu Dragnea. According to the information received from the editorial team by Mira Gomboş, Dan Preda, manager of RRA, would have commented that the mention of Liviu Dragnea in the news is unjustified, considering that there are many more people who would have benefited from the decision of the Constitutional Court. Liviu Dragnea was not mentioned in the version of the news broadcast after that hour.⁹⁹ RRA's news editor-in-chief, Nicu Popescu, as well as RRA manager Dan Preda, were targeted in a 2005 parliamentary inquiry into the politicization of the SRR, both of them also holding managerial positions at that time.

95 <https://www.agerpres.ro/corporate/transparenta-decizionala>

96 FreeEx report "Press Freedom in Romania" 2018-2019, published by ActiveWatch <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2018-2019-libertatea-presei-in-ro-mania>

97 The Gomboş case is taken from the FreeEx report "Press Freedom in Romania" 2018-2019, published by ActiveWatch <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2018-2019-libertatea-presei-in-ro-mania>

98 "How Liviu Dragnea appears and disappears in the news of the Public Radio. Plus: details in the case of the har-ased employee after she revealed the irregularities of the former management of RRA ", Hot-News.ro, April 18, 2019.

99 Ibidem.

Internal censorship

During Ovidiu Miculescu's term, multiple signals were registered regarding cases of harassment, and intimidation of employees who were critical of SRR's management. The public statements of these employees were followed by the notification of internal committees - the Honor Commission and the Disciplinary Commission - but also external ones: for some protesters, lawsuits were opened in the courts. In order to boycott the defending possibilities of these employees, the management did not recognize their status as whistleblowers, forbade the participation in hearings of persons outside the institution (according to the law, whistleblowers have the right to invite the press, lawyers, etc.). Also, in 2014, through an amendment to the code of conduct, the way in which employees can report irregularities in the functioning of the institution was also regulated: they must be made in writing and addressed, first, hierarchically, to the direct managers. Only the absence of any response allows the employee to go public with the complaint. These provisions are in flagrant conflict with the Romanian Whistleblowing Law.

The most significant case in which an whistleblower was involved is that of Gabriela Scraba. Gabriela Scraba¹⁰⁰ was, in the last period of her career, deputy editor-in-chief of the SRR music editorial department. In 2016, while working on her work laptop, she accidentally accessed a folder in SRR's internal network in which she discovered some reports of the Court of Accounts and travel accounts of the PGM at the time, Ovidiu Miculescu. Gabriela Scraba created a fictitious email address and communicated this information to journalist Cătălin Tolontan and other journalists, but also to Adrian Moise, at that time one of the SRR dissidents (currently member of the AB), an opponent of Miculescu's PGM, who himself became a whistleblower, and was sanctioned with the termination of the employment contract. Some of the information transmitted anonymously by Gabriela Scraba was published on the web-sites belonging to those mentioned. Due to Gabriela Scraba's communications, it became public that PGM Ovidiu Miculescu traveled by plane on business class, spending about 5,000 euros of public money just for one plane ticket. Other information concerned the financial irregularities included in a report of the Court of Accounts in 2016. According to an investigation published by journalists, which started from the information provided by Scraba, to which journalists added other information, Miculescu had spent 110,000 euros on travel in two years.¹⁰¹

Ovidiu Miculescu filed a criminal complaint following the publication of this information. Prosecutors have launched an investigation. Gabriela Scraba's laptop was confiscated. She had already acknowledged internally, according to her own statements¹⁰², that she was responsible for sending that information to the press. On May 30, 2017, at 6 o'clock in the morning, the prosecutors of the Directorate for Investigating Organized Crime and Terrorism (DIICOT) went down to Gabriela Scraba's house for a house search. She acknowledged her "guilt" and immediately handed over the electronic media (USB stick) on which the information copied from the SRR network was stored. She also admitted her "guilt" to the case prosecutor, although the lawyer who later offered to represent her in court advised her not to do so. Although the DIICOT prosecutors requested the application of a sentence of 1 year and 3 months in prison, with the postponement of the application, two court decisions ended with the confirmation of Gabriela Scraba's innocence for committing the crime of disclosing, without right, of secret or work information, and unauthorized transfer of computer data. The judges considered that the information

distributed by Scraba belongs to the sphere of information of public interest and therefore the constitutive elements of a crime are not met¹⁰³. The Court of Appeal confirmed, in April 2019, the opinion of the Bucharest Tribunal that the information, even if it was obtained in violation of internal rules, such as the Regulation on the use of the computer system of the Romanian Radio Broadcasting Company, "is information of public interest, according to Law 544/2001, regulating the free and unrestricted access of the person to any information of public interest, thus defined by the mentioned law, one of the fundamental principles of the relations between persons and public authorities, in accordance with the Romanian Constitution and international documents ratified by the Romanian Parliament".¹⁰⁴

Final comment

It is important to maintain that there is a difference between the current management - PGM Georgică Severin - and the extremely abusive one of his predecessor, PGM Ovidiu Miculescu, described above. A first relevant signal of the change of management regime was the withdrawal of all the complaints against employees, that Miculescu had advanced in the courts, immediately after the installation of the new president. However, the reported abuses remain relevant evidence of the degree of exposure of SRR to the possibility of PGMs to force the law of operation of the institution in the sense of altering its mission. In addition, Severin did not change anything significant in a positive direction, in terms of editorial policy, as evidenced by the side-slips publicly reported. Also, there were no major changes at the management level, many of the people with management positions, appointed not by competition, but by delegation, in Miculescu's mandate, maintaining these positions during Severin's office.

4.3. Agerpres

This institution operates under a different law than the one governing SRR and TVR. It is possible that the differences in functioning, from the perspective of the criteria of this analysis, can be explained by the differences in the normative acts. And the difference that seems to be the most significant is the one, already mentioned above, of the procedure of appointment and, respectively, of revocation of the Director of the public news agency. The fact that the manager of the institution has a predictable immovability during the 5-year term, can be an explanation for the very small number of signals regarding editorial slippage. At the same time, we cannot say that such immovability is a guarantee of political independence.

In all the aspects pursued in this analysis - economic, personnel, editorial policies - Agerpres has been, in recent years, rarely the subject of criticism in the public space. It had the greatest visibility when it was the target of external aggression - namely when a political party took the initiative to amend the Agerpres law, a moment described above. That event confirms the hypothesis that the current form of the law is an obstacle to political intervention.

