

CHARLES UNIVERSITY IN PRAGUE
FACULTY OF SOCIAL SCIENCES

MASTER'S THESIS

Effects of EU Integration
on Media Sector in Moldova.

2009

Angela Sirbu

**CHARLES UNIVERSITY IN PRAGUE
FACULTY OF SOCIAL SCIENCES
INTERNATIONAL ECONOMIC AND
POLITICAL STUDIES**

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Effects of EU Integration on Media Sector in Moldova

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Subject:	IEPS
Academic Year:	2008/2009
Supervisor:	doc. PhDr. Jan Jirak
Date Submitted:	20 May 2009

Master Theses Project

Angela Sirbu, IEPS, Charles University, 2007/2008

January 2008

1. Preliminary title of the theses

European Union (EU) issues in Moldovan press and added value of the EU regulations on media

2. Aim/goal/purpose of the theses

One of the Moldova's objectives today is to join the European Union and to implement European standards in all the fields including media. This is one of the few objectives Moldovan people and country's communist government have in common (yet there are doubts that Moldovan government genuinely wants it and that it is not just a political trick it uses to maintain the power). In order to achieve this objective in 2005 Moldova has signed a 3-years Moldova-European Union Action Plan, the main document that lays out Moldova's commitments towards the EU, one of the priorities of which is ensuring respect for the freedom of the media and the freedom of expression. According to the plan, respect for the freedom of expression will be accomplished by:

- ensuring transparent relationship between the authorities and media institutions in line with the recommendations of the Council of Europe; providing state financial support to media to abide by strict and objective criteria equally applicable to all media, on the one hand and
- working out and implementing appropriate legal framework that guarantees the freedom of expression and of the media in line with European standards.

In practice, despite the formal denationalization of governmental newspapers, disappearance of many party newspapers and the transformation by law of the national radio and TV stations into public broadcasters, media remain, first of all, a tool of promoting political interests, having neither financial independence, therefore, nor editorial independence.

The present research proposes to study the coverage of EU integration issues by Moldovan print media as well as the way Moldovan news media follows EU standards in the field on press. The analysis will also reveal the discrepancy between EU regulations and reality in Moldova in the fields of transparency, access to information and market regulations. The paper will also answer the question what is the added value of EU standards in the field of media.

The paper may be useful and interesting for the news outlets that have to be familiarized with the EU regulations on media in order to be able to apply them. It can also have relevance for those interested in added value of EU media regulations as well as on the status of Moldovan media today – how far or how close are we to the standards. Last but not least, it will offer researchers in the field of media additional empirical data on media performances, more exactly about what and how media covers EU issues.

3. Methodology

The methodology of the research project will include:

- **Content analysis** of print media (*Who (says) What (to) Whom (in) What Channel (with) What Effect*)¹ to provide a review of available reporting patterns on the issue of European integration (amount, tone, depth etc.). Content analysis findings will be used to test the hypothesis that media attention to the issue of EU integration influences public's attitude toward this topic (hypothesis will be formulated using the **agenda-setting theory** which claims that media influences people's beliefs by the amount/way of the coverage dedicated to a particular issue.)

¹ Core questions for content analysis formulated by American political scientist and communications theorist Harold Lasswell

4. Recommendations on “journalistic best practices” to stimulate public awareness about EU integration impact

5. Conclusions

5. Analyzes material

CONTENT ANALYSIS

Monitoring period: one month (tentative February 2008)

Criteria for the media selection:

- Type of ownership – public and private
- Coverage/distribution area – national
- Language – Romanian and Russian
- Impact – circulation

Monitored media (4 newspapers were selected for the content analysis):

1. *Timpul de dimineață* (Timpul) — private, national coverage, published in Romanian, 5 times a week, weekly circulation - 36 000 copies
2. *Moldova suverană* (MS) — former governmental publication, national coverage, in Romanian, 4 times a week, weekly circulation 19 544 copies
3. *Nezavisimaia Moldova* (NM) — former governmental publication, national coverage, in Russian, 4 times a week, weekly circulation 18 479 copies
4. *Novoe vremea* (NV) — private, national coverage, in Russian, weekly, circulation 8 000 copies

ANALYSIS/COMPARATIVE ANALYSIS

Moldovan legislation:

- Constitution adopted in 1994
- Broadcasting Code, 2006

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- Broadcasting Code, 2006

- Press law, 1994
- Law on advertising, 1997
- Law on commercial secret, 1994
- Access to information law, 2000
- Law on banning extremist activity, 2003

EU regulations:

- Commission Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings, 25 June 1980
- Commission Directive 2000/52/EC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings, 26 July 2000
- Commission Directive 2005/81/EC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings, 28 November 2005
- Communication from the Commission on the application of State aid rules to public service broadcasting (2001/C 320/04)
- Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information
- **Directive 2003/6/EC** of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0006:EN:HTML>
- **Directive 2002/38/EC** of 7 May 2002 amending temporarily Directive 77/388/EEC as regards the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_128/l_12820020515en00410044.pdf

- **SIXTH Directive of 17 May 1977** on the harmonization of the laws of the Member States relating to turnover taxes - Common system of value added tax: uniform basis of assessment (77/388/EEC) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31977L0388:EN:HTML>
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Jakubowicz, 2007, Hampton Press

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Blankson, Patrick D. Murphy. Published 2007 SUNY Press

Approved by PhDr. Jan Jirak, Ph.D., Associate Professor

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

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DECLARATION:

I hereby declare that this thesis is my own work, based on the sources and literature listed in the appended bibliography. The thesis as submitted is 127,607 keystrokes long (including spaces), i.e. 70 manuscript pages.

Angela Sirbu



Signature

Date 20 MAY, 2009

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1. Introduction

Almost two decades ago, just like many other post-communist countries in Central and Eastern Europe, Republic of Moldova began its transformation from the communist system to a liberal democracy and market economy. Again similarly to other countries in the region, Moldova set itself a goal to join EU. Thus in June 1998 the first official document to frame the EU-Moldova relations, namely The Partnership & Cooperation Agreement (PCA), came into force. The process seemed irreversible even after the first victory, since Moldova proclaimed its independence in 1991, by the Moldova's Communist Party (PCRM) of the parliamentary elections in February 2001 with 50,07%, respectively 71 out of 101 seats in the parliament. Shortly after its victory, Communist Party announced its intentions to modernize the party and change its political program.² This move was perceived positively and made some to believe that the party is Communist only "by the name". Positive changes in the field of media such as improvement of the media legislation and its adjustment to EU standards as well as creation of the conditions for a fair and free media market were expected. But governing party's actions were contradicting its declared intentions. "After the Communist Party came to power in 2001, the old habit of using media as a propaganda tool in favor of the government was reinstated. The fact that the current government has taken control of the most influential media outlets has seriously limited the free access of the opposition to those outlets and consequently has "narrowed the free market of ideas" in society even though the authorities, "have been cautious enough to observe" democratic formalities in order to preserve appearances" assesses a local report in 2009³. According to Karol Yakubowicz it is not very hard to detect Communist legacy in out contemporary reality in Central and Eastern European countries and this is one of the signs that transformation in those states is far from being over. Are the reasons for the present situation in the media directly related to the legacy of communist system, or are they inherent in

² Modernizarea partidului de guvernământ/Modernising of the governing party (2002) <http://www.e-democracy.md/comments/political/20020620/>

³ An Assessment of the State of the Media in the Republic of Moldova: Is Free and Fair Coverage of the 2009 Parliamentary Election Campaign Achievable? (2009). Independent Journalism Center, Chisinau. P. 4 http://ijc.md/Publicatii/studiu_eng.pdf

the system of liberal democracy and market economy, the author raises the question.⁴ One of the current paper's assumptions is that in the case of Moldova the answer is rather the first than the second part of the question which could mean more challenges and more time for a genuine, practical not formal implementation of the reforms. Another assumption of the paper was that EU integration process could potentially have a positive influence and speed up the pace of transformations.

The goal of this thesis was to analyze the chances and some of the possible effects of the EU regulations in the field of media implementation in Moldova, where the old fashion Communist Party is in power for the last 8 years and in April 2009 succeeded to disputably win the general parliamentary elections for the third consecutive time.

The paper has 6 chapters, including Introduction and Conclusions (Chapters 1 and 6 respectively). The second chapter presents the current status of Moldovan media sector, its main challenges, where it comes from and where it intends to go. Chapter 3 analyzes the main EU requirements in the fields of access to information and transparency as well as market rules. It also presents some possible effects of the implementation of selected EU media directives in Moldova. Following (in Chapter 4) is the overview of statements and actions regarding Moldova's Europeanization. An assessment of the chances of EU standards to be implemented in Moldova is presented in Chapter 5, while Chapter 6 analyses how Moldovan media does its job in terms of informing the public about EU integration issues, which is a goal shared by 65% of Moldovan population.

Some of the methods used to achieve the paper's goal were: analysis of current media situation in Moldova based on the evaluations and reports by local and international organizations;

⁴ Karol Jakubowicz. Post-Communist Media Development in Perspective (2005). Internationale Politikanalyse Europäische Politik | Politikinformation Osteuropa. P. 11

revision and analysis of EU binding documents in the field of access to information and market rules as well as of some possible changes in case they are to be implemented in Moldova; content analysis/monitoring (based on the agenda setting theory which is an ongoing competition among issue proponents to gain the attention of media professionals, the public, and policy elites and explains why information about certain issue, and not other issues, is available to the public in a democracy; how public opinion is shaped; and why certain issues are addressed through policy actions while other issues are not⁵) to establish the extent to which leading Moldovan newspapers are interested and cover EU related matters and consequently how well is Moldovan public informed and educated about those issues.

2. Moldova and its media system – “special case”

2.1 Moldova’s background

The Republic of Moldova, the second smallest of the former Soviet Socialist republics, after Armenia, is today a landlocked country with a population of almost four million, situated between Ukraine and Romania. In 1991, the leaders of the Moldovan Soviet Socialist Republic declared independence from the Soviet Union, establishing an independent nation for the first time since the late 15th and early 16th centuries. Moldova is one of the very poorest countries in Europe and has a large foreign debt and high unemployment. The dismal economic conditions are due to the Russian financial crisis in mid-1998, a lack of foreign investment and the dependency on energy imports. Its once-flourishing wine trade has been in decline and it is heavily dependent on Russia for energy supplies.⁶ The economy showed remarkable resilience in 2006 and 2007, following a doubling of energy prices, a Russian ban on wine exports, and a severe drought. Growth in 2007 slowed to 3 percent, but reached 7.2% in 2008.⁷

⁵ James W. Dearing, Everett M. Rogers (1996) *Communication concepts 6. Agenda-Setting*. SAGE Publications, Inc. p. 1, 2

⁶ BBC country profile. http://news.bbc.co.uk/2/hi/europe/country_profiles/3038982.stm

⁷ World bank

<http://www.worldbank.org/md/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/MOLDOVAEXTN/0..contentMDK:20630606~menuPK:302258~pagePK:141137~piPK:141127~theSitePK:302251,00.html>

While Moldova achieved independence in 1991 as a middle-income country, now GDP per capita is significantly below the average for the Central European countries.⁸ The image of Moldova as a politically instable country, with discouraging legislation and a high level of corruption have hampered economic growth in the past years and deterred (foreign) investors. By 1999 over 70% of Moldovans were poor and over 60% extremely poor. Official data of 2007 reveal that the level of absolute poverty went down to 25.8%, while that of extreme poverty constituted 2.8%.⁹ People, especially in rural areas, struggle to have enough food, cannot repair their house or invest in schoolbooks for their children. As a result many citizens emigrated over the past years. According to the general population census conducted in October 2004 the number of Moldovans working abroad is around 360.000. Yet experts believe the real figure is closer to one million. About 36% of Moldova's GDP is formed from remittances (the highest ratio of remittances to GDP in the world).¹⁰

Politically, Moldova turned in 2001, when the Communist Party (PCRM) came to power. Moldovan Communists promised to join the Russia-Belarusian Union, to strengthen the role of the state in the economy and to re-establish some social soviet style programs. The attitude and program changed after the Communist Party failed to solve the Transnistrian problem¹¹. Russia refused to withdraw its troops from the separatist region and the Moldovan government announced European integration as a priority. Although the ruling party declared itself a 'European style communist party', it is criticized for its authoritarian conduct. Opposition parties have accused the Communist Party of re-establishing censorship, ideological purges,

⁸ Ibidem 6

⁹ DFID <http://www.dfid.gov.uk/countries/europe/moldova.asp>

¹⁰ Ibidem 8

¹¹ This area is mainly inhabited by Russian and Ukrainian speakers. As people there became increasingly alarmed at the prospect of closer ties with Romania in the tumultuous twilight years of the Soviet Union, Transnistria unilaterally declared independence from Moldova in 1990. There was fierce fighting there as it tried to assert this independence following the collapse of the USSR and the declaration of Moldovan sovereignty. Hundreds died. The violence ended with the introduction of Russian peacekeepers. Trans-Dniester's independence has never been recognised and the region has existed in a state of lawless and corrupt limbo ever since. BBC country profiles. http://news.bbc.co.uk/2/hi/europe/country_profiles/3038982.stm

ignoring separation of powers, violating judicial independence, interfering with local autonomy, etc.

In April 2009 Moldovan Communist Party won country's general parliamentary elections for the third consecutive time, this time with 49,48%. Many electoral contestants and civil society have disputed the elections results, alleging irregularities in voter rolls¹². According to the assessment of the Civic Coalition for Free and Fair Elections "Coalition 2009" (a network of more than 60 Moldovan NGOs) parliamentary elections held on 5 April 2009 were incorrect, and taking into account the situation of the Transnistrian region's inhabitants, were not entirely free. The campaign was marked by numerous violations of electoral Law such as use of public administrative resources, pressure and undue influence on electoral contestants and voters. Public stations with national coverage TV "Moldova 1" and "Radio Moldova" favoured mainly the governing party, turning the news bulletins into instruments of manipulation and propaganda in favour of PCRM and against the opposition parties.¹³ Nevertheless the International Election Observation Mission (IEOM) for the 5 April parliamentary elections in the Republic of Moldova, a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP) concluded that parliamentary elections took place in an overall pluralistic environment, offering voters distinct political alternatives and meeting many of the OSCE and Council of Europe commitments. Further improvements are required to ensure an electoral process free from undue administrative interference and to increase public confidence.¹⁴

¹² E-democracy (2009). Asociatia pentru Democratie Participativa "ADEPT" (Association for Participatory Democracy) <http://www.alegeri.md/>

¹³ Statement of the Civic Coalition for Free and Fair Elections "Coalition 2009", 7 April 2009. <http://www.e-democracy.md/files/elections/parliamentary2009/pr-coalitia-2009-07-04-09-en.pdf>

¹⁴ STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS. INTERNATIONAL ELECTION OBSERVATION MISSION. Parliamentary Election, Republic of Moldova – 5 April 2009 <http://www.e-democracy.md/files/elections/parliamentary2009/statement-ieom-06-04-09-en.pdf>

The disagreements with the elections results led to the riots. Initially peaceful protests were used to provoke violent and criminal acts resulting in the devastation of the Parliament and Presidential buildings. Repressions, intimidations and mistreatment by Moldovan police (state forces) of the protests' organizers, local and international media followed. International and local organizations issued many statements expressing concern regarding the worsening social and political situation after April 5, 2009' parliamentary elections.

2.2 Contemporary Moldovan media system – challenges and performances¹⁵

Current status of Moldovan Media system

The situation of the media in Moldova has changed essentially compared to the period before 1990. At least as in terms of the numbers, media in Moldova appear to be doing well. According to a local study¹⁶, in 2008, 420 media outlets (newspapers, radio/TV stations, magazines and news agencies) existed throughout the country. Newspapers are the largest category of media products while news agencies are the less numerous.

In a small country like Moldova **in 2008 there were:**

- **170 newspapers** with national coverage both in Romanian and Russian (registered by Moldpresa state media distribution company)¹⁷
- **49 radio stations** and **38 TV channels** (recorded by Broadcasting Coordination Council BBC)¹⁸.

