

# Country Profile

## Romania

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# 1. Cultural policy system

## 1.1. Objectives, main features and background

*Objectives:* Following the accession to the European community structures, the documents of the Romanian cultural strategies began to gradually include the principles and objectives in order to meet the European Union standards. The first document of the kind, at national level, was the *Sectoral Strategy in the Field of Culture and National Heritage for the period 2014-2020*. This Strategy was designed starting from the immediate reality of the field of culture and proposes a specific direction of development, in accordance with the tendencies and priorities that the European Union and the other international actors had already set at that time.

Despite the fact that this Strategy was not officially adopted by the state authorities, we must emphasize the strong positive impact of the Strategy (mostly dedicated to the public cultural sector, yet without neglecting the private sector) on the actual activity of all the stakeholders in the cultural field.

Another project of the *Strategy for Culture and National Heritage 2016-2022*, generated by the need to update the existing strategic framework, has been on public debate, but it has not been completed. The draft of this document highlights the need for and the importance of the cultural and creative sectors, continuing the main ideas of the previous Sectoral Strategy. Although the data provided by the National Institute for Cultural Research and Training were the same, the document contains several inadequate or overly optimistic interpretations generated by the will to urge measures and directions for the private cultural sector found only in the big urban areas.

Therefore, at the national level, there are three main documents that define cultural policy objectives: *G.D. no. 90/2010* with subsequent changes and amendments, *Sectoral Strategy on Culture and National Heritage for 2014-2020* and the current *Governing Programme for 2018-2020*.

It is important to note that a large consensus on the fundamental principles underlying cultural policies has been achieved in 2010 when [G.D. no. 90/2010 on the organisation and functioning of the Ministry](#) (then Ministry of Culture and Heritage) was adopted. Throughout the subsequent revisions and modifications of *G.D. no. 90/2010*, the essence of the principles underlying cultural policies was kept intact:

- Cultural creation is a privileged domain with freedom of expression being the cornerstone of human progress.
- Support and promotion of fundamental cultural rights for all citizens (access to culture and participation in cultural life) should be ensured in their interdependence with the other fundamental rights.
- The right to cultural, religious and linguistic diversity should be supported, respected and protected.
- The cultural and creative sectors should be promoted as an important factor in the process of sustainable development and as an essential instrument for social cohesion and the fight against social exclusion.
- Creativity and contemporary creation must be promoted and stimulated as an unwavering factor for human development and quality of life.
- The central role of culture and arts, of creativity and innovation in the knowledge-based society must be promoted as should be the promotion of culture as a key factor for attaining the objectives set forth in the European Agenda.

- The national cultural heritage must be protected, as it is a determinant factor of Romanian cultural identity as well as a non-renewable resource (modified by *G.D. no. 563/2012*).
- Cultural identities, traditions and heritage, tangible and intangible heritage must be protected and respected.
- Intellectual property of creators and artists should be protected and respected.

The main policy objectives identified in the [Sectoral Strategy on Culture and National Heritage for 2014-2020](#) are presented below:

- The two sector specific objectives are: cultural heritage and contemporary creation.
- The three inter-sectoral strategic objectives are: education, professional training and cultural intervention, capacity building and development of cultural infrastructure.
- The four transversal strategic objectives are: digitisation of cultural resources, diversification of cultural consumption and offer, export and internationalisation of cultural goods and services for a specific target group – the youth.

The three inter-sectoral strategic objectives were identified on the basis of research and studies carried out by the National Institute for Cultural Research and Training, that showed a large imbalance in terms of access to and consumption of cultural goods and services between the various regions of Romania and in particular between the rural and small urban areas on the one hand, and large cities, on the other hand. This imbalance was further accentuated by the lack of cultural infrastructure in some areas as well as by the lack of continuity of cultural programmes and projects developed by cultural NGOs, due to the scarcity of public funding schemes available and to the volatility of the management and specialised skills within these entities.

In its chapter dedicated to culture, religious groups and national minorities, the [Governing Programme for 2018-2020](#) states that culture is a priority and places it as a cornerstone when fighting against intolerance and social exclusion, as well as for education, professional training, national identity and democracy. The most important cultural policy objectives set forth in the *Governing Programme* are:

- Drawing up public policies to complete a transversal strategy that should bring together culture, art, academic research and education, at both secondary and tertiary levels.
- The need for a transversal approach of the fields of culture and tourism through the valorisation, protection and promotion of the (tangible and intangible) cultural heritage.
- Fostering and proper funding for the cultural and creative sectors of Romania.
- Support for the independent creators and cultural NGOs, by facilitating their access to funding dedicated to the cultural sector.
- Developing a transparent and competitive system of purchasing contemporary cultural creations, within the field of visual arts.
- Development of the cultural infrastructure and recovery of the industrial heritage by reconvertng disused industrial spaces into cultural hubs.
- Digitisation of the cultural heritage in response to the current technological revolution.
- Support for the Romanian cinema industry.
- Financial support for the European action Timisoara – European Capital of Culture.
- Ensuring a climate of peace between religious groups, as well as religious freedom and non-discrimination

on religious criteria.

- Promoting cultural diversity with a view to eliminating prejudices and acknowledging common values.

As it can be observed, the objectives listed in all the strategic documents presented above are, generally speaking, convergent, addressing most of the major issues identified by the studies and research carried out in the preceding period, in particular by the National Institute for Cultural Research and Training. The objectives and related issues are consistent with the evolution trends based on the statistical data collected and supplied by the above mentioned institute in collaboration with the National Institute of Statistics (INS).

*Main features:* In Romania, in particular since 2005, the main features that underlie cultural policies are:

- Tangible and intangible heritage protection.
- Promotion and support for contemporary creation.
- Capacity building, in particular with a view to reorganising the obsolete managerial system of public cultural institutions and the roles and responsibilities of the decentralised services of the Ministry.
- Cultural democratisation, both in terms of access and participation of citizens and in terms of access of non-state cultural actors to public financing schemes (as provided by Art. 33 of the Constitution of Romania).

Article 33 of the Constitution of Romania states that:

(1) The access to culture is guaranteed under the law.

(2) A person's freedom to develop his/her spirituality and to get access to the values of national and universal culture shall not be limited.

(3) The State must make sure that spiritual identity is preserved, national culture is supported, arts are stimulated, cultural legacy is protected and preserved, contemporary creativity is developed, and Romania's cultural and artistic values are promoted throughout the world.

Under the effect of Art. 33 of the Constitution, the field of culture shifted from its previous status of political propaganda instrument to that of public service assumed by the state. This change in status did not have an impact on the structures, though – i.e. at the level of the Ministry of Culture and National Identity, of the local authorities and public institutions. There is still a lack of understanding of the status of public institutions and efforts are made for them to be redirected towards the communities of beneficiaries. Another administrative effect of this conceptual gap is that the entire network of public institutions has a rather unresponsive behaviour towards the beneficiaries. At one point there was a tendency of accountability through management, but the law on management is one of the pivots the system should have been built on. It cannot solve, per se, all the problems of the public institutions.

One of the recurrent themes of the political debate is related to the decentralisation of cultural institutions. It should be reminded that in 1990 Romania inherited a heavily centralised system including that of public cultural institutions. Although decentralisation was a “hot topic” in the political discourse, cultural public institutions and, in many cases, local authorities were not very keen in supporting such initiatives. Arguments against such a decision ranged from “loss of prestige” (if a “national institution” became a “local institution”), fear of political interference at the local level, including discretionary power to change managers, fear of losing the preferential system of wages in force for national institutions and, last but not least, the fear of diminishing existing public

subsidies with a direct effect on the quality and quantity of the specific cultural output of the respective institutions. Many of these fears were baseless and therefore the policies drafted by the Ministry in this respect in 2006-2007 were never implemented. As a result, there are still 43 public cultural institutions directly subordinated to the Ministry of Culture and National Identity, in addition to the 42 decentralised heritage services of the Ministry. Most of the other cultural institutions are placed outside the influence of the Ministry of Culture, as a result of the Law on the local public administration (Law no. 215/2001). However, all these cultural institutions aim to become subordinated to the Ministry.

Although the Ministry of Culture and National Identity has lately reduced its competencies significantly, being mainly concerned with the administration of the emblematic national institutions still under its subordination, the Ministry is considered the main entity meant to ensure the overall architecture of all the public policies and strategies dedicated to culture

Although the relationship between national cultural policies and local cultural policies is not clearly regulated, in practice it can be noticed that local (county, municipal, etc.) cultural policies draw heavily from the objectives set forth by the national cultural policies.

*Background:* From 1945 until 1989, with a few short periods of relapse (1965-1971), Romania was the theatre for one of the most refined and detailed totalitarian experiments in Eastern Europe. Naturally, culture was one of the most affected fields, as the state grip on individual private lives and collective mentalities alike was all-encompassing and accomplished through culture as a propaganda instrument.

In 1947, a new regime was established, the People's Republic, which was placed in 1948 under the single rule of the Romanian Workers' (later Communist) Party. During 1948-1949, all the other traditional political parties were brutally disbanded and most of their leaders imprisoned. As a member of Kominform (the international structure of Communist parties for media and culture), COMECON and the Warsaw Pact in the economic and military / strategic fields, Romania started to implement the socialist Zhdanov Doctrine, also known as "socialist realism", at the domestic level. This doctrine prescribed the obedience of all actors in cultural life towards the new regime, correlated with state control of the whole "cultural chain", from budgetary resources and facilities, to the very content of cultural products that had to be adapted and aligned to the new Soviet standards. All mass media, including television, were placed under systematic censorship, both through the presence of political propaganda by specialised departments and through the close monitoring of all forms of media content. This firm grasp on the cultural and creative life was accompanied by the progressive multiplication of various administrative entities and structures such as the Propaganda Secretariat of the Communist Party Central Committee and the Council of Socialist Education and Culture (CSEC). The public authority pyramid system was reinforced by the political hierarchy, in close communication and often employing the same human and management resources, and it thus completed the repression of any attempt of underground culture.

Romania's progress cannot be fully understood and evaluated without taking into account the mutation process in the field of collective mentalities in general, of culture and cultural policies in particular. As a consequence of the control of the whole system and political behaviour before 1989, the 1990s presented a frantic and sometimes incoherent succession of actions.

No less than 28 different Ministers of Culture took office between 1990 and 2019, but none of them managed to raise the problem of a reform of the system, or to approach the field from a general perspective connected to

the other fields. Contradictory approaches, resilience of old structures and habits, and the lack of political initiative, coupled with a progressive devaluation of culture's rank within the national budgetary system, reduced the chances for a real reform of the system.

#### 1996-2000

1996 marked the arrival to governmental affairs of the Romanian Democratic Convention, a coalition of liberals, social-democrats and Christian-democrats. The problems related to cultural structures and patterns of public policies are mainly related to the tension between the welfare and liberal mission of the state.

This period is marked by a number of foundations operating in the field of culture, which had a major role in culture's democratisation (e.g. the Soros Foundation), as well as in the modernisation of some forms of cultural expressions in the fields of visual or performing arts (e.g. contemporary dance or the rebranding of the Museum of Contemporary Art).

Under these symmetrical pressures, the structures of the Ministry of Culture (which also included Religious Affairs at the time) - (MoCRA) - were forced to evolve, in terms of increased transparency and cooperation, and to meet the needs of the stakeholders in the domains of policy and decision making. Until 1997, the drafting of public cultural policies was exclusively carried out on a closed-circuit basis, which included MoCRA's civil servants and decision-makers of the Ministry. In 1997, a Consultative Council of the Ministry was set up, with the possibility for representatives of relevant stakeholders to participate in its meetings periodically.

#### 2000-2010

In 2001, several Regional Cultural Forums were set up, which analysts considered a bad example, as they were similar to previous communist structures of the kind.

In the autumn of 2005, the new popular liberal coalition, The Justice and Truth Alliance, brought a new, increasingly transparent vision of public cultural policies. MoCRA ceased to be a mere cultural operator, administering and distributing public funds and organising events. It aimed to complete the transfer of its competencies related to the financing of cultural programs and events to such organisations as the National Cultural Fund (currently the Administration of the National Cultural Fund). Also in 2005, the Public Policy Unit within the Ministry of Culture was established, under Government Decision no. 775/2005, followed by a Centre for Cultural Research and the reform of the Centre for Training and Qualification in cultural occupations.

Since 2006, three proposals for public policies have been developed and approved: to redefine institutions and companies in the field of performing arts, to develop the cultural services in rural and small urban areas, and to digitise the national cultural resources. Furthermore, the Ministry of Culture and National Heritage drafted the decentralisation strategy for culture and the *National Strategy on Cultural Heritage* and participated in the drafting of the *National Strategy for Sustainable Development*.

Since 2007 progress has been made regarding the implementation and compliance with EU law and procedures related to financing opportunities for Romania as an EU member state.

During 2009 a series of proposals were set out for developing a public policy that supports creativity in the field of culture, a strategy aiming to support and stimulate cultural small and medium-sized companies. Furthermore,

a strategy for increasing the absorption of non-reimbursable external (structural and community) funds for culture was promoted. Romania's relationship with the EU and all EU-related issues were covered in the *Strategic Plan for the Years 2009-2013* of the Ministry of Culture and National Heritage, including all cultural, audiovisual and related sectors.

From the issue of G.D. no. 90/2010 on the organisation and functioning of the Ministry of Culture, modified by it. 1 of art. I of H.G. no. 597/2017, which changes the title of the central public authority into the current designation - Ministry of Culture and National Identity, culture has remained a controversial topic. Beyond the structural changes of the Ministry and constant public budget cuts, culture has generated tensions and frictions between the representatives of the Government and the people working in the cultural and creative sectors.

2011-2020

Unfortunately, after 2011, the pace of drawing up the necessary standard-setting acts has slowed down, the concern for policies and strategies diminished, and the approach on culture as a unitary system of intervention for the use of the citizen has become a desideratum.

After a short period (2011-2014) of strengthening the preoccupation for urging a cultural management via intensive training of the former managers of public institutions, the Ministry of Culture (with titles including or excluding: the Religious Groups, Heritage or National Identity) completely abandoned its concern for a coherent system legislation or for the setting of priority action directions.

After the economic crisis, whose delayed impact reconfigured decentralised institutions or services with competencies at national level, the downsizing of the infrastructure has continued to produce negative effects, affecting the budgets and the wages of cultural personnel as well.

In 2013-2014 the National Institute for Cultural Research and Training was established, through the merger of the Centre for Research and Consultancy in the Field of Culture with the Centre for Professional Training in Culture; the Institute took over a large part of the tasks related to cultural strategies and took upon itself the difficult task to improve and develop the cultural statistics and systematic research of the consumption in relation to the cultural offer.

In the period 2012-2018, the law on salaries applied to the entire public system made the wages less attractive, which led to a migration of personnel toward the private field. Since 2017, through political pressure, some categories of employees have obtained unjustified salary raises, non-correlated to a quantity or quality of their work. These vertical measures have generated significant inequalities between the professionals of performing arts and concert institutions and the other types of institutions, as well as major discontents.

On the background of the decrease of its role in regulating the field of culture, the Ministry decided that the following period (2019-2020) would be dedicated to several priority goals related to:

- the draw up of the Code of Heritage – which will gather the special regulations for the immoveable, moveable and intangible heritage – due in 2020;
- carrying out ex-ante analyses for drawing up the Strategy on Culture for the new funding framework 2021-2027;

- projects for transversal strategies, together with the Ministry of Education and the Ministry of Tourism;
- development of the framework for the unfolding and monitoring of the project Timisoara - Capital of Culture 2021.

## 1.2. Domestic governance system

### 1.2.1. ORGANISATIONAL ORGANIGRAM

*Organisation chart Ministry of Culture and National Identity*

*Organisation chart of the institutions subordinated to the Ministry of Culture and National Identity*

### 1.2.2. NATIONAL AUTHORITIES

Within the Government, the responsibilities for drafting, promoting and implementing cultural policies belong, primarily, to the Ministry of Culture and National Identity. The overall policy objectives and main activities that should be carried out by the Ministry of Culture and National Identity are set forth in *G.D. no. 90/2010* with its subsequent revisions and in the *Governing Programme* adopted by Parliament (currently the *Governing Programme* covers the period 2018-2020 as described supra in chapter 2.3.).

The Ministry of Culture and National Identity also has overall responsibility for the management of the state budget allocated for its own operations and activities as well as for all its subordinated public cultural institutions. Another area of major importance that falls within the competence of the Ministry of Culture and National Identity is that of drafting and proposing to the Government primary and secondary legislation and the adoption of specific rules and regulations to facilitate the implementation of the aforementioned legislation.

In order to fulfil its mission, the Ministry of Culture and National Identity relies on several standing committees/commissions created by special legal provisions with a view to help with the drafting of sectoral/sub-sectoral policies, legislation and regulations, as well as of professional rules and guidelines. These standing committees/commissions also play an important part in the decision-making process, mainly in the field of heritage protection and public forum monuments. Their members are recognized as specialists in their respective fields proposed by the various categories of stakeholders and nominated by the Minister for renewable two-year mandates. These commissions are:

- National Commission for Historical Monuments (with its eight subordinated regional commissions). It has a decision-making role with respect to classification/declassification of historical monuments on a basis of professional criteria. Its decisions are formalised by an administrative order of the minister.
- National Commission of Archaeology. It has similar competences to those of the National Commission for Historical Monuments, but with respect to archaeological sites.
- National Commission of Museums and Collections. It decides upon the classification/declassification of moveable cultural goods. It issues rules for: the trade of moveable cultural goods, their conservation and restoration as well as for the accreditation of experts and specialised laboratories.
- National Commission of Libraries. It issues rules and methodologies for the overall activity of the national system of libraries including university and school libraries (with or without legal personality).

- National Commission for Public Forum Monuments. It analyses and issues the reports required for the approval of the placement of public forum monuments.
- National Commission for the Safeguarding of the Intangible Cultural Heritage. It issues criteria and standards for identification, evaluation, conservation and valorisation of intangible cultural heritage and cultural expressions of communities. It also issues the title of “living human treasures” and proposes elements of intangible cultural heritage to be enrolled on the UNESCO list.

In each of the 41 counties of Romania, as well as in Bucharest, the Ministry of Culture and National Identity has its own decentralised services (County Directorates for Culture and National Identity). These services connects the Ministry and local authorities, and operate under the coordination of the county “Prefect” (the person representing the Government at the county level). Their main activities are related to the supervision of the state of conservation, the restoration and valorisation of cultural heritage, irrespective of the ownership regime applicable.

#### MINISTRY OF CULTURE AND NATIONAL IDENTITY (MCIN)

### CENTRAL LEVEL

#### National Consultative Commissions of MCIN

NATIONAL COMMISSION OF HISTORICAL MONUMENTS + 12 ZONE COMMISSIONS  
 NATIONAL COMMISSION OF MUSEUMS AND COLLECTIONS  
 NATIONAL COMMISSION OF ARCHAEOLOGY  
 NATIONAL COMMISSION OF PUBLIC FORUM MONUMENTS + 11 ZONE COMMISSIONS  
 NATIONAL COMMISSION OF LIBRARIES  
 NATIONAL COMMISSION FOR THE SAFEGUARD OF THE INTANGIBLE CULTURAL HERITAGE  
 NATIONAL COMMISSION FOR CERTIFICATION AND ENDORSEMENT IN THE FIELD OF ARTISTIC IMPRESARIOS

#### National institutes (subordinated to MCIN)

NATIONAL INSTITUTE FOR HERITAGE

NATIONAL INSTITUTE FOR RESEARCH AND CULTURAL TRAINING

Specialized bodies of the central public administration coordinated methodologically by MCIN

THE ROMANIAN OFFICE FOR COPYRIGHTS

#### Decentralized public services

COUNTY DIRECTORATES FOR CULTURE AND NATIONAL HERITAGE

Specialized units subordinated to MCIN / Public institutions funded from their own incomes

ARTEXIM

#### Entities working under the authority of MCIN

NATIONAL COMPANY OF PRINTING HOUSES “CORESI”

AUTONOMOUS PUBLIC SERVICE UNDERTAKING “ROMANIA FILM”

“SAHIA FILM” STUDIOS

“ANIMAFILM” STUDIOS

#### Subordinated to MCIN

NATIONAL CULTURAL FUND ADMINISTRATION

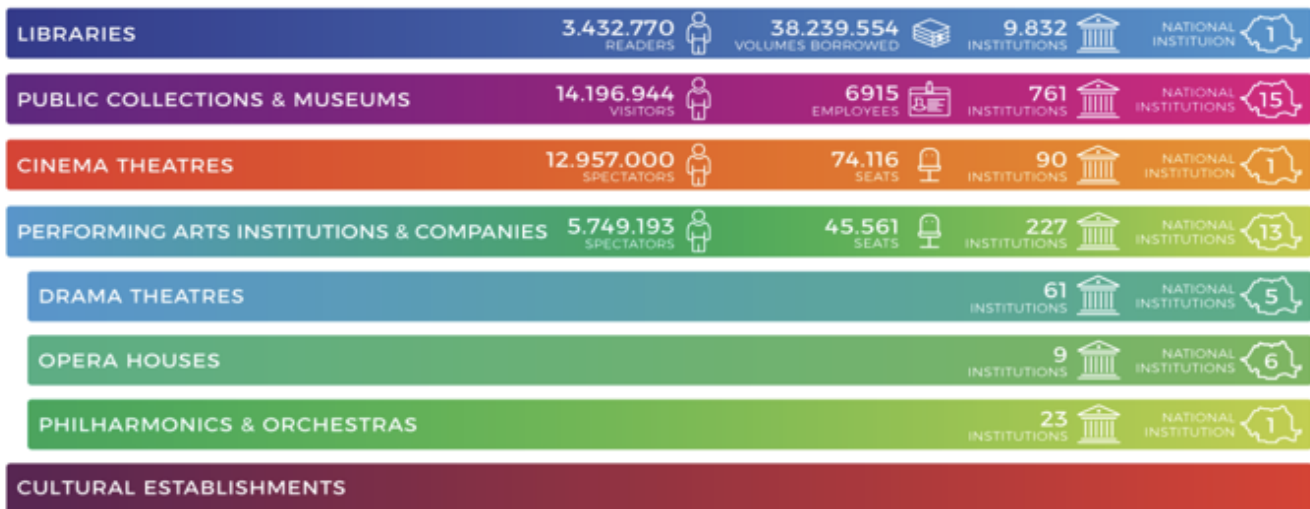
ROMANIAN FILM CENTRE

NATIONAL DANCE CENTRE

NATIONAL CHAMBER CHOIR “MADRIGAL”

**LOCAL LEVEL**

Institutions subordinated to MCIN and local institutions



Data available for the year 2016. Source: The National Institute of Statistics

While the cultural sector, at the national level, is mainly funded by the Ministry of Culture and National Identity, there are other ministries that allocate funds for the provision of various cultural services: Ministry of National Defence (for historical monuments, museums, cultural centres), Ministry of National Education (for artistic and vocational education and training), Ministry of Research and Innovation (for research activities related to culture), Ministry of Internal Affairs (for the National Archives, cultural centres and folklore orchestras), the Ministry of Foreign Affairs (through the network of the Romanian Cultural Institute) ensures the promotion of Romanian culture abroad. The promotion of Romanian culture is at the same time one of core activities and funding priorities of the Romanian Cultural Institute which is not part of the Government, but operates under Parliamentary control, alongside with three other main autonomous cultural bodies: National Audiovisual Council, Romanian Radio Society and Romanian Television Society.

The Romanian Office for Copyrights is directly subordinated to the Government and coordinated by the Ministry of Culture. It is the sole regulatory authority, which keeps records via national registries; it also has competences of supervision, authorisation, arbitration and technical and scientific endorsement in the field of copyrights and connected rights.

### 1.2.3. REGIONAL AUTHORITIES

Romania does not have a level of regional authorities, per se. The local administrative authorities are, according to the Constitution of Romania: the counties, municipalities, towns, communes. The eight “development regions” have been created with a view to supporting and enhancing cooperation between a certain number of counties and do not have administrative, legislative or financing competences. These competences lie, according to the Romanian Constitution and administrative system, with the local authorities (i.e. counties, municipalities, towns and communes).

### 1.2.4. LOCAL AUTHORITIES

At the local level, the different autonomous territorial authorities exercise their competences, with the respect to cultural affairs, by developing and adopting local cultural policies, deciding upon the allocation of the local budget for their subordinated public cultural institutions and for other cultural programmes and projects. By

virtue of these powers, local authorities can also fund their own cultural administration and create cultural units in order to implement the established cultural policies.

There are [103 municipalities, 215 towns and 2861 communes in Romania](#) and, as a general rule, local authorities have a Commission for Culture within the local deliberative body of the county/municipal/town council, made of elected members of that body. In most municipalities and major urban areas, the overall supervision of cultural affairs is entrusted to a technical/specialised department within the respective local authority. Various public institutions have been set up by several local authorities with a view to exercising, by delegation of competences in the cultural field, a series of actions with regard to financing cultural projects, heritage conservation and organisation of public cultural events. The participatory dimension of cultural actors and of civil society at large in the cultural policies processes differs widely from one local authority to another.

