ROMANIA: PRIVATE VERSUS STATE TELEVISION

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Introduction

To speak about television and radio in Romania six years after the events at the end of 1989 seems to me to be both a difficult and a necessary enterprise. A difficult one, because radio and television proclaimed themselves to be "free," and for a long time after December 1989, all the programs transmitted by the Romanian television were accompanied by the letters FRT (Free Romanian Television). The abolition of censorship and the free expression of ideas were proclaimed at Romanian Radio and Television after the message about Ceausescu running away was broadcast, and the two media became "people's ideals." At the same time, no other public institution, excepting the Presidency, was so much and so directly attacked by what might be called "civil society in formation." Their criticism referred especially to the dependence of the Romanian radio and television on political power, and hence "betraying people's ideals." From this, the necessity to discuss the Romanian radio and television arises. Is the Romanian audio-visual landscape (in which television is only a part) the same as in the Communist regime, or has something changed during the last six years?

In order to offer a comprehensive view on the audio-visual realities in Romania, I will start from what can be called the beginning of the media market's demonopolisation. I connect this with the changes that occurred at the regulatory level (The Constitution, The Audio-visual Law, and The Law on the Public Broadcasting Services). Secondly, I shall present some concrete examples to arrive at some conclusions about the actual state of the Romanian broadcasting. Finally, I shall come back to the process of media market's demonopolisation — pointing to those aspects of the audio-visual sphere which are important for the emergence of a true democracy in Romania.

The Beginning of the Romanian Media Market Demonopolisation Regulations: The Prospects of a Mixed System

Before 1989, one could hardly speak of any public media in Romania, because the political system had a total control and monopoly on every aspect of social life. The Communist Party and its leaders destroyed all attempts at alternative voices, other than the official ones. George Schopflin put it very clearly when he referred to Romania under the Soviet-type regime: "The atomisation of society was nearly total, and a deep-seated anomie and very high levels of coercion were in function" (Schopflin 1993, 240). The official media — newspapers, magazines, journals, radio and television stations — were "people's property." In fact, they were under the direct censorship by political authorities. There were no attempts at breaking this complete monopoly of the Party, as was the case in other East European countries. After 1985, the domains of social, economic and political life were subjected to huge cuts in money and personnel. Romanian national radio — which began to broadcast in 1928 — reduced by half its transmission time. The number of newspapers dropped from about one hundred to around forty. The worst situation was that of Romanian television, which nearly ceased to exist, broadcasting only two hours a day (Dragan 1993, 22; Botnariu 1993, 2). Under such circumstances, the only mass communication channels available to the entire population were of two kinds: (1) the foreign radio stations which broadcast in Romanian — such as Radio Free Europe, Voice of America and the British Broadcasting Corporation; and (2) the television programmes broadcast in neighbouring countries.

After 1989, the first real market which appeared in Romania was not of a strict economic type — it was what I am tempted to call "The Information Market." The printed press reached in 1992 two thousand titles — a peak comparable with the flourishing period of the 1930's (Dragan 1993, 23). As compared with other parts of the Romanian society, the printed press is still a completely demonopolised market — where the state has no legal power, and the only law which governs its activity is that of market competition. But there is a great difference between two kinds of media market: **the printed press market** which, as regards its channels and products, is unlimited, and **the audio-visual market** which depends on a limited set of available broadcasting frequencies. As in other European countries, the Romanian state took an active role in regulating the latter. In considering the juridical stipulations which govern the media field in Romania, one must start from the general observation that the model for the Romanian legal system is the French Constitution. As in the case of France, the co-existence of private and public interests was expressed in the construction of a mixed system of property in the audio-visual field. The old state-owned radio and television stations are obliged to share a common status and competition with the privately owned ones. The stipulation for the existence and development of private property in Romanian society (and in the media as well) is crucial for the understanding of the subject under analysis. For the first time, after fifty years, private property is not only mentioned as of equal status compared to state property, but is also the beneficiary of the stipulations of Article 41 of the Romanian

Constitution, which refers to special protection for private property (Constitution 1992, 18-19). There is no such regulation for state property.

The private broadcasting sector that developed after December 1989, emerged before the passing of a law that set up the conditions of its operations. The existence of alternative channels to the official, state-owned ones was demanded by the opposition political parties and by the civic groups. Under pressures of this kind, 12 private television stations were set up and received provisional licences to broadcast until the passage of the Audio-visual Law (Baciu 1993, 6-7). This is the law that, in fact, regulates the audio-visual sphere in Romania.