However, many of these organizations have limited capacity to meet modern-day challenges and provide quality services to their news consumers and society at large, reveals a Moldovan media

¹⁵ Based on the thesis author's article "CHALLENGES AND ACHIEVEMENTS OF MOLDOVAN MEDIA" for the study "A Comprehensive Assessment of Media Needs in the Republic of Moldova" (2007). Centrul Independent de Jurnalism (Independent Journalism Center). Chisinau http://ijc.md/Publicatii/Media_Needs_Assessment.pdf

¹⁶ A Comprehensive Assessment of Media Needs in the Republic of Moldova (2007). Centrul Independent de Jurnalism (Independent Journalism Center). Chisinau http://ijc.md/Publicatii/Media_Needs_Assessment.pdf

¹⁷ State distribution company "Moldopresa" www.moldopresa.md

¹⁸ Moldovan Broadcasting Coordination Council (BCC) www.cca.md

needs assessment study¹⁹. Participants in the study reported having financial problems and suffering from direct or indirect interference from the authorities. Research results also point to a general need in awareness raising and capacity building in the areas of media regulation and selfregulation, as well as skill development for both journalists and media managers.

Another problem in Moldova is the fact that despite a formally high number of media, the population does not have access to diverse news sources in all regions. The impact of print media is still limited. An opinion poll published in March 2009 confirms the reduced popularity of newspapers. The research shows that 29.9% of Moldova's population did not read newspapers at all in the last 3 months while only 11,8% read newspapers on the daily basis²⁰. In rural areas the public broadcaster "Teleradio-Moldova" is the main source of information, which covers the news from the standpoint of the governing party. These are the findings of a monitoring report from 2007 one of the objectives of which has been to analyse the content of news programs of the "Teleradio-Moldova" company. More precisely the report states that "the public is being offered information mostly from the official viewpoint on events, which confers to the institution a state rather than a public character". "Although the payer is the tax-paying public, the company "Teleradio-Moldova" covers mostly the activity of state bodies. This means favouring the governing party, neglecting public interest and violating the provisions of the Broadcasting Code".²¹

The situation described above upsets some journalists and media NGOs that are constantly monitoring "Teleradio-Moldova" content, and very few politicians who express their disagreement with the way Moldova Public Broadcasting Service (PBS) covers the events especially during elections campaigns. In a statement from March 2009, one month before the

¹⁹ Ibidem 15

²⁰ "Barometer of Public Opinion," a regular survey commissioned by the Institute for Public Policy (IPP). PP has been commissioning the "barometers of public opinion" since 2000.
<http://www.ipp.md/barometru1.php?l=ro&id=35>

²¹ „Monitoring the implementation of the provisions of the Broadcasting Code”. Progress Report (January 1 – June 30, 2007), Electronic Press Association APEL, (2007)
http://www.apel.md/comunic/Raport_Monitor_CA_intermediar.pdf

general parliamentary election in Moldova, the Popular Republican Party (PPR) criticized PBS for “the provocative and obviously hostile conduct of the so-called public television station Moldova-1, which did not accept a civilised and legal dialogue, demanded by PPR and resorted to new trivial assaults on image of the party”²². Special programs designed by “Teleradi-Moldova” to cover the parliamentary elections campaign were also criticized by opposition political contenders. Electoral debates organised and conducted by the public television Moldova-1 and Radio Moldova follow one purpose: to trivialise a key political arena in the 2009 electoral campaign, stated Moldova Noastra Alliance (AMN) about the way Moldovan PBS organized electoral debates to inform the public about the contestants and their political agendas for the general parliamentary elections in April 2009.²³ A multitude of short programmes, about 120 overall, have been scheduled on television and radio, which bring together just two electoral contestants and most of disputes are irrelevant for effective politics in Moldova. In particular, realising that it is to blame for disaster in country and being headed by coward leaders, the PCRM (author’s note - Moldovan communist party PCRM) has minimised the danger to meet with powerful adversaries. And the lots of irrelevant debates will just irritate TV watchers” reads AMN statement.

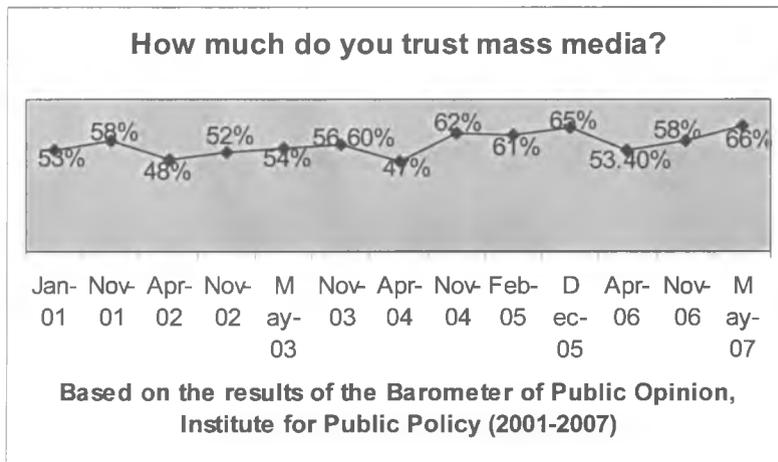
As for the public, who traditionally treats Moldovan media with a lot of trust, it is rather satisfied with the actual state of things. According to a series of nationwide representative surveys, media credibility has been increasing steadily in the last years. In March 2009 mass media was the second (with 60%) after the church most trusted “institution” in Moldovan society²⁴. 90,8% of the Moldovan public names TV as the main information source while for

²² E-democracy. Election News from March 4, 2009. PPR revolted again against the conduct of Moldova-1. <http://www.e-democracy.md/en/elections/parliamentary/2009/electoral-news/20090304/#c3>

²³ E-democracy. Election News from March 9, 2009. AMN not warming quality of debates on public radio and television. <http://www.e-democracy.md/en/elections/parliamentary/2009/electoral-news/20090309/#c8>

²⁴ Barometer of Public Opinion,” a regular survey commissioned by the Institute for Public Policy (IPP). PP has been commissioning the “barometers of public opinion” since 2000. The stated margin of error for the latest survey is 2.8% <http://www.ipp.md/barometru1.php?l=ro&id=35>

60,8% TV is the most credible source of news²⁵. Despite the criticism, public TV Moldova 1 is the first choice for daily news for up to 30% of the viewers trough out the country. One of the explanations of such behaviour of Moldovan public would simply be - lack of choice.



Media laws

Moldovan media does not lack good laws but rather their implementation. The main obstacles in implementing the laws is the formal and declarative attitude of the authorities towards freedom of expression and of the press, as well as the lack of independence of the judicial system, are some of the findings of the 2008 IREX Media Sustainability Index Report.²⁶

Moldovan legislation prohibits “censorship of any type against periodicals and news agencies, interference with their information gathering and dissemination work” (Press Law) and guarantees freedom of expression:

- “all citizens are guaranteed the freedom of thought, opinion, as well as freedom of expression in public by words, images or any other possible means (Article 32 (section 1) Constitution of the Republic of Moldova)

²⁵ Ibidem 23

²⁶ Annual report: Media Sustainability Index (MSI). 2008 http://irex.org/programs/MSI_EUR/index.asp

“guarantees to all individuals the right to freely express their views and ideas and to access truthful information on domestic and international events” (article 1, Press Law passed in 1994).

Nevertheless restrictions are also present in Moldovan media legislation. A relevant example in this sense is Article 32(3) of the Constitution that “punishes defamation of the state and the nation.” In December 2007 the government approved a legislative initiative to eliminate from the Constitution the phrase “undermining and defaming the state and the nation” which later that month was revoked by the Constitutional Court. Because of the hard economic conditions the degree of hidden censorship and self-censorship of the mass media continues to be high. The mechanism of self-regulation of mass media, that has been reduce to the signing of a Code of ethic by a series of non-governmental organizations of journalists is fragile and insufficient.

Similarly to the print media, there are special laws for broadcasting – the Broadcasting Code, passed in 2006. The piece of legislation aims at, among other things, “guaranteeing to broadcasters the right to editorial freedom and freedom of expression, and establishing democratic principles for the operation of broadcasting in Moldova...” Some of the provisions of the code were seen as positive that can potentially encourage the development the local media, increase the amount of local content. According to the Code, starting January 1, 2010 at least 80% of the amount of broadcasters’ production will constitute their own, local output and European programs, of which 50% will be transmitted in prime time. Until January 1, 2007 broadcasters’ own and local production consisting of news and analytical programs will represent no less than 65% in the state language. Starting January 1, 2007 this production will account for not less than 70%, while from January 1, 2010 it will be no less than 80%.²⁷ Despite the above mentioned positive provisions, the adoption of the new Broadcasting legislation raised

²⁷ Broadcasting Code of the Republic of Moldova, http://ijc.md/Publicatii/mlu/legislatie/codul_audiovizialului.pdf

serious concern among major media development organizations in Moldova as well as of international organizations. In a joint statement, the Association of Independent Press, the Moldovan Journalists' Union, the Press Freedom Committee and the Independent Journalism Center criticized lack of access to the Broadcast Code draft and the rush, in which the document had been adopted in its final reading. The signatories were appalled by the fact that Parliament had not taken heed of the recommendations of the civil society meant to protect local public broadcasting. Under the new Code, these institutions will be transformed into branches of Teleradio-Moldova. According to the declaration, excessive centralization of the editorial policy and the likely introduction of censorship will limit the diversity of Moldovan media landscape and will lead to the disappearance of certain alternative information sources.²⁸ According to an assessment of the OSCE, there are problems in the draft code related to the fundamental principles of freedom of expression, censorship prevention and support for a pluralistic media market. These are “mainly due to unclear formulations and provisions that are difficult to apply in a normative manner as well as to insufficient guarantees in certain cases.” Concerns have also been expressed about the insufficient independence of the Broadcasting Coordinating Council (BCC).²⁹

Broadcasting Coordinating Council (BCC)

In the Republic of Moldova licenses of radio and TV broadcasting are issued on the basis of competition by the Broadcasting Coordinating Council (BCC), autonomous (at least according to the legislation) body which has the mandate to issue the radio and TV licenses. Participants of the Media Sustainability Index study by IREX believed that the BCC does not issue licenses in a balanced and objective way, by treating preferentially media outlets that support the communists and suppress critical voices.³⁰ In May 2008 BBC distributed 16 radio and 60 TV frequencies.

²⁸ Moldova Media News, Volume 6, nr. 8, September 6, 2006, http://www.ijc.md/eng/index.php?option=com_content&task=view&id=104&Itemid=34

²⁹ Ibidem 27

³⁰ Annual report: Media Sustainability Index (MSI). 2008 http://irex.org/programs/MSI_EUR/index.asp

Local opposition radio station Vocea Basarabiei was not awarded any of the 8 FM frequencies it applied for. This was for the 26th time that BCC rejected a frequency request by this station. “The way BCC is behaving indicates that the taken decisions are prescribed from higher above, while the only thing that BCC members do is to express some partisan interests which undermine the watchdog role of media,” reads a joint statement of the media NGOs this occasion.³¹

Advertising

The advertising market in Moldova has seen a rapid development recently. According to the AGB Nielsen Media Research data, it was estimated at \$34 million in 2008, compared to \$14 million four years ago³². Both media outlets and advertising agencies lack management and experienced marketing professionals. About 59.3 % of advertising goes into television; 21% to billboards, radio receives 10.3%. Print media gets 7.4 percent, while internet and cinemas-2%. Moldova continues to have the lowest advertising prices in the region. Even though the amount of advertisement going to print media has grown recently, (with a growth of \$ 1.5 million in 2006, \$2 million in 2007, \$ 2.5 in 2008), it still remains relatively small compared to neighboring countries³³. With a few exceptions, print media does not have marketing departments and the job is taken over oftentimes by the director or the editor-in-chief.

The fact that most of advertising revenues goes into TV can be explained by this medium's popularity in Moldova. According to the Public Opinion Barometer from March 2009 (a national survey conducted by different sociological companies 2 times a year, at the request of the Public Policies Institute, a non for profit, politically unaffiliated organization), TV is the main source of information for the 90,8 % of Moldova's population (the second source will be

³¹ Statement regarding harassment actions of „Moldavskie vedomosti” newspaper, arrest of the journalist Oleg Brega and partisanship of Broadcasting Coordinating Council (BCC) www.iic.md/index.php?option=com_content&task=view&id=342

³² “The Media in Moldova” report, December 2008, www.iic.md

³³ Annual report: Media Sustainability Index (MSI) – 2008. IREX

radio with 37,6 %, and only 24% of the public named newspapers as their main information source).³⁴ It is important to mention main television channels in Moldova - the public (or state) channel *Moldova 1*, the Russian *ORT* (rebroadcasted by the company *Prime TV/Pervii Canal v Moldove*) - both have nationwide coverage, and the private TV channel *NIT*. The latter started in December 2004 as is widely seen as loyal to the current communist authorities. In January 2009 *NIT* aired progmas presenting Moldova's president and communists' party leader Vladimir Voronin as well as other representatives of ruling party and state institutions exclusively in positive light while opposition parties were covered in negative manner or completely disregarded, shows a recent monitoring report by APEL, Moldova's Broadcasters Association.³⁵ Consequently most of advertising revenue also goes to Russia. TV stations own the largest share, but TV advertising is distributed unevenly, 60% being taken by Russian public channel. The new strategy of the Broadcasting Coordination Council (BCC) refers to the risk of distortions in the operation of the advertising market under the significant influence of foreign TV channels.³⁶ Foreign TV stations, such as those from Russia, and to a less extend, Romania and Ukraine, broadcasting over the air on the territory of Moldova, have immediate access to the advertising market. International companies take advantage of this and sell their products in Moldova without investing in advertising in this country.

State influence and propaganda still alive in Moldovan media

During Soviet times a media outlet was not supposed to make money, to be profitable and to be a business. The role of media was pure propaganda, defined by NTC's Mass Media Dictionary as "the use of ideas, information opinion, and so on (author's note – in our case ideas of the only ruling communist party), for the purpose of furthering or hindering a cause, promoting or

³⁴ "Barometer of Public Opinion," a regular survey commissioned by the Institute for Public Policy (IPP). March 2009 <http://www.ipp.md/barometru1.php?l=ro&id=35>

³⁵ Monitoring Report on presence of political actors in the programs of TV stations during the pre-election period of the 2009 parliamentary elections. Period: January 1 – February 3, 2009 APEL, Chisinau http://www.apel.md/public/upload/en_Raport_de_monitorizare_preelectoral_eng.pdf

³⁶ Strategy of the Broadcasting Coordination Council (BCC) (2007) http://www.cca.md/STRATEGIA_CCA.doc

denigrating an idea, and so on.³⁷ Garth S. Jowett, Victoria O'Donnell describe the form of communication "propaganda" as the deliberate, systematic attempt to shape perceptions, manipulate cognitions and direct behaviour to achieve a response that furthers the desired intent of propagandist.³⁸ Although propaganda has been a part of human history, development of the mass media, its size and speed increased the sophistication and effectiveness of propaganda. A relevant example of efficient propaganda was the Soviet radio, controlled by the government. Lenin noted that radio was a "newspaper without paper... and without boundaries" and potentially important medium for communicating his communist ideas to the dispersed workers and peasants in both Russia and the rest of Europe and, ultimately, the world.³⁹

In the last 19 years the situation of Moldovan media did not change much. More often quoted reasons are strong connection of the media to the political actors/parties and the events taking place on the political scene, and economic crisis and limited advertising market.⁴⁰ Soviet times media because of its involvement with the political system, had an overriding inclination to defend, explain, and promote the party-government apparatus policies and views, was explaining Mark W. Hopkins in 1970.⁴¹ The Soviet mass media's overall performance was judged by the Communist Party who's leaders viewed press as party's parrot and "the means to maintain contacts with the working masses" and "rally them around the party and Soviet state".⁴² Political elites still believe today that media organizations are not just an important but a primordial political instrument, says Mihai Coman about Romanian press which shares characteristics with the media in other East European countries, including Moldova. The author

³⁷ NTC's Mass media Dictionary, R. Terry Ellmore, National textbook Company, 1991, p. 467

³⁸ Word propaganda lost its neutrality, and subsequent usage has rendered the term pejorative. To identify a message as propaganda is to suggest something negative and dishonest. Synonyms of propaganda – lies, distortion, deceit, manipulation, mind control, psychological warfare, brainwashing, and palaver. Garth S. Jowett, Victoria O'Donnell, Propaganda and persuasion, Sage publications, 2006, p. 3

³⁹ Garth S. Jowett, Victoria O'Donnell, Propaganda and persuasion, Sage publications (2006) p. 49, 125

⁴⁰ *Ghidul mass-media 2002*. Chişinău. 2003. Introducere

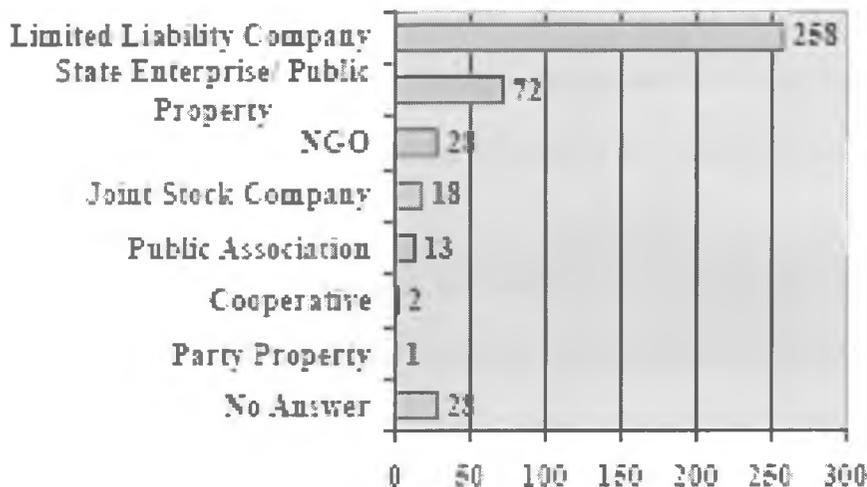
⁴¹ Hopkins Mark W. (1970) Mass media in the Soviet Union., Pegasus New York p. 31

⁴² Hopkins Mark W. (1970) Mass media in the Soviet Union., Pegasus New York (Hopkins quotes Joseph Stalin) p. 20

believes that politicians have a unidimensional, hiperpoliticized and simplified perception of the media, based on the idea of a missionary role of jurnalists and an ideologized press.⁴³

Formally in Moldova state control over media sector decreased. According to a media needs assessment study conducted in Chisinau in 2008, most of the news media are privately-owned.⁴⁴

Diagram 5. Media registration forms:



Assessment of Media Needs in the Republic of Moldova reveals that only 17% of country media reported to be “state-owned”. 82% of the media registered as “state enterprises” are print outlets. This indicates that privatization in this field in Moldova appears to be the slowest. Most of the state-owned print media are based outside Chisinau. In the regions, more than 52% of publications are state-owned.