¹⁰⁰ Case taken from the FreeEx report "Press Freedom in Romania" 2018-2019, published by ActiveWatch <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2018-2019-libertatea-presei-in-romania>

¹⁰¹ "Radio Romania spent 110,000 euros with the 32 trips abroad of director Miculescu in the last two years! He only flies to business class. The head of the BBC is flying low cost! The example of the Basel conference: the director of RRA goes to business with a ticket of 1,200 euros, and the director of BBC Helen Boaden flies at economy, with a ticket of 207 euros! ", By Cătălin Tolontan, Răzvan Luță, tolo.ro, October 3, 2016.

¹⁰² See the video from the Frontline meeting of April 17, 2019 here: "How Liviu Dragnea appears and disappears in the news of the Public Radio. Plus: details in the case of the harassed employee after she revealed the irregularities of the former leadership of RRA ", April 18, 2019, HotNews.ro.

¹⁰³ Detailed information about the case, including court decisions, here: "DIICOT CEAUȘIST - The former PSD head of Radio Romania asked to find out who gives information for tolo.ro, the prosecutors executed! Searches at 6 in the morning in the house of a music editor, in front of her girl suffering from autism! They confiscated her laptop, took her to DIICOT and made her admit a non-existent crime ", Libertatea, April 16, 2019; "How did the judges give the case to the DIICOT prosecutors and the head of PSD of Radio Romania after they used the" severe mental disability "of the face of a music editor for the employee to recognize an undeserved punishment!", Libertatea, April 18, 2019.

¹⁰⁴ Ibidem.

In terms of economic activity, Agerpres appeared in the reports - made public - of the Court of Accounts with problems. These have their source in financial management errors (delays in the payment of obligations to the budget, respectively errors in the calculation of those obligations).

From a historical perspective, Agerpres has evolved in the direction of consolidating its editorial independence. Almost 20 years ago, during a government that had an explicit policy of taking control of the media in Romania (2001-2004), Agerpres operated under political control and had become a tool of political propaganda intoxication. But the most visible recent incident in terms of political distortion of editorial content took place in 2017. Then, three news items in the international press, reporting on anti-government demonstrations in Bucharest, were removed from the Agency's news feed with arguments appreciated by journalists as being unfair¹⁰⁵.

5. INFLUENCE OF PSM ON MARKET PLAYERS

5.1. The public television

The investigations carried out by ActiveWatch in the last decade indicate an accentuated dilution of TVR's public television identity¹⁰⁶. Repeated attempts to reform the institution have failed, the vitiated organizational culture, the disinterest of the political class for a real reform or, sometimes, even the interest of some politicians to keep the institution in political captivity, too short management mandates, internal corruption and last but not least, the public's lack of interest in protecting the public interest mission of television are some of the unfavorable conditions that led to the quasi-bankruptcy of TVR's identity (and economy). The more than modest presence of TVR (see, for example, audiences), exposes the space of public discourse excessively to messages of private televisions that convey mostly values of commercial culture, populist values, and deprive the public of reference values. The public interest, unrepresented, becomes all the less interesting for the public.

5.2. The public radio

Public radio has a much higher audience share than TVR. From this position, the radio remains a real alternative to commercial radio stations. However, judging from the perspective of resources and infrastructure, clearly superior to other market players, its potential is underutilized. It is also true that this comment is based on unsystematic observations and that, for any project to relaunch public radio, systematic research is an indispensable condition, the same being valid in the case of public television.

¹⁰⁵ "REACTIONS: MediaSind demands the intervention of the Parliament in Agerpres after the accusations of censorship. Agerpres: two news items had personal notes, the third one did not respect the structure of the inverted pyramid", Pagina de Media, January 25, 2017 - <https://www.paginademedi.ro/2017/01/sindicatul-jurnalistilor-mediasind-cere-interventia-parlamentului-la-agerpres-dupa-suspiciunile-de-cenzura-raspunsul-agerpres-doua-stiri-aveau-note-personale-a-treia-nu-respecta-structura-piramidei-in-versate/>; FreeEx Report "Press Freedom in Romania" 2017-2018, published by ActiveWatch - <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2017-2018-libertatea-presei-in-romania>

¹⁰⁶ A detailed analysis, made 5 years ago, but whose findings are also valid in 2021, can be found in the report "Why and how TVR is shaking. Testimonies from inside public television", published by ActiveWatch, Bucharest 2016 - <https://activewatch.ro/Assets/Upload/files/FreeEx/Raport%20-%20De%20ce%20si%20cum%20se%20clatina%20TVR.pdf>

5.3. Agerpres

According to the most recent annual report available at the time of writing, Agerpres published in 2019 over 125,000 news items in the political, economic, social, sports, health, administrative, etc., domains, documentaries, interviews and reports, to which they added 30,000 of their own photos, video news, interviews and features¹⁰⁷. As shown above, however, no measures of impact (number of republishing of news generated by Agerpres) were identified in the Romanian press. However, we can say that, at the moment, Agerpres occupies a top position in the category of news agencies.

Index of abbreviations

- **TVR** – The Romanian Television Company
- **SRR** – The Romanian Radio Broadcasting Company
- **PSD** – Social Democratic Party
- **PNL** – National Liberal Party
- **PGM** – President-General Manager
- **AB** – Administrative Board
- **SC** – Steering Committee

¹⁰⁷ Agerpres Annual Report 2019 <https://www.agerpres.ro/corporate/transparenta-decizionala>



PUBLIC SERVICE MEDIA

SLOVAKIA

1. FUNDING OF PUBLIC SERVICE MEDIA, TRANSPARENCY RULES

Funding of the public broadcaster RTVS (Radio and Television of Slovakia [*Rozhlas a televízia Slovenska*]) is based, similarly to only a few other countries (Germany, France, Albania), on diversity of sources – license fees that are mandatory for citizens. In addition, the broadcaster is also eligible to own revenues, including advertising and to state subsidies. This model is in place as of 2010 when the contractual basis of state subsidies in the form of 5 years long contracts has been introduced.