The debates on the law started in 1990. Parliament passed it in May 1992, and it became effective after that. Being also mostly of French inspiration, the Audio-visual Law regulates the granting of transmission licences and the setting up of operational principles for private and public radio, television and cable stations. In order to function legally, each radio, television and cable station — private or public — must obtain a series of technical approvals from the Communication Ministry and a transmission licence from the National Audio-visual Council (Audio-visual Law 1992, 7). The transmission licence represents a contract between the National Audio-visual Council (NAC) and the broadcasting station. It is granted for five years for radio broadcasting, and for seven years for television stations. The transmission licence is defined by the Audio-visual Law as including "the categories of information which can be publicly broadcast" (Audio-visual Law 1992, 7). The authority that sets the procedure for granting the transmission licences is the National Audio-visual Council. The regulations contained in the Audio-visual Law set up the framework of a genuine new reality in the Romanian broadcasting — the emergence and development of the private radio and television stations. Under such circumstances which constituted a complete break with the former state monopoly on radio and television, we have to ask what are the changes in the state-owned radio and television's recent history, and how much were they influenced by the democratic transformations in the Romanian society?

After 1989, the Romanian radio and television have been in a difficult position: on the one hand, they tried to be democratic institutions, as all the public institutions ought to be; but, on the other hand, they were compelled to operate under communist legal stipulations. That duality in status was linked to the peculiarities of Romania's evolution after 1989.

As compared with the rest of the East European countries, Romania is somewhat different from the political point of view: both parliamentary elections in 1990 and 1992 were won by the same party — the National Salvation Front. At the same time, the candidate of that party, Ion Iliescu, was elected the president of Romania. Until 1994, the organisation and operation of the state-owned radio and television stations was regulated by an old decree of 1990, which put them under the control of the Government and Presidency (Decree 1990). The Chairperson of the Romanian Radio and Television was appointed by the Romanian President, and the two General Directors (one for the radio station and the other for the television) were appointed by the Prime Minister, on the Chairperson's nomination. The political party that formed the government and supported the President had an absolute control over radio and

television, both in terms of its staff and editorial policy. The democratic system of government that was introduced in Romania after 1989 supposed as its necessary condition the existence of a free access to the media for all political parties. This was the reason why, at the main rallies of the opposition (parties and civic groups), one of the main demands was the breaking of the Front's monopoly on the state-owned radio and television stations. There have also been strikes by the stations' staff against this political monopoly.

The identities of those who control these institutions appear to be regulated through the Constitution which stipulates in Article 31, paragraph 5, that there should be Parliamentary control of the national radio and television stations (Constitution 1992, 15). Although the constitution was passed in 1991, Parliament only passed the new Law on operation and organisation of the Romanian Radio Company (RRC) and Romanian Television Company (RTC) in 1994.

There were two stages of the debates around that law: actions of protest and meetings on the streets (which dominated the period 1990-1992), and Parliamentary debates (in 1993-1994). That temporal difference can be explained on the basis of the political structure which dominated the two periods of time. In the first one, three years after 1989, there was no request for a new law on the public broadcasting services. That was not surprising, given the fact that the Parliament was dominated by a huge majority of the National Salvation Front that occupied over 60 per cent of the seats. Only after the elections of 1992 when a sort of Parliamentary balance between the majority and opposition parties was achieved, a public debate of the media law became possible. But even under those circumstances, it took over a year from the passage of the law through the Senate (in the Summer of 1993) to its promulgation by the President (in June 1994). The main reason for this delay was the government party's opposition to sharing its right to control the state-owned radio and television stations with other political parties. Even at present, the struggle around the appointment of the Boards of Management of the two institutions is a clear indication of the real stakes represented by control over the main media in Romania. As an example of the intensity of the debate, at the time of writing, Parliament has still not succeeded in agreeing the composition of the two Boards of Administration for radio and television.