The development and adoption of comprehensive cultural policies have received a major boost in 2014-2015, when the competition for the nomination of a Romanian city as European Capital of Culture 2021 was launched. It should be noted that in the drafting process of these cultural policies, there was a massive interest and an ongoing participation of all local stakeholders, which contributed to raising the awareness of the local communities on the added value that culture can bring about.

#### 1.2.5. MAIN NON-GOVERNMENTAL ACTORS

Although non-governmental actors occurred after 1990, their range of activities and impact vary widely. According to [the list of registered NGOs](#) made by the Romanian Parliament's Chamber of Deputies, there are 187 active cultural NGOs in Romania, at the moment of writing. Their geographical distribution shows a polarisation around the major cities in Romania and NGOs are more active in the largest cities (with over 100,000 inhabitants). Their activities are mainly project-based and therefore depend upon adequate financing for these projects. Local authorities do not organise periodic consultations with non-governmental actors with a view to developing and shaping local cultural policies. A notable exception was the drafting of cultural policies for most of the 21 cities that entered the competition for the nomination of a Romanian city as European Capital of Culture 2021, when non-governmental actors were invited and participated actively in the process. A great part of this private sector is based on the human resource trained or even simultaneously employed in the public sector, which makes clear statistics harder. Mostly established as associations and foundations, they start by registering as operators with multiple NACE codes, reported irregularly.

At the central level, the Ministry of Culture has organised consultations with both public cultural institutions and non-governmental bodies with a view to discussing draft cultural policies (e.g. in 2013-14 and 2016) as well as proposed changes in cultural legislation (e.g. cinema law, copyright law). The most active non-governmental bodies are those involved in cinema and collective management of rights. Some NGOs have developed special expertise in the fields related to cultural policies and, from the empirical evidence gathered, it appears that these NGOs have, in recent years, become recognised and permanent dialogue partners with some local authorities. The extent and continuity of such dialogues and partnerships have not, as yet, been analysed and therefore no statistical data can be provided in this respect.

#### 1.2.6. TRANSVERSAL CO-OPERATION

Inter-ministerial and intra-governmental cooperation is formalised in general through specific legal provisions

(*Law no. 90/2001 on the organisation of Government and Ministries*) pertaining to the activity and functioning of the Government. The process of drafting, adoption and monitoring of public strategies and policies at the central level is regulated by *G.D. no. 870/2006* and *G.D. no. 775/2005*, which establish the competences of the different ministries and the intra-governmental procedures in this respect. Thus, any public policy or strategy initiated by a ministry has to be adopted by the Government following a mandatory approval at the level of each of the ministries whose domain of activity is influenced or affected by the respective policy or strategy.

Any public policy or legislative initiative that may have an impact on the cultural sector has to be evaluated by the Ministry of Culture and National Identity, which, through its specialised services, can propose amendments or require additional information with a view to a proportionate representation of the interests of various cultural stakeholders. The Government approves and/or adopts policies, legislation and regulations only if all ministries express their agreement and validate the proposals through the intra-governmental consultation procedure. Whenever major changes are foreseen in the existing legal or public policy framework, inter-ministerial committees are created, with the participation of all ministries representing the sectors or sub-sectors targeted, influenced or affected by these changes.

The general framework for the inter-ministerial cooperation of the Ministry of Culture and National Identity with other national administrative bodies can be found in [G.D. no. 90/2010](#) which identifies, inter alia, specific objectives for such a cooperation:

- Cooperation with the Ministry of Regional Development and Public and Administration, Ministry of Tourism, Ministry of Environment for a national strategy in order to mitigate the impact on the national cultural heritage generated by spatial planning and transport infrastructure development projects.
- Cooperation with the ministries responsible for education, research, youth and sports for the development or artistic and vocational curricula and the diversification of specialised training necessary in the cultural sector.
- Cooperation with the ministries responsible for foreign affairs, regional development and tourism for the elaboration of a national strategy to promote the values of Romanian culture and to develop cultural tourism in Romania.
- Cooperation with the ministries responsible with economy, trade and business environment, labour and social protection in order to create the necessary framework for developing the cultural economy and to support cultural and creative SMEs.
- Cooperation with the law enforcement agencies and the judiciary in the fight against criminal activities related to cultural heritage.

In order to address specific issues, several inter-ministerial advisory bodies were created. In 2012, with a view to preparing the implementation of European funds for 2014-2020, an Advisory Thematic Committee for Tourism, Culture and Cultural Heritage was set up under the joint coordination of the Ministry of Culture and National Identity, the Ministry of European Affairs and the Ministry for Regional Development and Tourism. After the subsequent reorganisation of the Government whereby the Ministry of European Affairs was incorporated into the Ministry of Foreign Affairs and the competences of the Ministry of Regional Development and Tourism were split up between the Ministry of Tourism and the Ministry of Regional Development and Public Administration, the activity of this advisory thematic committee was discontinued.

*G.O. no. 5/2017 on establishing certain organisational measures with regard to the Romanian Centennial Anniversary,*

entrusted the Ministry of Culture with the task of coordinating the preparation, organisation and implementation of all projects dedicated to this anniversary and instituted an inter-ministerial committee with this purpose. The committee is presided by the prime minister and made up of representatives of the Ministry of Culture, the Secretariat-General of the Government, the Ministry of Public Finances, the Ministry for Regional Development and Public Administration, the Ministry of Defence, the Ministry of Foreign Affairs the Romanian Cultural Institute. *G.O. no. 5/2017* was amended by *E.G.O. no. 22/2018*.

In 2017 an inter-ministerial committee coordinated by the Ministry of Culture and where representatives from the Ministry of Foreign Affairs, Romanian Cultural Institute, Ministry of Tourism and the General Secretariat of the Government sit as members, was created to supervise the preparations to participate in the 2019-2020 International Festival *Europalia* in Brussels. *E.G.O. no. 16/2018* brought about several changes in the organisational framework of this committee and instituted a working group under the direct responsibility of the Romanian Cultural Institute.

Similarly, an inter-ministerial committee was set up for the organisation of the *Cultural Season Romania-France* from December 2018 to July 2019, where the Ministry of Foreign Affairs was designated as coordinator and the Ministry of Culture and National Identity, the Romanian Cultural Institute, the Ministry of National Defence and the Secretariat-General of the Government participate, according to *E.G.O. no. 16/2018*.

A national partnership for spatial planning coordinated by the Ministry of Internal Affairs and Administration, was instituted in 2016 to create specific cooperation platforms for the national public administration, local public administration, business environment and the professional and scientific sector. It is aimed at an integrated and inter-sectorial strategic approach to a balanced development of the entire Romanian territory. The Ministry of Culture is part of this partnership, having overall responsibility for the protection of historical monuments, archaeological sites and their protection zones.

The Ministry of Culture is, by tradition, a natural partner of the Ministry of Foreign Affairs and the Romanian Cultural Institute on issues related to the promotion of Romanian culture abroad. However, the level of cooperation has varied throughout the years due to the numerous changes of ministers and of the presidents of the Romanian Cultural Institute.

The Ministry of Culture cooperates with local authorities to develop balanced approaches for the restoration, conservation and valorisation of historical monuments, archaeological sites and their protection zones, as well as for the provision of cultural services by local public cultural institutions. This cooperation is developed on the basis of the specific provisions set forth in the cultural legislative framework and the main actors in this respect are the decentralized services of the Ministry. However, contrasting views are sometimes expressed, criticizing the Ministry of Culture's tendency to focus on the protection of historical monuments and of protected areas, while the local authorities are supporting various urbanisation and spatial planning initiatives that may affect the protected areas of the cultural sites.

## 1.3. Cultural institutions

### 1.3.1. OVERVIEW OF CULTURAL INSTITUTIONS

The cultural institutions in Romania can be divided in two categories: the institutions from the public sector and

from the private sector. The public sector is dominated by the so-called national basic infrastructure (BIS), i.e. the main public cultural institutions subordinated to and financed by the Ministry of Culture and National Identity (see chapter 1.2.1). Most of the public cultural institutions are subordinated to the Local Public Administrations. Recently, there have been many tensions between the Government and the public cultural institutions due to the budget cuts that are blocking the activity of those institutions. However, it's a fact that the cultural sector is still under financed in Romania. Although official data show that the Ministry of Culture and National Identity's budget has increased by almost 31% since 2018, these increases are mostly due to wage raises operated by the government and are not always reflected in the quality of the cultural products offered to the public.

The only general classification on types of public cultural institutions is regulated by special laws, as follows:

- Libraries
- Museums, collections and exhibitions
- A non-specific category under the name of "cultural establishments", which comprises: cultural centres with a diverse activity, people's art schools, people's universities, folk centres, culture houses, rural culture houses.

There is no classification for criteria such as quality, size, accessibility level (per number of inhabitants) or quantity (cultural equipment, rooms, seats or technical equipment). The only difference between institutions of the same type is the level of the authority they are subordinated to, and this criterion also makes the difference in the personnel's wages.

We cannot draw a parallel between the levels of public and private infrastructures, because of both the lack of relevant statistical information and the excessive dynamics of private cultural organisations' occurrence and disappearance.

Each year, more and more companies decide to sponsor the events and projects of the cultural sector, but the law on sponsorship is obsolete and unattractive to the potential sponsors. Moreover, the major policy trends concerning the relationship between the public and private cultural sector have evolved in the last few years. A significant number of public performing arts institutions have developed partnerships with cultural NGOs either by co-producing events, programmes and projects or by hosting private theatrical or musical productions of cultural NGOs. Cultural education programmes, workshops and masterclasses are also jointly developed in the framework of these partnerships. These are trends that have developed in the last several years, but are mainly witnessed in major cities.

### 1.3.2. DATA ON SELECTED PUBLIC AND PRIVATE CULTURAL INSTITUTIONS

*Table: Cultural institutions, by sector and domain*

Domain	Cultural institutions (subdomains)	Public sector			Private sector		
		2014	2019	Trend last 5 years (ln %)	2014	2019	Trend last 5 years (ln %)

Cultural heritage	Archaeological sites recognized by the Ministry of Culture and National Identity <sup>1</sup>	13,277	17.808	34.1%	NA	NA	-
	(Historical) cultural heritage sites recognized by the Ministry of Culture and National Identity <sup>2</sup>	29,303 (data available for year 2010)	29.898 (data available for year 2015 – last update)	2.0%	NA	NA	-
Museums	Museums institutions and museographic collections <sup>3</sup>	648 (data available for year 2015)	683 (data available for year 2018)	5.4%	90 (data available for year 2015)	104 (data available for year 2018)	15.5%
Archives	Archives (of public authorities)* <sup>4</sup>	42	42	0%	NA	NA	-
Visual arts	Art galleries / exhibition halls	NA	NA	-	NA	NA	-
Performing arts	Stable stage spaces for theatres <sup>5</sup>	92 (2015)	89 (2018)	-3.2%	7 (2015)	12 (2018)	71.4%
	Concert houses (Opera houses) <sup>6</sup>	9 (2015)	9 (2018)	0%	NA	NA	-
	Performing arts and concert companies <sup>7</sup>	41 (2015)	42 (2018)	2.4%	15 (2015)	8 (2018)	-46.6%
	Dance and ballet companies <sup>8</sup>	6 (2015)	1 (2018)	-83.3%	2 (2015)	1 (2018)	-50%
	Symphonic orchestras <sup>9</sup>	23 (2015)	25 (2018)	8.6%	1 (2015)	0 (2018)	-100%
Libraries	Libraries <sup>10</sup>	9,868 (2015)	9,215 (2018)	-6.6%	350 (2015)	367 (2018)	4.8%
	Publishers (newspapers and magazines) <sup>11</sup>	127 (2015)	126 (2018)	-0.7%	449 (2015)	436 (2018)	-2.8%
Audiovisual	Cinemas (number of halls) <sup>12</sup>	7	29	314.2%	123	359	191.8%
	Broadcasting organisations (Radio and Television channels) <sup>13</sup>	30 (2015)	31 (2018)	3.3%	481 (2015)	700 (2018)	45.5%
	Music production companies	NA	NA	-	NA	NA	-
Interdisciplinary	Socio-cultural centres <sup>14</sup>	25 (2015)	26 (2018)	4%	4 (2015)	0 (2018)	-100%
Others							

Sources:

(1) – *National Archaeological Record of Romania*, database curated and administrated by the National Heritage Institute, last update: August 12<sup>nd</sup>, 2019; (2) – *List of historical monuments in Romania* recognized by the Ministry of Culture and National Identity (The National Heritage Institute), last update: 2015; (3), (5)-(11), (13), (14) – *Activity of the cultural-artistic units*, 2015 and 2018 years, The National Institute of Statistics, last update: 2019; (4) – Ministry of Internal Affairs official website; (12) – *Cinematography Registry*, National Centre of Cinematography, last update: 2019;

Notes: NA – Not Available; \* The number refers only to the 42 County Directorates of the National Romanian Archives Institution. These Directorates are subordinated to the Ministry of Internal Affairs.

### 1.3.3. PUBLIC CULTURAL INSTITUTIONS: TRENDS AND STRATEGIES

As a general rule the budgetary allocations for culture, both at the central and local levels are neither increasing nor stagnating. The recent (2017-2019) increase in salaries for professionals within public institutions has put a

strain on the budget of these institutions as the overall public allocations were not correspondingly increased. This situation has hampered the cultural activity of the public institutions and it led to a profound dissatisfaction of all types of workers. Recently, the artists have organised several protests to express their indignation over the way the Government deals with the financial aspects of the main public cultural institutions.

The recent cuts from the budget affected not only the public cultural institutions, but also the private cultural sector. The Administration of the National Cultural Fund (ANCF) is a public institution subordinated to the Ministry of Culture and National Identity, the unique institution in Romania that has been financing independent cultural projects (theatre performances, dance performances, concerts, festivals, exhibitions, etc.). In the last four years, over 1000 cultural projects have been launched in Romania with the support of the ANCF grants, many of them taking place in rural areas and in areas where people do not have access to culture at all. Unlike the public institutions that apply for the ANCF grants, for some of the private institutions and associations these grants are the only funding sources, therefore their cultural activity relies on the ANCF funds, which were significantly diminished with the latest budget cuts.

However, the partnerships between public cultural institutions and cultural NGOs were developed both as a way to diversify the cultural offer and to meet the diverse cultural needs of the public and as a way to secure adequate financing for different programmes or projects. They are mostly formalised via partnership agreements and range in scope from one project to whole programmes.

According to the data of the study *Trends of the philanthropic behaviour and the practice of fundraising* (The Association for Community Relations, 2016), only under 5% of all the “2% of income tax” donations from individual donors are redirected to the cultural sector, whilst the healthcare sector is the first choice of the Romanian donors and it receives over 45% of the donations. Unlike individual donors, within the business sector, the main beneficiaries of the sponsorships are the NGOs. This can be explained through the legislation on NGOs as well as through their operational flexibility.

## 1.4. International cooperation

### 1.4.1. PUBLIC ACTORS AND CULTURAL DIPLOMACY

The main national actors responsible for international cultural cooperation are the Ministry of Culture, the Romanian Cultural Institute and the Ministry of Foreign Affairs. While the Ministry of Foreign Affairs promotes and supports cultural cooperation via its specific diplomatic instruments, including the activity of the cultural attachés, the Romanian Cultural Institute is entrusted with the mission to present, promote and protect Romania’s culture and civilisation and to support the free flow of values of culture and science and consolidate and amplify the relations with Romanian communities abroad.

The international mission of the Ministry of Culture encompasses not only the promotion of Romania’s cultural values within the international arena, but also the initiation and negotiation of international/regional/bilateral conventions, protocols and agreements in the cultural field.

The main objectives and trends that guide the international cultural cooperation of Romania are:

- Promotion of all forms of Romanian culture in the European and international arenas.

- Promotion and support of intercultural exchanges and of cultural diversity.
- Support for the mobility of Romanian cultural professionals and of foreign cultural actors.
- Support for professional networking and cooperation between public and private cultural actors.

Every year the Ministry of Foreign Affairs organises a meeting with Romanian ambassadors where a special session is dedicated to public/cultural diplomacy to facilitate the exchange of information and discussing future priorities and projects together with the Ministry of Culture and [the Romanian Cultural Institute](#).

The Romanian Cultural Institute fulfils its international mission of cultural diplomacy through its strategic projects. The Institute also has a network of 19 Cultural Institutes set up in different countries that has been developing programmes and activities under its supervision. Some of these main strategic projects for 2018 were: *Lipatti 100* (100<sup>th</sup> birth anniversary of the musician Dinu Lipatti), *Benjamin Fondane International Prize*, *Brancusi 140* etc. The main themes for the Romanian Cultural Institute's 2019 strategic projects were: 100 years since the First World War, 30 years since the Romanian Revolution, Europalia Festival (Belgium). In addition, the Romanian Cultural Institute has an extensive programme of subsidies and grants addressed to Romanian and foreign artists and specialists in a large variety of fields. Although the Romanian Cultural Institute operates under parliamentary control, it has operational ties with the Ministry of Foreign Affairs, in particular in respect to the administration and functioning of the 19 Cultural Institutes abroad.

Another important actor with a specialised mandate is the Institute of the Romanian Language created by *G.D. no. 34/1999*, subordinated to the Ministry of Education. The Institute organises and supports Romanian language, culture and civilisation "chairs" (*lectorate*), which are currently operational in 51 universities in Europe, North America, Caucasus and South and East Asia, as well as teaching courses in Romanian language, culture and civilisation in educational institutions in EU member states.

Romania hosts several cultural agencies that promote foreign cultures in the country and help strengthen and diversify the scope of intercultural dialogue:

- [The French Institute](#)
- [The British Council](#)
- [The Hungarian Cultural Centre](#)
- [The Goethe Institute](#)
- [The Cervantes Institute](#)
- [The Italian Cultural Institute](#)
- [The Czech Cultural Centre](#)
- [The Polish Institute](#)

All of these institutes organise language courses and a large array of cultural and educational events and host public libraries. They also fund cultural projects proposed by various cultural actors as well as partnerships with public cultural institutions or cultural NGOs.

#### 1.4.2. EUROPEAN / INTERNATIONAL ACTORS AND PROGRAMMES

The Romanian Ministry of Culture is a founding member of the Council of Ministers of Culture of South-East Europe (CoMoCoSEE) following the signature of the Copenhagen Charter in 2005 and it held a rotating annual presidency in 2011.

Romania is also a member in several regional agreements, partnerships and projects such as the Central European Initiative, the Stability Pact in South-Eastern Europe, the Danube Cooperation Process, the South-Eastern European Cooperation Initiative and the Black Sea Economic Cooperation Organization (BSEC).

Taking into consideration the traditional ties with French culture and civilisation, enhanced by the strong influence of the French legal and administrative system, Romania is an active member of the *Organization Internationale de la Francophonie*.

Between November 2018 and July 2019, Romania was a co-organiser of the Season Romania-France, an international cultural project that coincided with the Romanian Presidency at the Council of the European Union, as well as with the celebration of two Centenaries: that of the Great Union (1918), implicitly of modern Romania, and the Centenary of the First World War's ending. The Season Romania-France had a positive institutional impact, opening premises for the development of direct partnerships.

Romania, through the National Cultural Fund Administration, is an affiliate member of the International Federation of Arts Councils and Culture Agencies (IFACCA).

Romania joined UNESCO in 1956 and from 1972 until the end of 2011 it hosted the European Centre for Higher Education of UNESCO (CEPES). The UNESCO National Commission of Romania was set up under the direct coordination of the Ministry of Foreign Affairs and of the Ministry for National Education, to ensure a close relationship with UNESCO and act as a multi-disciplinary body for the coordination of programmes, projects and activities in Romania. In this regard, by the end of 2019, the National Institute for Cultural Research and Training (NICRT, Ro. INCFC, *Ed.*) and its partners launched the UNESCO-funded study *Culture for Development Indicators*, which focuses on the contribution of culture to Romania's sustainable development, as well as on the intersections of the most interesting statistical data on cultural participation, the economic impact of cultural activities and the importance of professional training. The results are embedded within seven analysis dimensions: economy, education, governance, social participation, communication, equality of chances and heritage.

Since its accession to the EU (2007), Romania has participated in all major programmes and initiatives in the field of culture and audiovisual, particularly in the following:

- European Heritage Label. Launched in 2006 to highlight the multiple European dimensions of historical monuments, natural and urban sites or commemorative sites, thus celebrating European values, ideas and history. The Sighet Memorial (former communist prison) is one of the sites that have been awarded this label following the new selection procedure introduced in 2011.
- Creative Europe Programme. The Ministry of Culture, through its specialised unit for the management of projects, is hosting the Romanian Creative Europe Desk.
- Europe for Citizens. The contact point for this programme is also hosted by the Project Management Unit of the Ministry of Culture and National Identity.
- EU Strategy for the Danube Region. Romania is a co-coordinator with Bulgaria for the priority area number 3 (promotion of culture and tourism, of "people to people" contacts) and the Ministry of Culture is the technical coordinator for culture-related matters.
- EU Strategy for the Black Sea Region. Romania supports the regional cooperation, in particular with a view to contributing to the development of the cultural tourism, through such projects as, inter alia, the

establishment of the *Cultural Port of the Black Sea*.

- European Capital of Culture. Following the city of Sibiu, which was awarded this title in 2007, alongside Luxembourg, the city of Timișoara has won the competition and was designated as "*European Capital of Culture*" for the year 2021.

Romania is one of the beneficiary countries of the EEA financial mechanism. Under the current grant scheme, the Ministry of Culture, through its Project Management Unit, was entrusted with the management of the financing programme dedicated to culture *Cultural entrepreneurship, cultural heritage and cultural exchanges* (RO-CULTURA). The aim is to support integrated and innovative management of cultural heritage, including that of the Roma minority and strengthening access to culture via the development of cultural entrepreneurship, audience building and support for cultural initiatives concerning the Roma minority.

### 1.4.3. NGO'S AND DIRECT PROFESSIONAL COOPERATION

All major cultural organisations have established, over the years, direct professional cooperation relations with their counterparts in other countries. They have developed a large variety of projects fostering the participation of professionals and supporting their mobility and permanent exchange of views and transfer of knowledge.

Specialists' mobility and exchanges are also supported through the funding schemes for subsidies and grants of the Romanian Cultural Institute that cover a large array of fields from literary translations to architecture, philosophy etc.

Cultural professionals' mobility and cooperation was supported by the Ministry of Culture in the period 2005-2010 via dedicated funds for residence programmes or scholarships as well as for tours abroad of organisations of performing arts, exhibitions of contemporary art and heritage abroad, network of cultural residences (cultural centres), etc.

In recent years, local authorities have diversified, although on an ad-hoc basis, their support programmes for cultural events by including artistic residences and creative camps with local, national or international participation of culture professionals.

Romanian culture professionals participate either as individual members or institutional members in international non-governmental organisations and networks such as: Informal European Theatre Meeting - IETM, European Network on Cultural Management and Policy - ENCATC (its 2018 Congress "*Beyond EYCH 2018. What is the cultural horizon? Opening up perspectives to face ongoing transformations*" took place in Bucharest, hosted by the National Institute for Cultural Research and Training), Culture Action Europe (its 2018 conference - "*Beyond the Obvious*" took place in Timișoara), International Council of Museums - ICOM, International Council on Monuments and Sites - ICOMOS, International Federation of Library Associations and Institutions - IFLA, International Council on Archives - ICA, International Union of Architects - IUA, Network of European Museum Organizations - NEMO, Organization of World Heritage Cities (The city of Sighișoara is a member), The International Committee for the Conservation of Industrial Heritage - TICCIH, Europa Nostra (six Romanian organizations are members and three are associate members), Trans Europe Halles etc.

## 2. Current cultural affairs

### 2.1. Key developments

The [Sectoral Strategy for Culture and National Heritage for the period 2014-2020](#) states the Government's medium-term priorities for the cultural sector that also were present in the Governing Programme 2013-2016:

- Development, renovation and proper equipment of cultural infrastructures in accordance with international realities, streamline and professional improvement in management and execution;
- Draw up and implementation of a national strategy for the restoration and valorisation of cultural heritage;
- Change of the law on heritage, draft the law on protected areas and the law on patronage in culture and art;
- Promote an active partnership between the state and the civil society.

For the period 2017-2020, Romania is involved in several important activities:

- participation of Romania, as honour guest, in the International Art Festival EUROPALIA (2019);
- the "Centenary" Program (2017-2020);
- the Cultural Season Romania-France (2018-2018);
- the European Cities Program;
- the cultural programme associated to Romania's presidency of the EU Council (January-June 2019);
- the e-Cultura project;
- the participation in European Heritage Label and in 2018 – the European Year of Cultural Heritage actions;
- set-up and management of the action "European Capital of Culture" (CEaC) for 2021 in Romania;
- set-up of the national stand within the international book festivals of Jerusalem, Leipzig, Bologna, Budapest, Prague, Frankfurt, Belgrade, Istanbul and Sophia;
- organising the participation in the Venice Biennale (art/architecture).

Carrying out these activities contributes to the achievement of several general objectives and marks their importance in the context of the cultural and creative ecosystem of Romania and in the relationship with the European institutions.