The plan to introduce agreements between the state and public service broadcasters was presented during the first government of SMER-SD (led by prime minister Fico) by the Minister of Culture Marek Madarič at the end of May 2007. The Agreement with the State (the Agreement on the Content, Objectives and Provision of Services to the Public in the Field of Television Broadcasting [*Zmluva o obsahu, cieľoch a zabezpečení služieb verejnosti v oblasti televízneho vysielania*]) for the years 2010-2014 was adopted in 2009. As a result of a 2011 merger of public television (STV) and public radio (SRo) into one broadcaster (RTVS), the original contracts were abolished and in 2012 the new contract for the upcoming period of five years was adopted.¹ In both contracts the amount of money is set for EUR 15 mil. at minimum, in reality it reaches approximately one third of the annual budget of public media.

¹ RTVS, contract for period [2013-2017](#) and for period [2018-2022](#).

The aim of its creation was to stabilize funding and support the original production of public service media. An addendum is concluded each year specifying state support for the creation and production of the original program in public interest, technological modernization and broadcasting to abroad. The money should not be used, among other things, for the production and broadcasting of news and investigative journalism, for acquisitions - the purchase of foreign programs and licensing rights for the broadcasting of sports events, or for dubbing. The annual amendments are submitted by the RTVS General Director, first to the RTVS Council (supervisory body of public media) and only with its opinion to the Ministry of Culture. The management of money from the contract is controlled by the public media and the Ministry of Culture.²

Similar model applies to the public news agency, TASR (News Agency of the Slovak Republic [Tlačová agentúra Slovenskej republiky]) that is financed from the state budget, through additional state subsidies and advertising. TASR, operating in the area of information supply alongside the private news agency SITA, was transformed from the state-owned into the public service type of media with the new legislation in 2008.³ According to the study conducted by the London School of Economics, most of the members of the European Alliance of News Agencies are either state (semi-state) owned or operating as institutions of public service.⁴ The new concept was also taking into consideration the 2005 decision of the Constitutional Court that rejected the motion of the General Prosecutor who challenged the privileged position of the state agency, suggesting it contradicts the constitutionally guaranteed freedom of expression and right to information.⁵

The topic of concession fees [koncesionárske poplatky] has been discussed regularly already for several years, with different intensity. In 2011, under the Minister Daniel Krajcer, who also pushed through the merger of both public media into one public institution in the same year, the parliament abolished the fee as of 2013. Instead, it linked the income of the public broadcaster to the GDP (0.142 per cent), with minimum of EUR 90 mil. guaranteed.⁶ However, the change was subsequently reversed after the early 2012 parliamentary elections, after the reformist government collapsed in 2011.⁷

Yearly fee for the public broadcaster, unchanged since 2003, is EUR 4.64 per month (EUR 55.68 per year), in comparison to some EUR 88, an amount available for both Czech public broadcasters combined.⁸ The amounts is fixed in the legislation, as of 2012 in the Law on Payments for Public Services [Zákon č. 340/2012 Z.z. o úhrade za služby poskytované Rozhlasom a televíziou Slovenska] and overall is one of lowest in Europe.

Everyone who consumes electricity has this obligation. The payment of the concession fee depends on the consumption of electricity, but a person has several properties, the fee is paid only once. The rule is that a payer who is registered with an electricity supplier in several consumption points pays only for one consumption point.

Recently, discussion concerning the license fees is again gaining its momentum. While its increase ("optimisation") was incorporated in the Programme Statement of the third Government led by Prime minister Robert Fico,⁹ one coalition partner SNS (Slovak National Party [Slovenská národná strana]) blocked its implementation. The new government led by Prime Minister Eduard Heger¹⁰ from OĽANO (Ordinary People and Independent Personalities [Obyčajní ľudia a nezávislé osobnosti]) declared in its Programme that it "will consider introducing a new financial model for financing RTVS while maintaining the public-ity and independence of RTVS".¹¹

² SME, 2012, [Pre RTVS bude spoločná nová zmluva so štátom](#).

³ National Council of the Slovak Republic, Reasoning report to the new legislation (Dôvodová správa)

⁴ London School of Economics, 2019: [The future of national news agencies in Europe. Executive summary](#).

⁵ The Constitutional Court, 31 March 2005, Nález, PL.ÚS 2/04-48.

⁶ Novinky.cz, 21 October 2011, [Slovensko od 2013 zruší koncesionárske poplatky](#)

⁷ The government, in office since July 2010, led by prime minister Ivetta Radičová did not win the vote of confidence on 11 October 2011 due to coalition disagreement over proposed bailout for Greece.

⁸ There are certain categories of citizens as well as institutions (inter alia schools, social, healthcare and penitentiary institutions that pay either half of the price or are entirely exempted).

⁹ Programové vyhlásenie vlády 2016-2020, p. 47, [Kultúrna politika](#)

¹⁰ Eduard Heger, initially the Minister of Finance in the coalition government formed after the 29 February 2020 parliamentary elections, replaced leader of OĽANO Igor Matovič at the post of Prime minister as of 1 April 2021.

¹¹ Programové vyhlásenie vlády 2021-2024, p.129, [Mediálna politika](#)

The options are various, including the increase of license fees or the share of advertising. According to analysis of the Ministry of Culture „the average state of the European Broadcasting Union (EBU) derives up to 9.8 per cent of its revenue from advertising, while another 12.5 per cent comes from other commercial revenues (rent and others). Advertising in RTVS accounts for only 3.1 per cent of all revenues".¹²