The main differences and similarities between the public broadcasting services and the privately owned radio and television stations as defined by the Audio-visual Law and the Law on Operation and Organisation of the Romanian Television Company and of the Romanian Radio Company can be schematically represented in the following way:

Issue	The Audio-visual Law	The Law of Operation and Organisation of the Romanian Radio Company and Romanian Television Company
The form of property	In Article 5 it is stated that private juridical persons in the broadcast domain are "private	Romanian Radio Company and Romanian Television Company are legal persons set up by reorganising

	companies with totally or partially Romanian or foreign capital." The law does not contain an indication about the maximum number of broadcasting stations which a company can own, but it limited the capital share of a company, which also has other possessions, to 20 per cent of the total capital.	the Romanian Radiotelevision. According to the Audio-visual Law, they are called "public juridical persons" and their form of property is "state capital" only. The patrimony of those two Companies is constituted through the taking over of the former patrimony of radio and television, under a protocol between the Boards of Management of the two institutions.
Finances	There is neither any paragraph in the law regulating the financing of private companies, nor any paragraph compelling the company to declare its financing sources. This is in accordance with the Romanian Constitution, whose text states that only as a "possibility", not an obligation, for the mass communication companies to declare their financial sources.	There are three kinds of financial sources: - subscription fees for radio and television; - publicity, advertisement, broadcast or telecast shows and concerts, publications related to radio and television, services hiring, sponsorship and other sources of this type; - state subsidies, allotted from the National Budget.
Organisation	There is no specification in the law.	In Article 19 it is stated that each public radio and television company will be run by: - a Board of Directors composed of thirteen people, one of them filling the position of chairman, and being at the same time the General Director of the Company; - a General Director; - a Board of Manage-ment.The Board of Directors and the General Director of each company are appointed by the Parliament.
Penal sanctions	The law establishes the penal punishments for the indictments of the law — from 2 to 10 years of prison in case of violating Article 4 of the Audio-visual Law — and the suspension of the transmission licenses in some cases.	The law stipulates only the "dismissal from office" of those employees who are members of a political party or of another broadcast company without the Board of Management's approval.
Advertising	Private broadcasting stations are compelled by law to produce advertising in a way that makes them easily distinguishable from other programs.	The activities in this domain are a part of the RRC and RTC's object of activity and they constitute some of the financial sources of the companies. At the same time, there is no special regulation regarding the form and ways of using advertising in the radio and television programs.

Records of audio-visual materials	Private radio and television stations are obliged to record their programs on magnetic tapes and to put the materials at the National Audio-visual Council's disposal when required.	The law which regulates the period of time over which the materials' use is forbidden outside the Company (two years since they have been produced) and the conditions under which they can be used afterwards (with the consent of the public service for they were made).
License granting	This is a complex procedure which consists of legal steps and which takes the form of a competition between applicants to obtain transmission licence. It is the private station's duty to put its studio into function in maximum 18 months, starting from the moment when the licence was granted. In case the station commitments are infringed, the National Audio-visual Council has the right to notify the Romanian Prosecutor's Office, who will act in accordance withthe Penal Code.	The two public Companies are the owners of those frequencies that constitute the two programs of the RTC and the programmes of the RRC operating in the summer of 1994. The Audio-visual Law established the free right to a licence and the arrangement of competition for public radio and television.

From this presentation of the two laws, it might appear that there are two completely separate sections of the Romanian audio-visual sphere: a private part under the authority of the NAC, and a public, state-owned one managed through RRC and RTC. In fact, the realities which result from the laws' application in the audio-visual domain are very specialised and complex, and I think this is the critical point of the entire audio-visual legislative edifice in Romania. In order to understand the legal networks which have appeared, one must proceed first by taking into account what are the main realities developed by the laws which operate in this domain. As can be noticed in the laws' texts, there were set up two autonomous types of juridical persons: on the one hand, the National Council of the Audio-visual; and, on the other, the RRC plus the RTC. Also, in the laws' texts, there were set up other indicators which pointed out the similarities between those two types of autonomous juridical persons:

Issue	**The National Audio-visual Council**	**Romanian Radio Company and Romanian Television Company**
Definition	The National Council of the Audio-visual is an autonomous public authority.	The Romanian Radio Company and the Romanian Television Company are being set up as autonomous nation-wide public services by reorganising the Romanian Radiotelevision.
Property	The part of the National Patrimony - the "hertzian frequencies."	The two channels of the Romanian Television and the programs of the Romanian Radio which existed in 1994 and on which they broadcast their programs that time.

