**TRANSPARENCY OF MEDIA OWNERSHIP – THE LEGAL FRAMEWORK**

**ROMANIA**

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| 1. **Media-Specific Disclosure Requirements I : *Disclosure to a Media Authority or other Public Body***
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| **QUESTIONS** |  | **YES/ NO** | **COMMENTS** |
| 1.1 Who is required to disclose information, when and to whom? | 1. Are media organisations which disseminate information or those who have interests in such media organisations specifically required to report ownership information to a media authority or other public body or bodies?
 | Y |  |
|  | 1. If YES, what is the legal basis of this requirement?
 |  | The Audiovisual Law no. 504 from 11 July 2002[[1]](#endnote-1), with its subsequent modifications. |
|  | 1. Who exactly is covered by this requirement,
 |  | **Broadcast media**Broadcasters are covered by this requirement. According to Article 43 of Law 504/2002, broadcasters may be legal persons of public or private law (for-profits), foundations and associations (not-for-profits[[2]](#endnote-2)), as well as self-employed sole traders.[[3]](#endnote-3) |
|  | 1. To whom must the information be reported?
 |  | The information must be reported to the National Audiovisual Council[[4]](#endnote-4) (CNA), a public, autonomous authority under the control of the Parliament and the guarantor of the public interest in the field of audiovisual communication. The CNA is the only regulatory authority in the field of audiovisual media services under the Law 504/2002. As regards media ownership reporting, the CNA has the remit to promote a plurality of ideas and opinions in the content of broadcasts transmitted by media service providers in Romania, to promote free competition among media structures, to ensure the transparency of organizing, operating and financing mass communication means in the audiovisual sector.  |
|  | 1. Who must report the information?
 |  | Both the media organisation and those with an interest must report under different provisions of the law:* The information must be reported by *those with an interest*: any natural or legal person holding or acquiring at least 10% of the share capital or of the voting rights of a company holding an audio-visual or broadcasting licence or of a company that controls a company holding such a licence must report this to the CNA, as provided by Art. 43(5) of Law 504/2002.

 * In addition, when an application for a broadcast licence is made, under Article 51, *both the applicant media organisation and each associate or shareholder holding more than 20% of the company’s social capital or voting rights* of an audiovisual license holder shall declare on their own responsibility whether they are investors or direct or indirect shareholders in other audiovisual communications trade companies, mentioning the precise percentage they hold in those companies’ social capital.

Article 49(a) provides that *audiovisual media operators* must inform the CNA within 30 days about changes to: name, legal status, headquarter, name of the legal representative and the structure of the shareholders to the level of the natural and legal person, as associate or shareholder having a larger share than 20% of the social capital or of the voting rights of a company holding an audiovisual licence; names of the persons in charge of the trade company management and of those that are mainly in charge of the editorial responsibility; data of media services provider, including the e-mail and web-site. |
|  | 1. Where notification is by those with an interest, is this dependent on the size or scale of the interest, e.g. only where a shareholding exceeds a certain size or percentage?

If YES, what is the required threshold? | Y | Art. 43 (5) of Law 504/2002 specifies that a person whose share capital or voting rights in a licensed broadcaster reaches 10% of the share capital or of the voting rights must notify the CNA within one month.  |
|  | 1. Are foreign as well as domestic media organisations covered by these requirements?

If YES, do these requirements apply to EU as well as non-EU foreign organisations? | YY |  |
|  | h) When is information to be notified?  |  | Chapter 4 of Law 504/2002 establishes specific disclosure requirements for audiovisual media ownership.[[5]](#endnote-5)*Application for broadcasting licence*When an application for a broadcast licence is made, under Article 51 of Law 504/2002[[6]](#endnote-6) information on interests in other media organisations must be reported.*Amendments to information*By media operators: Article 49(a) provides that audiovisual media operators must inform the CNA within 30 days about changes to: name, legal status, social headquarter, name of the legal representative and the structure of the shareholders to the level of the natural and legal person, as associate or shareholder having a larger share than 20% of the social capital or of the voting rights of a company holding an audiovisual licence; names of the persons in charge of the trade company management and of those that are mainly in charge of the editorial responsibility; data of media services provider, including the e-mail and web-site. By those with an interest: In addition, Article 43(5) stipulates that the CNA must be notified within one month by shareholders whose share of capital or voting rights in a licensed broadcaster has reached a threshold of 10%. This is partly to ensure transparency, but mainly to ensure pluralism and fair competition in the audiovisual market.  |
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| 1.2 What information is to be provided? | 1. Name and contact details of media organisation?
 | Y |  |
|  | 1. Name and contact details of owner?
 | Y |  |
|  | 1. Country of domicile of company with an interest?
 | Y |  |
|  | 1. Citizenship/residence status of individual with an interest?
 | Y |  |
|  | 1. Size of shareholding?