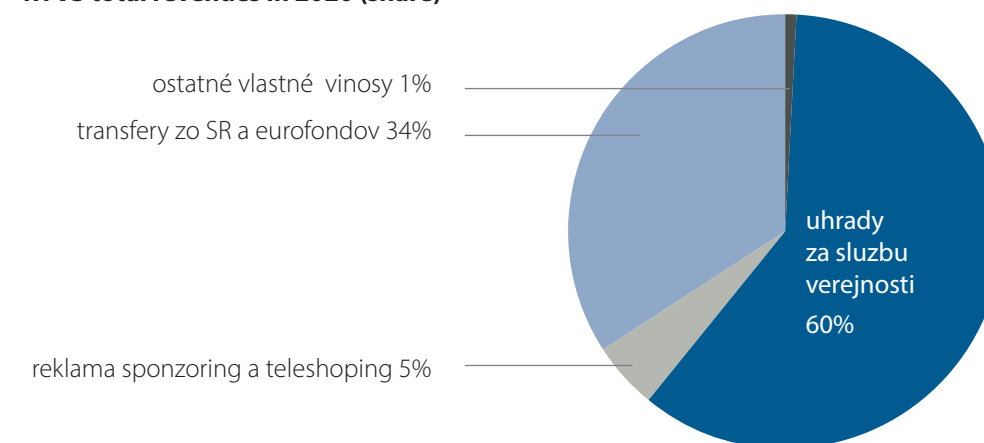
In 2020 the RTVS declared revenues EUR 125.314 mil. (consisting of EUR 91.357 mil. by television and EUR 33.957 mil. by radio), down from EUR 129.994 mil. from 2019. RTVS significantly decreased its revenue from the main source - from payments for public services (license fees), due to the effectiveness of the amendment to the Act on Payments for Public Services (314/2019 Coll.), which exempted from 1 January 2020 from the payment of recipients of pension benefits and benefits in material need.

RTVS revenues in 2020 in EUR (Radio, Television, Total)¹³

Ukazovateľ	Skutocnosť 2020 OZ SRo	Skutocnosť 2020 OZ STV	Skutocnosť 2020 OZ RTVs
Uhrady za služby verejnosti	22 586 629	52 702 135	75 288 764
Reklama, sponzoring a teleshop	1 532 436	5 057 156	6 589 592
Vyroba programov	42 322	10 500	52 822
Predaj sluzijeb	179 842	106 395	286 237
Prenjámy	164 729	339 572	504 301
Predaj práv a licencií	7 608	125 903	133 511
Hudobné pozdravy	116 230	0	116 230
Predaj majetku, mater. a DFI	2 284	10 4888	12 772
Ostatné vynosy	25 747	105 958	131 705
Vlastné vynosy spolu	24 657 827	58 458 107	83 115 934
Transfery zo SR a eurofondov	9 298 756	32 899359	42 198 115
Vynosy RTVS spolu	33 965 583	91 357 466	125 314 049

The biggest share of the revenue create license fees (60 per cent), the state and EU transfers create 34 per cent and advertising creates 5 per cent.

RTVS total revenues in 2020 (share)¹⁴

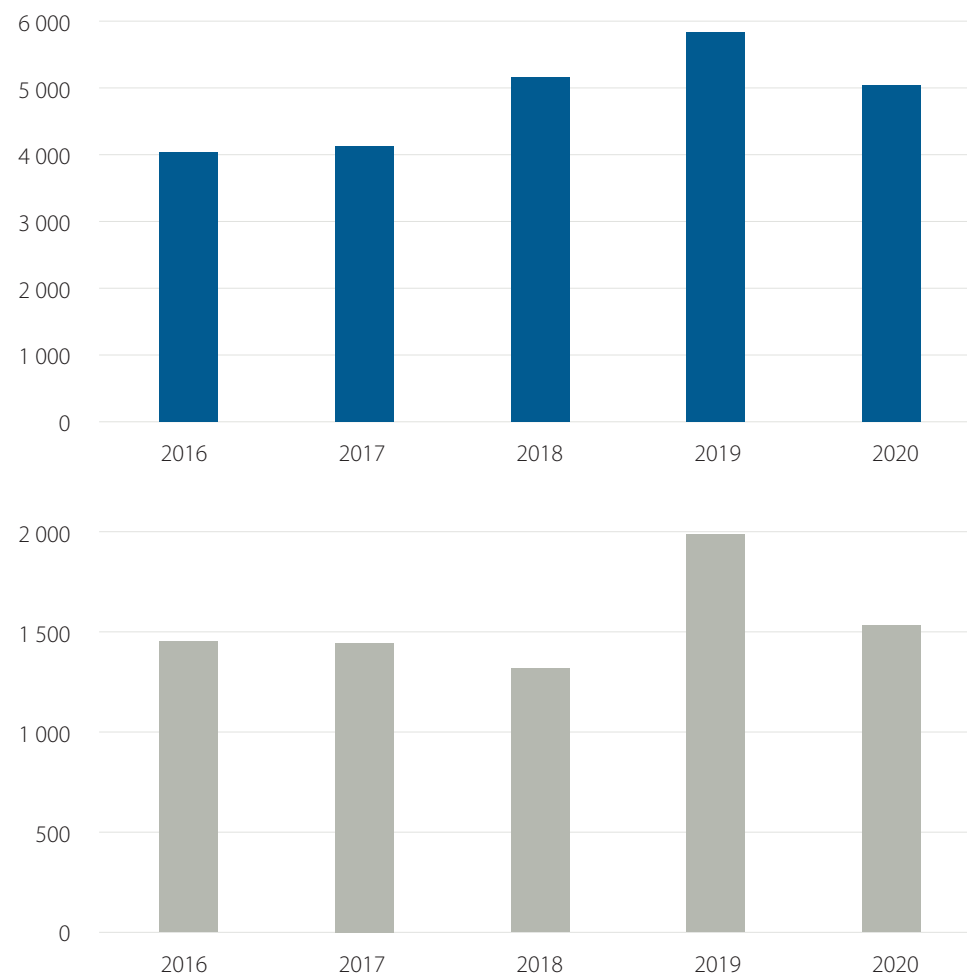


¹² HN Stratégie, 3 August 2020, [RTVS čaká zmena financovania. Ministerstvo navrhuje zvýšiť koncesie aj podiel reklamy](#)

¹³ The 2020 Annual Report on the activities and management of RTVS, p.314, [Výročná správa o činnosti a hospodárení RTVS za rok 2020](#)

¹⁴ Ibid.

RTVS revenues from advertising – Television, Radio (in thousands of EUR)¹⁵



When comparing the financial results with a decade ago, in 2011 the RTVS declared revenues EUR 114.485 mil. (consisting of EUR 87.109 mil. by television and EUR 27.376 mil. by radio), up from EUR 102.059 mil. from 2010. The biggest share of the revenue was also formed by license fees (65 per cent), the state and EU transfers created 30 per cent and advertising some 4 per cent.¹⁶

¹⁵ Ibid, p.321.