Romania is constantly in the race for harmonising the European cultural objectives, by regularly updating its own agenda with the main European topics. Unfortunately, a complicated, difficult bureaucratic system – related to a lack of specialists in matters of policies and strategies, at the level of central and local authorities – makes it difficult for the cultural or artistic initiatives and products to become known in the member states.

### 2.2. Cultural rights and ethics

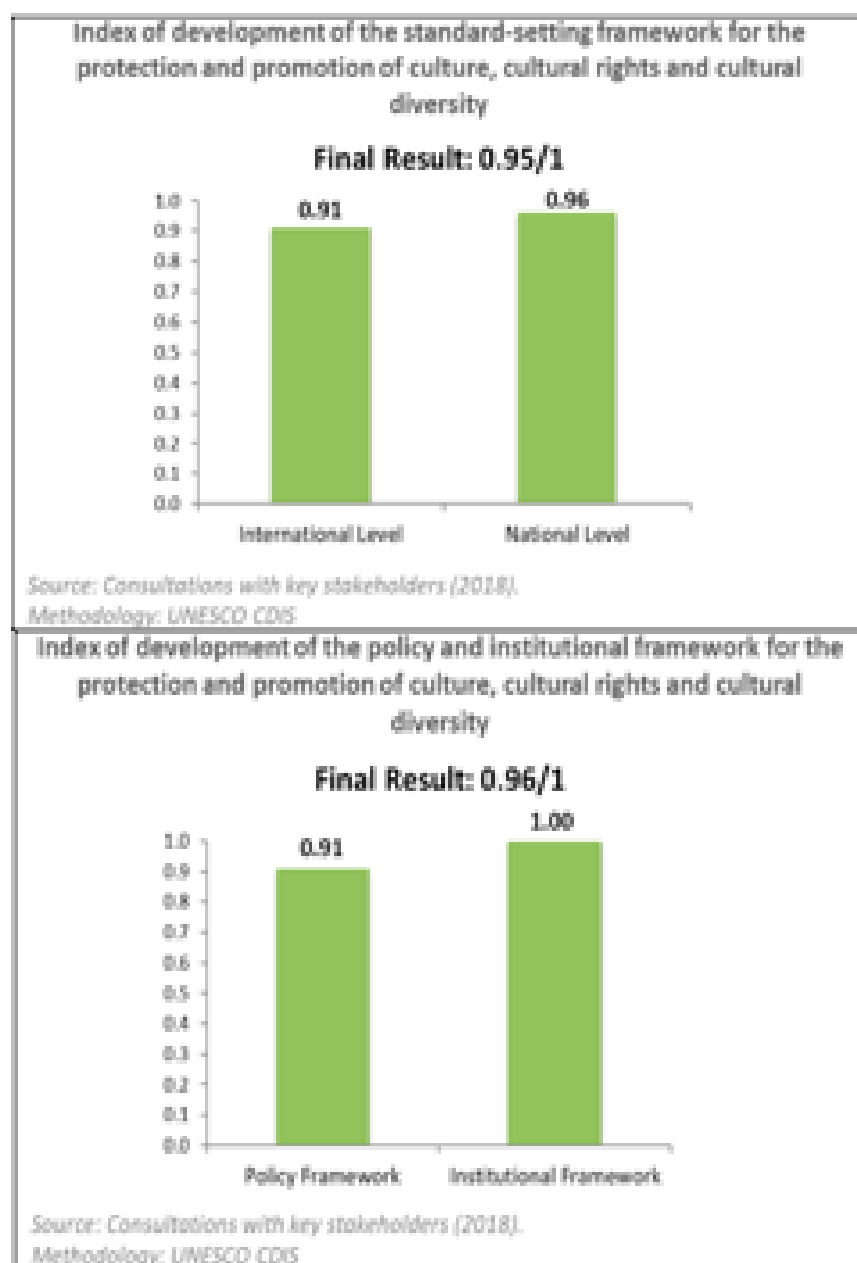
The right of access to culture is guaranteed in Romania by Article 33 of the Constitution (see chapter 1.1), even though the harmonisation between the central and local levels in cultural matters (the cultural needs of the beneficiaries, areas of cultural interest, financing adaptation) is still in its early stages.

According to the results of the UNESCO-funded study [Culture for Development Indicators](#) ("a pioneering

research and advocacy initiative that aims to establish a set of indicators highlighting how culture contributes to development at the national level fostering economic growth, and helping individuals and communities to expand their life choices and adapt to change”), conducted by the National Institute for Cultural Research and Training, in Romania, the necessary standard setting framework and the policy and institutional framework are operational. The majority of binding international instruments were ratified, while principles of universal declarations and recommendations have been in great part incorporated into the national law.

Significant efforts were made to elaborate a strategic framework for culture, with an action plan and an adequate budget. There was an attempt to update the strategic framework *Sectoral Strategy for Culture and National Heritage* for the period 2014-2020 by adopting a new strategy for the period 2016-2022. A new strategic framework for 2021-2027 will be prepared with European funding.

Currently, the only officially assumed and approved strategic frameworks that govern the sector of culture are the *Governing programme 2018-2020* (that lists the priorities for Culture) and the *White paper for Unlocking the Economic Potential of the Cultural and Creative Sectors in Romania* (2017).



According to the UNESCO-CDIS study, the indicator *Civil society participation in cultural governance* shows a result

of 0.925/1 (year 2018) for Romania. The score of 0.925/1 indicates that in Romania the opportunities for access and participation of both minorities and cultural professionals in the decision-making process are present.

The participation of minorities at national level is ensured through the Council of National Minorities – a government advisory body without legal basis, coordinated by the Department for Interethnic Relations, subordinated to the Prime Minister and coordinated by the Deputy Minister for the Coordination of the Secretariat-General of the Government. The Council consists of three representatives from the national minorities' organisations in the Romanian Parliament.

While at national level the meetings of the Council are permanent, at local level the Department for Interethnic Relations maintains permanent links and cooperates with local public administration authorities, their meetings being ad-hoc in nature.

The participation of cultural professionals at national and local level in processes related to designing and implementation of measures is ensured by a series of institutional mechanisms, such as the specialised national commissions for cultural heritage that operate under the umbrella of the Ministry of Culture and National Identity: the National Commissions for Historical Monuments, Museums and Collections, the Safeguarding of the Intangible Heritage, Public Monuments, and Archaeology.

The National Commission for Historical Monuments proposes the approval of the methodologies, norms and technical-scientific measures in the field of historical monuments protection, as well as the related strategies. At the same time, it draws priorities for the works and measures necessary to ensure the protection of historical monuments, irrespective of their legal situation and the source of financing; approves the List of Historical Monuments drawn up by the National Heritage Institute; proposes monuments to be included in the List of Cultural and Natural Heritage and in the UNESCO World Heritage List; approves the logo of historical monuments; proposes the classification, downgrading, non-classification or changes in the historical monuments' classification group; and fulfils other attributions given in its competence, according to the law.

With respect to the protection of historical monuments, the Ministry of Culture and National Identity has 12 Zonal Commissions organised at local level that are decentralised and specialised bodies of the National Commission of the Historical Monuments.

## 2.3. Role of artists and cultural professionals

Efforts have been made in the direction of incorporating the Status of the Artist into a public policy. This includes an initiative to elaborate a public policy proposal for the support and stimulation of the cultural and creative sectors and a public consultation of the cultural sector being organised by the Ministry of Culture and National Identity in 2009. Two reports were published by the National Institute for Cultural Research and Training – *Draft of a policy for the stimulation of creativity: proposals from creators, NGOs and companies from the cultural sector* (the aim of the study was to identify dysfunctions and their remedies in order to formulate a public policy to stimulate creativity; the study characterises the artist's status, taking into account the social, professional, legal, fiscal and financial status of the creator) and an update of the report, in 2011.

In 2010, the Plastic Artists' Union (UAP) put forward a law on the organisation and exercise of the profession of visual artist. The bill was an attempt to regulate the exercise of the profession of visual artist and the

establishment of the Society/Order of Visual Artists of Romania, as a form of associative organisation based on professional criteria, independent, non-profit, autonomous, apolitical and of public interest, but the bill was not adopted.

Six years later, in 2016, the Ministry of Culture proposed the set-up of a Platform of Dialogue with the Civil Society, the "Cultura Vie" (living culture) Platform. A memorandum was launched with a view to finding a consensus to adopt the Status of the Artist, comprising ten basic principles:

1. "Art creates identity and diversity";
2. "Art is a free domain of self-expression, part of the freedom of expression";
3. "Artistic creation is original and irreproducible";
4. "Art is a territory for universal experiment that creates new perspectives for the society";
5. "*Artistic creation is a form of work and, as such, it deserves a fair reward*";
6. "A work of art is neither a consumption good, nor an investment. It is a complex manifestation of the human spirit, which acquires its own specificity";
7. "The work of the artist aggregates communities";
8. "Mobility is an essential part of the creative experience of the artist. It generates environment and facilitates association for the artistic work";
9. "A propitious development of art is supported by an educated public. Artistic education is a condition for each individual's personality development and life enrichment";
10. "Promoting artistic creation is an important part of Romania's foreign politics".

While the Status or Condition of the Artist in Romania represents a real concern of the cultural sector, more steps are needed to be made in order to identify concrete measures. The approval by Government Memorandum, in February 2017, of the [White Paper for Unlocking the Economic Potential of the Cultural and Creative Sectors in Romania](#), elaborated by the National Institute for Cultural Research and Training, marks an important advancement in the context. A White Paper document marks the turning point of a process - in this case of the process of a programmed valorisation of the potential of the cultural and creative sectors (CCS). The White Paper aims gathering, under the broader concept of Cultural and Creative Sectors, some fields which are traditionally market-oriented and, consequently, likely to generate economic development, as well as other, less market-oriented fields, which have a more powerful role from a social viewpoint (community cohesion and inclusion). The White Paper managed to map the *cultural and creative sectors* of Romania, from the viewpoint of unlocking their economic potential, by considering their specific cultural and social value. The data will be reviewed and updated in 2020.

## 2.4. Digital policy and developments

Regarding digital policy in the cultural sector, the *Strategy for culture and national heritage 2016-2022* acknowledges the importance of the digital development in all the fields of culture and presents an in-depth analysis of the main evolutions and obstacles in this respect.

In terms of intangible cultural heritage protection, the Strategy recognizes the importance of imposing both a series of measures to increase the number of digitised moveable heritage resources and the encouragement of the access of private owners to the restoration and conservation of the moveable heritage, which may be costly sometimes.

The matter of digitisation was approached at national level as early as 2009, when Romania drew up and assumed a public policy in this field. However, the results of implementing these undertakings were delayed, especially due to underfunding. According to the National Strategy for the 2020 digital agenda, the end of 2015 should have marked the digitisation and publication of 750,000 resources within the European Digital Library. Until August 2016, only 7.6% of these resources were digitised and consequently the Ministry of Culture proposed the E-cultura project, which was going to be financed from non-refundable European funds; the project aims for the digitisation of 750,000 resources coming mainly from the field of moveable cultural heritage, until 2020.

Furthermore, the text of the Strategy encourages public cultural institutions to develop digital instruments with a view to increasing the access to and reusing the cultural assets owned by cultural institutions (particularly by museums, libraries, archives).

The Digital Agenda for Europe 2020 stipulates culture-related goals, such as an increased degree of digital literacy and the increase of digital inclusion and skills. One of the pillars of the Strategy regarding the digital single market for Europe (2015) is the improvement of consumers' and enterprises' access to digital goods and services across Europe. These goals are also found in Romania's digital Agenda 2020, which sets several objectives related to the digitisation of the national cultural content. Besides, the National Strategy regarding Romania's Agenda 2020 [sets the following objectives](#): at least 80% coverage through broadband networks (with speeds over 30 Mbps); at least 60% of Romanians using the Internet regularly; at least 30% of Romanians making online purchases and at least 35% of Romanians using the e-government systems.

The IT structure is not yet clearly defined in Romania's institutions, and the inter-operability degree is low; several cultural institutions separately own and manage different databases (INP, National Archives, national and university libraries). The existing databases have a significant degree of redundancy, their contents partially overlap and they are updated from different information sources and with different frequency because of the lack of documents that would formalise and standardise the information flow. These distortions occur as a consequence of the lack of adequate information transmission channels, the absence of a set of unitary norms and regulations, and the low degree of communication between the institutions involved. A large part of the digital cultural resources is registered within libraries, but the size of the collections belonging to the libraries varies depending on the type of library and, at local level, on the approved budget for its operation. The IT infrastructure and the digitisation projects within libraries differ depending on the budget of each library. The electronic resources purchased by libraries are reduced.

Nevertheless, in 2018, the *E-cultura: Romania's digital library* project was launched under the aegis of the Ministry of Culture and National Identity, with the National Institute for Heritage as associated member. The value of the project amounts to 11.4 million euro, being funded through the Competitiveness Operational Program (COP) 2014-2020, Priority Axis 2, action 2.3.3.: *Improving ICT infrastructure and digital content in the field of systemic e-education, e-inclusion, e-health and e-culture*. The specific objectives of the E-cultura project are:

- Growth of the number of cultural heritage elements digitised and displayed online, in a single access point;
- Increase of the degree of inter-operability between the institutions that own elements of cultural heritage;
- Promotion of the national cultural heritage by displaying the digitised cultural resources in europeana.eu.

## 2.5. Cultural diversity

### 2.5.1. NATIONAL / INTERNATIONAL INTERCULTURAL DIALOGUE

As per the [2011 census](#), the main minorities of Romania are: Hungarians – 1.23 million people (circa 58.9%), Roma – 0.62 million (29.8%), Ukrainians – 50.9 thousand (2.44%), Germans – 36 thousand (1.73%), Turks – 27.7 thousand (1.33%), Lipovan Russians – 23,49 thousand (1.13%) and other minorities with under 1% (up to 20 thousand people) each – Tatars, Serbians, Slovaks, Bulgarians, Croats, Greeks, Hebrews, Italians, Poles, Czechs and others.

According to the [CDIS-UNESCO study](#), the Multilingual Education index of 52% reflects a relatively good level of promoting multilingualism in Romania, showing that, out of the total language teaching hours in the first two grades of middle schools, 48.33% are dedicated to the official language, 45.00% to international languages and 6.67% to languages of national minorities. In Romania, there are 10 national minorities with access to education in their own language, listed by the *Law 282/2007* for ratifying the European Charter for Regional or Minority Languages: Bulgarians, Czechs, Croats, Germans, Hungarians, Russians, Serbs, Slovaks, Turks, and Ukrainians.

The [Strategy for culture](#) project highlights the role of cultural diplomacy in the improvement of the intercultural dialogue, while education through culture has the goal to improve the intercultural dialogue and cultural diversity. The Strategy gives funding priority to "projects and programmes of public and private cultural operators that mainly aim for the conservation, development and valorisation of the tangible and intangible heritage of the traditional minorities and of the ethnic groups; promotion of diversity and valorisation of minorities' and ethnic groups' cultural expression; valorisation of the culture of new ethnic groups, of immigrants and refugees, including their cultural expressions – support for the projects approaching social and economic issues specific to the integration of these groups into the Romanian society; dialogue cooperation and promotion and intercultural skills to carry out new cultural productions; intercultural education, both through participation in training and learning stages in other countries, via youth exchange and through providing opportunities to know the culture of ethnic minorities from one's country; organising ongoing training courses for the teachers in the field of intercultural education, which should be the basis for supporting the principles of non-discrimination and equality of chances."

The [National Strategy on Immigration 2015-2018](#) included a direction of action for the promotion of intercultural dialogue and of contacts at all the levels of society through the set-up of multicultural activities within the objective to create an environment facilitating the integration of citizens from third-party states. These goals are attainable through the ACCES program, which supports cultural projects promoting the intercultural dialogue.

An example of a successful project in the field of intercultural dialogue is the [Project Migrant in Intercultural Romania](#). This project was developed in partnership with the League for the Defence of Human Rights (Cluj branch, ADIS Association in Bucharest) and the Centre for Civic Resources in Constanta (in the period September 2012-June 2015). The project was co-funded through the European Fund for the integration of third-country nationals and managed in Romania by the General Inspectorate for Immigrations. It included several workshops on these matters, where bills were proposed to facilitate the integration of migrants in Romania as a border-country of the European Union. Furthermore, it included the Festival of Multiculturalism, which took place under the aegis of the League for the Defence of Human Rights – Cluj, member of the International Federation for the Defence of Human Rights based in Paris.

## 2.5.2. DIVERSITY EDUCATION

In the society and economy of knowledge, there is an increasing need for specialised human resources, with multiple and transferable abilities. Work and management in the field of knowledge require the continuous adaptation to the market needs, to the ever-greater dynamics and challenges generated by the socio-economic transformations and technological developments. In this respect, knowledge becomes a currency itself, an investment that secures survival and development for the society materialised not only at national level, but also at international level, due to the globalisation of labour markets.

National policies in the field of education include the concept of lifelong learning or ongoing professional training increasingly, as an essential premise for the intelligent and sustainable development. In Romania, all these tend to align to the European framework, which links the employment policies to the knowledge economy. Thus, the focus is put on the final outcome of education and training, which should be the insertion in the labour market or in the targeted occupational sector.

In the last twenty years, the Romanian education system has made progress in terms of inclusion policies for the national minorities. In 2017, the study *National Minorities in Romania revisited. Educational policies and the protection of the linguistic (human) rights* stated that "in Romania live 20 officially recognized minorities, which represent 11,08% of the total population" that time. The diversity of ethnic groups and, implicitly, of the languages their members speak, makes it difficult to formulate coherent and transparent educational policies. The comparative statistical data (school year 1999-2000 vs. school year 2012-2013) provided by the Ministry of National Education, through the State Secretary for Minorities from that date, show the evolution of teaching in the national minorities' languages in Romania:

SCHOOL YEAR 1999-2000			SCHOOL YEAR 2012-2013		
Language of tuition	School units	%	Language of tuition	School units	%
Total Romania	27.512	100	Total Romania	19.000	100
Total minorities	2.755	10,01	Total minorities	2.872	15,11
Hungarian	2.388	8,67	Hungarian	2.198	11,56
German, Serbian, Ukrainian, Slovak, Czech, Croatian	367	1,33	Romany	304	1,6
			German, Serbian, Ukrainian, Slovak, Czech (only pre-school and primary education), Croatian (pre-school, primary and upper secondary education – college), Turkish, Bulgarian, Italian, Greek	370	1,94

Source: *The important parameters of teaching in the national minorities' languages in Romania*, Bucharest, the Ministry of National Education, the State Secretary for Minorities.

It is already well-known that children and young people from Roma community are a disadvantaged social category, often discriminated against, with dramatic effects on their education. In the study carried out in 2011 by the Agency of Community Development Together for UNICEF, it was revealed that more than 70% of the school dropouts are Roma pupils, and the causes of these educational dropouts are: poverty, poor quality of the education received in families and the lack of human and material resources in the educational institutions.

In this regard, after 1996 until now, the Ministry of National Education, as well as other public or private educational entities, have developed programs and projects to encourage the inclusion of Roma children both in

the educational system and in society, in general. An initiative that solved the controversy "integrated education vs. inclusive education" was the elaboration of the case study *Inclusive education in Romania*, started by UNESCO and UNICEF, which became an autonomous publication in 2001 (*Including the excluded: meeting diversity in education. Example from Romania*). In the elaboration of this study were involved entities such as: Ministry of National Education, UNESCO Office in Romania, University of Bucharest, UNESCO CEPES (the de-centralised office for the European Center for Higher Education), Institute of Educational Studies and NGO Save the Children Romania. One of the case studies included in this study refers to: "the social and educational inclusion of Roma children; European and Romanian policies; schooling for the Roma population in Romania; positive initiatives."

Another notable initiative was the PHARE 2003 programme, entitled "Access to education for disadvantaged groups". This program aimed at facilitating access to quality education for all children, regardless of their ethnic, linguistic, socio-economic or psychological characteristics. PHARE has piloted the creation of resource centers in order to help teachers develop more inclusive classrooms and schools. The activities of this programme focused on training sessions in the field of educational inclusion (UNESCO International Bureau of Education, *Romania. Regional Preparatory Workshop on Inclusive Education. Eastern and South Eastern Europe, 14-16 June 2007*).

### 2.5.3. MEDIA PLURALISM AND CONTENT DIVERSITY

The policy coordination authorities in the media sector are the Ministry of Culture and National Heritage, which implements policies, and the National Audiovisual Council (NAC), which is the secondary regulator for the sector.

Romania has ratified the European Convention on Transfrontier Television and modified its national legislation accordingly.

Currently, in order to harmonise its specific legislation with the *acquis communautaire*, Romania closely follows up the revision process of the European Convention on Transfrontier Television, and of the *TVWF Directive*, in order to adapt its legislation accordingly.

Romanian public service broadcasters operate alongside numerous commercial counterparts. Currently, there are now approximately 80 Romanian television channels (almost half of them having more than 1 local station), plus 4 operated by the Romanian Television Society - the public broadcaster (TVR 1, TVR 2, TVR International, TVR Cultural and TVR Info). Due to financial problems the Romanian Television Society announced the closing down of TVR Cultural and TVR Info (see also <http://www.romania-insider.com/romanian-state-owned-tvr-to-close-down-two-channels-layoff-staff-in-attempt-to-save-money/63105/>). As of September 2012, only TVR info has been shut down. Also 845 cable companies also operate in Romania.

The National Audiovisual Council (NAC) is a public, autonomous authority under the control of the Parliament and is the protector of the public interest in the field of audio-visual communication, under the conditions provided by the *Audiovisual Law no. 504/2002* revised in 2010. The Council has advisory competence with regard to other public authorities, without being empowered with legislative initiative.

The NAC was founded in 1992 (under *Law 48/1992*, replaced in 2002 by *Law 504* revised in 2010) in order to provide a legal framework for the setting up of a competitive and free private market in the Romanian audiovisual field.

The NAC is the only regulatory authority in the field of audio-visual programme services and must ensure the following:

- observance of a pluralist expression of ideas and opinions in the programme services transmitted by radio-broadcasters under Romanian jurisdiction;
- pluralism of information sources for the public;
- free competition;
- a fair balance between the national radio-broadcasting services and local, regional or thematic services;
- protection of human dignity and of minor children;
- protection of the Romanian culture and language, as well as the culture and languages of ethnic minorities;
- transparency of mass communication means in the audio-visual sector; and
- transparency of its own activities.

The main debates among media professionals and other actors of the cultural community are targeted at the following issues:

- TV and radio cross ownership (without print media and ISPs);
- transparency provisions not fully enforced;
- the production and dissemination of indigenous content: *Audiovisual Law no. 504/2002* (amended in 2003 and in 2006) provides, in line with the *TWF Directive*, that broadcasters have to reserve at least 10% of their programme budgets, or their broadcasting time, for independent productions (excluding the time allocated to information, sports events, games, publicity, teletext and teleshopping services); and
- there are no cultural obligations for broadcasters, except for those in the public service (Romanian Television Society and Romanian Radio Society) - the law is currently under revision.

#### 2.5.4. LANGUAGE

The official language of Romania is Romanian. In 1999 the [Romanian Language Institute](#) was established as a specialised institution with the object of promoting the Romanian language, culture and civilisation overseas. The programmes managed by the Romanian Language Institute are:

- Romanian language lectureships in universities abroad;
- The project regarding the teaching of the Romanian language, culture and civilisation course in educational establishments in member states of the European Union;
- Certification of Romanian language skills.

In an attempt to support the correct use of Romanian language, the Parliament adopted a *Law on the use of Romanian in public places, relations and institutions (Law no. 500/2004)*. The correct use of Romanian language in radio and TV programmes is the subject of a series of monitoring reports and analyses carried out by the National Institute of Linguistics “Iorgu Iordan – Al. Rosetti”, which highlight errors in orthography, grammar, syntax as well as, inter alia, incorrect usage of certain borrowed words or expressions. These reports are also used by the National Audiovisual Council. Various broadcasters are scheduling programmes dedicated to the correct use of Romanian language, focusing on the most frequent mistakes and errors.

The main issue regarding language in Romania is the protection of the languages of the 20 minority ethnic groups. Protective principles can be found in the *Local Public Administration Law no. 286/2006*, including the right

to use one's mother tongue within administrative procedures (Article 17), or the systematic translation of geographical names and indicators in all the spoken languages of a given area (Article 10 to 13). In October 2007, Romania adopted *Law no. 282* in order to ratify the *European Charter for Regional or Minority Languages*, signed at Strasbourg on 5 November 1992.