If YES, please provide details | Y | There are requirements for both media organisations *and* those with an interest:*Those with an interest:* Art. 43 (5) of Law 504/2002 specifies that a person whose share of capital or voting rights in a licensed broadcaster reaches 10% must notify the CNA within one month. *Media organisations:* The law stipulates that providers of audiovisual media services must inform the CNA of changes to shareholding of 20% or more of the social capital or of the voting rights in the company (Art. 49(a) of Law 504/2002). |
|  | 1. If shares are held on behalf of another, e.g. through brokerage, must the name of the beneficial owner be disclosed?
 | N |  |
|  | 1. Details of companies or individuals with an indirect controlling or significant interest?

If YES, please explain. | Y | Article 51 requires broadcasting licence applicants as well as their shareholders who hold more than 20% of the company’s social capital or voting rights to declare at the time of application whether they are investors or direct or indirect shareholders in other audiovisual communications companies, mentioning the precise percentage they hold in those companies’ social capital. **Note that this is not a declaration of indirect control of or significant interest in the applicant company but rather a declaration of the other interests of its owners.** If a person with a direct or indirect interest in a media organisation also holds a public office, s/he must disclose, *in addition,* both their assets and interests according to laws 161/2003 and 144/2007[[7]](#endnote-7), allowing for cross-referencing in publicly disclosed declarations. This means that indirect ownership information can be obtained the easy way for public officials, and there is a declarations of assets and interests which can be cross-checked, or the hard way for everyone else when a step-by-step, time-consuming process of petition after petition must be gone through. |
|  | 1. Political, religious or other affiliations of shareholder / owner?
 | N – except for public figures | Such data would not normally be available. However, if the individual also holds a public office, s/he must disclose both their assets and interests, according to laws 161/2003 and 144/2007 (see footnote 9), allowing for cross-referencing in publicly disclosed declarations. |
|  | 1. Interests by owners in other media organisations?

If YES, please explain. | Y | When an application for a broadcast licence is made, under Article 51 of Law 504/2002 the “the applying trade company as well as each associate or shareholder holding more than 20% of the company’s social capital or voting rights of an audiovisual licence holder shall declare on their own responsibility whether they are investors or direct or indirect shareholders in other audiovisual communications trade companies, mentioning the precise percentage they hold in those companies’ social capital.”According to Article 43(5) of Law 504/2002, a natural or legal person who acquires at least 10% of the share capital in a media company must inform the CNA within one month from the date when such a quota was reached. Interests in other media organisations must also be disclosed according to Article 44(3), since the Romanian legislation limits audiovisual media ownership to “dimensions ensuring economic efficiency, but not generating dominant positions in forming of public opinion” (Art. 44 (1) Law of 504/2002). |
|  | 1. Interests by owners in non-media businesses?

If YES, please explain. | Partially | Such data would not normally be available. However, if the individual also holds a public office, s/he must disclose both their assets and interests, according to laws 161/2003 and 144/2007 (see footnote 9), allowing for cross-references in publicly disclosed declarations. |
|  | 1. Interests in the media organisation by individuals (e.g. family members or organisations) affiliated to the owner?

If YES, how is ‘affiliation’ defined in the relevant instruments and what details are to be disclosed? | Y | During the procedure of evaluating the dominant position in shaping public opinion, family relationship connections (spouse, kin and in-laws, up to the second kinship) are taken into account and evaluated in order to assess whether together they hold more than 30% share of the relevant market (Article 44(4) and 44(5)). Declarations of assets and interests, mentioned above under 1.2(h), include information about spouses, parents and children, but *only for public officials* (according to laws 161/2003 and 144/2007).  |
|  | 1. Management details: for example, directors (if a company), key executive officers, managing editor?
 | Y | Article 49(a) of Law 504 of 2002 provides that the audiovisual media services provider must information the CNA within 30 days of changes to the names of the persons in charge of the trade company management and of those with the prime editorial responsibility. |
|  | 1. Subsequent changes in ownership (resulting from a merger or acquisition by other entities, etc.)?
 | Y |  |
|  | 1. Sources of media revenue?