State support certainly does not contribute to the development of a viable media market in Moldova. In 1999, a study on Media Management in the CIS carried out by the European Institute for Media⁴⁵, stated that “Still today in the CIS, newspapers are considered instruments

⁴³ Mihai Coman. *Mass media în România post-comunistă*. Ed. Polirom. București (2003) P. 41-42.

⁴⁴ A Comprehensive Assessment of Media Needs in the Republic of Moldova, Chisinau (2008) http://ijc.md/Publicatii/Media_Needs_Assessment.pdf

⁴⁵ Media Management in the CIS. A basic guide with practical recommendations, edited by Gillian McCormack, The European Institute for Media (1999, pp. 26, 19).

of influence and power as much, if not more so, than businesses". "Many newspapers in the CIS operate blind, filling the newshole and selling advertisements through instinct and guesswork". These statements were valid for the situation in the Republic of Moldova in the year 1999 and are still valid nowadays. In the last approximately seven years, if not regress than at least stagnation has been registered. A domestic study carried out in 2005 shows that "(...) the most serious challenge for Moldovan media is management, or rather its absence. In very many cases, the manager of the publication is also its editor-in-chief, as well as its economic director, while marketing team consists of one or two members. Moreover: more often than not the advertising agent of a newspaper or a journal is the same person as its ...editor-in-chief".⁴⁶

After separation from the Soviet system, the Moldovan press initially flourished, albeit it with direct sponsorship of some newspapers and magazines by domestic political parties and supportive groups mainly in Russia. Party newspaper such as "Flux", published since spring of 1995, belonging to the Moldovan Christian Democratic Party (PPCD), became of the main source of information for Moldovan public at that time. The weakness of the economy, however, has served to limit potential independence from these influences because the economic base of Moldova is insufficient to provide necessary advertising revenue.⁴⁷ Newspapers and magazines have come and gone with the economy. The overall loss in the nation's income meant a loss of the ability to purchase the publications on the street, as well.⁴⁸ Consequently, the media are exposed to editorial interference of political parties and governors, generating self-censorship and turning them into political lobby tools. Genuine market mechanisms do not work. Those who currently invest in the Moldovan mass media do not expect to make a profit -

⁴⁶ The prospects of creating an Audit Bureau of Circulations in Moldova, Independent Journalism Center, Chisinau, (2005) p. 30

⁴⁷ "Moldova" Tamara Caraus, Media Ownership and Its Impact on Media Independence and Pluralism, South-East European Network for the Professionalization of the Media and the Peace Institute, Ljubljana, Slovenia (2004) pp. 336-7

⁴⁸ Ibid, pp. 327-31.

their principal goal seems to be influence, similarly to the way it was in the past. This limits the independence of the Moldovan media.

Moldovan Government does not consider media as a business field that has to be supported from an economic point of view, like wine production or nut cultivation. At the same time, private media face unfair competition from those supported by the government – not only financially, as those receive subsidies, but also in terms of access to information. This applies both nationally and regionally, following the re-establishment of district newspapers by the public administration. A recent monitoring of 8 leading (national and local newspapers) to establish the extent to which state and private media benefit from advertising paid for with public funds (from the national budget) clearly show that the amount of state advertising does not depend on newspaper circulation.⁴⁹ The same study shows that the farther from capital city, the discrimination against private newspapers is even more obvious. Some other ways of state interference in the affairs of the private print media are various administrative and economic sanctions, including legal action in courts of law.

Historic reasons

Studies of media systems suggest that different countries share similar patterns, shaped by the political, social and cultural backgrounds of respective places. Comparing 18 countries in Europe and Americas Hallin and Mancini propose three “ideal” models based on historic, political, cultural developments of the societies:

- **North Atlantic or Liberal Model** (U.S., Canada, Ireland and Britain) characterized among other things by neutral commercial press; information-oriented journalism; internal pluralism; weak role of the state – market dominated

⁴⁹ Monitoring Advertisements Paid for with Public Funds Published in National and Local Newspapers. Mass Media in Moldova bulletin published by the Independent Journalism Center. December 2008. p.15 <http://www.iic.md/Publicatii/eng/bmm/december2008eng.pdf>

- **Mediterranean or Polarized Pluralist Model** (France, Greece, Italy, Portugal, Spain) characterized by external pluralism; commentary-oriented journalism; strong state intervention (press subsidies)
- **Northern European or democratic Corporatist Model** (Austria, Belgium, Denmark, Finland, Germany, Netherlands, Norway, Sweden, Switzerland) characterized by external pluralism; historically strong party press; shift toward neutral commercial press; strong state intervention (press subsidies) but with protection of press freedom

A superficial analysis of the three proposed models shows that there is rather a contrast between first and second and third models and that second and third models share important similar patterns such as historically strong party press, external rather internal pluralism, and stronger state intervention (press subsidies in Scandinavia, France, Italy).

Historical reasons can partly explain precarious situation of the media in Europe today (in some countries more than in others). Comparing Western European and Southern European and U.S. media systems, Daniel C. Hallin and Paolo Mancini revealed that the most obvious differences among media systems is mass circulation press.⁵⁰ Scandinavia and other parts of Northern Europe enjoy high rates of newspaper circulation while low rates are characteristic for Southern Europe. The newspapers of Southern Europe, with their relatively low circulation, have not historically been profitable and have been often subsidized by political factors.

In their attempt to imitate or adjust to the Western models “post-communist countries”⁵¹ ended up sharing more and more similarities with those, despite the debate about East European

⁵⁰ Comparing Media Systems: Three Models of Media and Politics, by Daniel C. Hallin and Paolo Mancini. Cambridge University Press, 2004. p. 22

⁵¹ According to Karol Jakobowicz, “post-communist countries” cover nations in the regions: Central Europe (Poland, the Czech Republic, Slovakia, Hungary, Slovenia and the Baltic States – Estonia, Lithuania and Latvia); eastern Balkans (Romania, Bulgaria); western Balkans (Croatia, Bosnia-Herzegovina, Serbia, Montenegro, Macedonia and Albania); European CIS countries (Russia, Ukraine, Belarus, Moldova); south Caucasus countries (Armenia, Azerbaijan, Georgia); Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) and Mongolia.

exceptionalism which is still on. Many policy or legislative measures in the media field represented the first form of imitation, says Karol Jakubowicz, the process which was followed by the effects on the media by the emergence of new political systems and market forces.⁵² Post-communist countries are often compared to the **Mediterranean or Polarized Pluralist Model** due to late or less successful democratization processes and big political influence over the media.

Historical legacies had an important influence in shaping post-communist transformation.⁵³ According to Jakubowicz, earlier histories of political conflicts, liberalization attempts, economic reforms and experiments, and oppositional activities stimulated learning process and creation of new elites that promoted more consistent and effective political and economic reforms in such countries as Czech Republic, Slovenia, Hungary, Poland, Lithuania, Estonia, Latvia (so called successful “Type A” countries)⁵⁴. Absence of such moves in Moldova as well as traditionally close relations between media and political actors continue to create challenges for the development of free media.

“Free media” is a term that has to be explained for at least two reasons. First, absolute freedom can not exist (media can not be free from the society it operates in). Even in the U.S. which according to the Freedom House is among countries with freest press⁵⁵ concerns of media being “government” or “state-corporate power’s agents” are old. The media do contest and raise questions about government policy, but they do so almost exclusively within the framework determined by the essentially shared interest of state-corporate power, noticed Noam Chomsky.

⁵² European Media Governance. National and Regional dimensions. Georgios Terzis, Intellect Bristol, UK (2007) p. 303

⁵³ Post-communist Media Development in Perspective, Karol Jakubowicz. Internationale Politikanalyse Europäische Politik | Politikinformation Osteuropa, März 2005, p. 2

⁵⁴ Rude awakening, social and media change in Central and Eastern Europe. Karol Jakubowicz, Hampton press, Inc. Cresskill, New Jersey (2007)

⁵⁵ Freedom of the press (2008). Freedom House

<http://www.freedomhouse.org/template.cfm?page=442&year=2008>

Divisions among elites are reflected in the media debate, but departures from their narrow consensus are rare.⁵⁶ Secondly, free or independent media can mean different things for different people. What is press freedom in France may be obscenity in the United States, observes Hopkins, adding that description of press freedom reflects a particular country's cultural and moral content, and ultimately its concept of the nature of man and his relation to the society.⁵⁷ In the context of this paper, an appropriate definition of "press freedom" can be the one provided by the University of Missouri's School of Journalism that tried to measure press freedom in most of the world's nations according to 23 criteria. 11 of 23 criteria deal directly with the government control or regulation of the press, only 2 relate to purely economic – private or public - restrictions. In this measurement the more government involvement, the less free mass media.⁵⁸ From the perspective of government involvement, press freedom situation in Moldova stagnates or deteriorates for the fourth consecutive year. In 2004, the Freedom House downgraded Moldova's rating from "partly free" to "not free". Moldova kept the same rating in 2005, 2006, 2007 and 2008. In 2008 while the Moldovan government has made some attempts to comply with the requirements of European integration, enacting a number of democratic legal reforms, those reforms have not been properly implemented or enforced and media restrictions have continued.⁵⁹

One of the main Moldova's objectives today is to join the European Union (EU) and to implement European standards in all the fields including media. A recent opinion pool shows that 65% of Moldova's population will vote for the joining of the EU if there will be a referendum on this matter⁶⁰. This is one of the few objectives Moldovan people and country's

⁵⁶ Necessary illusions. Though control in democratic societies. Noam Chomsky. South End Press, Boston, MA, 1989. p. 75

⁵⁷ Mass media in the Soviet Union, Mark W. Hopkins. Pegasus New York, 1970, p. 109

⁵⁸ Ibidem 54

⁵⁹ Freedom of the press (2008). Freedom House

<http://www.freedomhouse.org/template.cfm?page=251&country=7449&year=2008>

⁶⁰ Results of the Public opinion barometer study, organized by the Public Policy Institute in March 2009.

<http://ipp.md/barometru1.php?l=ro&id=35>

communist government have in common. Yet there are doubts that Moldovan government genuinely wants it and that it is not just a political trick it uses to maintain the power.

One can assume that this perspective (the wish to become EU member) makes Moldova (and its media system) similar to other post-communist countries in Central and South Eastern Europe that wish to join European family. But these assumptions are only partly true. A number of problems, including slower pace of democratization comparing to other former communist countries, instable political situation, poor economic conditions, current communist government etc., make Moldova a “special case”. “Inconsistent reformer” or “Defective democracy” are some of the “labels” / categories designed for countries such as Moldova by researchers. Karol Jakubowicz divides countries in Central and Eastern Europe into two types: successful (Type A) countries had earlier histories of political conflicts, liberalization attempts, economic reforms and experiments, and oppositional activities and as a result were more consistent and effective in implementing political and economic reform while the second group (Type B) includes countries where different barriers did not allow smooth and successful transition and transformation.⁶¹ These impediments include low living standards, low education standards, disintegration (or destruction) of indigenous cultural traditions and identity, harsh persecutions of dissidents, national/ethnic tensions, no attempts of early top-down reform etc. Moldova could easily fit into the B group of countries. As presented above some of the causes of the poor performance of Moldovan media sector are objective, historic, such as difficult Communist past, but also subjective, such as lack of genuine political will to implement the changes, despite pro-European rhetoric of the authorities. Following is the analysis of EU binding regulations in several key media domains. Implementation of these standards can potentially bring Moldova closer to its final goal which is the EU accession.

⁶¹ Rude awakening, social and media change in Central and Eastern Europe. Karol Jakubowicz, Hampton press, Inc. Cresskill, New Jersey (2007) p. 98

3. EU regulations in the fields of access to information/transparency and market rules – added value and perspectives to be implemented in Moldova⁶²

In previous chapters I talked about heritage of Moldovan media and what are some of its objectives today. We've seen that there is a consensus between media, public and politicians in terms of Moldova's EU orientation. This justifies the importance and relevance of research in the area of EU media regulations in general and the goal of current paper in particular that can help better understanding and application of those norms. An important regional project conducted in 2006 and 2007 "Preparing the Media Sector for EU Integration – EU Documents Affecting the Media Sector" had the goal to partly fulfil information void regarding EU regulations on media and to familiarize media professionals from the SEE region about EU requirements in the field of press. The project mapped the impact of EU Regulations on media in Romania, Bulgaria, Macedonia, Montenegro, and Moldova in the fields of transparency and access to information, equal opportunities, the labor market, combating terrorism, racism and xenophobia, advertising and market rules etc.⁶³

Following in this paper I will focus and analyse two areas of EU media regulations that have most relevance for Moldova – access to information/transparency and market rules. The reasons for choosing these two areas are that the reforms initiated to facilitate citizens' access to information and to create fair market conditions for all the media in Moldova failed. According to the Commission documents transparency refers to the regulations of financial relations between the public authorities and public undertakings, and financial relations within undertakings while analysed market rules documents cover market abuses and market manipulation issues, taxation matter, piracy problem.

⁶² Based on two research papers by the author of current thesis elaborated within the project "EU Documents affecting the Media", developed by the Center for Independent Journalism – CIJ Bucharest as part of the South East European Network for Professionalization of the Media (SEENPM) calendar of activities, 2006-2007.

⁶³ Preparing the Media Sector for European Integration (2007). SEENPM
<http://www.seenpm.org/new/index.php?id=42>

Seven years after the adoption of Moldovan Access to information law, the first law of its kind in the post-soviet area, which grants any individual legally residing in Moldova right to request any information or documents from authorities or public institutions without having to justify their inquiry, journalists complain about having serious problems in this field. According to a recent research carried by a Moldovan NGO specialized in promoting access to information out of 4,839 requests for information addressed to public authorities and institutions from Moldova, the applicants received answers from only 19.3% of them. Out of 934 received responses 78.1% contain full answers, 13,8 %-incomplete, and 8.1% entities gave a formal answer. NGOs received 18.5% of the answers, mass-media- 21.2%, and ordinary citizens-17.2%. The number of answers to the requests of citizens was much smaller than expected, compared to the number that press organizations received.⁶⁴

Speaking of media as business, experts interviewed as part of the IREX survey on media situation in 2007, rated the lowest number of points to Moldovan media for media management.⁶⁵ A series of objective reasons hamper media development. Overall, these refer to the lack of operational market economy and to a too tight relationship between politics and business. Some other impediments are lack of transparency of media ownership, lack of clear regulations on state advertising, state monopoly over print media distribution, and lack of foreign investments from major international media businesses.