¹⁶ The 2011 Annual Report of RTVS, p.118, [Výročná správa RTVS za rok 2011](#)

2. APPOINTMENT PROCEDURES OF MANAGEMENT AND OVERSIGHT BODIES

The RTVS Council (the Council) is the sole oversight body¹⁷ obliged primarily to oversee the compliance of the Law and the fulfillment of tasks that result to the public broadcaster arising from special regulations; and to oversee the economy, efficiency and effectiveness of the management of public funds of the RTVS.

The Council consists of nine members elected by the National Council of the Slovak Republic (Parliament) in such a manner that according to the Law on Radio and Television of Slovakia (*Zákon č. 532/2010 Z.z. o Rozhlase a televízii Slovenska*) it should represent important experts in television (3 members) as well as in radio broadcasting (3), and in the fields of economy (2) and law (1). The tenure of the members is six years, with one third of them elected every two years. Council members may be re-elected.

Proposed candidates for the members of councils are presented to the Parliament by organizations operating in the fields of audiovisual, media, culture, economics, law, economics, science, education, development and protection of spiritual values, human rights and the environment, health protection, or representing the interests of national minorities or ethnic groups, other minorities or registered churches, and religious society.

Politicians are legally not allowed to propose candidates, however in reality, the final outcome is very often aligned with political interests. Candidates are usually proposed after preliminary support of political parties. Their candidacy is legitimized by some association, club or non-profit organization but in fact they are often political candidates.

The term of office of a member of the Board shall be terminated

- a) upon expiry of the term of office of a member of the Council
- b) resigning as a member of the Council
- c) by removing a member of the Council from office,
- d) dismissal of all members of the Council; or
- e) death of a board member.

The National Council shall dismiss a member of the Council if

- a) performs a function or activity incompatible with the function of a member of the Council
- b) has been convicted of an intentional criminal offense or of an offense on which the custodial sentence has not been suspended,
- c) has been lawfully deprived of legal capacity or its legal capacity has been lawfully restricted, or
- d) does not perform the function of a member of the Council for at least three consecutive calendar months.

The National Council shall dismiss all members of the Council if

- a) by its resolution, twice within six months, declares that the council has not fulfilled the obligations stipulated by this Act, or
- b) by its vote, it did not decide on the dismissal of the General Director due to a specific reason

¹⁷ The RTVS Council has, as stipulated by its 2016 Statutes [[Štatút Rady Rozhlasu a televízie Slovenska](#)], an advisory Supervisory Board, consisting of three Council members, including one lawyer and one economist.

The process of selection of the Council members has been a subject of various doubts, politicization resulting in lack of trust in its independence as well as required expertise.

Similarly, and naturally more importantly, selection of the General Director as a top executive is a prime concern and a predominant reason behind perceived lack of independence of the broadcaster. A shadow of political influence exercised through the affiliated General Director has been looming over public media in fact since the very beginning in after Slovakia gained independence in 1993.

In fact, only Richard Rybníček (2003–2006), former Director of private *Global TV* (later transformed into TV JOJ) and originally coming from the think-tank environment, managed to preserve less political label. Lately, also Václav Mika (2012–2017), coming to public broadcaster after a successful spell in the most popular private radio and television stations (*Rádio Expres* and *TV Markíza*, respectively) was seen as politically less affiliated.

However, the 2017 appointment of current General Director Jaroslav Rezník, previously Director of public Slovak Radio (then as an individual station) and public news agency TASR sparked protests from various corners of media experts due to his known political inclinations in the past, dubious policy towards Russian propaganda outlet Sputnik¹⁸ and his election was seen as a clear outcome of a political deal.¹⁹

The Director General is elected by the National Council on the proposal of the relevant committee based on a public hearing of registered candidates. The public hearing includes a presentation of the project of management and development of RTVS. The public hearing is broadcast live on the National Council's website.²⁰

The new government led by Prime Minister Eduard Heger declared in its Programme that it “will review and, if necessary, propose a new mechanism for the election of the General Director of RTVS in the future so that the process of his selection is apolitical in the widest possible scope”.²¹ In fact, first round of discussions, including also independent NGO and media experts, that concern possible changes of appointment mechanism, for both the Council and the General Director, have been initiated by the Ministry of Culture in June 2021.²²

¹⁸ O médiách, 29 March 2017, [Rezník vysvetľuje, prečo si v TASR vybrali proputinovskú agentúru](#)

¹⁹ Denník N, 20 June 2017, [Novým riaditeľom RTVS bude Jaroslav Rezník, získal až 95 hlasov, podporili ho fašisti aj Most](#)

²⁰ Hearings of candidates for the RTVS General director, 30 May 2017, [Verejné vypočutie](#)

²¹ Programové vyhlásenie vlády 2021–2024, p.129, [Mediálna politika](#)

²² MEMO 98 was invited to take part.

3. ROLE OF PUBLIC SERVICE MEDIA IN THE AUDIENCE MARKET

Rozhlas a televízia Slovenska is the Slovak public broadcaster that is composed of both public TV and public radio. It was established in January 2011 in a merger of Slovak TV (STV) and Slovak Radio (SRo), two separate public entities that existed as public media services from January 1993. RTVS currently operates 3 TV channels (soon 4) and 9 radio stations.

Thematically, RTVS's main TV channel **Jednotka (:1)** offers news formats, current affairs programmes, entertainment, drama; in addition, it airs programmes for children and religious programs. *Jednotka* (together with *Trojka*) broadcast extraordinary news programs in the event of exceptional societal events and some top sporting events. It focuses on universal target group with a specific focus on family type of viewers.

Dvojka (:2), the second RTVS TV channel is designed for specific segments of the universal target group. It offers discussions, programmes about history, art, etc. The emphasis is on documentaries and talk shows, while it also offers broadcasts for minorities. Movie broadcast segment focus on more versatile and iconic works.

Trojka (:3), the third RTVS's TV channel currently operating is dedicated to news and sport. News and current affairs programs have regular and fixed timelines. It focuses on events at the global, national, but also regional and local level.

:Šport is upcoming channel launched on 23 July 2021 for coverage of the opening ceremony of the Tokyo Summer Olympics. Main focus will be on live national and worldwide sporting events, presentation of new national sportstars and also emphasis on healthy lifestyle.