Dependence on	Romanian Parliament	Romanian Parliament
Relationship between the audio-visual domain and the political parties	The members of the NAC and of the technical staff can not be members of political parties or other political groups.	The activities of the public services of the radio and television are autonomous and editorially independent. The autonomy and independence of the radio and television services are granted by law and their programs are protected from any interference on behalf of public authorities, from influence of any party, social grouping, or pressure group. The employees of the public radio and television services are not allowed to be members of political parties or to promote the ideas or programs of any party or political group.
Appointment of the members of the Board of Directors	- two by the President - three by the Senate - three by the Deputy Chamber - three by Government	- eight by the parliamentary groups (four by the Senate, and four by the Chamber of Deputies) - one by the Presidency - one by the Government - two by the specialised staff of each company - one by the parliamentary groups of the national minorities.
Domain of competence	- The regulation of all activities in the audio-visual domain by norms, recommendations and notices; - The management of a sector from the Romanian national patrimony called "the hertzian domain" by the granting of licences and permits, to the private and public radio and television stations.	- The production and broadcast, through the transmission stations and lines owned by the RRC and RTC, of programs for information, cultural and entertainment purposes; - the organisation of joint production activities with foreign partners and the export of their own programs, in accordance with the international regulations which Romania has signed; - the representation of the national radio and television stations in their relations with international bodies, as well with similar institutions in other countries.

Studying the laws, we can see in each of them the settlement of a juridical autonomous person which has its own patrimony or property. At the crossing-point between autonomy and the right of property, one must seek the characteristics of the present audio-visual domain in Romania. We are considering an audio-visual domain directed on two different co-ordinates: autonomy and property.

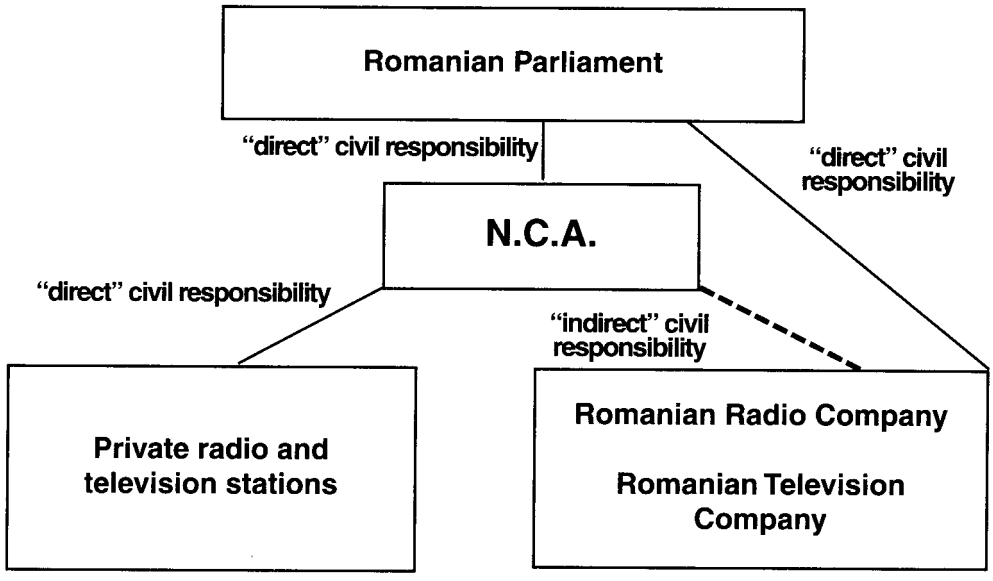
(1) **Autonomy**. This co-ordinate is a juridical one and refers to the civil responsibility of one juridical person towards another. As stated in the Audio-visual Law, the NAC is an autonomous public authority, and it represents the "Parliament of the broadcasting sector." In accordance with their own law of organisation and operation, RRC and RTC are set up as "autonomous public services." The supreme

authority to which both kinds of juridical persons have civil responsibilities is the Romanian Parliament. They are directly responsible to Parliament.

(2) **Property.** The second co-ordinate refers to a specific patrimony over which the right of property is exercised. As the principal owner of that part of the national patrimony which is called "the hertzian frequencies," the NAC enters contractual relations with partners (public or private audio-visual stations) wanting the right to use this property, and grants parts of it on the basis of a direct competition between applicants. Under these circumstances, the private broadcasting stations obtained transmission licences. At the same time, according to the law, there are parts of this patrimony which belong to another juridical person — the public services of radio and television (Audio-visual Law 1992, 6). The Audio-visual Law established the obligation for licence applicants to pass an examination by the NAC, but stipulates the free right to the licences without competition for public radio and television services. And here appeared the unclarity: the fact that the same "object" (the hertzian frequencies) has two "owners"— the NAC, and the RRC plus the RTC.