If YES, please explain. | N | Sources of revenue are not disclosed even though one of the salient issues in reference to media transparency in Romania is financing of the media by advertising from state companies and political parties. Due to the economic crisis, the pressure to compete for state and public funds has become even stronger. |
|  | 1. Other.
 |  |  |
|  | 1. Are these obligations sufficient to establish who the legal or natural persons are who effectively own and ultimately control the media organisations?
 | N | The legal framework provides nearly all the information need to identify ownership of the media in Romania. However, the threshold for reporting indirect interest, at 20% is too high to provide proper transparency. Furthermore, in practice, obtaining information on those with indirect control / significant interest is time-consuming and laborious if the individual is not a public official (see 1.2(g) above).The implementation of these regulations also leaves room for abuses and/ or insufficient disclosure. For example, poor cooperation between the CNA and the authorities responsible for the public procurement system has led to poor disclosure of the sources of media revenue from public funds. A monitoring report of the Centre for Independent Journalism from 2010 shows that there is a lack of transparency regarding public expenditure at both local and central government. At the same time, the need to access public funds (and public advertisement contracts) became greater during the severe economic crisis that has affected media organisations in recent years. |
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| 1.3 Effectiveness of the disclosure regime | 1. Are there any sanctions for non-reporting?
 | Y | According to Article 57 para1 (c) of Law 504/2002, the analogue audiovisual licence can be withdrawn by the CNA for an infringement of the provisions of the ownership regime in the audiovisual field, including the reporting requirements. However, the withdrawal of a licence would only happen after the CNA had ordered the broadcaster to comply with the law within a specified timeframe. When sanctioned by the CNA, audiovisual media have an obligation to broadcast visibly/audibly, repeatedly and regularly all the details of the CNA sanctioning decision, on air, at their own expense, for the entire duration of the sanction. |
|  | 1. If YES, have they have been applied in practice?
2. If NO, why not?
 |  | The CNA sanctioned both a central TV station for non-disclosure of information related to changes in its ownership structure through its Decision no. 322/05.05.2011 and a local radio for the same infringements through its Decision no. 610/27.05.2009. However, on the website of the CNA where all the decisions are published (including the sanctions) no case of a licence being withdrawn due to the infringement of the media ownership regime has been identified; thus an evaluation of the practice is not possible. |
|  | 1. Can the public obtain access to this information?

If YES, how? | Y | Aside from requesting information directly from the media outlet concerned (see Section 2 below), requests for information from any public authority, such as the CNA, fall under provisions in Law 544/2001 regarding Free Access to Public Information. The Council also publishes on its website all the sanctions.  |
|  | 1. Is this information required to be made available to any other body, for instance, parliament?

If YES, please specify. | N | The CNA’s activity is analysed by the Parliament, when debating the annual report that is presented for the previous year, and whenever the specialized commissions of the Parliament request specific reports from the President of the CNA. The annual report contains an overview of the Council’s activity in the previous year (regulations, decisions, sanctions etc.). **Even though it does not contain media ownership information**, the chapter dedicated to the sanctions applied by the Council also takes into consideration the infringements to the ownership regime. The report is also available online at <http://www.cna.ro/-Rapoarte-anuale-.html> [only in Romanian.]  |
|  | 1. Can certain information be withheld, for instance on grounds of commercial sensitivity?

If YES, please specify | Y | According to Article 17 (4) of Law 504 of 2002, the CNA can request and receive from providers and distributors of audiovisual programme services any necessary data, information and documents in order to fulfil its mandate but must keep confidential data that are not for public distribution. According to Law 544/2001(FOI law), Article 12(1)(c), free access to information about financial and commercial activities can be denied if deemed detrimental to the principle of fair competition.This argument is very often (ab)used by public institutions (alongside other exceptions in the freedom of information law) to withhold information. However, it cannot be determined whether the CNA has ever used it in their replies to FOI requests.  |
|  | 1. Are there any bureaucratic or other constraints, for instance charges, on public access?