Next is the short presentation of EU requirements in the above mentioned areas, what added value they have, and what are the perspectives for those regulations to be implemented (can they be implemented at all) in Moldova. I've focused my analysis on most important **EU directives** in these fields because they are **binding legislative acts for all member states** (and in some

⁶⁴ Dreptul la informatie: pe hîrtie și în realitate (Right to information on the paper and in the reality) 2008. www.acces-info.org.md

⁶⁵ Annual report: Media Sustainability Index (MSI) 2007

cases they provide rules for non-member states wishing to develop relations with community members).

3.1 EU on Transparency and Access to information

The transparency and fair competition issues can be regulated by national legislation of each European Union Member State. Yet national laws and practices have to comply with common EU regulations, required by the Treaty establishing the European Economic Community.

Main European Commission, European Parliament and European Council regulations aimed at ensuring both transparency of public funds use in media support and access to public information are:

- Commission Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings, 25 June 1980
- Commission Directive 2000/52/EC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings, 26 July 2000
- Commission Directive 2005/81/EC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings, 28 November 2005
- Communication from the Commission on the application of State aid rules to public service broadcasting (2001/C 320/04)
- Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information

3.1.1 Transparency – requirements

In general terms, the transparency regulations refer to the financial relations between the public authorities⁶⁶ and public undertakings⁶⁷, as well as to financial relations within undertakings. The rules are intended to ensure that these relations are transparent and cover the following aspects:

- the modes of public financing (direct or indirect)
- the types of financing (e.g. operating loss set-offs, provision of capital, non-refundable grants, or loans on privileged terms, compensation for financial burdens imposed by the public authorities)
- the use of public funds
- the availability of information about all relevant financial operations
- the necessity of separate cost and revenue accounts associated with different activities.

More specifically, the directives 80/723/EEC, 2000/52/EC and 2005/81/EC require Member States to ensure that financial relations between public authorities and public undertakings are transparent, so that the following emerge clearly:

(a) public funds made available directly by public authorities to the public undertakings concerned;

(b) public funds made available by public authorities through the intermediary of public undertakings or financial institutions;

(c) the use to which these public funds are actually put⁶⁸.

⁶⁶ The Commission Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings defines “public authorities” as “all public authorities, including the State and regional, local and all other territorial authorities”

⁶⁷ The Commission Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings defines “public undertakings” as “any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it”

⁶⁸ The Commission Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings

Both public and private companies could benefit from public funds. The Commission regulations⁶⁹ aim at ensuring that there is no unjustified discrimination between public and private undertakings in the application of competition rules. In order to have detailed data about the internal financial and organizational structure of public and private undertakings, the Commission regulations⁷⁰ require the creation of separate and reliable accounts relating to different activities carried out by the same undertaking.

The Member States must ensure that the following will emerge clearly from these accounts, in particular:

- the costs and revenues associated with different activities
- full details of the methods by which costs and revenues are assigned or allocated to different activities.

Also, Member States must ensure that information concerning these financial relations will be kept and made available to the Commission for five years from the end of the financial year in which the public funds were made available to the public undertakings concerned. However, where the same funds are used during a subsequent financial year, the five-year time limit shall run from the end of that financial year.

3.1.2 Access to public information – requirements

While pursuing the same general goals as the directives 80/723/EEC, 2000/52/EC and 2005/81/EC, namely to increase transparency and ensure observation of competition rules, the directive 2003/98/EC on the re-use of public-sector information focuses on the establishment of

⁶⁹ Commission Directive 2000/52/EC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings

⁷⁰ Commission Directive 2000/52/EC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings and Commission Directive 2005/81/EC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings

a minimum set of rules and the practical means for re-using⁷¹ existing documents⁷² held by public-sector bodies⁷³. The latter directive regulates:

- conditions (including practical arrangements facilitating the search) and timeframes for processing requests for re-use of public information
- charging principles
- licensing procedures
- non-discrimination and exclusive arrangement issues.

The specific obligations of the state bodies under this regulation⁷⁴ are:

- to process the requests for re-use within a reasonable time; where no time limits are established, state bodies will process the request and deliver the information within 20 working days. When the requests are complex, 20 more days can be used, while the applicant shall be notified about time extensions no later than after 3 weeks since the initial request
- to communicate the reasons for refusal, when a request is refused
- to make sure that the policy on fees/prices charged for the information (where it exists) is transparent; the charge must not exceed the cost of collecting, producing, reproducing and disseminating the information, together with a reasonable return on investment

⁷¹ According to the directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information - 're-use' means the use by persons or legal entities of documents held by public-sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the documents were produced. Exchange of documents between public-sector bodies purely in pursuit of their public tasks does not constitute re-use

⁷² Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information defines 'document' as (a) any content whatever its medium (written on paper or stored in electronic form or as sound, visual or audio-visual recording); (b) any part of such content

⁷³ According to the directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information 'public-sector body' means the State, regional or local authorities, bodies governed by public law and associations formed by one or several such authorities or one or several such bodies governed by public law

⁷⁴ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information

- ensure that practical arrangements are in place to facilitate the search for documents available for re-use, such as asset lists, accessible preferably online, of main documents, and portal sites that are linked to decentralized asset lists
- to guarantee that non-discrimination rules are applied when the information is used by different actors (both private and public)
- to ensure that contracts or other arrangements between the public-sector bodies holding the documents and third parties do not grant exclusive rights. If exclusive rights are necessary, state bodies will review every 3 years the reasons allowing for these exclusive right. The exclusive arrangements will be transparent and public.

3.1.3 Why are these directives important?

The above mentioned directives affect all beneficiaries of public funds. In theory all media types (print and electronic) can be affected. In practice the implications are more visible when it comes to the Public Service Broadcasters (PSB). The Commission states explicitly that PSB financing is a form of State aid: “any transfer of State resources to a certain undertaking - also when covering net costs of public service obligations - has to be regarded as State aid”.⁷⁵ The financing of PSBs is important since it is “a way to ensure the coverage of a number of areas and the satisfaction of needs that private operators would not necessarily fulfill to the optimal extent.”⁷⁶ Yet Member States will also make sure that financing of PSBs or other businesses entrusted with the operation of services of general economic interest will not affect competition in the relevant markets (e.g. advertising, acquisition and/or sale of programmes).

⁷⁵ Communication from the Commission on the application of State aid rules to public service broadcasting (2001/C 320/04). P. 19

⁷⁶ Communication from the Commission on the application of State aid rules to public service broadcasting (2001/C 320/04)

The Commission allows discretion to Member States to define and organize the funding of public service broadcasting organizations⁷⁷, but requires the observation of trading conditions and competition in the Community and the common interest. At the same time “the realization of the remit of that public service shall be taken into account.” The definition of the “public remit” or “public service mandate” is also left up to the Member States. However, the definition has to include the Commissions’ concepts and values and has to be as precise as possible so that the Commission can monitor how Member States comply with its regulations, while Member states can monitor PSB performance. Although it is not up to the Commission to judge the quality of certain programmes, it is expected that PSBs will provide balanced and varied programming “consistent with the objective of fulfilling the democratic, social and cultural needs of a particular society and guaranteeing pluralism, including cultural and linguistic diversity.”⁷⁸ The Commission stresses the importance and effectiveness of having a genuinely independently appointed body which is going to supervise the quality standards.

The directive *2003/98/EC* affects the state, regional or local authorities that hold documents concerning not only the political process but also the legal and administrative process and have the obligation to make them available in order to guarantee the public’s right to know, which is a fundamental principle of democracy. Also, it affects persons or legal entities wishing to access public documents for commercial or non-commercial purposes.

3.2 EU on market rules

Reasons behind EU media market regulations, rooted in industrial policy, was the intention to encourage “job growth” and to correct trade imbalance with the U.S.. Alison Harcourt says the communication industry has been portrayed by EC as a panacea solution to the long-term loss of

⁷⁷ Directive 2000/52/EC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings quotes the Treaty establishing the European Community and the interpretative provisions annexed to the Treaty by the Protocol on the system of public broadcasting in the Member States

⁷⁸ Communication from the Commission on the application of State aid rules to public service broadcasting (2001/C 320/04). P. 33

jobs in manufacturing industries, as domestic companies move offshore.⁷⁹ It was believed that the capacity of communication industries could ease growing unemployment in Europe. Initially these regulations affected mainly broadcasting markets but issues such as convergence created room for regulations in the field of print press as well. EU uses “hard” and “soft” instruments such as “Open method of co-ordination”⁸⁰ to implement regulations in the field.

Analysed documents:

- **Directive 2003/6/EC** of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0006:EN:HTML>
- **Directive 2002/38/EC** of 7 May 2002 amending temporarily Directive 77/388/EEC as regards the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_128/l_12820020515en00410044.pdf
- **SIXTH Directive of 17 May 1977** on the harmonization of the laws of the Member States relating to turnover taxes - Common system of value added tax: uniform basis of assessment (77/388/EEC) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31977L0388:EN:HTML>
- **Directive 98/ 84/ EC** of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access. http://europa.eu.int/eur-lex/pri/en/oj/dat/1998/l_320/l_32019981128en00540057.pdf

The purpose of the above mentioned documents is to protect market integrity and to ensure smooth functioning of the markets by completing Community legal framework, which varies

⁷⁹ The European Union and the regulation of media markets, Aloson Harcourt, Manchester University Press (2005) p. 9

⁸⁰ “Open method of co-ordination” was made official in Lisbon in 2002 and it is a method for the agreement of policy guidelines for the EU through exchange of information, benchmarking, emulation of best practice, target-setting, monitoring and review

from one Member State to another, leaving economic actors often uncertain over concepts, definitions and enforcement, as it is stated for instance in the Directive 2003/6/EC.

More precisely, examined directives are dealing with:

- market abuses and market manipulation issues,⁸¹
- taxation matter (ways to minimize distortion of competition and in particular the non-imposition or double imposition of value added tax within the Community)⁸²,
- piracy problem (legal protection of all services whose remuneration relies on conditional access and measures against illicit devices which give unauthorized access to protected services.)⁸³

Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation

The Directive points out that in some Member States there is no legislation addressing the issues of price manipulation and the dissemination of misleading information. Market manipulation prevent transparency, which is a prerequisite for trading for all economic actors in integrated financial markets. The regulations become crucial especially since the “new financial and technical developments enhance the incentives, means and opportunities for market abuse: through new products, new technologies, increasing cross-border activities and the Internet.”⁸⁴

The definition of what constitutes market abuse is a general one. Market abuse may arise in circumstances where investors have been unreasonably disadvantaged, directly or indirectly, by others who:

⁸¹ Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation.

⁸² Directive 2002/38/EC of 7 May 2002 amending temporarily Directive 77/388/EEC as regards the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services & SIXTH Directive of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes

⁸³ Directive 98/ 84/ EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access.

⁸⁴ Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation. P (10).

- have used information which is not publicly available (insider dealing);
- have distorted the price-setting mechanism of financial instruments;
- have disseminated false or misleading information.

This type of conduct can undermine the general principle that all investors must be placed on an equal footing.⁸⁵

The purpose of the Directive is to fill in the legal gaps and to ensure the integrity of financial markets within the Community and to enhance investor's confidence in those markets. The document is intended to prevent market abuse (consisting of insider dealing⁸⁶ and market manipulation) which can undermine public confidence and therefore damage the smooth functioning of the markets.

The Directive sets the rules for possessing and disclosing the "inside information"⁸⁷ by both natural and legal persons, including media. It encourages economic actors to contribute to market integrity by various means such as checks conducted by independent auditors, transparent transactions, including publication of those transactions as a source of information for investors etc.

According to this Directive, "market manipulation" includes also the dissemination by media of false information. It forbids acts described as "dissemination of information through the media, including the Internet, or by any other means, which gives, or is likely to give, false or misleading signals as to financial instruments, including the dissemination of rumours and false

⁸⁵ <http://europa.eu/scadplus/leg/en/lvb/l24035.htm>

⁸⁶ Directive 2003/6/EC, p (17): As regards insider dealing, account should be taken of cases where inside information originates not from a profession or function but from criminal activities, the preparation or execution of which could have a significant effect on the prices of one or more financial instruments or on price formation in the regulated market as such.

⁸⁷ Directive 2003/6/EC, art.1 (1) inside information shall mean information of a precise nature which has not been made public, relating, directly or indirectly, to one or more issuers of financial instruments or to one or more financial instruments and which, if it were made public, would be likely to have a significant effect on the prices of those financial instruments or on the price of related derivative financial instruments.

or misleading news, where the person who made the dissemination knew, or ought to have known, that the information was false or misleading". In respect of journalists, the Directive says, when they act in their professional capacity such dissemination of information is to be assessed taking into account the rules governing their profession, unless those persons derive, directly or indirectly, an advantage or profits from the dissemination of the information in question.⁸⁸

In other words, when a journalist is doing its duty to inform the public, the dissemination of false or misleading information has to be judged differently.

Among other things, this Directive requires from Member States:

- to prohibit any person who possesses inside information from using that information by acquiring or disposing of, or by trying to acquire or dispose of, for his own account or for the account of a third party, either directly or indirectly, financial instruments to which that information relates. The prohibition applies to a number of persons, including those having access to the information through the exercise of his employment, profession or duties;
- to prohibit natural or legal persons from disclosing inside information to any other person unless such disclosure is made in the normal course of the exercise of his employment, profession or duties;
- to ensure that issuers, for an appropriate period, post on their Internet sites all inside information that they are required to disclose publicly;

⁸⁸ Directive 2003/6/EC, art. 1, p.2 (c)

- to ensure that market operators adopt structural provisions aimed at preventing and detecting market manipulation practices.

This Directive also requires Member States to designate a single competent administrative authority to ensure that the provisions of this Directive are applied and, if necessary, impose sanctions.

Both criminal and administrative measures and sanctions can be taken by the Member States against the persons responsible for violation of this Directive's provisions. Member States shall ensure that these measures are effective, proportionate and dissuasive and that an appeal may be brought before a court against the decisions taken by the designated competent authority.

According to the Eur-Lex, official EU Law portal, after October 2004, the date Directive entered into force, 23 out of 25 old Member States reported having national provisions concerning Directive 2003/6/EC. But the fact that there is a reference to national implementing measures does not necessarily mean that these measures are either comprehensive or in conformity.⁸⁹

Directives 2002/38/EC and 77/388/EEC are aimed to create rules in order to avoid double taxation, non-taxation or the distortion of competition in the Member States. It describes who, when, where and how has to be taxed. Directive 2002/38/EC is more recent and has the purpose to amend the directive 77/388/EEC by introducing precise, more adequate rules for taxing (VAT) radio and television broadcasting services and electronically supplied services⁹⁰.

⁸⁹ Eur-Lex, official EU Law portal

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72003L0006:EN:NOT#FIELD_BE

⁹⁰ Which are, according to directive 77/388/EEC: Website supply, web-hosting, distance maintenance of programmes and equipment; supply of software and updating thereof; supply of images, text and information, and making databases available; supply of music, films and games, including games of chance and gambling games,

The amendments are aimed to ensure, in particular, that such services “where effected for consideration and consumed by customers established in the Community are taxed in the Community and are not taxed if consumed outside the Community”.⁹¹

On the other hand, it provides that “radio and television broadcasting services and electronically supplied services provided from third countries to persons established in the Community or from the Community to recipients established in third countries should be taxed at the place of the recipient of the services.”⁹²

Broadcasters and operators providing electronically supplied services from third countries will enter special schemes in order to comply with fiscal obligations of the Community. The scheme allows them to be identified in a single Member State.

Identified taxable person is required, among other things:

- to state when his activity as a taxable person commences, changes or ceases. Member States shall allow the taxable person to make such statements by electronic means, and may also require that electronic means are used (Art. 2);
- to submit a return⁹³ by a deadline to be determined by Member States. That deadline may not be more than two months later than the end of each tax period. The tax period shall be fixed by each Member State at one month, two months or a quarter. Member States may, however, set different periods provided that they do not exceed one year (Art. 2);

and of political, cultural, artistic, sporting, scientific and entertainment broadcasts and events; supply of distance teaching

⁹¹ Directive 77/388/EEC, (2)

⁹² Directive 77/388/EEC, (3)

⁹³ According to directive 77/388/EEC “value added tax return” means the statement containing the information necessary to establish the amount of tax that has become chargeable in each Member State.

- to keep records of the transactions in sufficient detail to enable the tax administration of the Member State to determine that the value added tax return is correct. These records shall be maintained for a period of 10 years from the end of the year when the transaction was carried out (Art. 1).

The recapitulative statement shall be drawn up for each calendar quarter within a period and in accordance with procedures to be determined by the Member States, which shall take the measures necessary to ensure that the provisions concerning administrative cooperation in the field of indirect taxation are in any event complied with. Member States shall allow the taxable person to make such statements by electronic means.