A very important element results from Article 8 of the Law on the organisation and operation of the public services of radio and television (Organisational Law 1994, 2), which refers to the autonomy of the RRC and RTC. It is stipulated that the NAC can establish mandatory norms for the two public services' programs which constitute exceptions to the autonomy regulations. In my view, this is a limitation, or a reduction, of the autonomy of the two nation-wide public audio-visual services by a higher legal body — the NAC. Thus, a double responsibility of the RRC and RTC exists, which is connected in their case with their accountability to the Parliament (see Figure 1).

Figure One



If the civil responsibility relation of the RRC and the RTC to the Parliament is a direct relationship, the relation of those two public broadcasting services to the NAC is

mediated through:(a) the limitation of public service autonomy; and (b) an overlapping as regards the object of property.

The conclusions which I draw from this level of legal regulations can be stated in a simple way: By their legislative constitution, the public services of radio and television are more restricted than the private audio-visual operators because they are considered as the representatives of what the social scientists call "the public interest."

As in the rest of Europe, public services of radio and television are considered as the main actor in the mass media's field and one key element for society's democratisation. The relation of the private broadcasting stations to the NAC (the supreme authority in the audio-visual domain) is only a contract, and the right of property in their case is clearly stipulated in the Audio-visual Law's text. The RRC and RTC have a direct civil responsibility to the Parliament and an indirect one to the NAC — as a result of the limitation of their rights to autonomy. The right to property in the case of the state-owned television and radio is settled by the two above-mentioned laws, but there is an overlapping in the person of the property holder, and that leads to unclarities in this sphere. We shall see later in this article the consequences of these legal stipulations.

The New Realities: Private Broadcasting Stations

This part of the article deals with the present situation of radio and television stations. It will be followed by a general assessment regarding the prospects of radio and television stations (both public and privately owned) in Romania. For that reason, I shall return to the basic assumption from the beginning of the article, and I consider that, at this more concrete level of analysis, the question which is raised is the following: What are the significant realities in the Romanian audio-visual domain resulting from the new broadcasting laws which operate now?

In accordance with the audio-visual regulations, in 1992 the first competition for granting licences in the audio-visual domain took place. There were brought into public contest 147 radio frequencies for 70 localities, and 74 television channels for 65 localities (***Buletin CNA*** 1992, 2, 13-22). The pace of granting licences grew in the following years (see Table 1).

Table I: Number of Licences Granted by the National Audiovisual Council. 1993-1995

	1993		1994	1995
	March	October	March	January
Radio	50	92	110	212
Television	31	62	73	155
Cable radio and TV	71	227	351	518

Source: For March 1993: *Buletin CNA* 1993, 3, 19-28;
For October 1993: *Buletin CNA* 1993, 4-5, 31-52;
For March 1994: *Buletin CNA* 1994, 6, 29-76;
For January 1995: *Buletin CNA*

Table 2: Media Chains in 1995

A:Television stations			B:Radio stations		
Company	**Headquarters**	**Stations**	**Name of the company**	**Headquarter**	**Stations**
SC SICA SRL	Alba Iulia	Alba Iulia Aiud Hunedoara Orastie Satu Mare Turda	SC GIP	Bucuresti	Bacau Fagaras Medias P.Neamt Slobozia Suceava
SC MEDIAPRO	Bucuresti	Brasov Oradea Iasi	"VOCEA EVANGHELIEI"	Bucuresti	Bucuresti Sibiu Suceava Cluj
SC DACIA RTV EUROPA NOVA	Iasi Lugoj Timisoara Bucuresti	Iasi Lugoj Timisoara Cluj Timisoara Bucuresti	RADIO "CONTACT"	Bucuresti	Sibiu Timisoara Constanta Bucuresti Cluj Iasi
SC CORPORATIA PENTRU CULTURA SI ARTA"INTACT"	Bucuresti	Bucuresti Craiova M.Ciuc Pitesti Ploiesti Sf.gheorghe Sibiu Sinaia Slobozia Tg.Mures	SC MEDIAPRO	Bucuresti	Ploiesti Sibiu Baia Mare Tg.Mures Bucuresti Arad Costinesti Ploiesti Constanta
			SC DACIA SRL EUROPA NOVA	Bucuresti Iasi Lugoj	Timisoara Sannicolau Mare Iasi Timisoara Tg.Mures
			SC CORPORATIA PENTRU CULTURA SI ARTA"INTACT"	Bucuresti	Bucuresti

Source: *Buletin CNA*, 1995, 8, 29-76.