## 2.5.5. GENDER

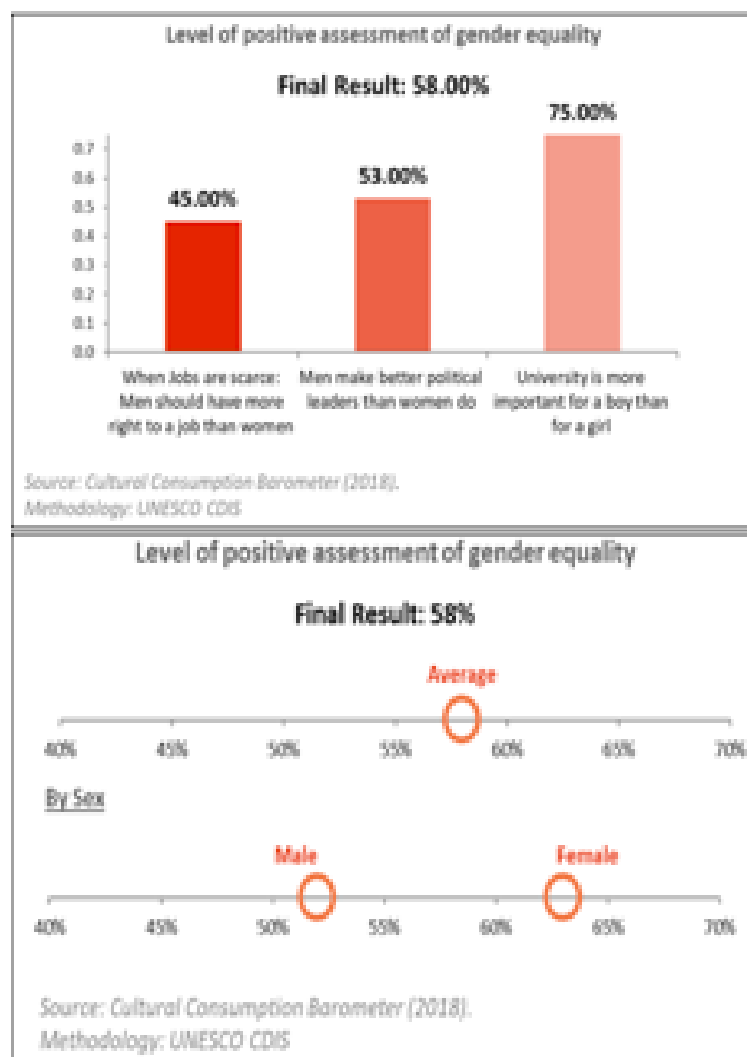
In 2018, the [CDIS-UNESCO study](#) shows that the gender equality objective in Romania has not been approached yet due to the legislation and the lack of studies concerning gender equality. As for education, the differences between women and men are the smallest. The Romanian legislation and the educational system are comprehensive; therefore, boys and girls have equal rights and chances in accessing education. The recorded differences in Romania are not so high concerning the involvement in the labour market and the chances of women obtaining equal jobs to men. The biggest difference between women and men relates to the participation in politics and everyday life decisions (79% men versus 21% women in politics and decision-making).

The Romanian system needs improvement regarding gender equality or a more precise gender equality legislation adjustment. In this regard there is a strategic commitment for equal gender chances which was established in the period 2016-2019. This commitment regards five key action domains: equal economic independence for women and men; equal remuneration for equal work responsibilities; equality in decision-making; dignity, integrity and discontinuing gender-based violence; and promoting gender equality outside the EU.

Furthermore, there is a difference between men's and women's perceptions in the context of cultural and social values: the "*CDIS-UNESCO*" study shows a result of 58% regarding the level of positive assessment of gender equality, where 53% milestone equals to the statement: "Men make better political leaders than women do" and 75% milestone equals to: "University is more important for a boy than for a girl". This result follows the strategic directions as prescribed in the [European Strategic Commitment to Equal Opportunities for Women and Men, 2016-2019](#), which contains five priorities and key actions:

- Increasing the participation of women in the labour market and equal economic independence for women and men;
- Reducing the wages, earnings and pensions gaps between women and men and fighting against poverty among women;
- Promoting equality between women and men in the decision-making process;
- Fighting against gender-based violence and supporting and protecting victims;
- Promoting gender equality and women's rights around the world.

There have been no objective reasons for discrimination in Romania – the law on unitary wages does not differentiate between men and women and, although an increase of the number of men in management positions is noticed, there are no signs of a trend, according to the results of the study.



## 2.5.6. DISABILITY

The *Strategy for culture and national heritage 2016-2022* includes several measures to develop the adjustment of the infrastructure and the physical milieu of culture, in general, to the needs of disabled people:

- Promotion of cultural expressions specific to the urban and rural culture in a certain area, inclusively through formats adjusted for disabled people;
- Development of services and infrastructures of information on the local and regional cultural offer and heritage values that can become touristic landmarks, including cultural routes accessible to people with disabilities;
- Set-up and development of local and / or sectoral creative-innovative hubs and clusters, considering from the start the need for ICT equipment and the principle of accessibility for people with disabilities as well as the possibility of using assistive devices and technologies;
- Drafting evaluation norms for all categories of moveable cultural heritage, disabled people's access included;
- Analysis and harmonisation of legislation protecting intellectual property rights, so as it would not represent an unreasonable or discriminatory barrier for the access of disabled people to cultural products;
- Elaboration of cultural materials in formats accessible to disabled people or equipment with access technologies (defined in the National Strategy *A society with no barriers for disabled people*, 2016-2020).

Once the Convention on the rights of people with disabilities was ratified by *Law no. 221/2010*, Romanian

Government recognised the right of disabled people to equally participate in the cultural life and it pledges to take all the adequate measures to ensure that disabled people:

1. benefit from access to cultural materials in accessible formats;
2. benefit from access to television programmes, movies, theatre and other cultural activities, in accessible formats;
3. benefit from access to places dedicated to performances or cultural services, such as libraries, theatres, museums, cinema theatres or travel services and, to the greatest possible extent, from access to monuments and sites of national cultural importance.

Furthermore, Romania pledged to take all the necessary measures, in accordance with the international legislation, to ensure that the laws protecting the intellectual property rights do not have a unreasonable or discriminatory barrier for the access of disabled people to cultural products.

The National Strategy [A society without barriers for people with disabilities 2016-2020](#) mentions a number of 752,931 disabled people in 2015. Around 48% of these persons lived in rural areas, and, at the end of 2014, 70,493 were children. One of the general objectives of this strategy is ensuring the full participation of disabled people in all the fields of life, via access to public transport, to information, mass media and other facilities, which means access to cultural life, inclusively.

The multi-annual strategy was approved in 2018. It confirms that the participation in leisure or sports activities, the freedom to develop spiritually and the access to the values of national or universal culture are all guaranteed by the Constitution.

The limited access of people with disabilities to cultural activities pertains less to their difficulties and more to external, environmental, communication or attitude-related barriers. Therefore, one of the assumed objectives of the respective strategy is providing them access to non-formal education programmes, to sportive, cultural, leisure and recreational activities. As a matter of fact, *Law no. 448/2006* on the protection and promotion of the rights of impaired people provides that "the competent authorities of the public administration have the obligation to facilitate the access of people with handicaps to the values of culture, to heritage-, touristic, sports and leisure sites", inclusively by offering free access to performances, museums, artistic manifestations and sports activities (for children and adults with severe or pronounced handicap).

## 2.6. Culture and social inclusion

The matter of social cohesion in Romania's public policies is based on the reference document [National Strategy on Social Inclusion and Poverty Reduction 2015-2020](#), which defines vulnerable groups and proposes social and economic measures to stimulate the inclusion and to increase the social cohesion. Starting from this document, the *Strategy for Culture and National Heritage 2016-2020* proposes as general objective the "boosting of cultural interventions for vulnerable groups". This Strategy supports the priority funding of projects and programmes of public and private cultural operators that aim at:

- "carrying out cultural interventions dedicated to vulnerable groups;
- supplying cultural services adapted to the individual needs of disabled people;
- raising awareness on the problems of vulnerable groups and valorising their cultural expressions,

inclusively by mass media and ICT channels;

- providing conditions of access to culture for people with disabilities;
- promoting the cultural offer (adapted formats included) among the vulnerable groups;
- facilitating the access to cultural events for vulnerable categories;
- access to culture and education in prisons, correctional and special schools of Romania;
- ensuring opportunities of artistic and cultural expression for the young with limited economic resources, who are prone to social marginalisation, as well as for youth with disabilities (according to the *National Strategy on Youth Policy, 2015-2020*);
- developing the professional skills of the personnel within public cultural institutions in the field of activities with vulnerable groups."

Regarding the Roma population, [the census of 2002](#) recorded 535,140 persons, 60.1% of whom living in rural areas. According to the 2011 census, the number of Roma people is 621,573. Other statistics estimate a larger number: for example, the EC monitoring report of 2004 estimated 1.8-2.5 million Roma people. In 2004, according to a study of the World Bank, approximately 74.3% of the Roma population was facing a high risk of social exclusion, as a result of chronic gaps in the economic development, determined by the ongoing discriminatory attitude towards this ethnicity.

The *Romanian Government's Strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2015-2020* recognises that "both the cultural policies for the whole population and the elements specific to ethnic minorities are based on several principles, such as: population's participation in cultural activities, aspiration towards equal access to culture and understanding that the cultural sector may have beneficial economic and social effects when the programs are successful". In this respect, the strategy proposes a series of action directions and cultural policy-specific measures, whose joint effect is the increase of the degree of inclusion of the Romanian population of Roma ethnicity.

The *Governing Programme 2018-2020* provides, in its turn, a strategy based on specific programmes, meant to ensure a substantial improvement of the Roma people's situation, with special focus on the Roma communities facing extreme poverty. The general plan of action includes:

- Strengthening the structures for the implementation of the national strategy for Roma people at local level;
- Achieving a viable partnership between the structures of the public administration and the Roma communities;
- Solving the problems related to the ownership rights on the lands and lodgings owned by Roma people and implementing rehabilitation programs for the houses in the areas inhabited by Roma people, by means of ensuring electric power, fresh water, sewage, methane gas, sanitation;
- Streamlining the measures focused on sectoral aspects (access to the labour market, promotion of income-generating activities, access to health services, reducing school dropout, promotion of artistic values, creation of civic education programmes, crime prevention).

## 2.7. Societal impact of arts

The social impact of arts and culture, in general, is reflected in the drawing up of the objectives and action plans within the local cultural strategies. Cultural planning represents an advantage for any community, and debates and discussions during the planning period bring together cultural operators and political and administrative

decision-makers who design the town's cultural offer and address the needs and expectations of the town's citizens. All the fourteen Romanian towns found in the pre-selection of the competition for the title of European Capital of Culture 2021 had implemented arguments in their local cultural Strategies sections for the potential social impact of a cultural sector developed in the framework of a programme like the European Capital of Culture.

An actual example in this respect is the [Cultural Strategy of the City of Bucharest 2016-2020](#), with its first priority axis "Including culture as an engine of urban development". This priority axis focuses on "the inclusion of the cultural dimension as an essential factor in the harmonious and balanced development of a city. Long-term planning cannot ignore this aspect, and this is the reason why all the other development plans (urban, mobility, social, economic, tourism development plans) must embed the principles of the Cultural Strategy. Thus, a sustainable urban development includes the expansion and rebalance of the city's cultural landscape, including highlighting the neighbourhoods' identity and a greater involvement of the citizens, the growth of community cohesion. This contributes to the valorisation of the history of the city and of the various quarters and communities and in order to transform Bucharest into a place where the quality public space, the built heritage and contemporary architecture complete each other and boost one another in favour of the citizen's quality of life and the city's increased attractiveness". Submitting such an objective requires that the development of the societal areas should start with the cultural-artistic factor.

The [Cultural Strategy of Timisoara 2014-2024](#) (European Capital of Culture in 2021) places culture as a transversal dimension of all the public policies: "The concern for the cultural life of Timisoara requires a lively relation between culture and urbanism, architecture, environment, education and it contributes to the local and regional development. Through its public policy documents and essential studies carried out by the public administration in the last years, Timisoara shows that it gives culture its deserved role because of the multiple benefits it brings to individuals, to the local community and economy."

## 2.8. Cultural sustainability

There is a real concern to submit a sustainable development strategy (the document *National Strategy for the sustainable development of Romania 2030*), with focus on such objectives as: quality education, decent work and economic growth, industry, innovation and infrastructure, which also include actions at the level of the cultural sector. However, the subject of cultural sustainability is not yet treated as such and is not a priority for the authorities of the Romanian state. The main reason for such an approach from the state is the traditional manner of funding the rather vast network of public cultural entities of Romania.

## 2.9. Other main cultural policy issues

Another problem with Romania's cultural policy was identified as early as 2016, in one of the studies published by the National Institute for Cultural Research and Training (*White Book for Unlocking the Economic Potential of Cultural and Creative Sectors in Romania*), i.e. the lack of transversal policies including such fields as the cultural and creative sectors, education and tourism. Despite the fact that the main decision makers in the field have had numerous debates on this topic, these initiatives were not manifested in strategies, policies or action plans.

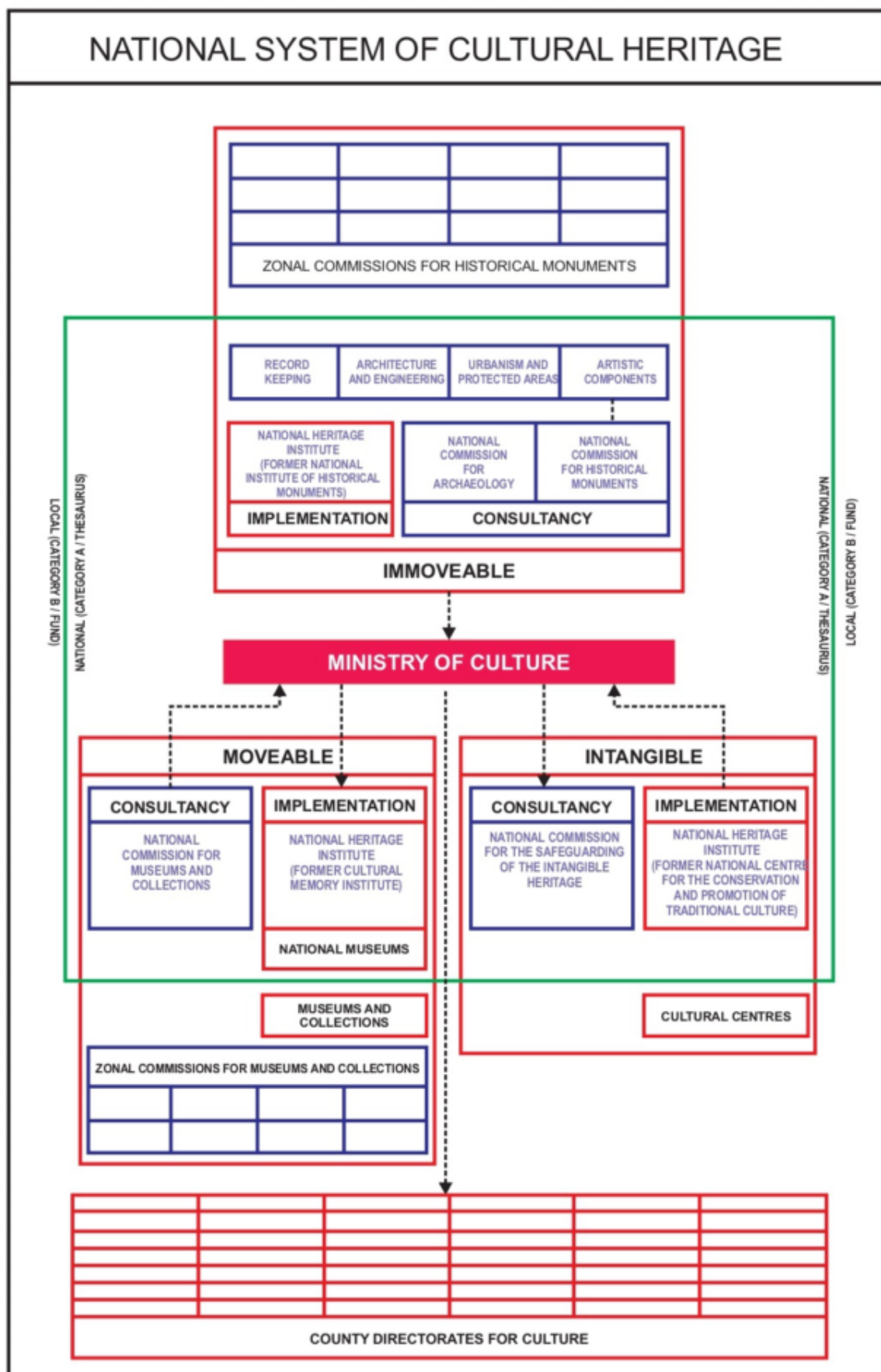
## 3. Cultural and creative sectors

### 3.1. Heritage

The concern for the preservation and valorisation of cultural heritage has an historical tradition in Romania, which has been allowing the strengthening of a dedicated administrative and legal system at present. All the cultural heritage fields are in focus: the moveable and immoveable heritage, the archaeological, industrial and intangible heritage, as well as the cultural landscape.

The central authority in the field of culture is the Ministry of Culture, which provides methodological coordination, monitoring and control over all specialised and non-specialised heritage owners, via its specialised department – the Directorate for Cultural Heritage (with services dedicated to the immoveable and archaeological heritage, as well as to the moveable and intangible heritage), and through the county and Bucharest culture directorates (decentralized services organized at the level of each territorial-administrative unit), and other subordinated institutions, such as the National Heritage Institute. There are also commissions that support the decisions of the Ministry of Culture, which have an advisory and / or endorsing role: the National Commission for Historical Monuments, the Zonal Commissions of Historical Monuments, the National Commission of Museums and Collections, the National Commission for Archaeology and the National Commission for the Safeguarding of the Intangible Cultural Heritage.

Cultural heritage has always been an important part of the cultural strategies, actions and politics in Romania. Even though at present we cannot speak about officially assumed and coherently implemented sectoral strategies, cultural heritage is distinctly highlighted within a general objective of the *Strategy for culture and national heritage 2016-2022: A better protection of the cultural heritage, based on the acknowledgement of the situation and engaging in efficient partnerships (local-central and public private)*, subsumed to the priority axis 1, Culture-Factor of sustainable development.



The specific objectives included in the *Strategy for culture and national heritage 2016-2022* are:

With the purpose of protecting historical monuments:

- Research, information and documenting on the situation of historical monuments through an integrated approach at local and regional level.
- Improvement and extension of public access to historical monuments and promotion of knowledge on these monuments via new technologies.
- Development of integrated programmes of scientific research, documentation, rehabilitation, management and usage of historical monuments prone to generate welfare and economic development, also through their inclusion into the travel circuit.
- Support for the cohesive values of historical monuments, as factors of social inclusion, of aggregation of social groups around them, considered as cultural and identity landmarks.
- Promotion of cultural diversity by preserving and promoting historical monuments representative for ethnic groups and minorities in Romania.
- Priority support for category A heritage monuments rehabilitation, at central level and for category B monuments, at local and regional level.
- Set up and management of Regional Restoration programmes.
- Improvement of the physical state of the historical monuments currently in a state of structural (pre)collapse.
- Protection and valorisation of the protected built areas.

With the purpose to protect moveable heritage:

- Consistent implementation of the legislation on the *ex officio* classification of the moveable cultural assets, including those belonging to private owners (e.g. cults) and monitoring the provisions related to incidents in the field.
- Inventorying and keeping records on the stored goods with a view to their conservation, restoration and valorisation.
- Support for a plan of reorganising storage spaces for moveable heritage, as well as for the set-up of declassification criteria.
- Enriching the national cultural heritage via research, acquisition and recovery of stolen or illegally exported goods.
- Putting an end to spoliations (thefts, unauthorized research, illegal exports, destructions etc.) and setting up an adequate protection and security system, including the activation of intra-community and cross-border cooperation instruments.
- Promotion of knowledge on moveable heritage via new technologies and support for focused campaigns of awareness and appreciation, and for valorisation of the moveable national cultural heritage assets.
- Promotion of knowledge on the moveable heritage through scientific methods, systematized database of current and future knowledge.
- Support for and promotion of public access to and participation in moveable heritage.
- Support for the development of Romania's art market for (classified and non-classified) cultural goods, as well as for contemporary creation.
- Regulation and support for professional training in specific professions and occupations and increasing specialists' competitiveness on the single market.
- Support for the activities of conservation and restoration of the classified moveable cultural goods.
- Support for the establishment of Regional Centres for the Conservation and Restoration of the Moveable

National Cultural Heritage.

- Appraisal of moveable cultural goods with a view to maximise their value.
- Ensure implementing of the Hague *Protocol for the Protection of cultural property in the event of armed conflict*.

And with the purpose of safeguarding, protecting and valorising the intangible cultural heritage:

- Close monitoring of the protection degree for cultural goods listed in or proposed for the UNESCO Representative List of Intangible Cultural Heritage
- Closing the processes related to the repertoire and inventory of Romania's intangible cultural heritage.
- Adjustment of the national programme for the safeguarding, protection and valorisation of the intangible cultural heritage to the realities of a fast-changing society, especially in terms of preservation of traditions.
- Drafting of an inter-sectoral program for the creation and development of entrepreneurial skills, of business models adjusted for the economic development of communities, for the stability of working population in the field of crafts, for the decreased percentage of impoverished and nearly-impoverished rural population.
- Promotion of cultural diversity and intangible heritage elements through the preservation, development and expression of cultural and linguistic identity of minorities and ethnic groups in Romania, as well as within Romanian communities abroad.

In order to realise these goals, an important role is played by the systematisation and encoding of the legislation in the cultural heritage field – an initiative materialised in 2016, after long-lasting efforts, through the approval of the Cultural Heritage Theses, which is now part of a project financed from European funds. Thus, in the period July 2018-September 2021, the Ministry of Culture, in partnership with the National Heritage Institute, develops the project "Historical Monuments – strategic planning and optimized public policies", whose general objective is *to optimize and stream the administrative, legislative and decisional act within the central administration and its decentralised services in the field of national cultural heritage*. The specific objectives: "Systematisation and simplification of the active legal fund" and the "Drafting of the strategic and operational framework to achieve policies based on evidence in the field of immovable heritage" are materialised through the following activities:

- Inventory and analysis of the legislation in the field of cultural heritage;
- Systematisation of legislation and drafting the Cultural Heritage Code project, accomplishing the process of public consultation; endorsement and approval of the legislative project;
- Ex-ante evaluation of the impact of evidence-based policies and integration of conclusions into the National Strategy on the protection of historical monuments;
- Drafting of the National Strategy on the protection of historical monuments.

The correlation between the processes of legislation encoding and of drafting the National Strategy on the protection of historical monuments is an advantage of this undertaking, allowing for the establishment of implementation mechanisms starting from the regulatory level.

Another development direction of great specificity, including the field of cultural heritage, is digitisation – a process that was boosted by the strategic initiatives at EU level. Since 2007-2008 Romania has benefited from a public policy on the digitisation of its national cultural resources and on the creation of Romania's Digital Library. Implementing this public policy has had an impact up to the present, and its results are based on a

project of the Ministry of Culture, "E-Cultura", which is developing in the period July 2018 – July 2021 and whose specific objectives are: "Increasing the number of digitised and online-displayed elements of cultural heritage, in a single access point", "Increasing the degree of inter-operability between the institutions that own cultural heritage elements" and "Promoting the national cultural heritage by displaying the digitized cultural resources on *europaena.eu*". The project involves the digitisation of 550 000 resources and their display in Romania's Digital Library, as well as the creation of a platform – *culturalia.ro*. This project is also aimed to improve Romania's contribution to the *europaena.ro* platform.

Apart from the inherent deficiencies in implementing the heritage protection and administration mechanisms, we must emphasize that Romania is connected to all major directions of heritage protection proposed by UNESCO, EU, COE, ICOM, at international level. The accession/ratification and signing of all the international conventions relevant for the field of cultural heritage guarantee the highest principles of protection, while the constant fostering of proposals of elements for the UNESCO's Representative List of Intangible Cultural Heritage of Humanity and World Heritage List is aimed at international recognition of Romanian values and their integration in the global protection systems.

## 3.2. Archives and libraries

*Law no. 334/2003* – the *Law on Libraries* – is the primary legal act that regulates the establishment, organisation and functioning of the public libraries and of those private libraries carrying out activities that are specific to public libraries and which together form the national library system. This system is a part of the national information system, which aims at ensuring a unified performance of library activities and to stimulate public reading. The national system of libraries includes the National Library of Romania, the Romanian Academy Library, university libraries, specialised libraries, public libraries and school libraries.

Amongst the specialised staff, which consists of librarians, bibliographers, researchers, editors, documentarists, conservators, system engineers, programmers, operators, analysts, custodians, handlers, store managers and other staff, there are no professionals to handle tasks such as public relations, liaison with the community or education (which requires school teaching or adult education skills).

An important provision (paragraph 8 of Article 70) related to solving the chronic lack of premises, specific facilities and equipment: namely stimulating private sponsors to invest in construction of library buildings; to purchase specific facilities, information technology devices and documentation; stimulation of private investments in funding programmes for ongoing training of librarians, expert exchanges, professional development scholarships and attending international congresses. In exchange for such investments, the investors would have been allowed tax incentives proportionate to the worth of the project or of the initiative funded, plus a 2% reduction of their income tax. Unfortunately, *Law 334/2003* was repealed following the enactment of the 2003 *Fiscal Code*.