Member States shall take the necessary measures to ensure that persons considered to be liable to pay the tax shall comply with the obligations relating to declaration and payment. States may impose other obligations which they deem necessary for the correct levying and collection of the tax and for the prevention of fraud.

Directive 98/ 84/ EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access.

While pursuing the same general goals as the *directives 2003/6/EC & 2002/38/EC*, namely to protect the market from abuses and ensure equal and fair competition, this Directive focuses on fighting piracy. Using the language of the directive, it fights “illicit devices”⁹⁴ which give unauthorized access to “protected services” such as:

- television broadcasting,

⁹⁴ According to the Directive 98/ 84/ EC, art.2 (e) illicit device shall mean any equipment or software designed or adapted to give access to a protected service in an intelligible form without the authorization of the service provider;

- radio broadcasting, meaning any transmission by wire or over the air, including by satellite, of radio programmes intended for reception by the public,
- information society services.⁹⁵

The directive makes sure that fundamental right of citizens to receive and impart information regardless of frontiers, as specified in the Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the rights of broadcasters to receive remuneration for their services that are based on “conditional access”⁹⁶ are equally protected. It recognizes that fees are important for the broadcasters to survive and be economically viable.

The rule differs when it comes to public broadcasters. According to this directive public broadcasters can be accessed without an authorization: “a number of broadcasting services, recognized as being of public interest, are not based on conditional access”.⁹⁷

Member states have to take measures to ensure that consumers are protected from receiving misleading information. Activities prohibited on the territory of member states include:

- (a) the manufacture, import, distribution, sale, rental or possession for commercial purposes of illicit devices;
- (b) the installation, maintenance or replacement for commercial purposes of an illicit device;
- (c) the use of commercial communications to promote illicit devices.⁹⁸

⁹⁵ Directive 98/ 84/ EC, art.2 (a).

⁹⁶ According to the Directive 98/ 84/ EC, art.2 (b) conditional access means any technical measure and/or arrangement whereby access to the protected service in an intelligible form is made conditional upon prior individual authorization

⁹⁷ Directive 98/ 84/ EC, p (9)

⁹⁸ Directive 98/ 84/ EC, art. 4

Among other things, the directive prescribes that sanctions against piracy have to be proportionate to the potential impact of the illegal activity.

3.3 Possible effects of EU regulations on Access to information and transparency

If implemented by states wishing to join European Union, regulations in the field of access to information and transparency can have a positive impact on media markets by making them more transparent and making media outlets more accountable.

The transparency in public funding of the media could reduce and eventually do away with state-owned print media in the countries where such outlets still exist (e.g. the Republic of Moldova, Serbia). Governments may find themselves in a situation when financing media outlets in a transparent manner is not convenient because the desired propagandistic effects can no longer be achieved. As a result, there will be more chances for pluralism and fair competition on media markets. In the Republic of Moldova, the lack of transparency on media ownership and public funding of the press made it possible for the governing party to maintain control over local newspapers financed by local public authorities. By means of public funding, the governing party controls up to 25 from more than 40 local newspapers. The publications supported by the authorities enjoy privileged conditions on the advertising market, at the expense of independent media outlets. They receive advertising contracts from public bodies as well as from private companies under pressure from the authorities. In 2005, the state media privatization process has started. Moldovan cabinet decided to withdraw as a founder of government-founded national newspapers - the Romanian-language "Moldova Suverana" and the Russian-language "Nezavisimaia Moldova". In practice, the state newspapers have only changed their insignia, thus becoming „independent“, but continuing the same editorial policy that serves the government. There is no credible information on whether Government continues to finance those newspapers. But is known that they maintain their offices for a symbolic rent fee in a state building and they pay less than private media to the state owned printing house.

The transparency in public funding of the media could create equal condition for all media outlets to receive state advertisement funds from government institutions. Romania has seen numerous scandals concerning the lack of transparency of public funds spent on state advertisement. These practices, regarded as a powerful tool of controlling media, came to an end in May 2005. Under pressure from civil society, the new Romanian Government proposed regulation, adopted eventually by Parliament, which introduced a new master contract for state advertisement and obliged authorities to make public any contract on state advertisement signed with media organizations.⁹⁹ According to the monitoring report conducted by Romanian Center for Independent Journalism, one year since new legislation has been in place, the level of state advertisement dropped dramatically, almost four times. Although there is no clear evidence of the lack of political will to implement the reform, the report finds that the legal reform is not being implemented properly due to the lack of administrative capacities.¹⁰⁰

While state aid for public broadcasting is seen as a tool to make quality programmes for every segment of the audience and to avoid “commercialization”, it can also have perverse effects. Firstly, it can affect fair competition on the internal media market. Even when financed by the state, public broadcasters are tempted to enter into market competition. Public-service broadcasters are compromising quality to compete with commercial channels, but, at the same time, many of them depend on governments or political parties. These developments jeopardize broadcasting pluralism and diversity, the new democracies of Central and Eastern Europe being subject to the highest risk.¹⁰¹ Secondly, state aid for public broadcasters could damage the free trade between Member States. This is clearly the position as regards the acquisition and sale of programme rights, which often takes place at an international level. Advertising, too, in the case

⁹⁹ The regulation was initially elaborated by a working group consisted of Center for Independent Journalism, The Agency for Press Monitoring (Agentia de Monitorizare a Presei), Romania Press Club (Clubul Roman de Presa) and TV industry professionals as well as Government experts

¹⁰⁰ The report “Publicitatea de stat – un an de transparenta”. June 26, 2006, <http://www.cji.ro/rh/raport.doc>

¹⁰¹ The report *Television Across Europe: Regulation, Policy and Independence*, published by OSI's EU Monitoring and Advocacy Program (EUMAP) and Media Program. The report covers 20 European countries—EU members, candidates, and potential candidates—from U.K. to Turkey, and from Romania to France.

of public broadcasters who are allowed to sell advertising space, has a cross-border effect, especially for homogeneous linguistic areas across national boundaries.¹⁰²

The transparency of public funding of the media and equal access to information could increase the investments in the media sector. Foreign investments in the media have been growing, bringing infusions of capital and business expertise in several countries from South-eastern Europe which did start the process of negotiating European Union accession.

The implementation of access to information provisions can contribute to the opening up of public institutions and reduce the secrecy around public information in the region. However, considerable efforts to secure access to public information are still needed. In the Republic of Moldova, years after the adoption of the law on access to information, some public institutions have started to be more open, e.g. the Parliament adopted decisions to publish the minutes of the Parliament's plenary sessions and a newly elaborated draft law on the Transparency of Decision-Making is about to be approved. As the Access to Information Directive projects, it can create conditions for the development of services based on public-sector information as an important primary material for digital-content products and cross-border cooperation. Wider possibilities of re-using public-sector information should among other things allow European companies to exploit its potential and contribute to economic growth and job creation.¹⁰³

3.3.1 Possible effects of EU market rules regulations

All the abovementioned Directives are addressed exclusively to the Member States. Still the **Directive 2003/6/EC** hints at non-member states when it comes to the relations between broadcasters from Community and those from the third countries. Broadcasters from third

¹⁰² Communication from the Commission on the application of State aid rules to public service broadcasting (2001/C 320/04)

¹⁰³ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information

countries are obliged to obey with the Community regulations in order to be able to work in the Community.

If properly implemented, these documents may have positive effects on the media markets by making them more transparent, accountable and viable.

Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation targets media professionalism and editorial freedom issues, encouraging media (both print and electronic) to be more accurate while reporting on economic and financial issues in order to avoid misleading the public and potential investors.

In broader sense, this directive stands for transparent markets, free from economic crimes and attractive for investors, including investors interested in media enterprises.

Media self-regulation practices are crucial for achieving better coverage of financial and economic issues. Directive recognizes the role of media and states that cases when journalists are involved have to be judged taking into account the nature of profession, which is to inform the public. While implementing this Directive it is important to ensure that “judges” or bodies appointed to solve potential cases don’t underestimate the importance of journalists and don’t take measures to restrict their activity.

Directives 2002/38/EC, 98/ 84/ EC and 98/ 84/ EC are particularly important for the broadcasting sector. Enforcement of these provisions may improve economic viability of radio and TV broadcasters by protecting them from piracy and unfair competition generated by operators from third countries.

In its report from the April 2003 the Commission shows that implementation of the Directive has not yet been fully achieved within the Union, that enforcement at national level has to be consolidated and that joint efforts are instrumental in fighting piracy effectively. It argues that “only if pirates do not find safe havens in Europe will it be possible to combat piracy”. Therefore, the Commission says it will continue its co-operation with other European countries and relevant international organizations in an effort to create a coherent pan-European legal framework against the piracy of electronic pay services.¹⁰⁴

4. “Back to Europe” – political actions and reality

4.1 Between Europe and Russia

Ready or not, after 1989 many post-communist countries simply had no choice but to embrace the idea of EU integration. Which is not necessary a bad one unless, as it was mentioned earlier, it is just a political trick to maintain the power or gain political capital. Among the benefits of the internationalization of media markets were mentioned diversification of media products, appearance of foreign media companies free from state control, influx of investments and advertising etc. If foreign capital did not enter Hungary, state sector would remain a large factor in the Hungarian press, says Jakubowicz who talks about two dynamics of European integration in the media field:

1. The opening up of markets in either part of Europe to receive the media products and capital of the other part;
2. And of two-way flows between those markets.¹⁰⁵

Again Moldova is special by letting today foreign (mainly Russian) media systems and markets to benefit from the opening/integration process to detriment of local media. From the chapter 2

¹⁰⁴ Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the implementation of Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, and consisting of, conditional access (It covers the period from adoption of the Directive in November 1998 through to the end of 2002)
http://ec.europa.eu/internal_market/media/docs/elecpay/com-2003-198_en.pdf

¹⁰⁵ Rude awakening, social and media change in Central and Eastern Europe. Karol Jakubowicz, Hampton press, Inc. Cresskill, New Jersey (2007) p. 217

we've learned that most of advertising revenue goes to Russia. 60% of the TV advertising is taken by Russian public nationwide channel. The fact that Moldovan legislation allows rebroadcast of foreign channels caused the situation in which today Moldovan private TV and radio stations broadcast few locally produced programs, the exception is Teleradio-Moldova state/public company. Local content constitutes from one hour per week up to several hours per day out of the broadcasting output of a local radio or TV station. Most of the content of Moldovan media has foreign origins. But this does not mean that Moldovan media content is influenced by a variety of international actors. It is important to note that majority of private radio and TV stations rebroadcast programs, especially entertainment, of the stations from Russia.

Thomas L. McPhail talks about the shift after 1990, with the demise of the Soviet Union and communism as a major global force, of East-West tone and the “impact of the governments and other entities on free speech, or the free flow of information or data across international borders”¹⁰⁶. He says “the end of communism spelled the demise of the Soviet enemy of the free press and of the free flow of information” and there is at least a downgrading of the importance of foreign news coverage with the demise of Soviet Union. Much of that changed with 9/11 author says.¹⁰⁷ Obviously East-West rhetoric is not present in the international communication today. But when it comes to communication most of the authors speak about the United States (U.S.) as the only world's power and European Union or parts of Asia competing with U.S., ignoring the role of Russia which is still very much present in the countries that use to be part of the Soviet Unions or belonged to its “sphere of influence”. Moldova is a good example in this respect.

¹⁰⁶ Thomas L. McPhail. *Global Communication. Theories, stakeholders, and trends*. Blackwell publishing, Oxford, 2006. Introduction

¹⁰⁷ *Ibidem* 103

Domination of Russian media and media products in Russian language is the main problem local communication sphere faces today. The Strategy on national coverage with broadcasting program services (2007 – 2010), adopted by Moldovan Broadcasting Coordinating Council (BCC) in July 2007 points out that the broadcasting in Moldova is developing to the disadvantage of the citizens' information. To a ratio of 72% representing the majority nation and 13% representing the Russian minority, in Moldova there are over 80 radio and TV stations rebroadcasting programs in Russian and only 13 stations broadcasting mainly in Romanian.¹⁰⁸ Romanian/Moldovan is the only official language of the country. The above mentioned strategy was developed at the initiative and with the support with the media NGOs. The fact that BCC took part in the process of strategy drafting and approved it does not mean automatically that it is going to implement its provisions. Moldova has been frequently criticized for not implementing the laws in the field of media, most of them good laws. A report about the situation in the field of media legislation and freedom of speech in Moldova in 2008 states that in spite of the “good” media laws, the overall situation of the freedom of expression has not seen a change in 2008, on the contrary, it has “deteriorated” a lot.¹⁰⁹

4.2 EU-Moldova action Plan - instrument to boost reforms?

Following pressures from outside but also seeking to gain more popularity, in 2005 Moldovan communist government Moldova has signed a 3-years Moldova-European Union Action Plan, the main document that included Moldova's commitments towards the EU, one of the priorities of which was ensuring respect for the freedom of the media and the freedom of expression.

According to the plan, respect for the freedom of expression had to be accomplished by:

- ensuring transparent relationship between the authorities and media institutions in line with the recommendations of the Council of Europe; providing state financial support to

¹⁰⁸ Strategy of the BCC on national coverage with broadcasting program services (2007 – 2010), (July 2007). http://www.cca.md/STRATEGIA_CCA.doc

¹⁰⁹ Annual report: Media Sustainability Index (MSI) – 2008. IREX. http://irex.org/programs/MSI_EUR/index.asp

media to abide by strict and objective criteria equally applicable to all media, on the one hand and

- working out and implementing appropriate legal framework that guarantees the freedom of expression and of the media in line with European standards.

In practice, despite the formal denationalization of governmental newspapers, disappearance of many party newspapers and the transformation by law of the national radio and TV stations into public broadcasters, media remain, first of all, a tool of promoting political interests, having neither financial independence, therefore, nor editorial independence.

There are discrepancies between the reports of the implementation of EU-Moldova Action plan issued by state authorities and NGO sector. Moldovan public and civil society point out that the reforms are not implemented properly and problems are still in place, especially in the field of media. According to a national survey, 41% of respondents believe that public/state radio and TV stations cover the events from the perspective of the governing party and 48% on population think that media is not free and face state censorship while presenting news and comments.¹¹⁰ In a study tracking the enforcement of the European Union-Moldova Action Plan two NGOs— ADEPT and Expert Grup, show that press freedom and access to information in Moldova, “have not registered significant development.” They pointed out a series of problems including the lack of state financial support for media, the interference of a number of politicians and interest groups in the workings of BCC; the fact that National Public Broadcasting Company Teleradio-Moldova still did not fully meet the qualifications of a public broadcaster and that the Supervisory Council of Teleradio-Moldova had not yet identified its place and role provided for in the law.¹¹¹

Similar shortcomings are present in reports monitoring the enforcement of the Broadcasting

¹¹⁰ Public opinion barometer, IPP, 2008

¹¹¹ Euromonitor Nr. 13 (October-December 2008) <http://www.e-democracy.md>

Code by the regulating authority in the field (BCC), by the Supervisory Council of, the National Public Broadcasting Company Teleradio-Moldova and by the administration of Teleradio-Moldova, as well as by the Regional Public Broadcasting Company Teleradio-Gagauzia.

Monitoring was carried out by 10 media and human rights NGOs under the leadership of the Electronic Press Association APEL, after the code came into force. Study reveals frequent and serious violations of the legislation in force at all levels and by all entities responsible for the proper enforcement of the law.¹¹² Findings of local experts are backed up by the evaluations of international organizations. Freedom House' "Nations in Transition 2008" states that media independence in Moldova in 2008 registered the lowest score since 1999 - 5.5 points.¹¹³ Nations in Transit 2008 measures progress and setbacks in democratization in 29 countries and administrative areas from Central Europe to the Eurasian region of the Former Soviet Union according to seven categories: National Democratic Governance, Electoral Process, Civil Society, Independent Media, Local Democratic Governance, Judicial Framework and Independence, Corruption. The ratings are based on a scale of 1 to 7, with 1 representing the highest and 7 the lowest level of democratic progress.

4.3 Between official statements and reality

A bilateral plan with the EU did not motivate Moldovan authorities enough to follow their obligations. Moldova's next performances will be supervised within the recently approved Eastern Partnership initiative, an attempt by the EU to resuscitate the European neighbourhood policy and focus EU's political attention on the East. Interestingly enough, Moldova communist government already stated they are not happy about it and wishes to have more, something similar to an Association Agreement. EU foreign policy chief Javier Solana said on 27 April that neither Belarus president Alexander Lukashenko nor his Moldova counterpart Vladimir

¹¹² The enforcement of the Broadcasting Code by the regulating authority in the field (BCC), by the Supervisory Council of, the National Public Broadcasting Company Teleradio-Moldova and by the administration of Teleradio-Moldova, as well as by the Regional Public Broadcasting Company Teleradio-Gagauzia. www.apel.md

¹¹³ The scale is 1 to 7, with 1 - the highest and 7 - the lowest level of democratic progress

Voronin are likely to attend an EU summit with six former Soviet states to take place in Prague on 7 May.¹¹⁴ The aim of the event is to inaugurate EU's Eastern Partnership initiative to boost ties with Armenia, Azerbaijan, Belarus, Georgia, Ukraine and Moldova to accelerate political and economic reforms in the region.