Rádio Slovensko, the main RTVS radio station is a 24-hour program service, primarily a live stream of broadcasting with a dominant focus on current news, current affairs and sports. The target group is a listener in both, productive as well as post-productive age, who prefers a more dynamic way of receiving news and is also interested in global topics as well as in current socio-political events.

Rádio Regina; program service of *Rádio Regina* is created by three regional studios – Bratislava (west), Banská Bystrica (centre) and Košice (east), each of them offering their own authentic programmes focusing on regional issues. It is a 24-hour broadcast in which the current affairs and news alternates with regular thematic programmes. It focuses on those who are interested in regional events.

Rádio Devín as a 24-hour program service that focuses on an artistically demanding and intellectually oriented listener, looking for programs in the field of classical music, jazz, artistic-dramatic and artistic-verbal programs; it also offers information from the world of culture, art, science and literature.

Rádio FM offers mainly alternative (non-mainstream) music with an overlap into a wider cultural and artistic space, oriented towards the more-demanding younger listeners.

Rádio Patria offers broadcasts for national minorities in their languages, with informational, cultural and linguistic function. It aims to create an environment that strengthens the ties between the majority population and ethnic minorities.

Rádio Slovakia International (RSI) offers news and reports (related to Slovakia) to a wide range of listeners. For a long time, it has been an important mediator of political, social and cultural life for Slovaks abroad. Since 2015 it also serves as a source of news for foreigners living and working in Slovakia.

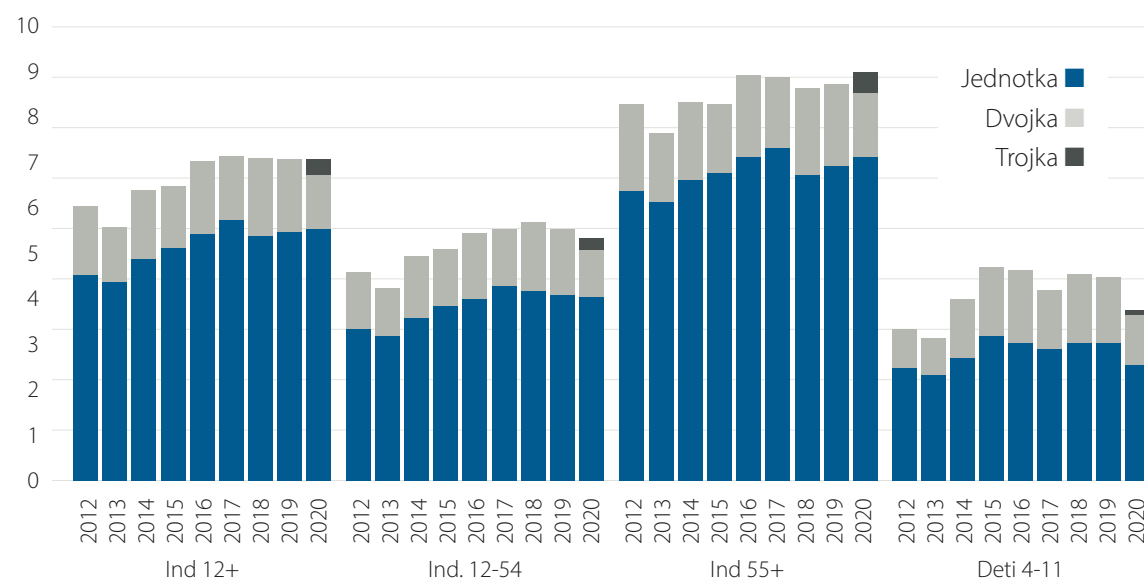
Rádio Litera and **Rádio Junior** are digital radio program services that offer 24-hour broadcasting. Radio Litera broadcasts radio plays, poetry, sequel readings and journalism for adult listeners. Junior Radio focuses on children and youth.

Rádio Pyramída is a program service that offers high-quality recordings from the radio archives.

Over the period of years viewership data of public broadcasters has been changing, reaching its peak during tenure of pre-last General Director Mr. Václav Mika (August 2012 – August 2017), in February 2016 it reached market share 17.8 per cent during its news programme.²³

RTVS market share in 2012-2020 (Jednotka, Dvojka, Trojka)²⁴

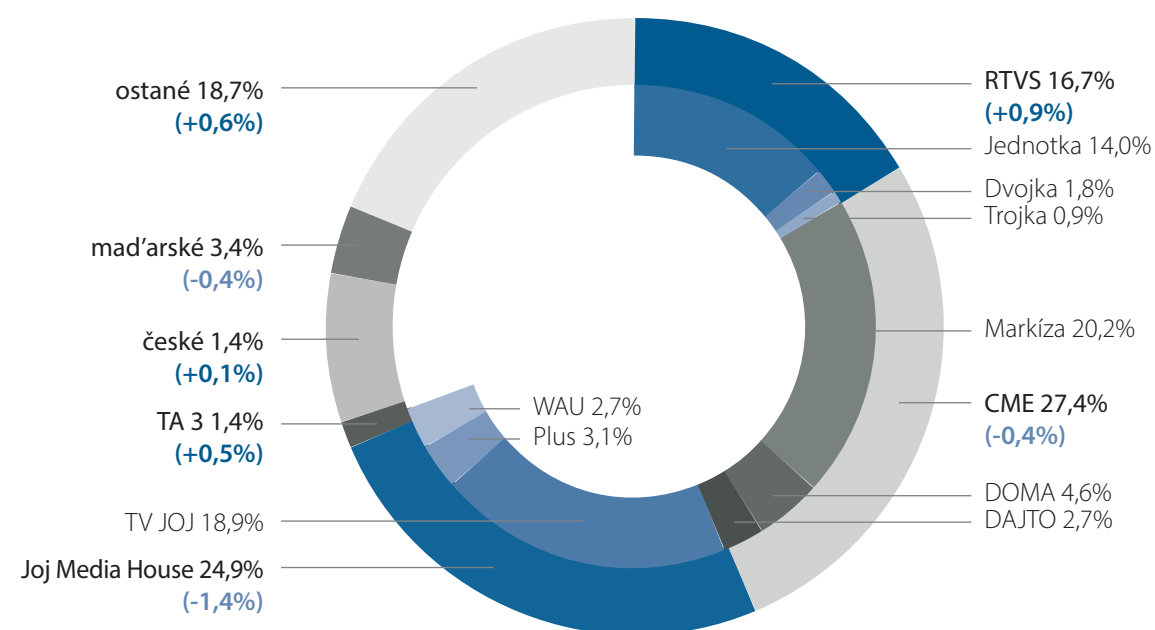
Podiel na trhu (%), cely den RTVS (Jednotka, Dvojka, Trojka), r. 2012-2020, CS12+