If YES, please specify | Y | There are only reasonable time and copy costs, pursuant to Art. 7 and Art. 9 of Law 544.However, accessing information held/managed by public institutions (generally, not just related to media ownership) often reveals practical barriers, such as: public servants' reluctance to reveal “sensitive” information about the partners/donors/supporters of their politically-appointed boss. This may translate into administrative silence or irrelevant answers; sometimes, institutions apply an overbroad interpretation of the exceptions in Art. 12 in Law 544, and/or prohibitive copying costs which are significantly higher than regular market prices. Or, even when there is a court-order to disclose information, it is sometimes offered in a closed rather than an open format, usually processed or filtered, rather than as a raw, official document. |
|  | 1. Would a reasonable, nontechnical individual be able to ascertain who effectively owns and ultimately controls the media organisation concerned from the information available?

If NO, please explain. | N | A combination of the difficulty in ascertaining indirect control / significant interest, poor practice in implementing the disclosure obligations (see 1.2(p) above) as well as the challenges in accessing the information (see 1.3(e) above) mean that in practice is it unlikely than an individual could access all the basic information to establish who owns a media outlet. |
|  | 1. Has the public made use of this facility in practice?
 | N |  |
|  | 1. If YES, is it common practice? Do the media pick up the information?
2. If NO, why not?
 | Y | The information related to media ownership is usually a subject of articles/ reports of the media and of the non-governmental organisations specialised in the field. Thus, in practice, the public usually accesses ownership information through these channels and not directly.Even though the Romanian legislation is fully aligned with the European standards regarding media ownership transparency (both EC and CoE standards are included in the national regulatory framework), at a practical level, there are major transparency problems. |

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| 1. **Media-Specific Disclosure Requirements II: *Disclosure Directly to the Public***
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| **QUESTIONS** |  | **YES/NO** | **COMMENTS** |
| 2.1 Who has to disclose information and when? | 1. Are media organisations and/or their owners specifically required to disclose ownership details directly to the public?
 | Y |  |
|  | 1. If YES, please specify the legal basis for this requirement
 |  | The Audiovisual Law no. 504 from 11 July 2002, with its subsequent modifications. |
|  | 1. Who exactly is covered by this requirement?
 |  | **Broadcast media**According to Article 43 of Law 504/2002, broadcasters may be legal persons of public or private law (for-profits), foundations and associations (not-for-profits[[8]](#endnote-8)), as well as self-employed sole traders.[[9]](#endnote-9) |
|  | 1. Does the duty apply to foreign as well as domestic media organisations?
 | Y |  |
|  | 1. Are there are any differences in the requirements that apply to European and non-European organisations.
 | N |  |
|  | 1. Where exactly is the information to be disclosed?
 |  | According to Article. 48 of Law 504 of 2002, media companies from the audiovisual field must disclose the information on their websites. |
|  | 1. When is information to be made available to the public?
 |  | Financial information must be disclosed annually on the website, while the other information must be constantly available to the public (Article 48 requires “permanent access” by the public).  |
|  |  |  |  |
| 2.2 What information must be disclosed? | 1. Name of owner?
 | Y |  |
|  | 1. Country of domicile if a company? / Citizenship/residence status if an individual?
 | Y |  |
|  | 1. Size of shareholding?

If YES, please provide details | Y | The law stipulates at Art 48(b) that providers of audiovisual media services shall assure “simple, direct and permanent access of the public to the structure of the shareholders to the level of the natural and legal person, as associate or shareholder having a larger share than 20% of the social capital or of the voting rights of a company holding audiovisual licence.” |
|  | 1. If shares are held on behalf of another, e.g. through brokerage, must the name of the beneficial owner be disclosed?
 | Y |  |
|  | 1. Details of companies or individuals with an indirect controlling or significant interest?

If YES, explain. | N |  |
|  | 1. Political, religious or other affiliations of shareholder / owner?
 | N – except for public figures  | Such data would not normally be available. However, if the individual also holds a public office, s/he must disclose both their assets and interests, according to laws 161/2003 and 144/2007[[10]](#endnote-10), allowing for cross-references in publicly-disclosed declarations. |
|  | 1. Interests by owners in other media organisations?