This behavior of Moldovan president contradicts his party declarations. "Building European Moldova together"¹¹⁵ was one of the main slogans used by Moldovan Communist Party in the campaign for the parliamentary election in April 2009. True reasons behind communists' party leaders European aspirations were challenged by opposition media that considered the above mentioned slogan no more than an electoral trick. After wasting the chance to solve Transnistria conflict (note of the author – promises to solve Transnistria conflict were among main priorities/slogans used by communist party in last elections campaign), communists find themselves in the situation to formally take over the idea of European integration so that they do not lose completely this time, wrote an opposition newspaper in February 2009¹¹⁶. Some actions of communist government during and immediately after the spring 2009 elections served as "reality check" for their official declaration and proved discrepancies between what they say and do.

In April 2009 Moldovan president decided to impose a visa regime for Romanians going to Moldova following his accusations of Romania being behind the violent protest against election fraud by the ruling Party of Communists, initiated in Chisinau at the beginning of the month, after the parliamentary elections day on 5 April. According to OSCE Office for Democratic Institutions and Human Rights post election interim report, the Moldovan authorities alleged that the dispute over the election results that led to demonstrations and vandalization of the

¹¹⁴ <http://www.azi.md/en/story/2614>

¹¹⁵ Suplimentul "Alegeri – 2009". V. Voronin: "O Moldova europeana o construim impreuna" (Supplement "Elections - 2009". V. Voronin: "Building European Moldova together"). *Nezavisimaia Moldova newspaper*, 11.02.09, p. 1

¹¹⁶ *Integrarea europeana, lozica electorala a comunistilor* (European integration, communists' electoral slogan), *Timpul de dimineata newspaper*, 12.02.09, p. 6

President's administration and the Parliament buildings was a cover for an attempted *coup d'état* organized with the involvement of foreign special services. Some 150-200 persons, mostly young people, were reported as having been arrested by the police on 7 and 8 April, with further arrests carried out in the subsequent days, including detentions in universities and arrests of minors. There have been credible reports by NGOs about mistreatment of detainees and three fatalities were reported allegedly in connection with the demonstrations and detentions.

Moldovan authorities confirm one such death as connected with the riots.¹¹⁷ According to the Moldovan Ministry of Internal Affairs about 200 persons have been arrested following protests, whilst Moldovan media reported on about 800 missing people believed to be in the police's custody.

Reacting to this situation, EU called Moldova to normalize its relations with Romania. While understanding the complexity of the Moldovan-Romanian relations, we call on the government of Moldova to resume normal relations with Romania, the EU's Czech presidency, France and Sweden said in a joint statement on 10 April.¹¹⁸ EU Commissioner, Benita Ferrero-Waldner expressed a stronger concern at a news conference in Brussels on the implementation of the neighborhood policy. Moldova: "We're dismayed at Moldova's decision to introduce visas for the Romanian citizens". Answering questions of Moldovan journalists Gunnar Wiegand, a director for Eastern Europe, Southern Caucasus and Central Asia from the European Commission, has said Moldova and Romania should quickly reach an agreement on the visa issue. The Moldovan parliament abolished the visas for the EU citizens in 2007, and the government introduced them again for a single EU state - Romania - after President Vladimir Voronin had accused that country of organizing the April 7 demonstrations in Chisinau.¹¹⁹

¹¹⁷ OSCE Office for Democratic Institutions and Human Rights post election interim report on parliamentary elections in Republic of Moldova. <http://www.azi.md/uploads/docs/09/49eec7f6e7d87.pdf>

¹¹⁸ <http://www.azi.md/en/story/2203>

¹¹⁹ <http://www.azi.md/en/story/2552>

A report by a leading media NGO states that since April 7 2009 Moldovan law enforcement bodies have unleashed widespread repression against national and foreign journalists, especially against journalists working for independent media outlets, who while on duty, have been illegally detained by the police.¹²⁰ Local and international organizations expressed concerns about the deterioration of media situation. Eight Moldovan non-governmental media organizations (Independent Journalism Center, Association of Independent Press, Investigative Journalism Center, Young Journalist's Center, "Acces-info" Center, Broadcast Media Association, Press Freedom Committee, and the Union of Journalists of Moldova) called on international organizations and institutions to intervene urgently with Moldovan authorities to explain why foreign journalists' right to free movement was obstructed; Moldovan journalists' access to public interest information was restricted; journalists were intimidated and physically abused while performing their duties; many websites and portals of foreign and Moldova media were blocked.¹²¹ While on April 10 "ARTICLE 19", an independent human rights organisation that works around the world to protect and promote the right to freedom of expression, condemned the climate of fear created by the Moldovan government, including the intimidation and censorship of dissenting voices and the media. In its statement, organization reveals that the current climate of fear, through intimidation, attacks and possible 'disappearances' of peaceful demonstrators and journalists, and the censorship of the media, through assaults on journalist, entry bans and blocking of websites violate fundamental human rights, and in particular the right to freedom of expression. The fundamental right to freedom of expression is enshrined in Article 19 of the *International Covenant on Civil and Political Rights* (ICCPR), which the Republic of Moldova acceded to in 1993 and is bound to uphold. If the authorities fail to conduct a prompt investigation into the allegations mentioned above they will further breach

¹²⁰ Report on abuses against journalists following protests on 6-10 April 2009

http://www.ijc.md/eng/index.php?option=com_content&task=view&id=256&Itemid=1

¹²¹ APPEAL to all foreign institutions and organizations accredited in Moldova, 10 April 2009

http://www.ijc.md/eng/index.php?option=com_content&task=view&id=254&Itemid=1

their obligations under the European Convention of Human Rights, which entered into force in Moldova in 1997.¹²²

5. Perspectives for EU regulations to be implemented in Moldova

All the countries in the region stated the European integration as their main goal. To achieve this goal these countries are supposed to fully implement the *aqui communautaire*, including all the regulations in the media field. So far, the practice shows that only pressures from outside can persuade the authorities in Moldova to comply with its commitments. Local and international organizations pointed out repeatedly the discrepancies between the rhetoric/declarations of the Moldovan ruling communist government and its commitment and actions to implement needed reforms in practice. According to some observers implementation of EU-Moldova Action Plan was a failure because it was entrusted to the national political elite which needed the public resonance of the project both for domestic and international audience, but less cared about its resulting impact.¹²³ Some other mentioned constraints are that plan lacked a mechanism of oversight and control over the project. EU assumed that Moldova was similar to the Central European countries when those started to work their way into EU. Brussels did not consider that Moldova, alike the most post-Soviet systems, is a one-man's country, because it is ruled by a one-man's party. This type of societies is unpredictable, because it lacks the institutional checks and balances.

The fact that Moldova is not yet an EU member and European community's regulations are not obligatory for non-member states is another argument that gives room for state officials to avoid taking practical measures to adjust and implement EU standards. This formal approach proves to be wrong for several reasons. Moldova declared its willingness to join EU and implementing

¹²² MOLDOVA: crackdown on dissent must stop. Article 19, 10 April 2009

http://www.ijc.md/eng/index.php?option=com_content&task=view&id=253&Itemid=1

¹²³ EU-MOLDOVA ACTION PLAN: An Unfinished Task or a Complete Failure? Dumitru Minzarari, Policy Association for an Open Society, 20 July 2008 <http://www.pasos.org/www-pasosmembers-org/policies/eu-moldova-action-plan-an-unfinished-task-or-a-complete-failure>

Community rules can help the country do the preparation work. Karol Jakubowicz observes that prospect and process of accession to the EU has been one of the important external factors that affected the process of transformation and that accession “hard”¹²⁴ and “soft”¹²⁵ pillars affected media policies in post-Communist countries¹²⁶. Since the European Union only recently elaborated more written documents in the field on human rights and communication society (such as the adopted in 2000 Charter of Fundamental Human rights), it relies on general standards in the field developed by Council of Europe, OSCE and European Court of Human Rights. By being a member of the later mentioned international organizations, Moldova has the obligation to obey the standards of freedom of expression and of the media and the argument that not being EU member gives us right to avoid its rules is not valid since at least in the field of media EU rules are very similar to those of international organizations Moldova already have joined. More of, as Jakubowicz mentions, media freedom is given much emphasis in the Commission’s regular reports and in the Council’s Accession Partnerships. Pressure to reform media policies was sustained through several EU instruments: Regular country Reports, EC funding initiatives, EU-run workshops (on public service broadcasters, journalism practice, transparency measures etc.) etc.¹²⁷

Practice in Moldova shows that even if the standards (good laws are drafted and adopted) this does not obligatory mean they will work. A relevant example is the process of transformation of state TV and Radio companies into public services. Moldova was one of the first countries in the region to transform its state broadcaster into a public service one. TRM, although legally transformed from state broadcaster into an autonomous public service institution, in reality continues to tilt towards the Government. Most of the political programming is reported to be

¹²⁴ The “hard” pillar or “Copenhagen criteria” includes the formal legal, institutional, and policy links aimed at facilitating the process of institutionalization and adaptation for accession.

¹²⁵ The “soft” pillar includes informal spread of EU norms and rules across the region; it comprise the trans-governmental institutional structures of association and accession

¹²⁶ Rude awakening, social and media change in Central and Eastern Europe. Karol Jakubowicz, Hampton press, Inc. Cresskill, New Jersey (2007) p. 229, 231

¹²⁷ Ibidem 123. p. 233

news on and by the ruling party. In this situation, when TRM is the only domestic nationwide broadcaster, balanced coverage of political events is even more important. TRM still has to live up to its commitments as a public service broadcaster, mentions a report by the Representative on Freedom of the Media Miklós Haraszti¹²⁸ This is due to the formal, declarative implementation/application, not followed up by necessary administrative reforms. In many CEE countries legislation is largely in line with the Community *acquis* and administrative structures are in place. Lacking are measures to ensure that the legislative framework is implemented effectively and in full transparency. In Moldova, the communist majority in the Parliament felt under pressure from the Council of Europe and opposition to give up the political control of the state owned radio and television. The Parliament has adopted in 2002 a law namely to set it free from the state control. In reality, under the pretext of reformation, the government cleaned national broadcaster of uncomfortable staff, while the editorial policy remains the same. The lack of transparency of the way the newly created PSB is financed allows Moldovan government to keep also financial control over it. The reform at the state radio and TV stations is not over yet. In July 2006, the Parliament adopted in a rush the new Broadcast Code. It stipulates the way the management of the stations and the Broadcasting Coordination Council (BCC) are formed. Despite the encouraging rhetoric, the Parliament practically excluded the civil society from the elaboration of the newly adopted Broadcast Code¹²⁹. Although the Code provide that professional and nongovernmental organizations will delegate representatives in the BCC, the civil society is concerned that its recommendations will be ignored by the Parliament, which is supposed to vote to approve each candidate.

The debate about the fact that media systems in some EU countries are far from being a model of a pluralist and free media, Italy and its media empires belonging to main politicians is a

¹²⁸ Assessment Visit to Moldova. Observations and Recommendations. Organization for Security and Co-operation in Europe The Representative on Freedom of the Media. Miklós Haraszti (2004)
http://www.osce.org/documents/rfm/2004/12/3993_en.pdf

¹²⁹ MEDIA ORGANIZATIONS CONCERNED ABOUT LEGISLATION AMENDMENTS. Moldova Media News. Volume 6, nr. 8, September 6, 2006.
http://www.ijc.md/eng/index.php?option=com_content&task=view&id=104&Itemid=34

representative example here, is another obstacle in implementing EU standards. Good legal regulations at the EU level do not always match the reality in particular member states. Daniel C. Hallin & Paolo Mancini conclude in “Italy's television, Italy's democracy” that there is a major lesson to be learnt after general election in Italy in 2001 about the real power – behind the scenes and TV screens – that comes with concentrated media ownership.¹³⁰ The authors suggest that Berlusconi’s position as Italy’s dominant TV mogul is not irrelevant to his political success. True party press and direct political connection between parties and media outlets is generally less uncommon today within EU. Still Italy is far from being the only example, France and Germany can be added to the list, where one can identify newspapers and broadcasting bodies (especially public broadcasters) by their political orientation. Daniel C. Hallin and Paolo Mancini call the phenomenon “political parallelism” characteristic for most of the European countries in contrast to the U.S. where it is considered that feet “are a much more important part of a reporter’s body than his head”.¹³¹ Often the newcomers from SEE will rather adopt and learn from practice (the real situation in the media in some EU countries) but from the standards and principles promoted by EU legislation.

Last but not least there are concerns that EU policies in the area of communication are effective in protecting public interest. Alison Harcourt stressed that EC policy formation has not necessarily been democratic, nor has it represented a consistent approach¹³² and argues that increased European coordination in public interest regulation could be more conducive to growth and competitiveness than the dismantlement of existing national laws.

6. Media on EU - are EU issues really a matter of interest for Moldovan public?

6.1 Summary

¹³⁰ Italy's television, Italy's democracy, Daniel C. Hallin, Paolo Mancini, Open Democracy, 18 - 07 - 2001 http://www.opendemocracy.net/media-publicservice/article_59.jsp

¹³¹ Comparing Media Systems: Three Models of Media and Politics, by Daniel C. Hallin and Paolo Mancini. Cambridge University Press, 2004. p. 29

¹³² The European Union and the regulation of media markets, Alison Harcourt, Manchester University Press (2005) p. 194

From the previous chapters we have learned that EU integration is an old strategic political goal of Moldovan government. This goal is shared by majority of Moldovan population. At the same time Commission also expressed its interest and support for Moldova in achieving this goal. According to the official Commission's web site, the EU is developing an increasingly close relationship with Moldova, going beyond co-operation, to gradual economic integration and a deepening of political co-operation.¹³³

The Partnership & Cooperation Agreement (PCA) between Moldova and EU that came into force in June 1998 and lasted for almost 10 years as well as the 3 years long EU-Moldova ENP Action Plan adopted in February 2005, after the Commission launched its European Neighborhood Policy (ENP), are among basic documents that established legal and institutional framework for bilateral relations. The priorities identified in the Action Plan covered the strengthening of administrative and judicial capacity; ensuring respect for freedom of expression and freedom of the media; cooperation on economic and regulatory issues with the aim of improving the business climate and enhancing the long-term sustainability of economic policy; sustained efforts towards a viable solution to the Transnistria conflict; border management issues, management of migration and the fight against trafficking, organized crime and money laundering.¹³⁴ While implemented, these objectives and reforms could eventually improve quality of democracy in Moldova and the every-day of its citizens. Knowing about those obligations and their possible effects in detail can offer Moldovan public the possibility to monitor the way they are materialized. Having in mind the level of popularity and trust Moldovan media enjoys and based on the theory of agenda-setting capacity of the media, which states that the press "may not be successful much of the time in telling people what to think, but

¹³³ EU-Moldova Relations http://ec.europa.eu/external_relations/moldova/index_en.htm

¹³⁴ EU-Moldova Relations http://ec.europa.eu/external_relations/moldova/pdf/political_legal_foundations_en.pdf

it is stunningly successful in telling its readers what to think about”¹³⁵ a content analysis of the leading Moldovan newspapers was conducted within the framework of this paper.

Exposure, coverage in the mass media, can help problems/topics become “public” issues, point out Dearing and Rogers¹³⁶. A superficial analysis of the Moldovan media content reveals that EU related issues do not get enough coverage despite the long (more than 10 years) history of EU-Moldova relations and clearly formulated objectives and tasks for Moldova to achieve.