Table 3: Number of Transmision Licences Revoked by NAC in 1994 and 1995

	1994	1995
Radio	4	10
Television	3	16
Cable radio and TV	10	79

Source: For 1994: *Buletin CNA* 1994, 6, 29-60;
For 1995: *Buletin CNA* 1995, 8, 29-76.

A major tendency in the private sector of radio and television stations in Romania is the encouragement of so-called "media corporations," many of whom also own newspapers and/or magazines. We can speak of the rise of property chains in the Romanian mass media (see Table 2). The competition between private broadcasters also results in the elimination of some stations (see Table 3). Capital moved in the audio-visual field in different directions. In the case of cable radio and television stations, the transfer of capital was from the Western part of Romania to other regions, while in broadcasting capital investments were de-centralised from the beginning. The first radio and television stations that went on the air were located mainly in the largest cities, such as Bucharest, Iasi, Timisoara, and Cluj. From there, the process of extending the area took place in the rest of Romania.

A special phenomenon which took place in the private audio-visual sphere is the creation of some informal bodies, which have as their objective the representation of investors in their relations with the public authorities. For the private radio and television stations an organisation — called The Romanian Association for Audio-visual Communication (RAAC, or, in Romanian, ARCA) — was set up in May 1993. This is a non-governmental organisation, whose aim is to protect the interests and rights, as well as the freedom of opinion, of its members against the state, administrative and public institutions. Its membership grows steadily, along with the increasing the number of licensed broadcasters. In 1994, it reached 50 members, both radio and television stations. This is a form of what I am tempted to call the "audio-visual section of civil society." In the future, it may represent a means by which the private and dynamic sector of the economy will impose its own rules in the field.

Public Services of Radio and Television: Continuity or Change?

The year of 1989 represented "the year in which Romanian radio and television were swallowed by an ideology, represented by a single person." It was the year in which Romanian radio and television nearly ceased to exist. State television broadcast only twenty-two hours in a week on a single channel, and all the programmes were dedicated to a unique purpose: the glorification of the "Carpathian genius." The events of December 1989 changed the length, the content and the shape of the radio and television programmes. RTC moved from twenty-two hours per week to 160 hours per week in 1990, 150 in 1991 and 1992, 200 in 1993 (Botnariu 1993, 3-5). In 1995, the length of the transmission period is 237 hours per week. The other changes are the following:

- Channel I of Bucharest television now covers 98 per cent of the total territory of the country, and transmits 144 hours of broadcasting per week;
- Channel II of the RTC began to function again and now covers 60 per cent of the country's territory, broadcasting 93 hours in a week, according to my own calculations.

The RTC has forty-nine broadcasting stations, of which forty-eight are public stations, state-owned. It has twelve production studios — of which three are state-owned (one studio for news broadcasting and two for the transmission of the television channels). Also, it has a studio for international broadcasting. Seventy per cent of transmission hours are original programs, 15 per cent are translated and assembled, and 15 per cent are foreign programmes (Botnariu 1993, 3-5).

The RRC's situation was a little better during the communist period, when the Romanian National Radio was allowed to broadcast on two national programs. On the first program it broadcast 140 hours a week, and on the second, 90 hours a week. Now it has three national programs — the third began to function again after December 1989 — and five other operations, namely: Radio Romania International (which broadcasts 245 hours a week, with fifty-five programs in fifteen foreign languages); Radio Holiday; Bucharest Antenna; The Village Antenna; and Radio Costinesti. There are also six public local stations, located in Cluj, Iasi, Craiova, Tg. Mures, Constanta, and Timisoara, which belong to RRC (Murgu 1993, 20-21).

This quantitative presentation of the realities on the RRC and the RTC must be linked to a more qualitative phenomenon: The influence exercised by the private audio-visual stations on the national broadcasting services. This took the shape of the increase in the broadcasting space for entertainment and public interest programmes and the increase of the time of broadcasting on the Channel II of the RTC. But the deeper effects can be noticed in analysing the relations established between the private and state-owned parts of the audio-visual system in Romania. Connecting the legal level to the concrete realities of radio and television — private and public stations — in the following section I shall try to develop a more comprehensive general framework for the audio-visual realities in Romania.