If YES, explain.  | N |  |
|  | 1. Management details: for example, directors (if a company), key executive officers, managing editor?
 | Y | Art. 48 c) of Law 504/2002 provides that audiovisual media services should make available to the public the names of the persons in charge of the company’s management and those with editorial responsibility, as well as data about the media services provider, including the e-mail and web-site. |
|  | 1. Sources of media revenue?
 | N | While Article 30 (5) of the Constitution provides that “Under the law, media companies can be asked to reveal their sources of financing”, such a law has never been drafted. However, if a media operator advertises a public contract, it must respect the public procurement transparency rules and thus, the value of public contracts with the media must be publicly available. The general e-procurement website on which the value of the contracts must be published is [www.e-licitatie.ro](http://www.e-licitatie.ro). There is also a special web portal which provides access to information related to public advertisements in the media ([www.publicitatepublica.ro](http://www.publicitatepublica.ro)). |
|  | 1. Other.
 |  |  |
|  | 1. Are these obligations sufficient to establish who the legal or natural persons are who effectively own and ultimately control the media organisations?
 | N | There is no requirement to disclose all the basic data required to establish ownership as indirect control / significant interests do not have to be disclosed. In addition, the implementation of these regulations leaves room for abuses and/ or insufficient disclosure. For example, poor cooperation between the CNA and the authorities responsible for the public procurement system has led to poor disclosure of the sources of media revenue from public funds. A monitoring report of the Centre for Independent Journalism from 2010, shows that there is a lack of transparency in this respect at both local and central level of government, while the need to access public funds (and public advertisement contracts) became greater during the severe economic crisis that has affected media organisations in recent years. |
|  |  |  |  |
| 2.3 Effectiveness of the disclosure regime | 1. Are there any sanctions for non-reporting?

If YES, what is the range of potential sanctions and who has power to impose them? | Y | According to Article 57 para1 (c) of Law 504/2002, the analogue audiovisual licence can be withdrawn by the CNA for an infringement of the provisions of the ownership regime in the audiovisual field, including the reporting requirements. However, the withdrawal of a licence would only happen after the CNA had ordered the broadcaster to comply with the law within a specified timeframe. When sanctioned by the CNA, audiovisual media have an obligation to broadcast visibly/audibly, repeatedly and regularly all the details of the CNA sanctioning decision, on air, on their own expense, for the entire duration of the sanction. |
|  | 1. Are sanctions, if available, applied in practice?

If NO, why not? | Y | The CNA sanctioned both a central TV station for non-disclosure of information related to changes in its ownership structure through its Decision no. 322/05.05.2011 and a local radio for the same infringements through its Decision no. 610/27.05.2009. However, on the website of the CNA where all the decisions are published (including the sanctions) no case of a licence being withdrawn due to the infringement of the media ownership regime has been identified; thus an evaluation of the practice is not possible. |
|  | 1. Can certain information be withheld, for instance on grounds of commercial sensitivity?

If YES, please specify | Y | According to Law 544/2001(FOI law), Article 12(1)(c), free access to information about financial and commercial activities can be denied if deemed detrimental to the principle of fair competition. This argument is very often (ab)used by public institutions (alongside other exceptions in the freedom of information law) to withhold information. However, but it cannot be determined whether the CNA has ever used it in their replies to FOI requests. |
|  | 1. Are there any bureaucratic or other constraints, for instance charges, on public access?

If YES, please specify | N |  |
|  | 1. Would a reasonable, nontechnical individual be able to ascertain who effectively owns and ultimately controls the media organisation concerned from the information available?

If NO, please explain. | N | The information is not comprehensive enough to reveal the true owner – for example, it does not show those that have direct or indirect interests in the company. |
|  | 1. Has the public made use of this facility in practice?

 If NO, why not? | Y | Assuming that the information is on the websites of the media service providers, it is reasonable to expect that it is accessed by at least some of the public. With the relevant analytical information from the media companies’ websites, it cannot be known to what extent the information is accessed. |