Following are the findings of a media monitoring analysis conducted in February 2009 in order to find out if and the extend to which leading Moldovan newspapers are interested and cover EU related matters and consequently how well is Moldovan public informed and educated about those issues. To be noted that February and March 2009 was the official timeframe allowed for electoral campaign before the general parliamentary elections on 5 April 2009.¹³⁷ An important thing to keep in mind for current analysis is that studies of agenda-setting theory show that in countries that hold regular elections political campaigns are influencing media agendas. As a result part of media agenda is under direct control of political campaigns.¹³⁸

6.2 Methodology

The present research analyzed media coverage of EU integration related issues with the specific objectives:

- to provide a review of available reporting patterns on the issue;
- to establish whether current reporting reflects all aspects of the EU integration process and EU-Moldova relations phenomenon in a comprehensive and in-depth manner;

¹³⁵ Agenda setting. Readings on Media, Public Opinion and Policymaking. David L. Protess, Maxwell McCombs. Lawrence Erlbaum Associates, Publishers, 1991. p. 18

¹³⁶ Dearing James W, Rogers Everett M. (1996) Communication concepts 6. Agenda-Setting. SAGE Publications, Inc. p. 2

¹³⁷ April elections resulted with a victory of the Moldova’s communist party – 49,48%. Many electoral contestants and a part of Moldovan public disputed the election results, alleging irregularities in voter rolls. Disagreement with the elections results lead to violent riots between 7 and 10 April 2009.

¹³⁸ Handbook of political communication research. Lynda Lee Kaid, Lawrence Erlbaum Associate, Publishers. 2004. p. 271

- to formulate recommendations on “journalistic best practices” in order to help raise public awareness about EU issues.

All the articles (news, features, interviews etc.), but the content of advertising and paid articles, covering or related to EU integration issues; EU-Moldova relations; what is EU and how it functions etc. published by four leading Moldovan newspapers during one month (February 2009) were monitored. Quantitative findings were recorded into a specially designed questionnaire. Recorded information included date of the publication; page of the article (for the analysis of the article placement and prominence); type/genre of the article (each type of article was given a special code – interviews were coded with “I”, news – “N”, feature – “F” etc.); story abstract and topic (for the analysis of story’s topics); tone (“positive” articles, coded with a “+”, were those explicitly favoring one of the stories actor/source; exclusively critical articles in which the criticized part was not given the chance to comment were marked by “-“).

Monitored newspapers and selection criteria

Four of the most popular general-interest newspapers with nationwide circulation were selected for analysis (based on their reach and market shares¹³⁹):

1. *Novoie Vremia* – published weekly, with a print run of 10 500 copies;
2. *Timpul de dimineata* - published five times per week, with a total weekly print run of 43 750 copies;
3. *Moldova Suverana* - published four times per week, with a total weekly print run of 18 472 copies;
4. *Nezavisimaia Moldova* - published four times per week, with a total weekly print run of 17 108 copies.¹⁴⁰

¹³⁹ Estimates are based on the study “*Audiența presei scrise în Moldova*,” (*Audience of print media in Moldova*), which was carried out by IMAS Inc. in October 2004.

¹⁴⁰ Circulations of the analyzed newspapers are provided as of May 2008.

6.3 Monitoring findings

MAJOR TRENDS

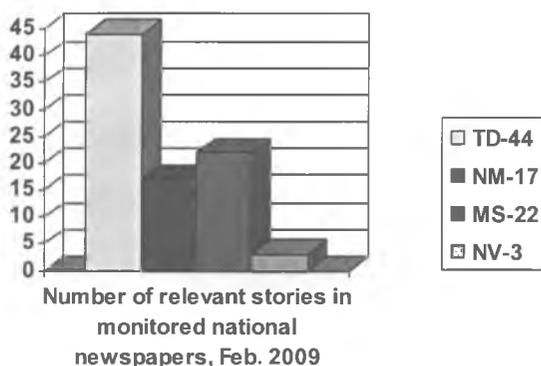
In February 2009, the four national newspapers carried **86 articles** about the issues under analysis. Relatively big amount (3 out of 4 monitored newspapers published on average 1-2 EU related stories in each issue that came out during the monitored month of February) of the articles can be explained partly by two facts:

- February 2009 was one of the 2 months devoted to the electoral campaign for general parliamentary elections in Moldova and EU integration was a priority and campaign slogan for both ruling party and opposition.
- One of the four newspapers, namely *Timpul de dimineata* publishes a specialized monthly 8-paged section dedicated entirely to the covering of the EU matters.

Most of the articles from the both former governmental newspapers talked about government's contribution and successes in the process of EU integration and participation of the state officials at international events within EU framework and criticized opposition for stealing government's plans and ideas in the field. While both originally private newspapers focused on presenting the opposition (political parties) plans and strategies for the Moldova's Europeanization and criticizing government for insufficient and ineffective measures for integration. Relevant stories tackled EU initiatives (Eastern Partnership, free movement agreements for EU newcomers Romania and Bulgaria) and examples of EU funded projects implemented in Moldova.

The largest number of articles within the scope of the present research was published in *Timpul (TD)* (44 stories). 18 out of 44 stories were published in newspaper's special section "Integrarea europeana, pas cu pas"/"European integration, step by step". *Timpul de dimineata* is the only monitored newspaper publishing a monthly 8-pages specialized supplement. According to the newspaper's team, the aim of the this section is to inform the public opinion from the Republic

of Moldova on the European Union and Council of Europe and the process of integration and EU enlargement. *Novoie Vremia (NV)* carried 3 articles. *Nezavisimaia Moldova (NM)* carried 17, while *Moldova Suverana (MS)* published 22 relevant stories.¹⁴¹



During one month, the following common features were observed in the national newspapers under analysis:

- there was fair balance between straightforward news and articles. In two newspapers articles was the absolute dominant “genre” while in other two cases the number of news was slightly bigger than the one of articles (*Timpul de dimineata* had 23 news versus 21 articles and *Moldova Suverana* – 12 news versus 10 articles);
- news, articles and analysis were the only types of published stories. The diversity of used genres was limited. Such types of journalistic materials as “investigation” or “reportage” were missing. There were only 3 interviews published by all 4 newspapers during one month;
- in most of the cases publications limited themselves to articles stating a problem without following its development. No stories followed up on the issues featured earlier were observed.

DATA ANALYSIS

Articles placement

In February 2009, relevant issues did not feature prominently in the monitored outlets. Thus,

¹⁴¹ For the full list of monitored articles in four newspapers see the Annex 1 to this paper

- *Timpul de dimineata* published only 2 out of 44 of the stories on the front page. The specialized monthly section “Integrarea europeana, pas cu pas” (“European integration, step by step”) by *Timpul de dimineata* is placed in the middle of the newspaper, starting with the page 13 up to 20.
- *Nezavisimaia Moldova* placed 8 from 17 stories on the main page.
- *Moldova Suverana* published 5 out of 22 articles on the first page.
- None of the *Novoe Vremea* stories on the relevant topic were placed on the front page.

All other stories were printed on the inside pages of the national publications monitored.

Article type, genre

No follow-up stories were published in the national newspapers during one month. Articles, analysis and news were the most common genre in the national newspapers monitored. Only 3 interviews were published during monitoring period – one by *Nezavisimaia Moldova* and two by *Timpul de dimineata*.

The only interview published by *Nezavisimaia Moldova* is the reprint of the dialogue of Moldova’s president Vladimir Voronin with the Moscow based radio “Eho Moscvii” in which Voronin promises to fight further for Moldova’s integration into EU (see “V.Voronin: Noi mergem in parlament cu o echipa unita” (“V. Voronin: we are going to the parliament with a united team”), *NM*, p.1).

On contrast with *Nezavisimaia Moldova* one of two interviews from *Timpul de dimineata* features a civil society expert, Gh. Mocanu, talking about less visible steps in the direction of EU integration by Moldova in 2008, a year which, according to Mocanu was “dominated by political tensions and poverty” (see “Gh. Mocanu, expert IDIS “Viitorul”: Anul 2008 a fost dominat de tensiuni politice si saracie” (“Gh. Mocanu, expert IDIS “Viitorul”: the year 2008 was dominated by political tensions and poverty”, *TD*, p. 5). The second interview is with one of the oppositions’ leader Vlad Filat about the general situation in Moldova and possible positive effects of EU integration (see “V. Filat: Sa redam cetateanului sentimental de justitie, speranta si

echitate” (“V. Filat: let’s return the citizens the confidence in justice, hope and equity”), *TD*, p. 5).

Story topics and framing

The current period was marked by close attention to the elections campaign in all four monitored newspapers. Since the EU integration was one of the disputed campaign’s topics, the issue automatically gain more attention as well.

There was a difference in the way and topics covered by the four monitored newspapers. From this perspective, they can be divided into two groups - two former governmental newspapers and the two originally private periodicals.

The main and largest group of topics for *Moldova Suverana* and *Nezavisimaia Moldova* was presenting the electoral platform of communist party and its priorities in terms of UE integration as well as featuring the successes in this area achieved so far. 9 out of 17 stories in *NM* and 17 out of 22 stories in *MS* covered “the real steps for integration taken by Moldova in 2001-2008” (*NM*, 20.02.09, p. 2) and the fact that Europeanization is a true goal for communists while for opposition this is just a “playing card” (*NM*, 12.02.09, p.1). On February 26, *Moldova Suverana* quotes on the first page the president Voronin saying that “European integration is our national idea”. The same newspaper publishes a speech by president Voronin’s in which he mentions that “Moldova’s European option is irrevocable” (*MS*, 03.02.09, p.5). Other topics covered by *Moldova Suverana* were involvement of Romania in Moldova’s political meters and its effects and that unification with Romania could prevent this country from entering the EU (see “Relatiile moldo-romane sint intunecate de jocul necinstit al serviciilor secrete din Romania” (“Moldova-Romania relations are darkened by the unfair game of Romanian secret service”), *MS*, 03.02.09, p.1) as well as the EU restrictions for the leaders of Moldova’s separatist region of Transnistria (see “Europa va mai tine usile inchise pentru liderii transnistreni” (“Europe keeps the doors closed for transnistrian leaders”), *MS*, 18.02.09, p.5). The minority of articles – 3 in *NM* and 2 in *MS* covered issues apparently other than related to politics or elections - see

“Vinul moldovenesc cucerește pietele” (“Moldovan wine conquers markets”) about the growing percentage of wine exports in the EU countries (*NM*, 11.02.09, p. 2) or “Comisia europeană va acorda 1.7 mln de euro somerilor spanioli” (“EU Commission will grant 1.7 mln Euro to Spanish unemployed workers”), *MS*, 12.02.09, p.3.

The second group of newspapers – *Timpul de dimineata* and *Novoe Vremea* focused on promoting electoral platforms and integration strategies of opposition parties which was the largest group of stories. 11 out of 26 stories in *TD* without its specialized section (to be noted that in February 2009 *TD* specialized section on EU integration did not publish stories related to elections campaign) and 2 out of 3 articles in *NV* wrote about electoral programs and reasons to vote opposition parties (see “De ce trebuie să votăm Partidul Democrat din Moldova” (“Why we should vote Moldovan Democratic Party (PDM)”, that reveals 16 arguments in favour of this party, including EU integration priority, *NV*, 20.20.09, p. 3, or “PLDM și-a prezentat guvernul” (“Liberal Democratic Party of Moldova (PLDM) presents its government” about this party’s team and program to rebuild, modernize and integrate Moldova into EU”), *TD*, 04.02.09, p.3). To be mentioned that in its 2 out of 3 stories related to the elections campaign *Novoe vremea* presented only one political party - Moldovan Democratic Party (PDM) while *Timpul de dimineata* offered space to a variety of opposition political voices (see “Eurointegrare cu AMN la guvernare” (“Eurointegration with Alliance “Our Moldova” (AMN) as governing force”, *TD*, 12.02.09, p. 3, or “PL și-a lansat programul electoral” (“Moldovan Liberal Party (PL) launched its electoral program”), *TD*, 16.02.09, p. 3, or “Oferta electorală a PSD: “Moldova puternică, economie puternică, viață mai bună”” (“Electoral offer of Moldovan Social-Democratic Party (PSD): “strong Moldova, strong economy, better life””), *TD*, 17.02.09, p. 6).

Timpul de dimineata also reported in 11 stories about relevant activities of EU Commission and EU members (see “Strategie pentru Marea Baltică” (“Strategy for Baltic sea”) on Commission’s intention to clean Baltic sea and connecting the EU member states bordering the sea to EU’s

energetic infrastructure, TD, 10.02.09, p. 2, or “Elvetia pentru Romania si Bulgaria” (Swiss in favour of Romania and Bulgaria”) about extension of free movement agreements for workers from Romania and Bulgaria, TD, 10.02.09, p. 3).

The specialized supplement of *Timpul de dimineata* “Integrarea europeana, pas cu pas” (“European integration, step by step”) focused on covering mainly relevant activities of EU commission (see “Subventii de stat pentru cinematografia europeana” (“State subventions for European cinematography”, TD, 12.02.09, p. 17), EU projects and potential partnerships for Moldova (see “Exporturi si investitii cu ajutorul Comisiei europene” (“Exports and investments with the help of EU Commission”), TD, 12.02.09, p. 14) and EU member states (see “Tara cea verde” (“The green country”) about Sweden, TD, 12.02.09, p. 20).

During the present monitoring period there were few cases when the same story was covered by several newspapers. In some cases the stories were covered mostly in similar way (see “Danemarca ne promite fonduri de asistenta” (“Denmark promises assistance funds”), TD, 12/02/09, p. 14, and “Vecinatatea cu UE ne ofera posibilitati bune” (“Vicinity with the EU offers good possibilities”), NM, 12.02.09, p. 3, about funds from Denmark for projects in Moldova). In other cases, although the topic was the same, the frame of the story was different, almost opposite. According to some definitions, media frame is “the central organizing idea for news content and suggests what the issue is through the use of selection, emphasis, exclusion and elaboration” or “to frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation and/or treatment recommendation for the item described”¹⁴². Following table presents two **Case studies of different framing of the same stories by different newspapers:**

Topic	Title	Newspaper	Comment
1. Wine exports into	Exportul vinului pe piata UE (Wine exports to the	Timpul de dimineata,	The article has a balanced title and presents the facts about wine

¹⁴² Handbook of political communication research. Lynda Lee Kaid, Lawrence Erlbaum Associate, Publishers. 2004. p. 263

the EU	EU market)	04.02.09, p.4	exports trends between Moldova and EU member states
	Vinul moldovenesc cucereste pietele (Moldovan wine conquers the markets)	Nezavisimaia Moldova, 11.02.09, p.2	The title of the article suggests that Moldovan wine enjoys popularity on EU markets while the story talks exclusively about the successes and increase in Moldovan wine exports
2. Status of Moldovan currency	Leul moldovenesc este lider in in topul celor mai stabile valute est-europene (Moldovan currency (Leu) is the leader among the most stable currencies in Eastern Europe)	Moldova Suverana, 27.02.09, p. 1	The title praises stability of national currency. The story talks about the fact that Moldovan currency remains stable, one of the most stable in Eastern Europe, while all the rest of the currencies, including of the EU member states, went through severe devaluation
	Leul moldovenesc: iaca pica, iaca nu (Moldovan leu: here it falls, here it is not)	Timpul de dimineata, 24.02.09, p. 5	The title questions the stability of national currency. The story talks about the request of the World Bank's president addressed to the EU to "offer a greater support to the economies in the Central and east European states that are under the risk to collapse".

Both ex-governmental newspapers selected exclusively positive aspects to present analyzed topics in order to make economic situation in the country look better while the opposition newspaper is more factual, even if the facts are not so favorable.

The similar situation, selection and including of restricted arguments and facts, could be observed in the most of the campaign related articles. *Timpul de dimineata* will focus on accusing Communists ruling party of being untruthful about EU integration intentions while *Nezavisimaia Moldova* or *Moldova Suverana* will accuse opposition of hypocrisy (see "Integrarea europeana – o viclenie electorala" ("European integration – electoral artfulness" (authors note – artfulness of Communists Party) *TD*, 18.02.09, p. 6, and "Atentie: neorevansismul!" (Attention: neorevansism!" (the word "neorevansim" can not be translated since it is an invented one to express "the new type of revenge" by opposition), *NM*, 05.02.09, p. 1).

In the monitored period, coverage lacked relevant stories with human-interest dimension about Moldova's obligations and commitments under EU-Moldova agreements; what are the expectations of the parts (Moldova and EU) and how these can influence life of ordinary citizens in Moldova; what did Moldovan government do exactly (or did not do) to fulfill the obligations; effects of EU integration (what does it actually means) for ordinary citizens and how EU projects and politics can affect people life.

Tone of the stories

In most of the cases (12 stories out of 17 in the case of *Nezavisimaia Moldova* and 19 out of 22 in the case of *Moldova Suverana*) positive attitude to the topic/actors of the story was expressed. All positive stories in the two mentioned newspapers favored exclusively Moldovan government, Moldovan Communist Party and its leader and countries' president Vladimir Voronin. There were no stories criticizing the government in *MS* and *NM*. All the stories with negative attitude/criticism were about opposition parties.

All 3 stories published by *Novoe Vremea* favored one opposition party – Moldovan Democratic Party (PDM).