A provision of the *Law no. 186/2003* on print culture items considered setting up a fund for the acquisition of publications (in the "print culture" category) for public libraries and for the granting of vouchers used to purchase such publications by public library users: pupils, students, people with an monthly income of less than the minimum national monthly wage, and impaired people. The fund was to be constituted from the 0.4% share of the net profit of the National Lottery Company SA and managed by the Ministry of Culture. In 2012, the provision regarding the granting of such vouchers (article 23 of the Law) was repealed.

Romania has aligned to the proposal of library digitisation launched by the European Commission as early as 1999 with a view to informational development, within successive initiatives (e-Europe, e-Europe 2005, the i2010 initiative) that promote economic growth and increasing employment rate in the information society and media industries.

Archive activity is regulated by the *National Archives Law No. 16/1996*, republished, which establishes the regulatory framework governing the organisation, functioning and the responsibilities of the National Archives as an institution with a methodological and control role in relation to all creators and owners of archives. The law also defines the National Archives Fund of Romania, comprising documents created over time by state bodies, public or private economic, social, cultural, military and religious organisations, by freelancers, professionals working under a special law and individuals, who benefit from special protection. Although the National Archives Directorate does not belong, from an administrative viewpoint, to the system of public cultural institutions, by its very activity this institution participates, along with libraries and museums, in the preservation and safeguarding of the cultural and historic resources, thereby falling under the category of institutions engaged in cultural and artistic activities. However, due to failure to include this type of activity amongst the creative and cultural ones, this very important sector cannot be monitored or reported across the cultural sectors, which is why the performance indicators for Romania show lower values compared to the other EU Member States (Eurostat).

*Table. Economic performance – Archives and libraries*

	2011	2012	2013	2014	2015
Turnover evolution by CCS sub-sectors (thousand RON)	480,250.9	483,399.6	489,356.3	533,552.1	689,948.3
Headcount evolution by sub-sectors	4,783	5,390	5,060	5,366	6,233
Profit evolution by sub-sectors (thousand RON)	51,528	45,431	50,499	51,983	88,078
Labour productivity evolution (turnover in thousand RON/headcount)	100	90	97	99	111
Number of companies	180	226	269	317	374

Source: *Borg Design Database, INCFC analyses*

Despite a slight positive trend recorded in the period under review, this sector ranks among the last in line in terms of economic performance. However, it is important to note that the performance indicators in the table above refer to the business conducted by private organisations, with the largest share represented by archive companies. Given the predominant preservation function of this sector and the very large share of public organisations, we believe that, in this case, the importance of this sector resides mostly in its social and community roles support and some clearer regulations are absolutely necessary.

### 3.3. Performing arts

In the public sector, the establishment, organisation and functioning of the entities engaged in performing arts are regulated by the GO No. 21/2007 regarding performing arts, concert institutions and artistic managers' activities. The regulatory framework was improved in 2016 by the provisions in the Ordinance 48/2016 amending some legal provisions in the field of culture, applicable, inter alia, to public performing arts institutions and concerts.

The functioning and organisation of this type of institutions and their specific activity would require some clearer regulations, but, in the absence of an applied study, the malfunctions reported by authorities and even by the relevant institutions in the field cannot be addressed yet. There is also an issue related to the statistical identification of these public or private performing arts entities, as some of the local public institutions are cultural centres with extremely diverse activities, which report performing arts activities, but are not strictly registered as this kind of institutions. This is why the differences between the number of units with performing arts activities and those registered as performing arts or concert institutions/organisations are quite high, at national level.

Although they are important sectors of a high economic impact, the music and entertainment sectors in Romania are not covered by any specific regulations. Depending on how they are organised, they may fall under the incidence of the *Law no. 31/1990* – Law on companies, republished, of the relevant provisions of the Civil Code, of the Ordinance on associations and foundations (*GO no. 26/2000*) or under the incidence of the *GEO No. 44/2008* on the activities of freelancers, individual and family enterprises, as amended and supplemented.

*Table. Economic performance – Performing arts*

	2011	2012	2013	2014	2015
Turnover evolution by CCS sub-sectors (thousand RON)	518,344.3	637,403.5	699,156.6	792,041.7	1,025,449
Employment evolution by sub-sectors	5,875	6,425	7,152	7,681	9,161
Profit evolution by sub-sectors (thousand RON)	-8,198	-6,329	-2,604	11,553	95,456
Labour productivity evolution (thousand RON turnover/number of employees)	88	99	98	103	112
Number of companies	3,110	3,687	4,276	4,873	5,848

Source: *Borg Design Database, INCFC analyses*

The above table illustrates the performance of the private (profit and non-profit) businesses in this sector. By the very nature of the products it develops, the performing arts sector involves large ensembles of creators of various categories and therefore it requires rather complicated technical facilities to produce performances, which explains why very few active companies in this field are able to survive without consistent support. Although this sector is the least capable to survive in the absence of public intervention, its emergence on the market, mainly in cities, is an acknowledgment of the fact that public institutions cannot possibly satisfy all of the expectations of the general public.

## 3.4. Visual arts and crafts

In the visual arts field, the biggest problem encountered is linked to the fragility of the domestic art market, which is due to the low appetite of consumers for visual arts, as revealed by the [2015 Cultural Consumption Barometer](#). The total lack of specific tax and financial measures taking into account the characteristics of this domain perpetuates its vulnerabilities, with a direct impact on the incomes earned both by contemporary visual artists and by the specialised businesses (art galleries, auction houses etc.). The status, the nature and the specificity of the visual arts trades are approaches difficult to apply in the case of some public institutions. On the other hand, the state cannot interfere with the building of an art market. However, a quite significant number of Romanian artists are successfully harnessing their artistic works, thereby contributing to the

economic growth of the country.

*Table. Economic performance – Visual arts*

	2011	2012	2013	2014	2015
Turnover evolution by CCS sub-sectors (thousand RON)	3,932,933	4,128,142	4,159,974	3,841,513	3,613,548
Employment evolution by sub-sectors	17,555	18,425	18,496	17,519	16,790
Profit evolution by sub-sectors (thousand RON)	-74,708	-129,469	-8,326	-76,685	192,710
Labour productivity evolution (thousand RON turnover/number of employees)	224	224	225	219	215
Number of companies	4,522	5,039	5,512	6,103	6,756

Source: *Borg Design Database, INCFC analyses*

Although the appetite of the general public for contemporary visual arts in general is very low, some forms of visual arts (design or photography) show a high performance trend in the analysed period, along with the related sales transactions. Besides, even though the number of artistic works sold is small, their economic value is, in some cases, much higher than that of other cultural products.

## 3.5. Cultural arts and creative industries

### 3.5.1. GENERAL DEVELOPMENTS

So far, there have been no explicit regulations and/or strategies/policies regarding the *cultural and creative sectors* (CCS) in Romania, though there are special laws governing certain segments of these sectors. These regulations are not systematically structured, which creates confusions, and conceptual and methodological difficulties.

The *White Paper for Unlocking the Economic Potential of Cultural and Creative Sectors in Romania* starts with a review of the performance of the cultural and creative sectors in recent years, highlighted by the evolution in turnover, number of employees, profit and labour productivity. The study also presents the issue of defining the cultural and creative sectors / industries. The European documents are still using both terms, i.e. “cultural and creative sectors” and “cultural and creative industries”, sometimes as synonyms, both referring to similar concepts such as the economy of culture, creative economy, knowledge-based economy/society etc. However, the European Commission document *Green Paper - Unlocking the potential of cultural and creative sectors* tries to harmonize the different approaches and to provide definitions that clarify the differences between the two concepts. According to this document, “cultural industries are those industries producing and distributing goods or services which at the time they are developed are considered to have a specific attribute, use or purpose which embodies or conveys cultural expressions, irrespective of the commercial value they may have”. Besides the traditional arts sectors (performing arts, visual arts, cultural heritage - including the public sector), they include film, DVD and video, television and radio, video games, new media, music, books and press. This concept is defined in relation to the cultural expression in the context of the 2005 UNESCO Convention on the protection and promotion of the diversity of cultural expressions.

The graphs below show the CCS’ dynamics over the period 2011-2015, with notice that the figures illustrate the evolution of the private sector only. It is worth mentioning that data regarding the evolution of the public

sectors could not be isolated from the data on the overall public expenditures, simply because there are no itemized reports available as yet. This shortcoming can be addressed in the future, by a course of action designed to enable the clear determination of the exact share of public sector's contribution to the development of the cultural and creative sectors.

The model suggested is of [the ecosystem type](#) and relies on the proximate type and on the specific difference between fields, taking into account not only the functions of culture and creativity, but also the way the cultural field is organised (public or private) and the type of stakeholders (independent artist, NGO, company or public institution). According to the given model in this document, there are three types of sectors: cultural, creative and transversal, with the following eleven sub-domains:

1. Libraries and archives
2. Cultural Heritage
3. Crafts and handicrafts
4. Performing Arts
5. Architecture
6. Book and Press
7. Visual Arts
8. Audiovisual and multimedia
9. Advertising
10. IT, software and electronic games
11. Research – development

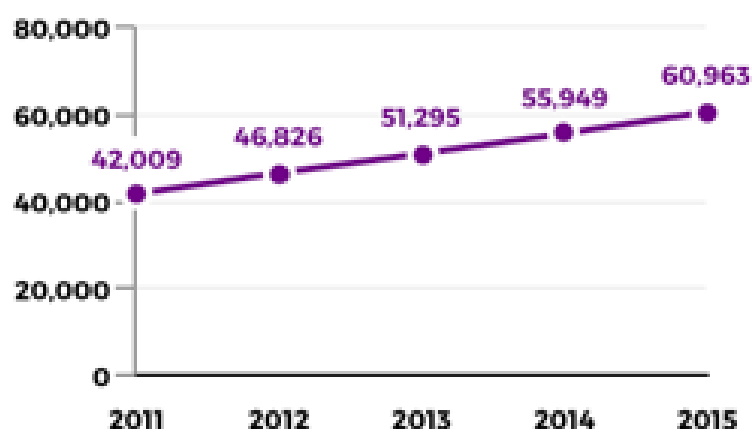
1. The first three sub-domains are characterised by non-industrial cultural and artistic activities and are collectively referred to as culture and arts.
2. The following three sub-domains have as a result the cultural expression and are regarded as cultural sectors.
3. The following two sub-domains are functionality-oriented, but they have a cultural dimension and are deemed creative sectors.
4. The last two sub-domains, known as transverse sectors, rely on creativity and innovation, are focused on functionality, but they are mainly used as support for the other sub-domains.

In some cases, the same domain or sector may be partly included in two groups, as it happens with crafts (included partly in the first group, as traditional crafts, partly in the intangible heritage category, and partly in the second group, as urban art crafts). Similarly, ICT is included partly in the third group, due to its computer games component, and partly in the fourth group, due to the rest of software activities.

Figure 1. Diagram of Cultural and creative sectors



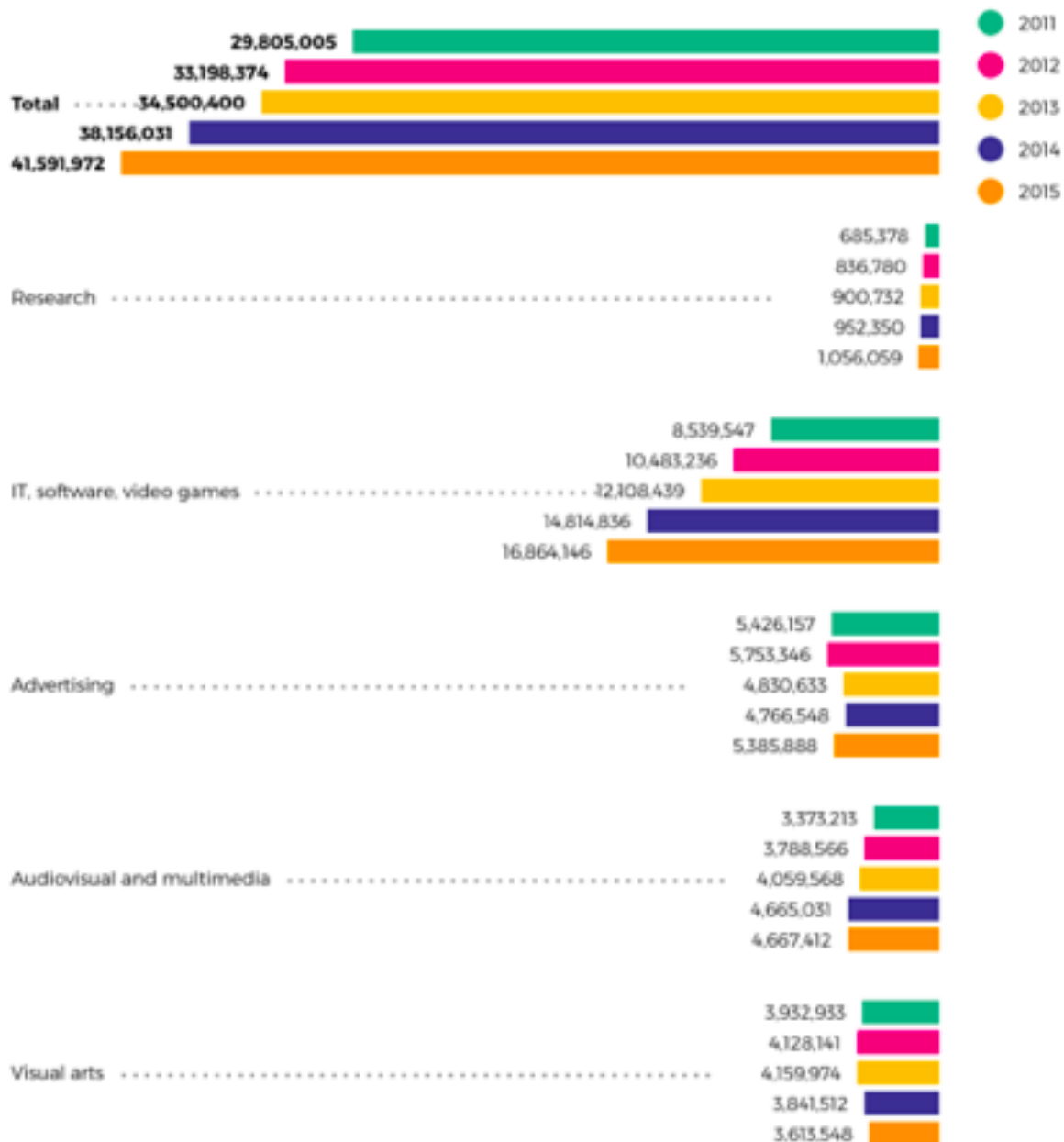
Graph. Evolution in the total number of CCS businesses over the period 2011-2015



Source: Borg Design Database, INCFC processed data

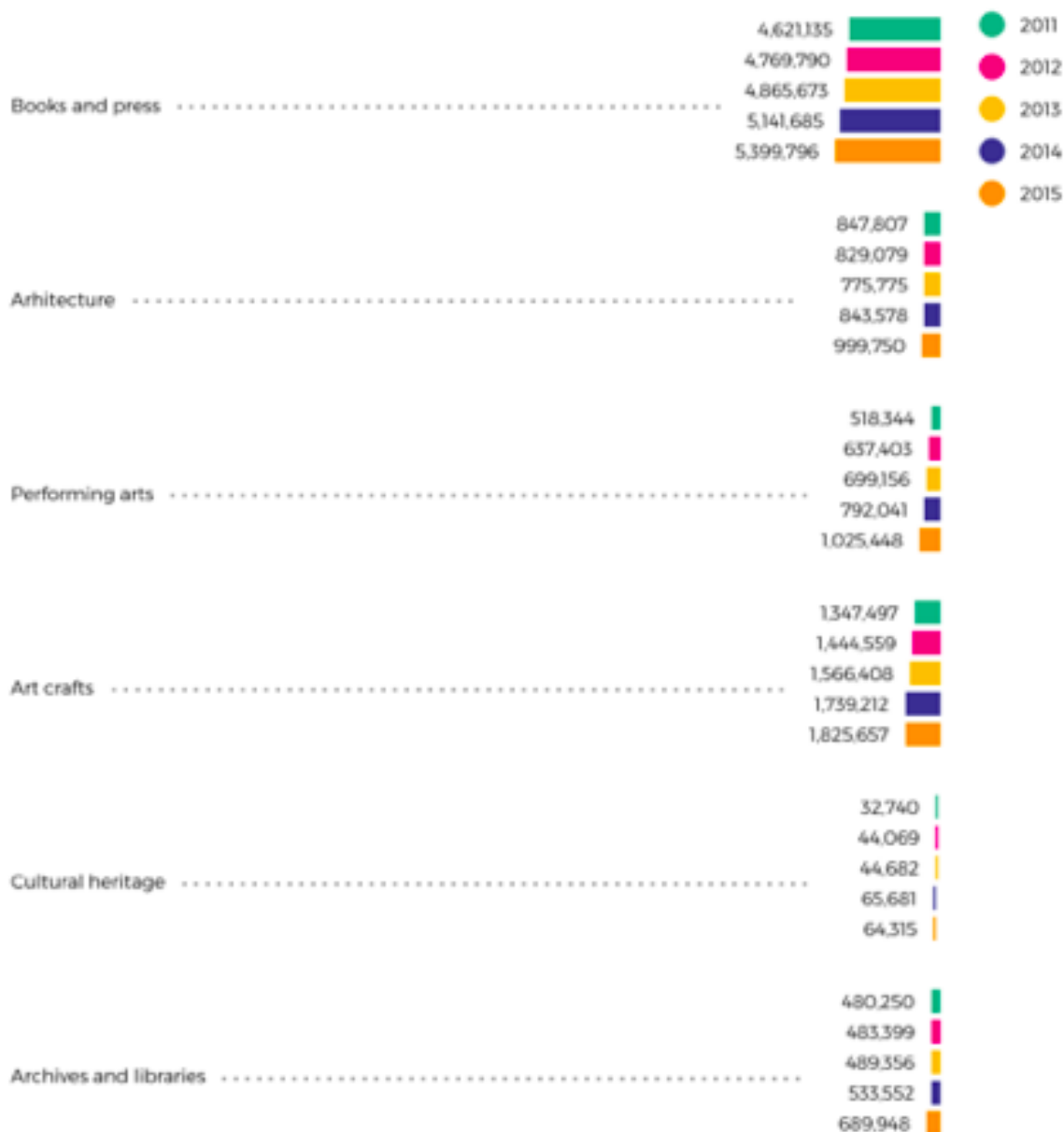
Total CCS turnover has increased in the period 2011-2015, from about 6 billion to almost 10 billion EUR. The biggest turnovers and the highest increase are recorded in the ICT sector (including software and electronic games), followed by books and press, advertising, audiovisual and multimedia and visual arts sectors. As for heritage, the performance analysis did not take into account the historical monument restoration works carried out through European funds or through national financing programmes, of which only a very small part can be partially found in the architecture chapter. Likewise, the analysis of the architecture sector took into account only the actual design activities and disregarded the construction or research-development related activities. At the same time, no specific surveys could be made regarding the turnovers generated by the heritage sector within cultural / sustainable tourism, education, research-development activities.

Graph. Evolution in turnover over the period 2011-2015 (part 1)



Source: Borg Design Database, INCFC data processing

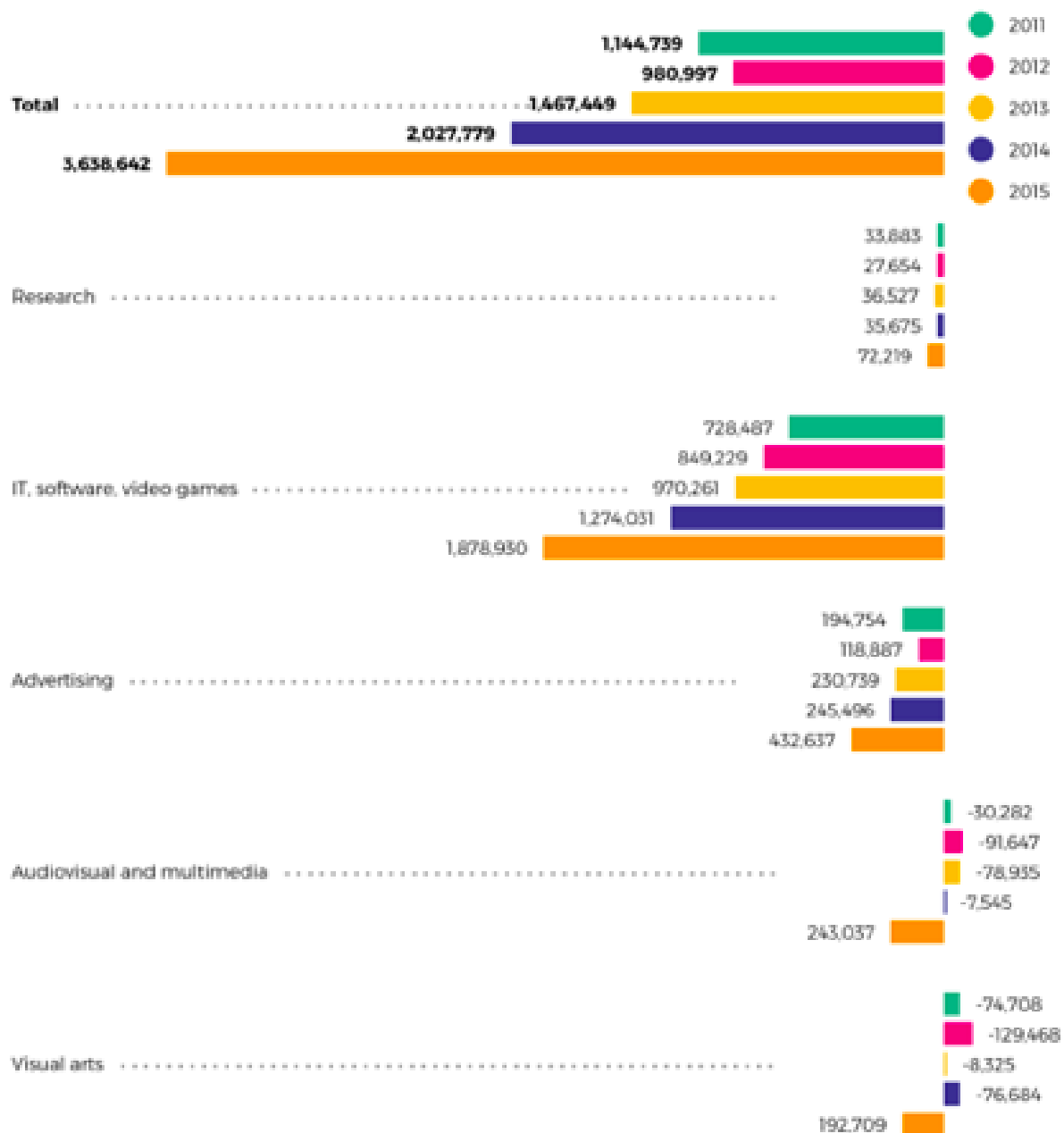
Graph. Evolution in turnover over the period 2011-2015 (part 2)



Source: Borg Design Database, INCFC data processing

Profit has recorded the most spectacular growth, as it tripled during the analysed period from about 250 million EUR in 2011 to 800 million EUR in 2015. It is important to highlight that, again, the ICT sector stands on top in terms of growth rate, followed remotely by advertising and books and press sectors. It is worth pointing out the remarkable turnaround from loss to profit of the companies active in audio visual, media and visual arts (particularly design, photography and retail) sectors, in 2015.