The Prospects for Demonopolisation

At the beginning of the article, I presented the legally settled relations within the audio-visual sphere on the co-ordinates of autonomy and rights to property. But what is the situation when, next to the formal (that is, state-legally regulated) bodies, informal organisations emerge? I put this question, starting from the existence of one such informal organisation in the audio-visual domain — and I refer here to RAAC.

For a better understanding, the connections between the legal regulations and realities of the Romanian broadcasting sphere, I start from a more general level of analysis: the level of the Romanian society as a whole. In my view, one can divide it in two parts:

(a) an informal part composed of informal groups and organisations without legal sanction for their operation;

(b) a formal part regulated and controlled through state laws in the aspects referring to their constituent groups.

We will first discuss the consequences which result from the intersection of those

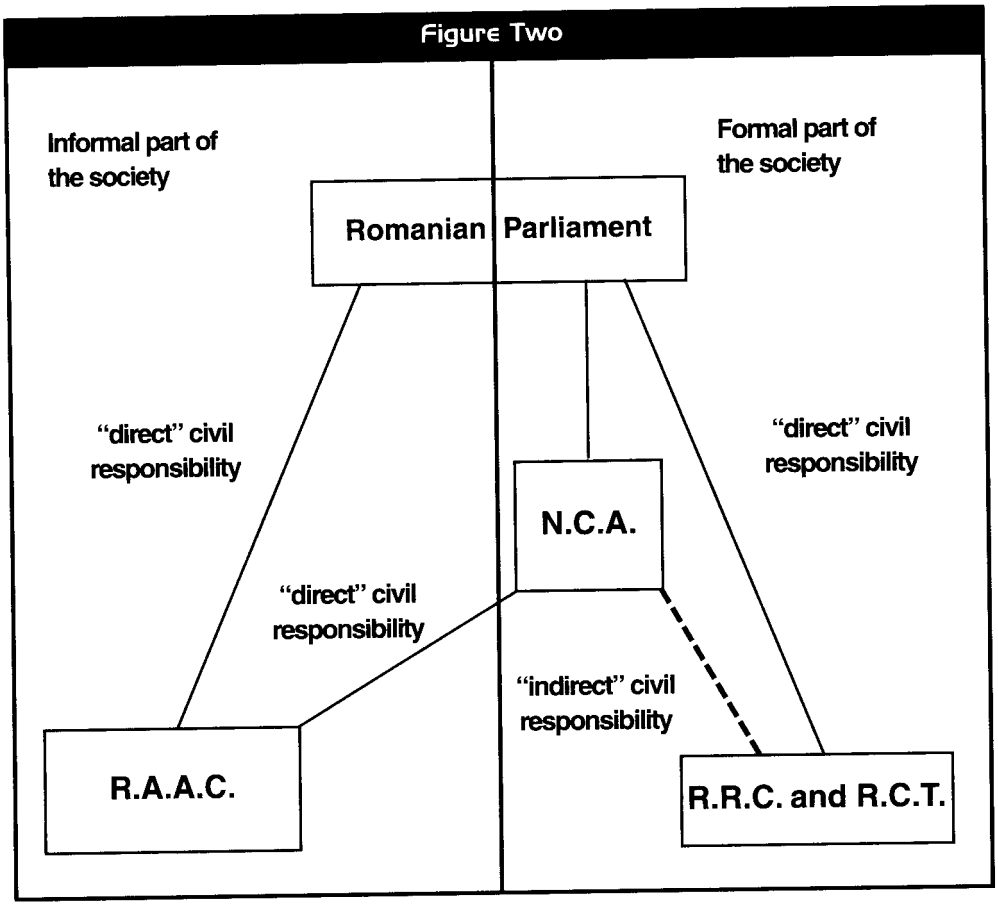
two parts of the Romanian society with the theoretically fixed co-ordinates from above: the autonomy and the property co-ordinates.

If I consider the **autonomy** co-ordinate, which took the shape of the legally stipulated relation of autonomy, and look beyond the limit of the theoretical laws towards the realm of reality, I discover in the statutes of an informal organisation — the RAAC — some aspects relating to autonomy. According to its statutes, RAAC has "autonomy as against political parties and public and administrative state bodies" (Statutes 1993, 1). If we want to see the result of the intersection of these relation of RAAC's autonomy as against the state bodies (and we consider as examples of state bodies the NAC and the Romanian Parliament) and those parts of the Romanian society stated above, we obtain a schema represented in Figure 2.