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| 1. **Non Media-Specific Transparency Requirements (ie laws applying to companies)**
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| **QUESTIONS** |  | **YES/NO** | **COMMENTS** |
| 3.1 Who is required to disclose what, to whom and when? | 1. Are there non media-specific transparency requirements that require media organisations to disclose ownership information?
 | Y |  |
|  | 1. What is the relevant legal basis for disclosure?
 |  | Law no. 31/1990 on trading companies establishes the rules on disclosure and publication for the business sector. Other relevant legislation to be taken into consideration on media ownership is the general competition regulations (Law no. 21/1996 on competition). |
|  | 1. To whom do the disclosure requirements apply (e.g., companies) and, In particular, where companies are required to provide ownership details, which types of companies are covered?
 |  | The disclosure requirements apply to all companies. Moreover, companies admitted to trading on the regulated market of the Bucharest Stock Exchange must adopt and comply with additional provisions of the BSE Corporate Governance Code.[[11]](#endnote-11) Most media are organized as private businesses (there are none organized as a sole trader and there was only one organized as an NGO) and must, therefore comply with Laws 31 and 21. This includes *public* as well as private radio and TV companies. |
|  | 1. To whom is the information to be disclosed?
 |  | All the constitutive deeds and the modifications are registered with Trade Registry and published in the Official Journal. Financial statements can also be published on the website of the Trade Registry and the Ministry of Finance.[[12]](#endnote-12) Listed companies must also report to the Bucharest Stock Exchange, according to Article 6 of the Corporate Governance Code. |
|  | 1. When is the information to be notified?
 |  | Financial reporting is due on an annual basis for all companies as well as for the listed ones. However, any modifications to the constitutive documents of a company (including changes in the ownership structure) must be notified to the Trade Registry within 15 days, according to Art. 45(1) of Law 31/1990. |
|  | 1. What information must be disclosed?
 |  | Depending on the type of the commercial company, the information that must be disclosed might be different. The mandatory information for the registration of **all companies** are: * names, the date and the place of birth, the address and the citizenship of the partners/ shareholders (if they are natural persons);
* the name, the headquarters address and the nationality of the associates (if they are legal persons);
* the type, name, headquarters address and the company logo, if there is one;
* the company’s area of activity;
* the registered capital, subscribed and deposited, also mentioning the contribution of each partner in cash or in kind, the value of the contribution in kind and the method of evaluation, the date when the total subscribed capital is deposited, the number and the face value of the shares, as well as the number of shares given to each partners according to its contribution;
* the managers of the company, their rights and the way they are to exercise these rights;
* the share given to each associate in case of profit and loss;
* secondary headquarters (branches, agencies, offices or other units without legal personality).

The constitutive documents of a **joint stock company** contains all the data required for a limited liability company, but must specify, in addition: * whether shares are nominal or not;
* if different categories of shares exist, the number, the face value and the rights given by each category;
* the mandatory guarantee the manager must deposit;
* the surname, the first name, the date and place of birth, the address and the citizenship of the financial auditors (if they are natural persons);
* the name, the address of headquarters and the nationality of the auditors (if they are legal persons).

For the companies trading on the **Bucharest Stock Exchange**, the Corporate Governance Code also requires the disclosure of information related to:* the appointment and remuneration of directors;
* internal transparency and financial reporting regulations;
* internal control and risk management;
* conflicts of interests;
* corporate social responsibility;
* management and control systems.
 |
|  | 1. Do these obligations enable the public to obtain sufficient information to establish which legal or natural persons effectively own or ultimately control media organisations?

 If NO, please explain.  | Y | In theory the process of learning who are the actual natural persons behind a company that owns another company that owns a media outlet is possible through a step-by-step process involving requests for information from various agencies for each of the companies. It is time-consuming, but feasible, given sufficient time and resources to collect all the required information, including beneficial owners. Mediaindex[[13]](#endnote-13) have done this in the past.  |
|  |  |  |  |
| 3.2 Effectiveness  | 1. Where is the information recorded?
 |  | The institutions in charge are the Trade Registry and the Official Journal. All the constitutive deeds and the modifications are registered with Trade Registry and published in the Official Journal. The financial information is also available at the Ministry of Finance through its website and for the stock listed companies, at the Bucharest Stock Exchange.  |
|  | 1. Are there any sanctions for non-reporting?

If YES, what form do they take and who applies them? | Y | For failure to report annual financial information, the fines applied by the Ministry of Finance range between 400 and 5000 lei (€90-€1150). For the information that must be registered at the Trade Registry Office, if a company fails to report the modifications in their ownership structure, the fines range between 50 and 2000 lei (€10 - €450). However, at the request of the Trade Registry Office or of any interested person, a judge can decide to dissolve of the company if, for 3 consecutive years, it did not submit its financial statements or other documents that, according to the law, should be submitted with the Trade Registry Office (Art. 237 (1) and (2) of Law 31/1990). |
|  | 1. Are any applicable sanctions for violations applied in practice?

 If NO, why not?  | Y |  |
|  | 1. Can the public obtain access to this information?