Graph. Profit evolution in the period 2011-2015 (part 1)



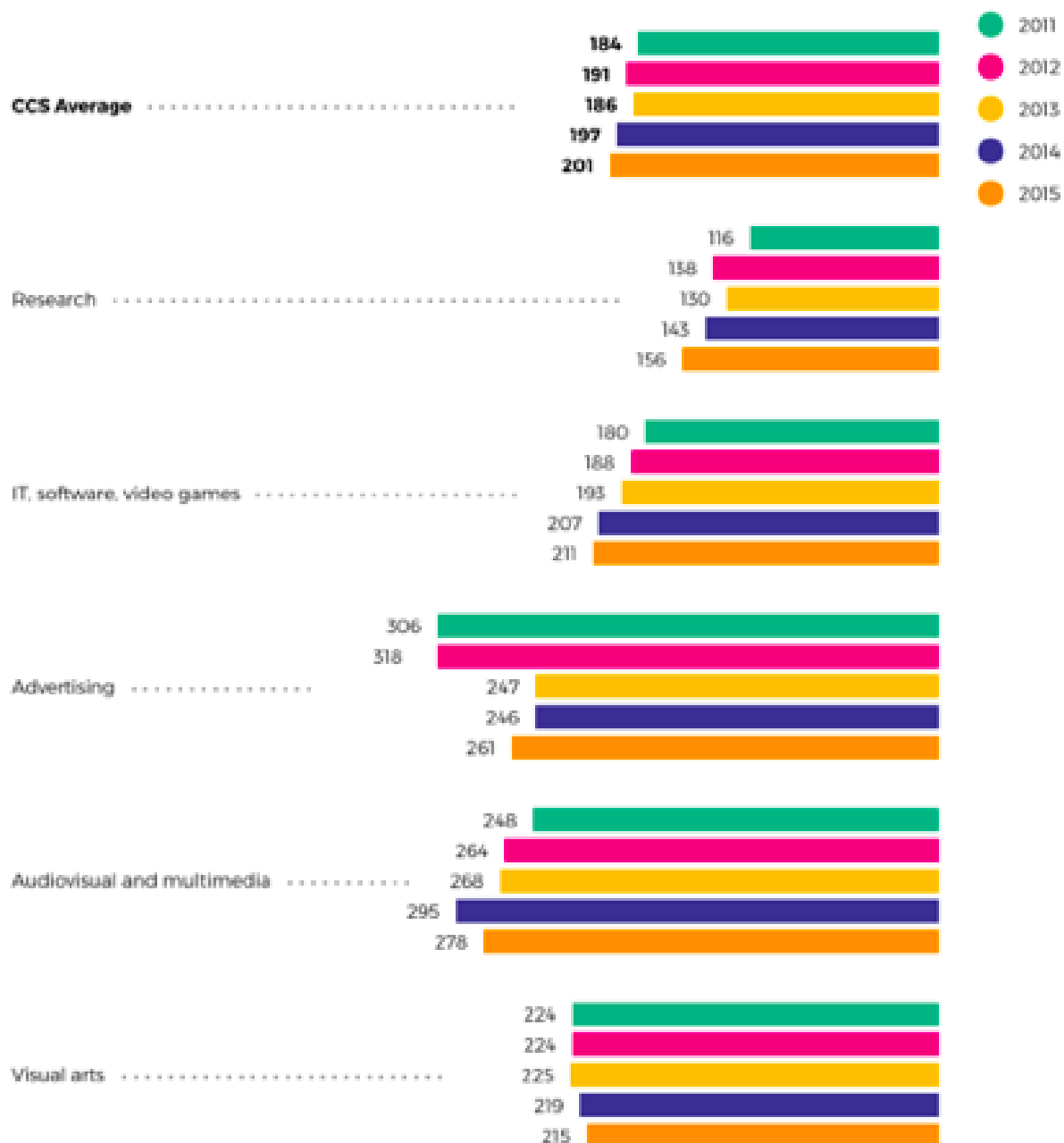
Source: Borg Design Database, INCFC data processing

Graph. Profit evolution in the period 2011-2015 (part 2)



Regarding the evolution of the labour productivity, the national average rate has registered a slight increase in the analysed period, remaining close to the amount of 40,000 EUR (ratio between turnover and headcount). This time, the best performances are recorded in advertising and audiovisual and multimedia sectors, followed by visual arts and ICT, all these sectors exceeding the national CCS average in the period 2014-2015.

Graph. Evolution in labour productivity in the period 2011-2015 (part 1)



Source: Borg Design Database, INCFC data processing

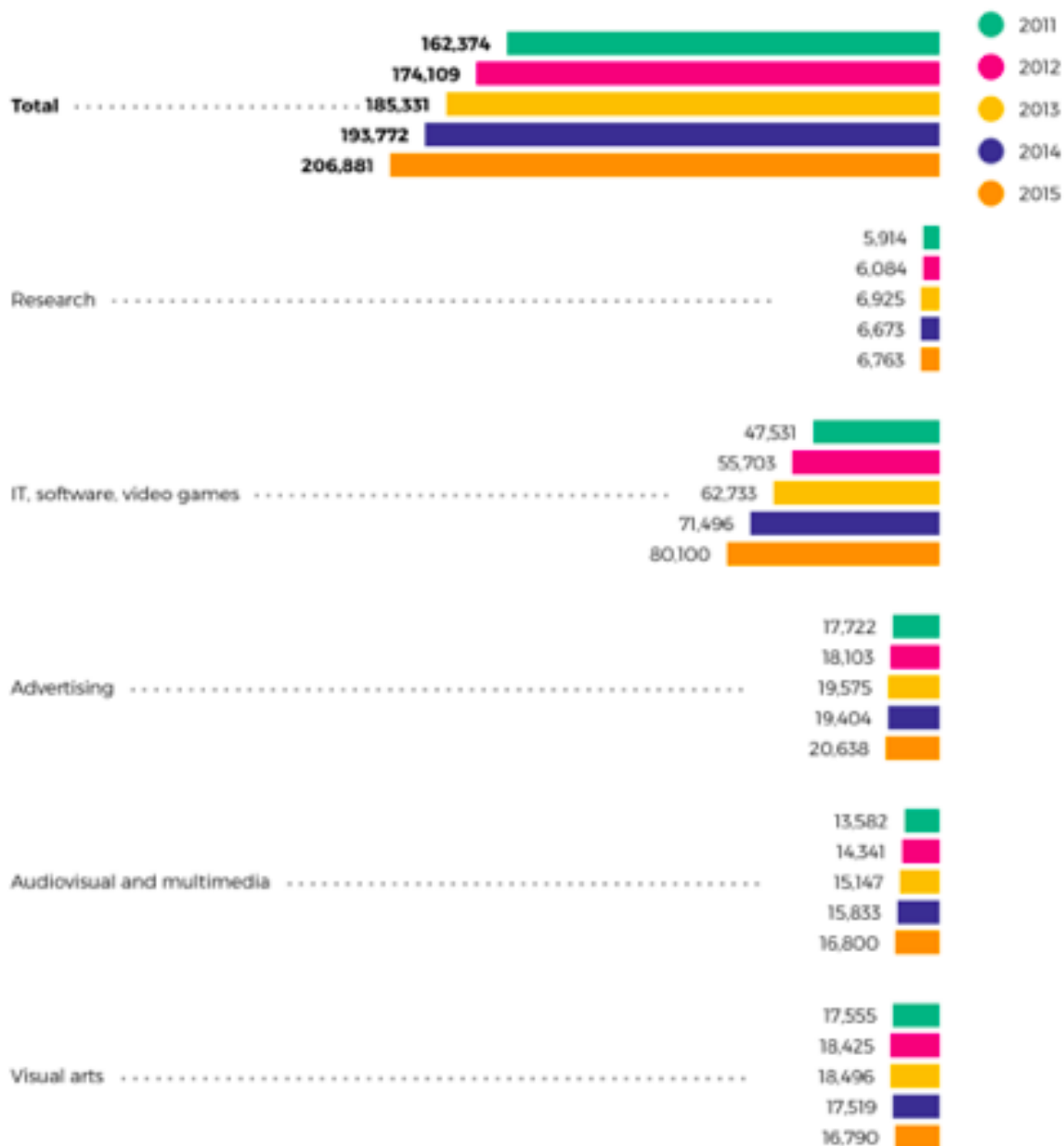
Graph. Evolution in labour productivity in the period 2011-2015 (part 2)



Source: Borg Design Database, INCFC data processing

The number of employees in the cultural and creative sectors (mainly in the private sector) has recorded a slight increase in the period under review, remaining generally constant or, at times, with small fluctuations in certain sub-sectors.

Graph. Evolution of the number of employees by sub-sectors in the period 2011-2015 (part 1)



Source: Borg Design Database, INCFC data processing

Graph. Evolution of the number of employees by sub-sectors in the period 2011-2015 (part 2)



Source: Borg Design Database, INCFC data processing

The following objectives are recommended:

1. Providing the necessary institutional support for the CCS by aligning agendas of various institutions and agencies on relevant government initiatives, including those relating to intellectual property protection, natural and cultural heritage, public procurement, taxation etc.
2. Commitment of the government to implement policies and strategies dealing with the cultural and creative sectors and to promote the responsibilities of the local public authorities.
3. Improvement and facilitation of the access to banking and non-banking finance of economic operators in the CCS.
4. Catalyzing the spillover effects of the CCS into as many economic and social contexts as possible.
5. Creation of an organisational culture to encourage participation in the public decision-making in favor of CCS entrepreneurship.

### 3.5.2. BOOKS AND PRESS

*Law no. 186/2003* regarding the support and promotion of written culture defines print culture as the domain that comprises books, magazines and other literary / artistic and technical / scientific publications, edited on any kind of support. This law applies to creative works, editorial production, printing, distribution and promotion of print culture. The law refers to the publishing industry and establishes financing systems based on editorial projects at central and local level. On the other hand, the publishing industry – the “print culture” – also benefits from additional financing systems, such as the National Programme for the purchase of books and subscriptions to magazines for libraries, established under the same law (*Law 186/2003*). Moreover, *Law. 136/2015* on the funding of the representative Romanian cultural magazines establishes a special system for funds allocation from the state budget through the Ministry of Culture. An amount with a minimum of 4,500,000 RON (around one million euros), is dedicated exclusively to the funding of the publications issued by the unions of creators in Romania, members of the National Alliance of Creators’ Unions, which brings together only some of the creators' unions functioning in Romania.

It should be mentioned in this respect that, acting pursuant to Article 1 par. (2) of *Law no. 136/2015* on funding representative Romanian cultural magazines, the Ministry of Culture put in place, in 2016, a separate scheme for the funding of cultural publications, other than those referred to in Article 1 par. (1) of the said law (magazines published by the creators’ union from Romania, members of the National Alliance of Creators’ Unions). Under this programme, a total funding of over 1.1 million RON is allocated to a total of 34 cultural publications. The eligibility criteria for the allocation of funds in this case are: magazine reputation and the value of its content; publication year; continuity; publication frequency, circulation and geographic coverage; the prestige of editorialists and contributors; technical and design features, online visibility and diversity of the promotion channels.

*Law no. 186/2003* on print culture provides that central and local authorities and public institutions may allocate separate funds from their budgets to finance the publishing of books, magazines and other publications that match the “print culture” definition. Such funding may cover some of the publisher’s costs, as, for example, the editing and copyright costs, or all costs. This provision, like many others included in the various sectoral or sub-sectoral legislations, has no binding effect and, as such, it is rarely or never applied, depending on the degree of interest of the local governments in the domain concerned.

*Table. Economic performance – Books and press*

	2011	2012	2013	2014	2015
Turnover evolution by CCS sub-sectors (thousand RON)	4,621,136	4,769,791	4,865,673	5,141,686	5,399,796
Employment evolution by sub-sectors	27,396	27,655	27,969	27,280	27,696
Profit evolution by sub-sectors (thousand RON)	132,925	64,956	163,449	296,291	382,973
Labour productivity evolution (thousand RON turnover/number of employees)	169	172	174	188	195
Number of companies	4,466	4,849	5,184	5,438	5,557

Source: *Borg Design Database, INCFC analyses*

The positive trend recorded by the sector proves a slight rebound after the recession. As a matter of fact, the recession did not affect the structure of this domain, which remains in any case one of the most effective

cultural and creative sectors. One possible explanation for the sector's good performance is linked to the fact that it enjoys a favourable regulatory framework and a substantial public support.

### 3.5.3. AUDIOVISUAL AND INTERACTIVE MEDIA

The regulatory framework governing the audiovisual and multimedia industry consists of the *Audiovisual Law no. 504/2002*, as amended and supplemented, and the *Law no. 41/1994* on the organisation and functioning of the Romanian Radio Broadcasting Company and the Romanian Television Company, republished. The drafting and updating of these texts of law regard for transposition of the provisions included in the Directive 2010/13/EU on audiovisual mass media services and the whole body of regulations and strategic approaches making up the *acquis communautaire*. Support from the public budget of the activities of the two public broadcasting services falls into the State aid category and is treated as such.

Of particular importance for the development of the domestic audiovisual and multimedia industry and independent employment within, are the provisions according to which broadcasters must reserve "for European works a majority proportion of their broadcasting time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping"; in addition, broadcasters are expected "to reserve at least 10% of their transmission time, excluding the time assigned for news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10% of their programming budget, for European works created by producers who are independent of broadcasters".

The audiovisual industry does not fall directly within the material competence of the Ministry of Culture, even though, in terms of governmental responsibility, this ministry is required to fulfil a duty of representation.

The importance of this industry cannot be sufficiently emphasized, given especially its role as the producer of audiovisual and media products of all genres, which employs or is expected to employ a significant share of the human resources specialised in the field in Romania and which, at the same time, generates significant economic growth. In this respect, we should also emphasize the fact that the aforementioned regulatory framework also covers the provision of audiovisual media services on demand, except for those web services that do not compete with the audiovisual media services.

*Table. Economic performance – Audiovisual and multimedia*

	2011	2012	2013	2014	2015
Turnover evolution by CCS sub-sectors (thousand RON)	3,373,213	3,788,566	4,059,569	4,665,031	4,667,413
Employment evolution by sub-sectors	13,582	14,341	15,147	15,833	16,800
Profit evolution by sub-sectors (thousand RON)	-30,282	-91,648	-78,935	-7,546	243,037
Labour productivity evolution (thousand RON turnover/number of employees)	248	264	268	295	278
Number of companies	3,212	3,553	3,899	4,232	4,538

Source: *Borg Design Database, INCF analyses*

With a very high labour productivity (second only to advertising) and a spectacular rebound of turnover after the recession, the audiovisual sector sees a constant increase in the analysed period. Related to the economic performance of the advertising industry, which it follows in terms of turnover evolution, the sector is

characterised by a large number of private organisations compared to the number of the public ones.

#### 3.5.4. MUSIC

There is an ever-growing music industry in Romania, and this is supported by the set-up of important projects and events at national and international level. For example, the [Mastering the Music Business \(MMB\) Conference](#) is the leading Romanian music conference and showcase event. Initiated in 2016, it has counted three editions so far. This professional event is dedicated to all independent artists and professionals in the Romanian and international music industry. At MMB, key professionals from the local and international music business and related industries come together to discuss various relevant topics. Successful artists, business managers, booking agents, record company execs, PR agents, online and digital specialists, advertisers, radio broadcasters, publishers, songwriters etc. exchange know-how and ideas under the same roof.

The 2019 edition of the Music Moves Europe event was organised by the Ministry of Culture and National Identity – Project Management Unit, in the context of the Romanian Presidency of the Council of the European Union. The participants were able to attend a workshop on copyright in the music sector and a conference connected to the policy pillar of the Music Moves Europe initiative. The reunion was organised successively with another RO PRES conference, New Challenges Regarding Copyright in the Digital Single Market, with which it shared a workshop.

This conference aims at bringing together all aspects of the industry, thereby contributing to a better understanding of the music sector and the challenges it faces, and a closer cooperation at policy level, with the ultimate goal to enhance the European musical diversity and the competitiveness of Europe's music sector. RO PRES 2019 worked towards identifying transferrable best practices in terms of public intervention for the music sector and suitable policy measures at national level. During the event, there were discussions about relevant topics for public policy making in the EU and its Member States, such as: urban development and music festivals, the promotion of European musical diversity, fair competitiveness in the sector, the cross-border circulation of music, and the entrepreneurial dimension of the industry.

#### 3.5.5. DESIGN AND CREATIVE SERVICES

In Romania's case, the design and creative services are not a field per se, they are an integral part of the Architecture, Advertising or Visual Arts fields, according to the type of CCS classification. Therefore, there are no cultural policies dedicated especially to the field of design and no suitable measuring instruments can be identified as yet for issuing statistics, except for simple financial data from the field, either for the public or for the private sector.

#### 3.5.6. CULTURAL AND CREATIVE TOURISM

In Romania, the cultural sector is an activity field completely distinct from that of tourism. This does not mean that they should not be tackled together, but in Romania the culture-tourism symbiosis is not theorised, nor quite developed. Since the two sectors operate separately, no pertinent statistical measurements can be made.

However, the pressure generated by the promotion of the natural heritage, the sustainable policies for the immoveable heritage and the few initiatives regarding religious tourism will create the necessity of drafting public policies.

## 4. Law and legislation

### 4.1. General legislation

#### 4.1.1. CONSTITUTION

After the fall of the communist regime in December 1989, a new Constitution was adopted by the Constitutional Assembly on November 21<sup>st</sup> 1991, which entered into force following its approval by national referendum on December 8<sup>th</sup> 1991. Subsequently, the Constitution was revised in 2003 and this revision was approved by national referendum on October 18<sup>th</sup> and 19<sup>th</sup> 2003 and entered into force on the October 29<sup>th</sup> 2003.

The Constitution includes specific provisions related to cultural rights, freedom of expression and opinion, freedom of religion and national minorities' rights.

Thus, Article 33 of the Constitution guarantees access to culture as well as the freedom of each person to develop his or her own spirituality and to have access to the values of the national and universal culture. According to paragraph 3 of the same article, the State has an obligation to make sure that "the spiritual identity is preserved, national culture is supported, arts are stimulated, cultural legacy is protected and preserved, contemporary creativity is developed, and Romania's cultural and artistic values are promoted throughout the world".

Article 6 contains specific provisions related to identity rights of persons belonging to national minorities.

Article 30 guarantees freedom of expression of "thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public". Censorship is expressly forbidden according to paragraph 2. Also, paragraph 3 provides that "freedom of the press also involves the free setting up of publications" and, according to par. 4, "no publication shall be suppressed".

Freedom of expression is closely linked to the right to information provided in article 31, which also contains specific provisions on public service broadcasters (PSBs), which are autonomous and operate under parliamentary control. These PSB "[...] must guarantee any important social and political group to exercise the right to broadcasting time".

#### 4.1.2. ALLOCATION OF PUBLIC FUNDS

The main body of legislation pertaining to allocation of public funds in general consists of the *Law no. 500/2002 on Public Finances*, *Law no. 273/2006 on Local Public Finances* and the annual laws on the state budget.

Public funds are allocated via budgetary laws to each ministry, whose budget comprises, in addition to its own operational budget, the budgetary allocations for all subordinated institutions.

Currently, the Ministry of Culture has 44 cultural public institutions under its direct subordination, as well as 42 decentralised services of the Ministry and 4 commercial entities supervised/monitored by the Ministry. The budget of the Ministry of Culture also comprises budgetary allocations for various cultural programmes for which grants can be obtained by different cultural operators on the basis of the cultural priorities decided by the

Ministry.

A number of specialised institutions subordinated to the ministry have statutory powers to launch financing programs and to open calls for application to these grants: National Centre for Cinema, National Cultural Fund Administration, National Heritage Institute and National Dance Centre. Each of these institutions has special regulations determining the scope of their activity and, in the case of first two, their budget is made up from various contributions from economic operators and not from transfers from the State budget. All state aid and grants schemes administered by the above institutions follow an open procedure based on transparent rules, competition of projects and peer review evaluation.

The financial sources of the National Cinema Fund and its destinations are regulated by *E.G.O. No. 39/2005*, amended and modified. The National Centre for Cinema administers the National Cinema Fund in compliance with a number of state-aid schemes to support film production and setup of film festivals in Romania and with *de minimis* state aid schemes such as: support for cinema education, setup of cultural cinematographic events and publishing of specialised materials, art cinema, film distribution and exploitation, participation to festivals.

The operations of the National Cultural Fund Administration are regulated by *E.G.O. No. 51/11.08.1998* amended and modified. It should be highlighted that one of the major sources of the Fund is a quota of 2% of the proceeds of the National Lottery, which has lately amounted to 90% of the total budget of the fund. The funding priorities are decided upon by the board of the Fund (Board of Directors of the National Cultural Fund) which also decides on the distribution of each session's budget among the thematic areas. It is mandatory that at least two financing sessions per year be organised. The organization of these sessions must abide by the following rules: transparency, equal access and non-discrimination and peer review. Peer review by evaluation committees composed of at least three independent experts is considered a guarantee of a transparent and non-biased allocation of grants. Recently, via *E.G.O. No. 76/2018* it was decided that each evaluation committee should comprise a member designated by the Ministry of Culture and National Identity.

The operations and activities of the National Heritage Institute are regulated by *Law No. 329/2009* and *G.D. No. 523/2011*, both subsequently modified. One of the major activities of the Institute is to manage the funds allocated for research, restoration, protection of historical monuments through the National Program of Restoration of Historical Monuments. The funds dedicated to this program come mainly from the state budget through the budget of the Ministry of Culture. The institute is also entrusted with the collection and management of the "*historical monuments stamp*" ("*timbrul monumentelor istorice*"), instituted by *Law No. 422/2001*, which is used for loan funding of emergency intervention works on historical monuments.

The National Dance Centre has its activity regulated by *G.D. No. 1123/2004*, and its operations are mainly funded via budgetary allocations and own revenues. This institution supports programs and projects of independent professionals and entities with a view to developing choreographic culture, research, experiment and innovation in contemporary dance.

Another national / state level institution active in the field of culture and cultural diplomacy is the Romanian Cultural Institute, established on the basis of *Law No. 356/2003* as an autonomous administrative authority operating under Parliamentary control (however, the Cultural Institutes set up in other countries by the Romanian Cultural Institute are administratively subordinated to the Ministry of Foreign Affairs). The institute is funded through budgetary allocation from the state budget. Over the years, the institute has developed a

number of grant schemes and funding programs focusing on developing intercultural dialogue and on the promotion of Romanian culture in other cultural areas.

At the local level the allocation of public funds is very similar to what was described above. Public cultural institutions are subordinated either to County Councils or to Local (municipal or communal) Councils. In each case their budget is decided upon by the relevant Local Council and the execution of the overall local budget is entrusted to the Mayor Elect or to the president of the County Council. The two above mentioned categories of funding for public institutions can be found at this level.

It should be noted that, traditionally, in Romania, the current and capital expenditures of libraries are funded from the relevant state or local budget, whereas the expenditures of museums and performing arts institutions are funded from allocations from the relevant budget, as well as from their own revenues.

G.O. no. 51/1998 in its revised form places an obligation on all local authorities, irrespective of their level (county, municipal or communal), to set up a system of financing cultural programs, projects or activities similar to that established for the National Cultural Fund Administration. These authorities have total control on deciding the amount of the budgetary allocation with this destination; however the legal provisions mandate that an amount of 2% to 8% of this allocation should be assigned for "*emergency financing*". The general rules of open calls - at least one session per year, transparency, equality of access and peer review - have to be implemented effectively by each authority. Although major municipalities and most counties have implemented this system, the same cannot be said for all smaller local authorities. There is no national monitoring or reporting institutions on this topic, which is currently on the agenda of the National Institute for Cultural Research and Training for the next two years.

#### 4.1.3. SOCIAL SECURITY FRAMEWORKS

The general social security framework covers civil servants, employed persons with individual labour contracts, as well as self-employed persons and independent artists with annual average income of at least 12 salaries at the level of minimum gross salary (in 2018 this is 1.900 lei and therefore the annual average income should be 22.800 lei). Voluntary coverage for those falling under the threshold is available.

The new provisions of the *Fiscal Code* that entered into force as of the 1<sup>st</sup> of January 2018 have brought about important changes in the social security framework for all beneficiaries and in particular for independent artists for which the sole income is derived from copyright and neighbouring rights. These new developments are as of yet difficult to evaluate because the final date for filing the fiscal statements on the basis of which social contributions are calculated was set for the 31<sup>st</sup> of July 2018.

Briefly, the major change relates to shifting the obligations of calculating and paying social security rates from the employer / beneficiary of the copyright contract to the employee/ independent artist. In addition, the social security taxes have been set to 25% for the mandatory pension fund and 10% for health insurance. It should be noted that for all copyright-derived income there is a lump sum deduction of 40% and therefore only the remaining 60% of the gross income is subject to taxation and to the payment of social security contributions.

One of the major issues that is still unclear is whether the health insurance coverage operates for independent artists during the period elapsed from the moment of receiving the income until paying the contributions pursuant to the Fiscal Administration Decision (next fiscal year). The previous social security system provided

the concomitant payment of the income and of the social security charges. Voluntary payment in advance is provided by law, but the administrative mechanism is unclear in this respect and many artists are not familiar with the procedures.

Exemptions from the payment of social security contributions to the pension fund for copyright income are provided for employees (who already contribute to the mandatory pension fund) and for retired persons.

#### 4.1.4. TAX LAWS

There is no specific tax legislation for culture, but special provisions for the cultural and creative sectors may be found in the general legislation framework, which is the *Fiscal Code of Romania* (Law no. 227/2015, amended and modified).

As of the 1<sup>st</sup> of January 2018, the income tax has been reduced from 16% to 10%. For employees and civil servants, income tax is calculated and paid directly by the employer. Self-employed persons have an obligation to calculate and pay their income tax directly. Independent artists and any other person that derives an income from the capitalisation of their author's rights or neighbouring rights, can opt for a minimum mandatory tax payment (by the "employer") of 7% upon receiving the respective tax-subjected income (with an obligation to directly pay the remainder of the tax annually) or for a final tax payment by the "employer" of 10%. As described in paragraph above the lump sum deduction of 40% is automatically applied to the gross income before calculating the tax income.

*Law No. 32/1994* on sponsorship, modified, constitutes the general legal framework for private corporate support in various domains, including creative and cultural sectors, but the fiscal regime applicable is set forth in the *Fiscal Code*. The recipients of sponsorship agreements, the sums or goods received are not subject to taxation. For the sponsors, their sponsorship expenditures are tax deductible up to a certain limit:

- Annual value of sponsorships (including the value of goods) cannot exceed 20% of the profit tax.
- Annual value of sponsorships (including the value of goods) cannot exceed 0.5% of the annual turnover.