Timpul de dimineata in most of the cases (16 stories from 26, without specialized supplement) had a positive attitude, favored different opposition political parties. In 4 cases it explicitly criticized the government and Communists Party, while 6 stories were neutral. The specialized supplement "Integrarea europeana, pas cu pas" (European integration, step by step) was more balanced in its coverage. 9 out of 18 stories were neutral; in 2 cases the supplement criticized the Communist government. The positive stories in the supplement (7 articles), in the contrast with the stories from the rest of the newspaper's content, featured activities and projects of EU commission and not political parties. There were no critical articles about EU initiatives in "Integrarea europeana, pas cu pas" (European integration, step by step).

6.4 CONCLUSIONS

- During the present monitoring period, the EU related issues received an important coverage in the papers analyzed. Relevant articles were quite numerous (86), but not particularly prominent. The interest of the media for EU integration topics was boosted by the Moldovan parliamentary elections' campaign in which Europeanization was one of the priority issues.
- Stories covering politics and elections campaign were dominating the coverage in February 2009.
- From the perspective of covered topics, the four monitored newspapers can be divided into two distinct camps "pro-governmental" and "pro-opposition". First camp includes the two former governmental newspapers while the second – the two originally private newspapers.
- Similar topics were framed in different ways, depending on the schematic "camp" particular newspaper belongs to.
- Former governmental newspapers focused on favouring the government and ruling party on one hand, and criticizing opposition on the other.
- Opposition newspapers focused on promoting other parties but Communists Party. In contrast to the former governmental newspapers, one of the monitored leading opposition newspapers did not limit the coverage to the programs of one party but offered space for a variety of political actors.
- The variety of news genres was insufficient, and there was little continuity in coverage.
- A positive trend is the publication by one of the monitored newspapers of a specialized supplement dedicated entirely to these topics which offers additional space for the discussion of EU integration and its effects.
- Human-interest stories were lacking in both ex-governmental and opposition newspapers. Still opposition newspapers had more stories on concrete initiatives relevant

for people while pro-governmental publications presented the stories exclusively from the angle of the ruling party.

6.5 RECCOMENDATIONS

Given the facts that EU-Moldova relations have a long history and that majority of Moldovan population (65%) is in favor of EU integration¹⁴³ there is still a need for more media's attention and public awareness-raising about those issues. According to some studies, there is usually a positive correlation – and often a causal relationship – between media agendas and public agendas at the aggregate level, especially for the issues that do not directly impact the lives of the majority of the public, such as foreign policy¹⁴⁴. Respecting and following Moldovan public's agenda, local media has to dedicate to EU matters at least as much space and attention between elections as during the elections campaigns. Monitoring results clearly point to the need for a more in-depth, human-angle rather than parties or government-angle coverage of EU topics. Sharing the research results with the representatives of monitored publications and presentation of relevant case studies during various seminars and workshops for beginner, mid-career and experienced journalists may be helpful.

All news is a construction of reality.¹⁴⁵ As “reality builders” the media should realize their social responsibility and should cover topics of public interest such as EU integration in a more consistent (not just during the elections) and balanced (not just from the perspective of political actors) manner.

¹⁴³ Results of the Public opinion barometer study, organized by the Public Policy Institute in March 2009. <http://ipp.md/barometru1.php?l=ro&id=35>

¹⁴⁴ Handbook of political communication research. Lynda Lee Kaid, Lawrence Erlbaum Associate, Publishers. 2004. p. 259

¹⁴⁵ ¹⁴⁵ Handbook of political communication research. Lynda Lee Kaid, Lawrence Erlbaum Associate, Publishers. 2004. p. 259

Diversification of news genres and developing of the follow up stories have to be part of editorial policies. Participation at training sessions on EU coverage may encourage journalist to look more for the stories relevant for the public.

7. Conclusions

After ten years since Moldovan government announced European integration as a priority and the first official document framing the EU-Moldova relations was signed the real situation in the media sector did not improve much. There are objective reasons of this situation. Many European countries share the same characteristics such as historically strong party press, external rather internal pluralism, and strong state intervention. For post-communist countries in Central and Eastern Europe that tend to imitate Western European models of media systems Communist legacy is another common characteristic.

Maintaining the Communist legacy in Moldova today significantly slowed down the reforms and made the county a “special case”. Media conditions get worse after Communist Party came to power in 2001, reinstalling the old habit of controlling and using media, especially public media, as a propaganda tool. An assessment by Moldovan NGO’s “Coalition 2009” of the way the last 2009 general parliamentary elections campaign was organized points out that public stations with national coverage TV “Moldova 1” and “Radio Moldova” favoured mainly the governing party, turning the news bulletins into instruments of manipulation and propaganda in favour of PCRM and against the opposition parties.¹⁴⁶ At the same time free (from the government) media outlets report among other things direct or indirect interference from the authorities. Democratic norms are formally observed by Moldovan government in order to preserve appearances.

¹⁴⁶ Statement of the Civic Coalition for Free and Fair Elections ”Coalition 2009”, 7 April 2009. <http://www.e-democracy.md/files/elections/parliamentary2009/pr-coalitia-2009-07-04-09-en.pdf>

Officially in Moldova state control over media sector decreased, most of the news media are privately-owned. Nonetheless market mechanisms do not work and media are exposed to editorial interference of political parties, generating self-censorship and turning them into political lobby tools. Positive changes in the media legislation (such as the adoption in 2006 of the new Broadcasting Code) are overshadowed by the formal implementation which proves declarative attitude of the authorities towards freedom of expression and of the press.

Prospect and process of accession to the EU has been one of the important external factors that affected the process of transformation in Central and Eastern Europe. Findings of the current thesis suggest that if properly implemented EU standards may have positive effects on the media markets by making them more transparent, accountable and viable. The transparency in public funding of the media (required by a number of directives on transparency of financial relations between the public authorities and public undertakings) could reduce and eventually do away with state-owned media. Financing media outlets in a transparent manner is not convenient because the desired propagandistic effects can no longer be achieved.

Apparently bilateral plans with the EU did not motivate Moldovan authorities enough to follow their obligations. Monitoring by local and international organizations of the way Moldova fulfils its obligations under the EU-Moldova agreements point out numerous shortcomings in the fields of press freedom and access to information in Moldova including the lack of state financial support for media, the interference of politicians and interest groups in the workings of Broadcasting Coordination Council, inadequate activity of the National Public Broadcasting Company Teleradio-Moldova.¹⁴⁷

¹⁴⁷ Euromonitor Nr. 13 (October-December 2008) <http://www.e-democracy.md>

Local and international organizations pointed out repeatedly the discrepancies between the rhetoric/declarations of the Moldovan ruling communist government and its commitment and actions to implement needed reforms in practice. Recent actions of Moldovan government such as imposing the visa regime for Romanians; repression against national and foreign journalists, especially against journalists working for independent media outlets; arrests and detentions of peaceful protesters who demonstrated in Chisinau on 6-8 April 2009 against the elections results, including arrests of minors; mistreatment of detainees; creation of the climate of fear, including the intimidation and censorship of dissenting voices are against fundamental human rights and demonstrate violation by Moldovan authorities of their international obligations including under the European Convention of Human Rights, which entered into force in Moldova in 1997.

Perspectives of the EU regulations to be implemented in Moldova are diminished by the lack of genuine political will of Moldovan Communist government to abandon old habits but also by the ongoing debate about imperfectness of the media systems in some EU countries that are far from being a model of a pluralist and free media. In this situation pressure from the outside (by the international community) as well as a better, more professional and responsible job by Moldovan media (that is traditionally most trusted “institution” in the society) of informing and explaining to the Moldovan public what our country’s obligations and their possible effects are can eventually persuade the authorities in Moldova to comply with its commitments.

Abstract

Almost two decades ago, just like other post-communist countries in Central and Eastern Europe, Republic of Moldova begun its transformation from the communist system to a liberal democracy and market economy. Again similarly to other countries in the region, Moldova set itself a goal to join EU. The process seemed irreversible even after the first victory, since Moldova proclaimed its independence in 1991, by the Moldova's Communist Party (PCRM) of the parliamentary elections in February 2001.

Current thesis analyzed chances and some of the possible effects of the EU regulations in the field of media implementation in Moldova, where the old fashion Communist Party is in power for the last 8 years and in April 2009 succeeded to disputably win the general parliamentary elections for the third consecutive time.

After ten years since Moldovan government announced European integration as a priority and the first official document framing the EU-Moldova relations was signed the real situation in the media sector did not improve much. There are objective reasons of this situation. Many European countries share the same characteristics such as historically strong party press, external rather internal pluralism, and strong state intervention. For post-communist countries in Central and Eastern Europe that tend to imitate Western European models of media systems Communist legacy is another common characteristic.

Prospect and process of accession to the EU has been one of the important external factors that affected the process of transformation in Central and Eastern Europe. Findings of the current thesis suggest that if properly implemented in Moldova EU standards may have positive effects on the media markets by making them more transparent, accountable and viable. Apparently bilateral plans with the EU did not motivate Moldovan authorities enough to follow their obligations. Local and international organizations pointed out repeatedly the discrepancies between the rhetoric/declarations of the Moldovan ruling communist government and its commitment and actions to implement needed reforms in practice. Democratic norms are formally observed by Moldovan government in order to preserve appearances. Perspectives of the EU regulations to be implemented in Moldova are diminished by the lack of genuine political will of Moldovan Communist government to abandon old habits but also by the ongoing debate about imperfectness of the media systems in some EU countries that are far from being a model of a pluralist and free media. In this situation pressure from the outside as well as a better, more professional and responsible job by Moldovan media of informing and explaining to the Moldovan public what our country's obligations and their possible effects are can eventually persuade the authorities in Moldova to comply with its commitments.

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ANNEX 1.

List of monitored articles

1. Nezavisimaia Moldova		
Date	Page	Title
03.02.09	1	V. Voronin: “Noi traim in alta Moldova...”
04.02.09	1	Pocainta? Nu...
05.02.09	1	Atentie: neorevansismul!
06.02.09	4	Cabinetul de ministri a aprobat componenta delegatiei care va participa la convorbirile dintre RM si UE
06.02.09	10	Aceasta previzibila, imprevizibila lume.
10.02.09	1	Atentie: minciuna! Fatarnicia politica-2
10.02.09	2	Si in UE si in CSI...
11.02.09	1	Renovarea economica, integrarea europeana si rezolvarea conflictului transnistrean.
11.02.09	2	Vinul moldovenesc cucereste pietele.
11.02.09	1	Suplimentul “Alegeri-2009”. V. Voronin: “O Moldova europeana o construim impreuna”.
12.02.09	1	P/u comunisti - un scop, p/u opozitie – “o carte de joc”.
12.02.09	3	Vecinatatea cu UE ofera posibilitati bune.
18.02.09	2	Medicii din Floresti se simt confortabil cu PCRМ
20.02.09	2	Nici un vot – partidelor de criza. Schimbari spre bine – cu PCRМ!
20.02.09	2	Pasii reali de eurointegrare, facuti de RM in perioada 2001-2008.
26.02.09	1	V. Voronin: “Noi mergem in Parlament cu o echipa unita”.
26.02.09	2	Procesul de convorbiri va deveni mai simplu.
2. Moldova Suverana		
03.02.09	1	Relatiile moldo-romane sunt intunecate de jocul necinstit al serviciilor secrete din Romania.
03.02.09	2	Sistemul national de protectie sociala va fi eficientizat.
03.02.09	4	Si totusi, Moldova este un stat democratic, care evolueaza continuu.
03.02.09	5	Optiunea europeana a Moldovei este irevocabila.
04.02.09	2	Sintem luati in seama , p/u ca aratam oameni de treaba.
04.02.09	3	Hido Biscevic: Presedentia Moldovei la SEECP e un succes.
04.02.09	3	Apel in sprijinul tarilor mai putin dezvoltate.
05.02.09	3	Dinamizarea relatiilor bilaterale moldo-germane.
06.02.09	3	Obiectivul prioritar al MAEIE este integrarea europeana a RM.
11.02.09	1	Suplimentul “Electoralala 2009”. V. Voronin: “Moldova europeana – o construim impreuna”.
12.02.09	3	Comisia Europeana va acorda 1.7 mln de euro somerilor spanioli.
13.02.09	1	Moldova a atins un volum record de investitii straine directe.
13.02.09	3	Consecintele crizei financiare mondiale vor putea impulsiona procesul reintegrarii Moldovei.
17.02.09	3	“Moldova europeana – o construim impreuna”.
18.02.09	3	“Moldova europeana – o construim impreuna”.
18.02.09	5	Europa va mai tine usa inchisa p/u liderii transnistreni.
25.02.09	5	Implementarea programului “Parteneriatul Estic” este discutata la Bruxelles.
26.02.09	1	Integrarea europeana este ideea noastra nationala.
26.02.09	3	Numai cu PCRМ putem construi o Moldova unita.

27.02.09	1	Leul moldovenesc este lider in topul celor mai stabile valute est-europene.
27.02.09	5	Forum al societatii civile in cadrul "Parteneriatului Estic".
27.02.09	5	Ucraina sustine ca este necesara mentinerea formatului "5+2" in reglementarea transnistreana.
		3. Timpul de dimineata
02.02.09	5	Gh. Mocanu, expert IDIS "Viitorul": "Anul 2008 a fost dominat de tensiuni politice si de saracie".
04.02.09	3	PLDM si-a prezentat guvernul.
04.02.09	4	Exportul vinului pe piata UE.
05.02.09	4	Bucurestiul solicita suspendarea unui acord.
06.02.09	4	PLDM si-a prezentat guvernul.
09.02.09	1	Un milion de moldoveni isi cer dreptul la vot.
10.02.09	2	Strategie pentru Marea Baltica.
10.02.09	2	UE impotriva bazelor rusesti.
10.02.09	3	Elvetia este "pentru" Romania si Bulgaria.
12.02.09	1	Comunitatile moldovenilor cer sa li se asigure dreptul la vot.
12.02.09	3	"Eurointegrare cu AMN la guvernare".
12.02.09	6	Integrarea europeana, lozinca electorala a comunistilor.
		<i>Suplimentul "Integrarea europeana, pas cu pas"</i>
12.02.09	13	La 11 februarie, Comisia Europeana a sarbatorit prima zi europeana dedicata numarului 112 – numarul unic european de urgenta.
12.02.09	13	Includerea in Parteneriatul Estic, singura realizare pe 2008.
12.02.09	13	Comisia se teme de spionaj.
12.02.09	14	Danemarca ne promite fonduri de asistenta.
12.02.09	14	Ministrii de Finante, ingrijorati.
12.02.09	14	Presedentia ceha infrunta criza.
12.02.09	14	Germania nu vrea reuniunea Eurogrup.
12.02.09	14	1,7 mln p/u somerii spanioli.
12.02.09	14	Exporturi si investitii cu ajutorul Comisiei Europene.
12.02.09	14	Elvetienii au spus "Da" muncitorilor romani.
12.02.09	15	Moldova, desteapta-te.
12.02.09	16	...se gindesc la rechini.
12.02.09	16	...revin la reactoare nucleare.
12.02.09	16	...intra in carnaval.
12.02.09	17	Vila Mimi, reanimata din banii UE.
12.02.09	17	Subventii de stat pentru cinematografia europeana.
12.02.09	19	Pulsul reinnoit al relatiilor internationale.
12.02.09	20	Tara cea verde.
16.02.09	3	PL si-a lansat programul electoral.
17.02.09	6	Oferta electorala 2009 a PSD: "Moldova Puternica, Economie puternica, Viata mai buna"
17.02.09	7	De risul gainilor.
18.02.09	2	Ministrul Diaconescu despre RM.
18.02.09	2	Restrictii UE p/u separatisti.
18.02.09	6	Integrarea europeana – o viclenie electorala.
19.02.09	3	Concerte electorale.
24.02.09	2	Echipament medical pe bani europeni.
24.02.09	5	Leul moldovenesc: iaca pica, iaca nu.

25.02.09	2	CE solicita finantarea Parteneriatului Estic.
25.02.09	3	Verde pentru Moldova.
26.02.09	2	Integrarea europeana depinde de alegeri.
27.02.09	4	O noua tentative de subminare a procesului de reglementare transnistreana.
27.02.09	5	V. Filat: “ Sa redam cetateanului sentimentul de justitie, siguranta si echitate”.
		4. Novoe Vreamea
06.02.09	2	PDM: cursul – spre tara. In interesele fiecaruia.
20.02.09	3	De ce trebuie sa votam PDM-ul.
20.02.09	3	Si noi tot acolo...