Source: PMT/Kantar Slovakia

RTVS market share in 2020 (Czech and Slovak channels)²⁵

Prime time podiel na trhu (%), TRH ROK 2020 CS 12+



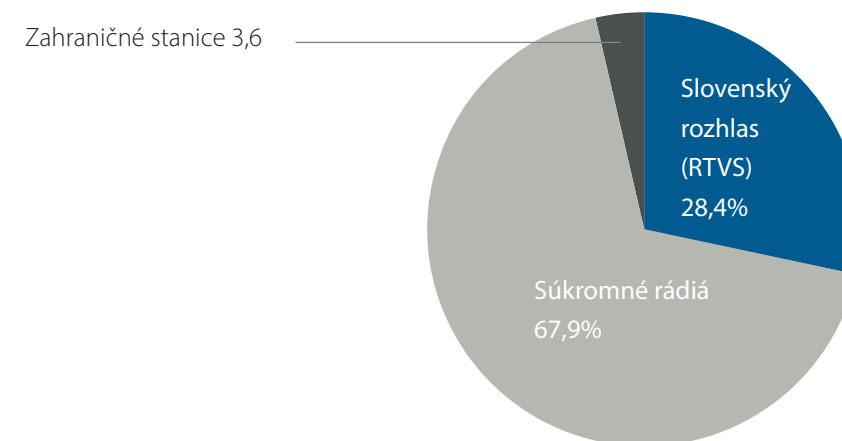
²³ RTVS, 22 February 2016, [Rekordná sledovanosť Správ RTVS](#)

²⁴ The 2020 Annual RTVS report, p.8, [Výročná správa o činnosti a hospodárení RTVS za rok 2020](#)

²⁵ The 2020 Annual RTVS report, p.10, [Výročná správa o činnosti a hospodárení RTVS za rok 2020](#)

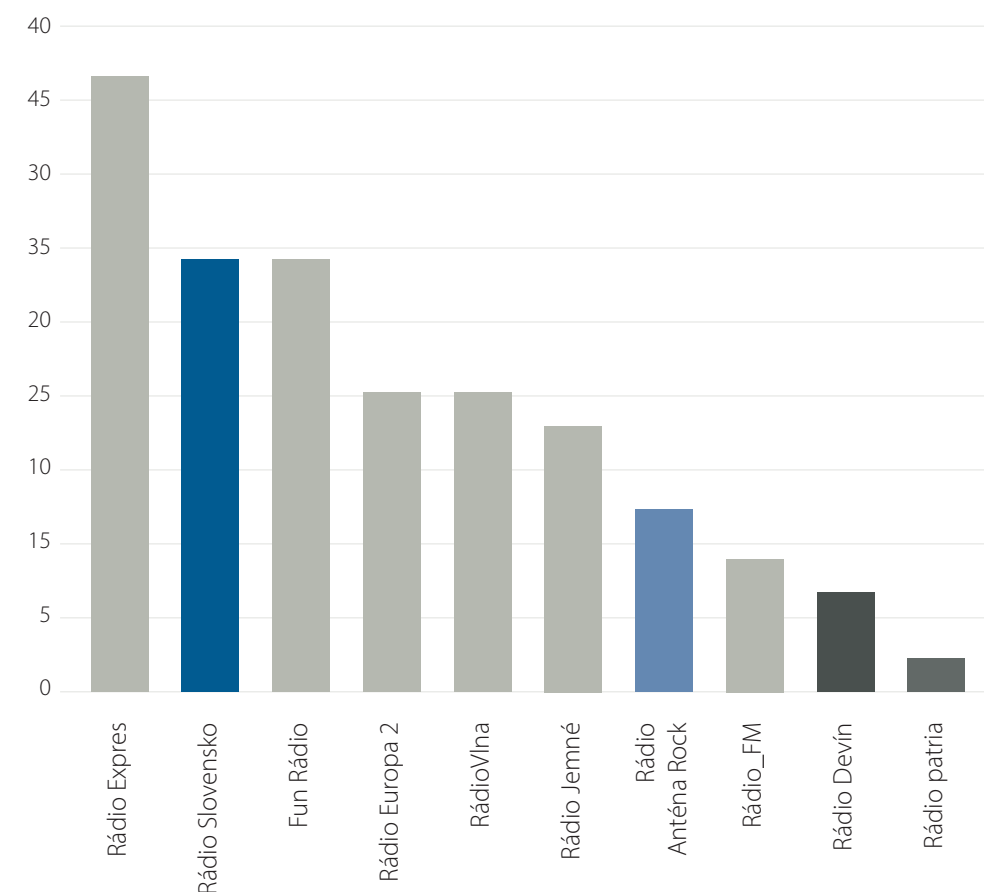
Public Radio market share in 2020 (RTVS, private stations, foreign stations)²⁶

Podiel na trhu (%)



Radio stations listenership in 2020 (Rádio Slovensko)²⁷

Rádiá posledný týždeň (%)



²⁶ The 2020 Annual RTVS report, p.83, [Výročná správa o činnosti a hospodárení RTVS za rok 2020](#)

²⁷ Ibid.