In compliance with the *Fiscal Code*, self-employed persons may offer sponsorships for no more than 5% of their net income.

Private citizens may redirect 2% of the value of their income tax to support, at their discretion, not-for-profit organisations or activities, including those in the cultural and creative sectors. It should be noted that 3.5% of the income tax may be redirected only to not-for-profit and religious entities that provide accredited social services. This applies to employees, retired people and self-employed persons, as well as to independent artists for the income derived from the monetization of their works/performances.

The profit tax rate is 16%. A reduced rate of 5% profit tax is applicable to nightclubs and night bars, discotheques and casinos. For private educational institutions, revenues from their main activity are not subject to profit taxation. Cultural institutions are not subject to profit taxation with the exception of commercial activities. In the case of not-for-profit organisations, the *Fiscal Code*, in article 15 paragraphs 2 and 3, lists the various categories of revenues which are non-taxable.

There are several VAT rates in Romania:

- Standard rate of 19%, applicable for the majority of goods and services (since the 1<sup>st</sup> of January 2017).
- Reduced rate of 9%, which does not apply to cultural goods or services.
- Reduced rate of 5%, applicable to school textbooks, books, newspapers and magazines; services of access to museums, historical monuments, archaeological sites, fairs, exhibitions, cultural events and cinema halls with the exception of those exempted from VAT.
- Exemption from VAT, applicable to educational services, services of adult professional training, cultural services supplied by public cultural institutions or by not-for-profit cultural organisations recognized by the Ministry of Culture, specific activities of public service broadcasters, other than of commercial nature etc.

#### 4.1.5. LABOUR LAWS

The Labour Code (*Law No. 53/2003*, amended and modified) creates the general legal framework for labour relations. As a general rule, labour contracts should have an indefinite duration. However, the Labour Code states that under a number of specific circumstances and strict conditions, individual labour contracts can be concluded for a limited duration/period.

A more flexible approach was enacted by *G.O. No. 21/2007*, whereby individual labour contracts of limited duration may be concluded by performing arts public institutions as a derogatory system from the general Labour Code provisions.

A unified system of salaries for those working in the public sector, including cultural institutions, is set up by *Law No. 153/2017*.

It should be noted that, in response to public demands by employees of the cultural institutions, the Government has enacted *E.G.O. No. 90/2017* whereby the level of salaries was raised by 20% for local public cultural institutions (i.e. subordinated to local authorities) and by 50% for artistic personnel in performing arts institutions.

The involvement of volunteers is regulated by *Law No. 78/2014* and, although article 3 para. b) lists art and culture among the public interest activities where voluntary involvement is supported by the State, there are no special provisions concerning this sector.

*Law No. 62/2011 on social dialogue*, amended and modified, sets up the general framework for the negotiation and conclusion of collective labour agreements. However, the law creates the framework only for collective negotiations between employers and employees bound by the existence of individual labour contracts. Thus, collective bargaining agreements which might be used by independent artists when negotiating with public or private cultural institutions or any other producer do not fall within the scope of this law. Although there are some initiatives of the independent sector to modify the existing legal framework so as to enable the creation of trade unions of independent artists and the negotiation of collective bargaining agreements, there is no clear development in this respect.

#### 4.1.6. COPYRIGHT PROVISIONS

As part of the Berne Convention, Romania has adopted the *droit d'auteur* model. At the national level, the copyright system has been modified and updated by *Law No. 8/1996*, which has been regularly updated in order to comply with the European regulations and the international instruments ratified or adhered to by Romania.

Romanian law distinguishes between:

- Moral rights that protect the link between the authors and their works via a paternity right, a right of integrity, a right to divulgation and a right of withdrawal. For performers, the law recognizes paternity rights and a right to respect the quality of their performance.
- “Patrimonial” rights, i.e. economic rights that proceed from the exploitation of a protected work or subject matter.

The duration of “patrimonial” rights spans for the entire life of the author and, as a general rule, for 70 years after the author’s death. For neighbouring rights, the duration of “patrimonial” rights is of 50 years from the performance or first publication or communication to the public of its fixation, with the exception of phonograms, for which the duration is of 70 years.

In 1996, Romania has recognized the neighbouring rights for performers as well as for phonogram producers, film producers and broadcasting organisations.

Sui generis rights are recognized to database producers. The law provides specific limitations and exemptions for the use of a protected work or subject matter, in particular for information and educational purposes in line with European and international legal frameworks on the basis of the three-step test set up in the Berne Convention. The law also provides for specific conditions concerning the use of orphan works.

Before the entry into force of *Law No 8/1996* collective management was restricted in scope and application to composers and writers. Now, collective management societies (not-for-profit entities) have been set up for each domain and in some instances more than one per domain. Currently there are 16 collective management societies recognized by the Romanian Copyright Office. Following the transposition of *Directive 2014/26/EU*, it is expected that independent management entities (which are for-profit entities) will be set up. It is therefore, too early to evaluate the real impact that these entities may bring about once they’ve entered the market. According to the Romanian legal framework, collective management is mandatory for: private copy levies, public loans, resale rights, broadcasting of musical works, public communication of musical works, equitable remuneration for performers and producers for public communication and broadcasting of commercial phonograms, cable retransmission, orphan works and online multi-territorial licensing of musical works. In addition, collective management societies may collect on the basis of individual mandates from their members the following rights on: reproduction of musical works on phonograms or videograms, public communication of works with the exception of musical works and of audiovisual performances, public lending other than that subjected to mandatory collection and rental rights.

Even before the transposition of *Directive 2014/26/EU*, Romanian legislation provided extensive rules of supervision on the activities of collective management societies by the Romanian Copyright Office. Following the transposition of said Directive, this role has been further strengthened and the scope of supervision has been broadened.

Taking into consideration the large number of substantial revisions adopted in the more than 20 years since the entry into force of *Law No. 8/1996*, *Law. No. 74/22.03.2018* operated a major overhaul of the entire body of the law no. 8, re-numbering its articles and republishing it in a revised and consolidated form.

Currently, there are no public initiatives to create new bodies for the purpose of researching, supervising and

proposing specific legal measures concerning the protection of rights in the digital environment and online.

#### 4.1.7. DATA PROTECTION LAWS

The current legal framework concerning data protection, as of May 25<sup>th</sup> 2018, is *Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) - GDPR*.

The provisions set forth in Regulation (EU) 2016/679 may have an impact on the operations and activities of certain cultural institutions such as, inter alia:

- National Heritage Institute, which operates all nationwide databases on cultural heritage, including personal data of owners.
- National Institute for Cultural Research and Training, which operates nationwide databases on translators, impresarios for performing arts and participants in various training programmes.

Collective management societies may find themselves in a similar situation as described above, since they manage the personal data of all their members and of right holders for whom they have to collect and distribute remunerations for the mandatory collection.

Generally speaking, all cultural institutions have updated the terms of service on their websites which take in account the new rules on data protection. Online payment of tickets for cultural events is generally managed by third party entities and not directly by the cultural organisations themselves, therefore liability for compliance with GDPR lies with these entities.

#### 4.1.8. LANGUAGE LAWS

The *Constitution of Romania* states in Article 13 that the official language is Romanian.

Article 6 para. 1 – Right to identity, “[...] recognizes and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity”.

Paragraph 2 of the same article, states that “the protection measures taken by the Romanian State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens”.

There are also a number of normative acts (laws and Government Decisions) pertaining to the use of Romanian language and of the languages of national minorities in relation to public authorities and in the educational system.

*Law No. 500/2004 for the use of the Romanian language in public places, relations and institutions*, states that any text of public interest written or spoken in a foreign language must be accompanied by its translation or adaption into Romanian language. Broadcasts transmitted in other languages by Romanian broadcasters or under Romanian audiovisual licenses must be subtitled in Romanian or benefit from a simultaneous translation.

In addition, Article 17 para. d) of the *Audiovisual Law No. 504/2002*, amended and modified, entitles the National Audiovisual Council to “issue, with a view to the application of the provisions from this Law, regulatory normative decisions [...] in regard to [...] the monitoring of the correct expression in Romanian language and in the languages of national minorities”. It also grants minorities the right to benefit from free broadcasting of programmes in their languages if the minority in question exceeds 20% of the total population in a given administrative unit.

*Law No. 215/2001* on local public administration, in its Article 19 states that local public authorities, their subordinated public institutions as well as public services must ensure the use of a minority language in their relations with members of the respective minority in all cases where that minority population exceeds 20% of total population in a given administrative unit.

*National Education Law No. 1/2011* states in Article 10 that learning the Romanian language is mandatory and that educational services shall be provided in the languages of the national minorities, too. Articles 45 and following recognize the right of persons belonging to national minorities to study and to be educated in their mother tongue at all levels, types and forms of pre-university education. Specific provisions concerning higher education in the languages of national minorities are to be found in Articles 135 and following of the Law.

Special obligations are imposed upon public services broadcasters through *Law No. 41/1994 on the organisation and operation of the Romanian Radio Broadcasting Corporation and Romanian Television Corporation*, republished, which states, inter alia:

- In Article 15: public service broadcasters have, as one of their main activities, the carrying out of broadcasting programmes in Romanian, in the languages of the national minorities as well as in other languages for information, cultural, educational and entertainment purposes.
- In Article 35: the board of territorial studios which broadcast programmes in the languages of the national minorities should have members representing the producers of those programmes.

There are several other relevant laws that offer a more detailed perspective on the issue of minority languages:

- *Law No. 20 /2019* establishes the Day of the Romani Language on June 16
- *Law No. 214/2018* establishes the Day of the Macedonian language on December 8
- *Law No. 213/2018* establishes the Day of the Ukrainian Language on November 9
- *Law No. 253/2017* establishes the Day of the Yiddish Language and Theatre on December 13
- *Law No. 247/2017* establishes the Day of National Minorities in Romania on December 18, as a national day
- *Law No. 100.2015* establishes the Day of the Bulgarian Language on May 24
- *Law No. 279/2015* establishes the Day of the Hungarian Language on November 13
- *Law No. 130/2014* establishes the Day of the Czech Language on September 28
- *Law No. 97/2009* on the foundation of the Cultural Institute of Tatars "Sebat Husein" in Constanta
- *Law No. 366/2007* on the foundation of the Prize "Mehmet Niyazi" in order to promote Tatar literature, arts and culture in Romania

Although there is no specific piece of legislation concerning the mandatory use of national minority languages in the cultural sector, secondary legislation pertaining to the organisation and functioning of performing arts institutions, institutes, theatres and operas which have either bilingual programmes or operate solely in the

language of a national minority (German, Hungarian and Yiddish).

#### 4.1.9. OTHER AREAS OF GENERAL LEGISLATION

*Currently, there is no further information.*

## 4.2. Legislation on culture

### 4.2.1. GENERAL LEGISLATION ON CULTURE

Romania does not have a general legislation referring to general issues of cultural policies for the cultural and creative sectors overall. The legal provisions in force are sector-specific, and therefore shall be described infra in the following subchapters.

Relevant primary legislation of a transversal nature, covering specific issues for the whole or the majority of the cultural and creative sectors, is presented below.

#### A. Private cultural entities organisation and activities

- *G.O. No. 26/2000 on associations and foundations*, amended and modified
- *Law No. 31/1990 on (commercial) companies*
- *Civil Code (Law No. 289/2009)*
- *E.G.O. No. 44/2008 on self-employed persons ("authorized natural persons") and individual and family enterprises*
- *Law No. 1/2005 on co-operative organisations*
- *Law No. 120/2015 regarding the stimulation of individual investors, known as business angels*

#### B. Management of public cultural institutions

- *E.G.O. No. 189/2008 on the management of public cultural institutions* – a law that regulates horizontally the management, administration and superintendence of these public structures, regardless of their type. This law has a major impact on the depoliticization, professionalization and transparency of the management and assignment of institutions managers, which, up until 2004, was political.

#### C. Cultural orders and decorations

- *Law No. 29/2000, republished, on the national system of Orders and Decorations*, instituting the *Cultural Order* and *Cultural Medal*

#### D. Government programme and policies

- *Programme of the Government for 2018-2020*, chapter on *Culture, Religious Affairs and Minorities*

International legal instruments related to culture, signed, adopted, acceded to or ratified by Romania are presented below.

Title of the international legal instruments	Organisation responsible for administering it	Year of entry into force in Romania and title of national instrument
European Cultural Convention	Council of Europe	19.12.1991 – Law no. 77/1991
European Code of Social Security	Council of Europe	10.10.2010 – Law no. 116/2009
Convention for the Protection of Architectural Heritage of Europe	Council of Europe	01.03.1998 – Law no. 157/1997
European Convention on Transfrontier Television	Council of Europe	01.11.2004 – Law no. 11/2004
European Convention on the Protection of Archaeological Heritage (revised)	Council of Europe	21.05.1998 – Law no. 150/1997
European Convention on Cinematographic Co-Production	Council of Europe	01.07.2002 – Law no. 28/2002
European Charter for Regional or Minority Languages	Council of Europe	01.05.2008 – Law no. 282/2007
Framework Convention for the Protection of National Minorities	Council of Europe	01.02.1998 – Law no. 33/1995
European Landscape Convention	Council of Europe	01.03.2004 – Law no. 451/2002
European Convention on the Legal Protection of Services Based On, or Consisting of Conditional Access	Council of Europe	01.07.2003 – Law no. 305/2002
Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention. The Hague	UNESCO	21.03.1958 - Decree no. 605/1957
Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict.	UNESCO	21.03.1958 – Decree no. 605/1957
The Hague Convention against Discrimination in Education	UNESCO	09.07.1964 – Decree no. 149/1964
Convention concerning the International Exchange of Publications	UNESCO	09.06.1965 – Decree no. 835/1964
Agreement on the Importation of Educational, Scientific and Cultural Materials, with Annexes A to E and Protocol annexed. Florence	UNESCO	24.11.1970
Convention concerning the Protection of the World Cultural and Natural Heritage	UNESCO	16.05.1990 – Decree no. 187/1990
Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	UNESCO	06.12.1993 – Law no. 79/1993
Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms	UNESCO/WIPO	01.07.1998 – Law no. 78/1998
Convention on the Protection and Promotion of the Diversity of Cultural Expressions	UNESCO	20.07.2006 – Law no. 248/2006
Convention for the Safeguarding of the Intangible Cultural Heritage	UNESCO	20.01.2006 – Law no. 410/2005
Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict	UNESCO	07.08.2006 – Law no. 285/2006
Convention on the Protection of the Underwater Cultural Heritage	UNESCO	31.07.2007 – Law no. 99/2007
Berne Convention for the Protection of Literary and Artistic Works	WIPO	01.01.1927
Berne Convention – revised 1896, 1908, 1914, 1928, 1948, 1967, 1971, 1979	WIPO	17.04.1998 – Law no. 77/1998
International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations	WIPO/UNESCO/ILO	22.07.1998 – Law no. 76/1998
Convention Establishing the World Intellectual Property Organization	WIPO	26.04.1970 – Decree no. 1175/1968
Copyright Treaty (WCT)	WIPO	06.03.2002 – Law no. 205/2000
Performances and Phonograms Treaty (WPPT)	WIPO	20.05.2002 – Law no. 206/2000

Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)	WTO	01.01.1995
Convention on Stolen or Illegally Exported Cultural Objects	UNIDROIT	01.07.1998 – Law no. 149/1997
International Covenant on Economic, Social and Cultural Rights	UN	20.11.1974 – Decree no. 212/1974

#### 4.2.2. LEGISLATION ON CULTURE AND NATURAL HERITAGE

In Romania, the field of cultural heritage benefits from a large, but insufficiently harmonized regulatory framework, which specifically regulates all the aspects of protection, especially for the field of moveable and immoveable cultural heritage. For each field of cultural heritage there are special laws and application norms.

The main pieces of legislation regulating the field of cultural heritage in Romania are:

##### Moveable cultural heritage

- *Law no. 182/2000* on the protection of the national moveable cultural heritage, republished, with subsequent modifications and amendments;
- *Order no. 2035 / 2000* for the approval of the Methodological Norms for the record, management and inventory of the cultural assets held by museums, public collections, memorial houses, cultural centres and other such cultural units;
- *Order no. 2.239 / 2019* for the approval of the Norms regarding the re-evaluation of the moveable cultural goods held by public institutions, with a view to ensuring their correct reflection in accounting documents;
- *Government Decision no. 886/2008* for the approval of the Norms of classification of the moveable cultural goods;
- *Order of the Minister of Culture and Religious Affairs no. 2.009/2001* for the approval of the Norms for the accreditation of experts, with subsequent changes and amendments;
- *Government Decision no. 1420/2003* for the approval of the Norms regarding the trade with moveable cultural goods, with subsequent changes and amendments;
- *Order of the Minister of Culture and Religious Affairs no. 2044/09.05.2001* on the set-up of the Registry of destroyed, stolen, vanished or illegally exported cultural goods owned and/or managed by public and private legal persons and the Methodology of inscribing such goods in the respective Registry;
- *Decision no. 518/2004* for the approval of the Methodological Norms on the permanent or temporary export of moveable cultural goods;
- *Ordinance no. 44/ 2000* on some measures regarding the insurance of the temporarily-exported moveable cultural goods – Republished;
- *Government Decision no. 1221/2000* for the approval of the Methodological Norms regarding the issuing of the governmental guarantee certificate;
- *Government Decision no. 1546/2003* for the approval of the Norms for the conservation and restoration of classified moveable cultural goods;
- *Government Decision no. 216/2004* on the authorizing the conservation and restoration laboratories and workshops, with subsequent modifications and amendments;
- *Order of the Minister of Culture and Religious Affairs no. 2.008/2001* for the approval of the Norms of accreditation of conservators and restorers, with subsequent modifications and amendments.

##### Museums and public collections

- *Law no. 311/2003* on museums and public collections, republished;
- *Order of the Minister of Culture and Religious Affairs no. 2297/2006* for the approval of the Criteria for granting the prior endorsement for establishing museums and public collections;
- *Order no. 2057/2007* for the approval of the criteria and norms on licensing museums and public collections;
- *Order of the Minister of Culture and Religious Affairs no. 2.185/2007* for the approval of the norms for classifying museums and public collections.

#### Immoveable and archaeological cultural heritage

- *Law no. 422/2001* on historical monuments, republished, with subsequent modifications and amendments;
- *Order no. 2495 din 26 august 2010* for the approval of the Methodological Norms on the licensing of specialists, experts and technical controllers in the field of historical monuments protection;
- *Order of the Minister of Culture and Religious Affairs no. 2.260/2008* for the approval of the Methodological Norms of classification and inventory of the historical monuments, with subsequent modifications and amendments;
- *Order of the Minister of Culture and Religious Affairs no. 2.237/2004* for the approval of the Methodological Norms of marking historical monuments, with subsequent modifications and amendments;
- *Order of the Minister of Culture and Religious Affairs no. 2.684/2003* for the approval of the Methodology of drawing up the Obligation regarding the use of the historical monument and of its contents;
- *Government Decision no. 493/2004* for the approval of the Methodology of monitoring historical monuments inscribed in the World Heritage List and of the Methodology regarding the drafting and the framework-contents of the protection and management of the historical monuments listed in the World Heritage List;
- *Government Decision no. 1.430/2003* for the approval of the Methodological Norms on the situations wherein the Ministry of Culture and Religious Affairs and the local public administration authorities, respectively, contribute to the coverage of the costs of protection and intervention on historical monuments, on the proportion of the contribution, the procedures, as well as the conditions that the owner – other than the state, municipality, town or commune – must meet;
- *Government Decision no. 610/2003* for the approval of the Methodological Norms regarding the procedure of granting the credits necessary to carry out protection works on the historical monuments owned by private natural or legal persons;
- *Order no. 2173 of 28 March 2013* for the approval of the Regulations of organising and functioning of the National Commission of Historical Monuments;
- *Government Ordinance no. 43/2000* on the protection of the archaeological heritage and the institution of some archaeological sites as areas of national interest, approved with modifications and amendments by *Law no. 378/2001*, republished, with subsequent modifications and amendments.
- *Order of the Minister of Culture no. 2.072/2000* on the establishment of the Register of Archaeologists;
- *Order of the Minister of Culture and Religious Affairs no. 2.458/2004* on the Establishment of the Regulation of the National Archaeological Repertoire;
- *Order of the Minister of Culture and Religious Affairs no. 2.426/2005* for the approval of the methodological norms for inscribing several priority archaeological sites in the List of areas of national archaeological interest;
- *Order of the Minister of Culture and Religious Affairs no. 2.483/2006* for the approval of the List containing the Areas of priority archaeological interest;
- *Order of the Minister of Culture and National Heritage no. 2.494/2010* for the approval of the Methodology of

licensing the specialised personnel in the field of archaeological research and its inscription in the Register of Archaeologists;

- *Law no. 50/1991* on the authorization of construction works, republished, , with subsequent modifications and amendments;
- *Law no. 350/2001* on land planning and urbanism, with subsequent modifications and amendments;
- *Order of the Minister of Culture and Religious Affairs no. 2.183/2007* for the approval of the Methodology of financial evaluation of the damage on the immoveable national cultural heritage – historical monument or archaeological site.

#### Industrial heritage

- *Law no. 6/2008* on the legal regime of the technical and industrial heritage.

#### Intangible cultural heritage

- *Law no. 410/2005* on the acceptance of the Convention on the safeguarding of the intangible cultural heritage;
- *Law no. 26/2008* on the protection of the intangible cultural heritage;
- *Order of the Minister of Culture and Religious Affairs no. 2491/2009* for the approval of the Regulation on granting the title of Living Human Treasure;
- *Order of the Minister of Culture and Religious Affairs no. 2.436/2008* on the drafting of the National Programme of safeguarding, protection and valorisation of the intangible cultural heritage;
- *Order of the Minister of Culture and Religious Affairs no. 2.236/2008* on the organisation, functioning and duties of the National Commission for the Safeguarding of the intangible cultural heritage.

For the moveable and immoveable cultural heritage the legislation establishes a mechanism of special protection, the classification. The moveable cultural goods may be classified, depending on their cultural relevance, into two categories, thesaurus and basic fund, while the immoveable goods and sites fall into three categories of historical monuments: monument, ensemble and site.

For both the moveable and the immoveable heritage the law establishes restrictions on usage, the right to intervention (obligations of attested/licensed personnel's endorsement and carrying out of interventions must be met) on the classified goods, there are inventory requirements, approval requirements on conservation and restoration, of traffic monitoring, as applicable (property transfer, selling, export etc.)

The interventions on classified moveable and immoveable cultural assets are reserved of certain specialists only, selected by means of administrative mechanisms of certification (historical monuments, archaeology) or accreditation (moveable heritage), based on the relevant expertise in the field and on the endorsement of a commission (in the case of archaeology and moveable heritage, there are national commissions involved, while in the field of historical monuments there is a special commission).

Since 2006, there have been discussions in Romania on the encoding of the legislation in the field of the cultural heritage. Working groups set up in 2014 and 2016, respectively, set the premises for the approval of the Prior Theses of the Cultural Heritage Code (approved by *Government Decision no. 905/2016*). These theses underpin the drafting of the Cultural Heritage Code – a process currently under development, as part of the project "Historical Monuments – strategic planning and optimized public policies" (P.O.C.A. - Support for the

implementation of quality management, simplified measures for citizens and the business environment, systematization of legislation and systemic evaluation of the regulatory framework). In the codification process the legal and administrative deficiencies are analysed and the established mechanisms are revised, with a view to be optimized.

2021 is the estimated deadline for the approval of the new Cultural Heritage Code.

#### 4.2.3. LEGISLATION ON PERFORMANCE AND CELEBRATION

*Law no. 8/1996* contains specific provisions on the mandatory clauses of a copyright contract for a theatrical or musical performance of a work, as well as on the neighbouring rights of performing artists, including collective management of rights.

The main legal text for this sector is *G.O. no. 21/2007 on performing arts and concert institutions and companies and on the artistic impresarios' activity*. It establishes the necessary legal framework for the organisation and functioning of the "project theatre" (where artists are recruited on a project-by-project basis and their whole activity is project-based) as differing from the traditional Romanian system of "repertoire theatres". It also creates the possibility, in particular at the level of local authorities, to use existing infrastructure to host performances. The issue of the necessary competences of artistic impresarios had long been a thorny subject in Romania, therefore through this legal text a mandatory examination, licensing and registration of these persons have been established.

This legal text has been amended and modified several times to address concerns expressed by the theatrical community, in particular with a view of establishing a derogatory system that differs from the general employment provisions set forth in the Labour Code, in order to support employment and recruitment of artists and technical personnel. Thus, performing arts and concert institutions have a more flexible employment scheme in that they can recruit directly the necessary staff for limited periods of time without the restrictions established by the Labour Code.

Other relevant legislation for this sector includes:

- *Law no. 298/2006 on measures to inform the public on playback performances;*
- *E.G.O. no. 118/2006 on cultural establishments*, which contains provisions on the scope and range of activities of cultural establishments such as rural culture houses, culture houses, cultural centres, "people's art school" (vocational training and adult education). Any of these establishments can develop activities in the field of theatre, dance, music, street arts, festivals, fairs, etc.;
- *G.D. no. 530/2005 on the organisation and functioning of the National Dance Centre in Bucharest*, which is the only public institution dedicated to the promotion of contemporary dance. It operates as producer/co-producer of dance performances, workshops and festivals, as well as a funding entity for dance-related projects and as a host for invited dance performances.