When analysing the situation according to the **property** co-ordinate, I observe that the Audio-visual Law stipulates that juridical persons have only a contractual relation to the NAC. They can hire the frequencies, which remain in the NAC patrimony.

The same is true of the two public broadcasting services that have their own property consisting of personnel, equipment, buildings and so on. They too can hire the frequencies that belong to the NAC's patrimony. Under those circumstances, RRC and RTC have also contractual relations to the NAC, on the basis of the licences they

Figure Two



are granted. Unlike the RAAC, however, they have in their own property some hertzian frequencies. As I said before, the same object of property (hertzian frequencies) have two different owners: on the one hand, the NAC and, on the other, the RRC and RTC. Thus, regarding the right of property, the two public audio-visual services have a double relation to the NAC. They have an indirect one, based on the contractual right of property in those frequencies that are hired from the NAC's patrimony, and they have a direct property relation to their own patrimony: their hertzian assets.

Starting from the duality of formally and informally organised parts of the Romanian society, I shall try to explain the relations between, the RRC and RTC, and RAAC. The RAAC has the same type of object of activity and the same type of staff as the two public audio-visual services. Concerning the object of activity, the relation is of a contractual nature, being regulated by the Law on the organisation and operation of the RRC and RTC. At the same time, the same law established a "relation of a limited contractual type" as regards the specialised technical staff. Until now, that relation took in practice the shape of a struggle between the state-owned public services of radio and television and the private audio-visual stations. The reason for this state of affairs was the existence of a common target — the audience — which is more and more considered as a market by both kinds of broadcasting operators (state and privately owned). On the other hand, the audience has to be considered also as a future constituency, and hence the fierce contests that took place around the issue of the control over the public audio-visual stations.

While the audio-visual market in Romania is just starting the process of demonopolisation, in the print sector the phenomenon developed to its fullest extent. According to unofficial estimates, that comprises about 1,000 titles at present and has fluctuated between a total 1,000 and 2,000 since 1990. At first sight, there seems to be no limit to its expansion. Looking more closely, and basing our assessments on reality, we can see its main limitation: the audience, the newspapers' readers. While in the first year after 1989, the readership of the press remained homogenous, as a legacy of what it had been under the communist regime (and the market was also dominated by the newspapers inherited from this regime), in 1991 it began to change. The increase in the number of newspapers and their diversification in terms of contents lead to huge

Table 4: The Size of Radio and Television Audiences in 1990 and 1995

Year	Audience for the national radio	Audience for the national television	Audience for the private radio stations	Aidience for the private television stations
1990	84.4	85.0	-	-
1995	85.0	67.0	19.0	25.0

Sources:
For 1990: SOFRES Research April 1990, in Dragan 1993;
For 1995:Opinion Poll by the Institute of Quality of Life's Research, in *Evenimentul Zilei*, 21 March 1995

drops of the daily circulation of the old titles. The same phenomenon is taking place at present in the audio-visual sphere. One can note a drop in RRC and RTC audiences, and an increase in the private radio and television stations' audiences (see Table 4).

Conclusion

From the data there are some conclusions at which we can arrive if we take also into account the above-mentioned antagonistic relations between the public services of radio and television and the private audio-visual stations. First of all, it seems obvious that the more restricted statute of RRC and RTC at the legal level is a necessary condition to encourage the development of the private broadcasting stations. After all, for half a century, the Romanian media market was dominated by the state monopoly on information, and by its property. Secondly, I consider the antagonistic relations between the public services of radio and television and the privately owned broadcasting stations as the expression at this level of the political opposition between the advocates of state property and those of the free market. There were periods of time after 1989 when the first position prevailed. But, given the double objective of Romanian society at present — the installation of a democratic political system and the development of a free-market economy — it is obvious that the dispute "Public vs. Private Property" in the audio-visual sphere is linked to that of the "single political party vs. pluralism" issue on the political stage. The establishment of private ownership in broadcasting stations constitutes the only alternative to the "communist-type regime" — because, as social scientists agree, the increase in the number of the independent channels in a society means, in fact, an increase in the opportunities for different groups within it to make public their ideas, opinions, and views (McQuail 1992, 140). This constitutes the crucial political decision in the actual stage of democratic development in Romania. Otherwise, we can only talk about democracy, and remain practically in the Middle Age.

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