4. MAIN PROBLEM AREAS OF PSM

RTVS belongs to one of the most trusted institutions, but it is not free from political pressure and meddling by politicians. The RTVS, and especially its news section, is in continuous crisis since its current director, Jaroslav Rezník, assumed office in June 2017. However, the situation in the news-room has deteriorated and escalated relatively quickly, with almost sixty journalists signing the open letter against the management in April 2018 citing various problems, including the management's ban on wearing badges as a sign of solidarity after the murder of journalist Ján Kuciak and his partner Martina Kušnírová.²⁸ The situation has gradually led to departure of more than 30 journalists and workers from the public media, including their prominent newsroom personalities starting in May 2018.²⁹

*"We are witnessing the elimination, degradation and reassignment of professionals who express their critical opinion of management."*³⁰

Rezník's alleged ties to the Slovenská národná strana (SNS) were especially problematic prior the 2020 parliamentary elections.³¹ According to several former RTVS editors, after the new leadership came to power a tense atmosphere prevailed in the newsroom, with pressure on the journalists' self-censorship and even outright content tampering efforts.³²

There are several structural problems. First, the RTVS director is elected directly by the parliament (which also elects members of the supervisory body, the RTVS Council), therefore, a result of political bargaining within the government. Another issue further deepening the public broadcaster's dependence on the government is its financing. The price of license fees has not risen since 2003, as a result of which Slovakia has one of the lowest public broadcasting license fees in Europe. Furthermore, the government continues to shrink the pool of people who pay the television and radio license fees, thus increasing the economic deficit of RTVS. This deficit is balanced by a five-year contract with the government that requires the negotiation of an annual amendment. RTVS has to publish all its contracts in the Central register of contracts³³, which increase transparency of its financial operations and allows for detail scrutiny.

A case of public broadcaster RTVS has been mentioned several times throughout the various segments of interview with journalists, mostly in a negative context. Since the state of the public media impacts the whole media environment and is sort of manifestation of press freedom in the country, its dire current state was lamented.

"Public TV is not good as it should be, the perceived influence of a politically appointed director is being felt. There is a self-censorship, there is no drive for investigative topics, because those who opened them in the past, were fired. Many who dared to say something, eventually left or was left. Directors, including those of TASR [public agency] and RTVS Council should not be politically appointed, otherwise the political influence will remain."

[Miroslava Kernová, *omediach.sk*]

²⁸ SME, 4 April 2018, Open letter of members of RTVS news and current affairs programs [[Otvorený list členov sekcie spravodajstva a publicistiky RTVS](#)]

²⁹ Stratégie, 31 May 2018, 12 journalists, including Kovačič Hanzelová resigned from RTVS [[V RTVS podalo výpoveď 12 novinárov, vrátane Kovačič Hanzelovej](#)]

³⁰ bid as #28.

³¹ MEMO 98, 5 May 2020, [The media coverage of 2020 Slovak elections](#)

³² Voxpot, 31 May 2020, [Structural problems threaten press freedom and independence in Slovakia](#)

³³ [Zmluvy | Centrálny register zmlúv \(gov.sk\)](#)

ANNEX

COLLECTION OF RELEVANT SOURCES

Radio and Television of Slovakia (RTVS – *Rozhlas a televízia Slovenska*)

Website

<https://www.rtvsk.sk/>

Website organization (management structure, annual financial reports, state contracts)

<https://www.rtvsk.org/uvod>

<https://www.rtvsk.org/o-rtvs/organizacna-struktura>

<https://www.rtvsk.org/o-rtvs/vyrocne-spravy/vyrocne-spravy-rtvs>

<https://www.rtvsk.org/o-rtvs/dolezite-dokumenty-rtvs/zmluva-so-statom>

Website (TV / radio)

<https://www.rtvsk.sk/televizia/tv>

<https://www.rtvsk.sk/radio/radia>

Contacts

<https://www.rtvsk.sk/kontakty/>

Social media presence

<https://www.facebook.com/RTVS.sk/>

<https://twitter.com/rtvs>

<https://www.youtube.com/user/rtvsofficial>

https://www.instagram.com/rtvs_official/

<https://www.linkedin.com/company/rtvs>

<https://vimeo.com/rtvsofficial>

RTVS Council

<https://www.rtvsk.org/rada-rtvs/o-rade-rtvs>

Legal documents (on RTVS website, only in Slovak, version)³⁴

<https://www.rtvsk.org/o-rtvs/legislativa>

News Agency of the Slovak Republic (TASR – *Tlačová agentúra SR*)

Website

<https://www.tasr.sk/>

<https://www.tasrtv.sk/>

<https://www.teraz.sk/>

<https://newsnow.tasr.sk/>

Website organization (management structure, annual financial reports, state contracts)

<https://www.tasr.sk/o-agenture>

<https://www.tasr.sk/o-agenture/hospodarenie-TASR>

Contacts

<https://www.tasr.sk/kontakty>

³⁴ Versions of all 13 available documents are outdated, with most of them reflecting situation in 2009-2012.

Legal documents relevant to the public media

Law on Radio and Television of Slovakia No. 532/2010 Coll.

(*Zákon č. 532/2010 Z.z. o Rozhlase a televízii Slovenska*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2010/532/20190101>

Law on Payments for Services Provided by RTVS No. 340/2012 Coll.

(*Zákon č. 340/2012 Z.z. o úhrade za služby poskytované RTVS*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2012/340/20210101>

Law on Press Agency of the Slovak Republic No. 385/2008 Coll.

(*Zákon č. 385/2008 Z.z. o Tlačovej agentúre Slovenskej republiky*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/385/20190101>

Law on Disposal with Public Institutions Property No. 176/2004 Coll.

(*Zákon č. 176/2004 Z.z. o nakladaní s majetkom verejnoprávnych inštitúcií*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/176/20190901>

Law on Work in Public Interest No. 552/2003 Coll.

(*Zákon č. 552/2003 Z.z. o výkone práce vo verejnom záujme*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/552/20200101>

Law on Advertising No. 147/2001 Coll.

(*Zákon č. 147/2001 Z.z. o reklame*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/147/20190101>

Freedom of Information Act No. 211/2000 Coll.

(*Zákon č. 211/2000 Z.z. o slobodnom prístupe k informáciám*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/211/20210101>

Law on State Language No. 195/1995 Coll.

(*Zákon č. 270/1995 Z.z. o štátnom jazyku*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1995/270/20160701>

Law on Use of National Minorities Languages No. 184/1999 Coll.

(*Zákon č. 184/1999 Z.z. o používaní jazykov národnostných menšín*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1999/184/20121001>

Audiovisual Law No. 40/2015 Coll.

(*Zákon č. 40/2015 Z.z. o audiovizíi*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/40/20200101>

Law on Audiovisual Fund No. 516/2008 Coll.

(*Zákon č. 516/2008 Z.z. o Audiovizuálnom fonde*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/516/20201101>