If YES, how? | Y | Anyone interested may request information from the Trade Registry. Also, since the constitutive documents and their modification are also published in the Official Journal, the public can also access the information through the official website of the institution. Financial statements can also be published by the Trade Registry and the Ministry of Finance. The electronic versions are also available on the institutions’ websites and in the Official Journal[[14]](#endnote-14) (for companies with an annual turnover over 10 million lei or c. €2,300,000, as provided by Art. 185 (4) of Law 31/1990). |
|  | 1. Are there any practical conditions or charges that could serve to restrict public access?

If YES, please specify, | Y | The portal of the Trade Registry Office (<http://recom.onrc.ro/>), offers free access to the public only with regards to the name, address, registration number, status and CUI (the unique registration code of each company). The access to complete information about companies is made on the basis of a subscription with a minimum value of 300 lei (c. €70). The charge for each access to information is automatically calculated upon each visit and charged in accordance. Access to the Official Journal is also charged – for the Part IV, in which information related to economic operators is published, the paper-based subscription ranges between 160 lei (c. €35) (monthly) and 1720 lei (€400) (annually). The electronic version of the subscription costs a minimum of 50 lei (€11) (monthly) or 500 lei (€110) (annually). |
|  | 1. Would a reasonable, nontechnical individual be able to understand who effectively owns and ultimately controls the media organisations using the information indicated in this section?

If NO, why not? | Y  | As stated above, in theory the process of ascertaining who the natural persons are behind a company that owns another company that owns a media outlet is possible through a step-by-step process involving requests for information from various agencies for each of the companies. It is time-consuming, but feasible.However, even though the disclosure requirements are extensive, minimal financial sanctions for failure to report in time and weak mechanisms for verifying the ownership structure mean that in practice sufficient information is not always available.  |
|  | 1. Have the public made use of this facility to establish media ownership information in practice?

If NO, or limited, use has been made, why not?  | Y |  |

**ENDNOTES**

1. In Romanian - *Legea audiovizualului nr. 504 din 11 iulie 2002* [↑](#endnote-ref-1)
2. According to the Center for Independent Journalism, there are no media outlets in Romania that are organized as a not-for-profit organization, except for a children's paper that discontinued publication in 2005. [↑](#endnote-ref-2)
3. In Romanian *- persoane fizice autorizate* [↑](#endnote-ref-3)
4. #  In Romanian - *Consiliul Naţional al Audiovizualulu (CNA)*

 [↑](#endnote-ref-4)
5. These were introduced into Romanian legislation in 2008 through Emergency Ordinance 181/2008 which modifies the Audiovisual Law in order to harmonise the audiovisual media framework with the provisions of the Directive 2007/65/CE. [↑](#endnote-ref-5)
6. Decision no. 488 from 29 April 2010 - Romanian version: <http://cna.ro/Decizie-nr-488-din-29-aprilie-2010.html> [↑](#endnote-ref-6)
7. This is anti-corruption legislation concerning disclosure of assets and interests for public officials, public servants and magistrates, with the purpose of avoiding conflicts of interests in decision-making and/or accumulation of unjustified wealth; therefore, such data would only be available for those individuals that also hold public office. [↑](#endnote-ref-7)
8. According to the Center for Independent Journalism, Romania has no media outlet organized as a not-for-profit organization, except for a children's paper that discontinued publication in 2005. [↑](#endnote-ref-8)
9. In Romanian *- persoane fizice autorizate* [↑](#endnote-ref-9)
10. This anti-corruption legislation concerning disclosure of assets and interests for public officials, public servants and magistrates, with the purpose of avoiding conflicts of interests in decision-making and/or accumulation of unjustified wealth; therefore, such data would only be available for those individuals that also hold public office. [↑](#endnote-ref-10)
11. BSE regulations are available at <http://bvb.ro/Language.aspx?lng=en-US> [↑](#endnote-ref-11)
12. <http://www.anaf.ro/public/wps/portal/ANAF/Informatii/listsubunitati> [↑](#endnote-ref-12)
13. This is run by the Center for Independent Journalism and was the first online database containing information on media ownership in the country [www.mediaindex.ro](http://www.mediaindex.ro) [↑](#endnote-ref-13)
14. <http://www.monitoruloficial.ro/RO/article--e-Monitor--339.html> [↑](#endnote-ref-14)