#### 4.2.4. LEGISLATION ON VISUAL ARTS AND CRAFTS

In addition to the specific provisions related to visual arts contained in *Law no. 8/1996* (e.g. the resale right) the main piece of legislation regarding this sector is *Law no. 120/2006 on public forum monuments*. This law institutes the National Commission for Public Forum Monuments as a standing special entity of the Ministry of Culture,

whose main activities are to propose to the Ministry an overall strategy concerning public forum monuments, analyse and to approve/revise/reject projects to promote such monuments and to establish a “protection zone” for them. Up to 15 territorial (at the sub-national level) commissions are established, having a mandate similar to the national commission, but limited to rural areas.

Various secondary legal acts and decisions of the local authorities set up the framework conditions and the actual operation of artistic residences and/or visual arts creative camps (sculpture, painting, photography, design, decorative arts and crafts).

#### 4.2.5. LEGISLATION ON BOOKS AND PRESS

- *Law no. 111/1995 on the legal Deposit of documents*, republished. At the national level, the legal deposit is organised by the National Library of Romania and has as beneficiaries a number of six libraries, including that of the Romanian Academy and three main university libraries. The legal deposit extends to electronic documents, but does not cover cinematographic films and internet content (with a digital origin).
- *Law no. 334/2002 on public libraries*, republished. This law creates the general framework for the organisation and functioning of all types of public libraries and establishes their respective missions. It preserves and strengthens the traditional architecture of the national system of libraries whereby the National Library of Romania has an overall methodological role. It also establishes the National Commission of Libraries as a standing entity coordinated by the Ministry of Education and the Ministry of Culture with national scientific authority.
- *Law no. 186/2003 for the support and promotion of written culture*, republished. The law provides a large array of support measures that may be used by the Ministry of Culture and by any local authority with a view to financing the publishing of important works, such as encyclopaedias, dictionaries, critical editions of classical works, literary debuts and children's books.
- *Law no. 136/2015 on financing representative cultural magazines of Romania*. Its provisions have been described in paragraph 5.1.3 (supra).

There are no rules concerning fixed book price. The operationalization of the public loan rights has not been concluded.

#### 4.2.6. LEGISLATION ON AUDIOVISUAL AND INTERACTIVE MEDIA

- *G.O. no. 39/2005 on cinematography*. It draws upon preceding legislation and develops the operations and governance of the National Cinematographic Fund, which is managed by the National Centre for Cinema. It creates a comprehensive framework for instituting state aid schemes for support to the cinema industry (see paragraph 5.1.3 supra).
- *Law no. 8/1996 on copyright and neighbouring rights*, republished. It contains specific provisions on audiovisual works and on the neighbouring rights of film producers. In addition, it regulates the rights of photographers as authors as well as the respective rights of the person portrayed in a photograph. Specific provisions concerning the right to privacy including the right to image proceed from the *Civil Code*.
- *Audiovisual Law no. 504/2002*, amended and modified. It transposes the *AVMS Directive* (2007/65/EC) and institutes programming obligations on broadcasters concerning European works (majority quota of European works in stock programming and a minimum of 10% of programming times or programming budget for independent productions). It regulates audiovisual licences, the operation and powers of the

National Audiovisual Council. It also contains specific provisions on the protection of journalistic sources, on the protection of journalists and the protection of broadcasters' headquarters and work points.

- *Law no. 41/1994 on the organisation and functioning of the Romanian Radio Broadcasting Corporation and Romanian Television Corporation*, republished. It places upon both PBS an obligation to ensure through all their activities: pluralism, freedom of ideas and opinions, free communication of information and correct information of public opinion. Both PBS have specific language responsibilities (described in paragraph 5.1.9 supra) as well as cultural responsibilities.
- *Law no. 148/2000 on advertising*.

#### 4.2.7. LEGISLATION ON DESIGN AND CREATIVE SERVICES

- *Law No. 184/2001 on the organisation and exercise of the profession of architect*. It creates the legal framework for all activities in the field of architecture, the conditions of granting "the right of signature" to architects, their rights and obligations.
- *Law No. 148/2000 on advertising*. It creates the legal framework for advertising, protection of consumers and protection of any persons and/or entities using advertising services.

## 5. Arts and cultural education

### 5.1. Policy and institutional overview

Regarding the governmental efforts to promote and stimulate the youth's artistic and creative capacities, the Ministry of Education has initiated a special alternative school, encouraging the development of usual skills, as well as of art and culture-related skills among children and youngsters, from elementary school to higher education. The programme lasts five consecutive days during the school year and it can be carried out based on a schedule set by each education institution.

The four most relevant strategies in the field of education are: the Strategy on education and training in Romania for the period 2016-2020, [the National Strategy for lifelong learning for the period 2015-2020](#), the National Strategy for tertiary education for the period 2015-2020 and the National Strategy on research, development and innovation 2014-2020.

The Romanian education sector is an essential part in the Government's strategy to attain the Europe 2020 objectives. Most of the EU objectives focus on the improvement of the education sector due to its influence on the economic growth via employment, training for relevant skills, personal development. In order to achieve these objectives, there is a need for the Ministry of National Education and the Ministry of Culture and National Identity to cooperate as successfully as possible.

### 5.2. Arts in schools

In middle school (primary and secondary school), art education covers two fields: music and visual arts. From the first grade until the seventh grade, a pupil's weekly schedule contains one class of music and musical education and one class of art education. In high school, art education is compulsory only for the vocational programmes. Future kindergarten educators, primary school teachers or pedagogues take classes of music, art and performing art during high school. The number of hours dedicated to these classes varies, but usually there are three hours. In recent years, these students have also been taking classes on art and music pedagogy.

The percentage of instructional hours dedicated to arts education in the first two years of secondary school (grades 5-6) is 14.01%. The most common art subjects are music, visual and fine arts. This is considered quite low in Romania as compared, for example, to the percentage of hours dedicated to science (22%) in relation to the total number of instructional hours.

In order to give a higher level of priority to arts education, the civil society organisations (NGOs) have developed several initiatives in the last years to support the link between education and culture and to fill in the gap between cultural and educational institutions. One of them is the initiative *Supporting culture in education*, which was financed between 2013 and 2017 by national and international funds.

Related to the governmental efforts to promote and stimulate artistic and creative capacities of young people, the Ministry of Education has initiated a special programme (*Alternative School*) which encourages the development of competences and skills related to arts and culture among children from primary school to high school. The programme lasts five consecutive days during the school year and it is run on a schedule that

remains the decision of each education institution (see chapter 6.1).

In Romania, ICT (Information and Communications Technology) is part of the education curriculum, inclusively in schools with an artistic specialisation. According to the Order of the *Minister of Education, Youth and Sports no. 5399/17.10.2006*, ICT is part of the curriculum in the art high schools (architecture, environmental art and design). Moreover, according to the *Order of the Minister of Education, Youth and Sports no. 4856/2009* regarding the approval of the educational framework plans for grades 9<sup>th</sup>-12<sup>th</sup>, vocational branch, artistic profile, specialisation conservation-restoration of cultural goods, full time courses, ICT is part of these high schools' educational plan.

## 5.3. Higher arts and cultural education

In Romania there are 25 faculties with courses related to cultural professions, from conservation and restoration courses, to film production and editing, cultural management and music production and distribution.

As for the technical education, there are approximately 50 colleges in accredited higher education institutions with a technical profile in several cultural fields. However, these are mostly courses on music and visual arts, while the cultural management is not represented at all, which can explain the fact that the demand for professional training in culture is still high. *The Training Needs of Public Cultural Institutions*, a research carried out in 2016 by the National Institute for Cultural Research and Training, highlighted the main cultural areas with gaps in training: cultural management, cultural heritage, administrative management in culture, performing arts, librarianship and IT.

## 5.4. Out-of-school arts and cultural education

Extracurricular activities are considered one of the favourite means of offering pupils the possibility to develop their talents or skills. In the out-of-schools arts and cultural education sector there are legal provisions that promote the extracurricular activities on a national level, as well as the cooperation between schools, museums and the artistic world in general. *Order 5567/2011* approves the organisation and operation of the establishments providing extra-school activity, by providing a main legislative framework. In terms of partnership between schools and the artistic world, a system that fosters the cultural education of pupils is being developed. Therefore, within the framework of the administrative decentralisation, the cooperation between museums and schools is encouraged.

## 5.5. Vocational and professional training

In the occupational field of culture, the studies show that the professional training and development of artists are particularly determined by the fact that a young artist has a better understanding of career opportunities and can follow different directions during his/her professional life and, therefore, can activate themselves in several markets or activity sectors, sometimes in parallel, other times successively. This occupational flexibility requires competences and skills that may be related to their activity field or transversal (*The need for professional training within public cultural institutions*).

The occupational sector of culture is mainly characterised by a low labour mobility, which results in a quite low

interest in lifelong learning. Under these circumstances, the motivation for professional training is reduced in the case of persons with management positions, which could be a negative example for the rest of the employees. Although declaratively there is an increased interest in professional training, the percentages and number of employers who have attended such a programme in the last two years are quite reduced, with obvious differences depending on the cultural field.

The labour market in the cultural and creative sectors recorded a positive trend in the period 2002-2009, with an evolution from 100,000 to 140,000 employees. In 2009, the richest cultural sectors in terms of human resources were written culture (24,110), cinema, TV and radio (8,964) and performing arts (2,310). This ranking is kept in the case of cultural sectors' contribution to the national economy, which confirms the premise that the specialised human resource and the investment in the quality of the human resource are sine qua non conditions for the development of an activity sector and even of a national economy. The *Government Ordinance no. 102/1998* on the organisation and functioning of the system of ongoing education through educational institutions, approved with modifications by *Law no. 133/2000*, lists the general rules and principles underpinning the adult education system, as well as the objectives of continuous education and its main domains:

- fulfilling the basic education, through recurrent or compensatory education;
- civic education;
- education and cultivating the citizen's individual abilities and interests in order for him/her to perform with an active social role;
- ongoing professional training.

*Law no. 1/2011*, known as the *Law on Education*, defines the concept of lifelong learning or permanent education, which comprises the early education, the secondary and tertiary education, the ongoing professional training and education of adults. This law reiterates the right of any Romanian citizen to forms of instruction and development, as defined in the Constitution of Romania. According to this law, the professional training and education of children, youth and adults have as main goal forming competences, concept defined as a multifunctional and transferable ensemble of knowledge, abilities / skills and aptitudes, necessary to: a) personal development and fulfilment, by attaining the individuals' own objectives in life, according to their interests and aspirations and desire to learn during their whole lives; b) social integration and active citizen participation in the society; c) employment and participation in the functioning and development of a sustainable economy; d) shaping a view on life based on humanistic and scientific values, on the national and universal culture and on the promotion of intercultural dialogue; e) education in the spirit of dignity, tolerance and observance of fundamental human rights and freedoms; f) cultivation of sensibility towards human problems, moral and civic values, of respect for nature and for the natural, social and cultural environment.

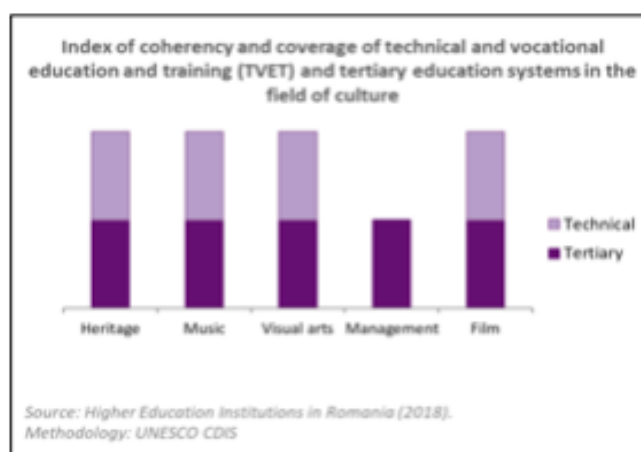
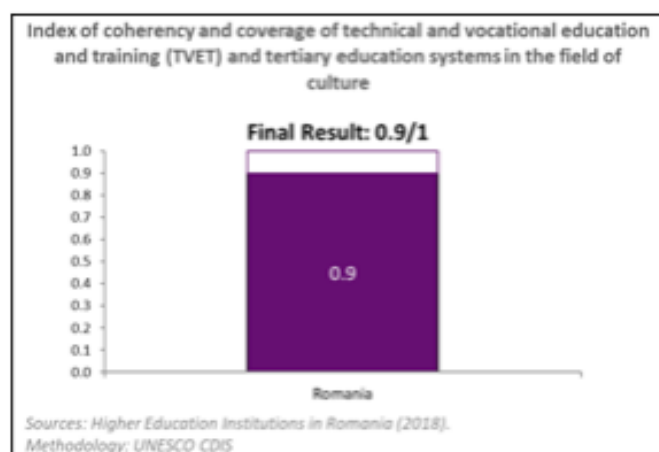
Among the indicators used by the *Culture for Development Indicators* UNESCO-funded study, the Education Dimension examines the relationship between education, culture and human development through the assessment of inclusive education, valorisation of intercultural actions, cultural diversity, creativity and opportunities to acquire professional skills in cultural areas. Thus, the percentage of instruction hours dedicated to arts education in the first two years of middle school (grades 5-6) is 14.01%. The most common art subjects are music, visual and plastic arts. This percentage is quite low in Romania as compared, for example, with the percentage of the number of hours dedicated to science (22%) in relation to the total number of instruction hours.

In order to give more importance to arts education, the non-governmental organisations (NGOs) have developed in the last years several initiatives with the purpose to support the link between education and culture and to fill in the gap between cultural and educational institutions. One of them is the initiative *Supporting culture in education*, which was financed between 2013 and 2017 by national and international funds.

In terms of governmental efforts to promote and stimulate artistic and creative abilities of young people, the Ministry of Education has initiated a special programme, *Alternative School*, which encourages the development of competences and skills related to arts and culture among children and youth from primary, middle and high schools. The programme lasts five consecutive working days during the school year and can be run on a schedule that remains the decision of each education institution.

Projects targeted on the "Education through culture" area have received funds from AFCN [amounting to 1.4 million lei of the total funding amount \(10.78 million lei\)](#).

Referring back to the UNESCO *Culture for Development Indicators*, the Index of professional training in culture is very high (0.90/1) and it shows the presence of cultural courses available in tertiary and technical education in Romania.



In Romania there are 25 faculties with courses related to cultural professions, from conservation and restoration courses, to film production and editing, cultural management and music production and distribution. As for the technical education, there are around 50 colleges in technical higher education institutions accredited in several cultural fields. However, most of these courses are mainly dedicated to music and visual arts, while cultural management is scarcely represented which can explain the fact that the demand for professional training in culture is still quite high.

*"The Training Needs of Public Cultural Institutions"*, a research carried out in 2016 by the National Institute for Cultural Research and Training, highlighted the main cultural areas with gaps in training: cultural management, cultural heritage, administrative management in culture, performing arts, librarianship and IT.

Considering that the National Strategy for Lifelong Learning 2015–2020 sees the ongoing training as a major component of the cultural policies, with the overall objective of increasing competitiveness and supporting the development of the knowledge-based society, there is a need for an adequate human resource in order to achieve there is a need for the authorities to work increasingly towards achieving these objectives.

The most important Romanian institution accredited and specialised in professional training in the field of

culture is the National Institute for Cultural Research and Training (INCFC). The strategy of the Professional Training Department of INCFC proposes the development of an accessible, attractive professional training system, relevant for the demands of the labour market in the field of culture, which should offer high-quality professional training and education services in order to relevantly and quickly respond to the demands of the public cultural institutions and creative sectors, with a view to an efficient management of the available cultural resources ([Full offer of INCFC's cultural training programmes](#)).

## 6. Cultural participation and consumption

### 6.1. Policies and programmes

Over the years, the Romanian Government has targeted the increase of the population's interest in culture. This is the reason why the central administration has fostered several policies and programmes in this respect. Such an example is the programme [INVEST IN YOURSELF](#). This is a governmental programme with the purpose to grant a credit to individuals aged between 16 and 26 within the education system or who are attending specialised courses authorised by the Ministry of National Education and by the Ministry of Labour and Social Justice, as appropriate, as well as to individuals aged 26-55 within the education system or who are attending professional reconversion and / or specialisation courses, authorised by the Ministry of National Education and the Ministry of Labour and Social Justice, as appropriate, for a maximum period of 10 years, including the grace period. The destination of the credit is to cover the needs of the beneficiaries and their families in terms of education, health and culture.

Another important programme for the promotion of culture among children and youth is [Alternative School](#). This programme supports culture in education. During each school year, a week is planned for extra-curricular and extra-school educational activities. The goal of this programme is to involve all pre-school and school pupils and their teachers in activities responding to the various interests and preoccupations of pre-school and school pupils, to valorise their skills and capacities in various fields, not necessarily present in the national curriculum, as well as to encourage their participation in various activities, in non-formal contexts. These activities may be organised as: workshops of theatre, dance, music, plastic arts, media and cinema education; competitions organized at various levels; volunteering or community activities; community and social responsibility projects; creation or research camps / schools.

### 6.2. Trends and figures in cultural participation

Since 2005, the Cultural Consumption Barometer has been one of the most important studies carried out by the Research Team of the National Institute for Cultural Research and Training. The Cultural Consumption Barometer is a representative survey and its goal is the description and analysis of the cultural sector in Romania as far as the level of the cultural consumption is concerned. The main objectives of the study are: measurement of the degree of adjustment of cultural goods distribution infrastructure to the population needs, measurement of the cultural consumption and participation, measurement of the population's cultural needs, identifying the preferences and cultural consumption behaviour. Among the topics approached in the study there are: distribution infrastructure of the cultural goods and services, cultural heritage, private cultural infrastructure, cultural capital, allocated budget to the cultural consumption and Romanian population's preferences in terms of leisure.

*Table. People who participated in or attended a certain cultural activity during the last 12 months in Romania (in % of the population, over 3 available years)*

Activities heavily subsidised by the state	2015	2016	2017	2018
Theatre	29%	33%	10%	33%

Opera performances	8%	8%	3%	11%
Zarzuela	-	-	-	
Dance	-	-	-	
Concerts of classic music	10%	8%	5%	13%
Libraries	17%	18%	10%	24%
Museums	36%	38%	13%	38%
Monuments	-	-	29%	48%
Cultural centres	-	-	-	
<b>Activities without large public subsidies</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Cinema	33%	27%	22%	39%
To read books not related to the profession or studies				
<i>In paper format (Usually use)</i>	62%	54%	57%	65%
<i>In digital format (Usually use)</i>		-	-	
<i>Directly on the Internet (Usually use)</i>		-	42%	
To listen to music (Usually listen)	83%	74%	75%	81%
<i>In a computer or directly on the Internet</i>	44%	40%	38%	
To read periodic publications (Usually read)	66%	60%	58%	65%
<i>Directly on the Internet</i>	37%	16%	19%	
To watch videos (Usually watch)	-	-	-	
<i>Directly on the Internet</i>	33%	31%		
To watch television (Usually watch)	90%	99%	93%	97%
<i>Directly on the Internet</i>	56.4%	58%	72%	
To listen to the radio (Usually watch)	52%	77%	74%	88%
<i>Directly on the Internet</i>	-	-	-	
To play videogames (Usually play)	22%	25%	28%	47%
To use computer for entertainment or leisure (Usually use)	-	-	-	
Internet for entertainment or leisure (Usually use)	-	-	-	

Source: *Cultural Consumption Barometer 2016, 2017, 2018, 2019*

Although the forms of cultural consumption within the non-public space still have the highest level of frequency, for certain cultural consumption practices within the public space we recorded a slight increase of the frequency in the last two years: watching films in movie theatres and participation in music or entertainment shows. Visiting museums or libraries has remained at the same level in the last two years, while the participation in theatre performances has been decreasing.

## 6.3. Trends and figures in household expenditure

Table: *Household cultural expenditures by expenditure purpose (2015, 2016)*

Items (Field/Domain)	Household expenditure (in million EUR and percentages)				Average expenditures per capita (EUR)	
	2015	%	2016	%	2015	2016

I. Books and Press	132.85	5.08%	143.66	5.21%	0.56	0.61
Books	86.46	3.31%	89.88	3.26%	0.36	0.38
Press	46.39	1.77%	53.78	1.95%	0.20	0.23
II. Cultural Services	511.26	19.56%	509.34	18.48%	2.15	2.17
III. Audiovisual equipment and accessories	121.00	4.63%	150.38	5.45%	0.51	0.64
Support for recording image, sound and data Audiovisual equipment and accessories	121.00	4.63%	150.38	5.45%	0.51	0.64
IV. Subscriptions of television; information processing	1,849.02	70.73%	1,953.43	70.86%	7.79	8.31
TOTAL	2,614.13	100.00%	2,756.81	100.00%	11.01	11.73

Source: National Institute of Statistics of Romania, Household Survey for Incomes and Expenditures, 2015 and 2016

## 6.4. Culture and civil society

At the national level, the activity of the cultural centres is regulated by the Emergency Ordinance no. 118/21 December 2006 (updated) on the set up, organisation and development of cultural establishments' activities. The funding of the cultural establishments is provided by the local public administrations, but there is no official statistics with the number of cultural centres at national level as yet. These small, nationwide-spread entities, present in almost all the territorial administrative units, are important especially for the drafting of a minimal cultural offer in the rural and small urban areas, inclusively due to their actual or possible contribution to the permanent education, to the professional training and orientation, as well as to the preservation of the intangible heritage.

We must mention that these establishments play a unique role, which should not be underestimated, not only in providing basic cultural and ongoing education services, but also in terms of intangible heritage. From the viewpoint of the intangible cultural heritage (ICH) protection, which is one of the main goals of the establishments, and main centres/departments for the conservation and promotion of traditional culture, *Law no. 26/2008* on the protection of the intangible cultural heritage and the subsequent regulating framework must be mentioned. Under the effect of this framework, a series of important measures and action directions were set, many of them in accord with the provisions of the Convention for the safeguarding of the intangible cultural heritage, adopted in Paris on the 17<sup>th</sup> of October 2003, ratified by Romania through the *Law no. 410/2005*.

## 7. Financing and support

### 7.1. Public funding

#### 7.1.1. INDICATORS

*Currently, there are no data available.*

#### 7.1.2. EXPENDITURE ON GOVERNMENT LEVEL

The major provider of financial support for the cultural and creative sectors is the national budget (both the State budget and the local budgets).

Private financing, as a form of sponsorship, CSR schemes or private donations and grants (via the 2% mechanism described in para. 5.1.5 supra) is not equally developed and tends to concentrate in major cities.

An important source for cultural financing, not yet fully understood by all cultural operators, can be found in the various Operational Programmes 2014-2020 (e.g. Regional Development, Administrative Capacity Building, Human Capital, Competitiveness).

In addition, Romanian cultural operators may access the EEA Grants Program as well as a number of grant schemes and programmes managed by Cultural Institutes of other countries in Romania (e.g. Switzerland, Germany, France etc.)

At the national level, budgetary allocations for the cultural and creative sectors are channelled through the budget of the Ministry of Culture.

The budgetary allocations to the Ministry of Culture have three main destinations:

- to cover its own operational and investment expenditures;
- to allocate necessary funding for all subordinated institutions;
- to support various cultural programs initiated pursuant to specific pieces of legislation or decided upon by the Ministry (via internal decisions – Ministerial Orders) and for which grants can be obtained by different cultural operators on the basis of the cultural priorities decided upon by the ministry.

Currently the Ministry of Culture is directly managing the following grant schemes and programmes:

- Priority Cultural Programme, which offers annual or multi-annual grants for projects that comply with a number of eight specific criteria.
- “*Emergency Cultural Needs*” (Nevoi Culturale de Urgență) for which 2% to 8% of the annual budget of the ministry is allocated (in accordance with with *G.O. No. 51/1998*, amended and modified), and the criteria for financing such programs and projects are decided upon annually, via a Minister Order, and are attributed directly for each program.
- Financing of Cultural Magazines and Publications; a programme established in compliance with *Law no. 136/2015 on financing representative cultural magazines of Romania*, which stipulates the allocation of an

additional 25% (minimum) of the amount of 4,500,000 lei (specified for publications of Creators' Unions) to publications that do not belong to the creators' unions-members of the National Alliance of Creators' Unions.. These grants are allocated following an annual open call session.

- National Culture Day - celebrated on the 15<sup>th</sup> of January each year. The grants are given following an open call for projects.
- National programme for Financing Systematic Archaeological Research, regulated by *G.O. No. 43/2000*, amended and modified, for which research projects are selected on the basis of the annual plan of archaeological researches.
- Creative camps for visual arts, based on an annual selection of proposals.
- "CultIN" - a program designed for entrepreneurs from cultural and creative industries with a potential to generate added value by monetizing intellectual property in the following areas: architecture, traditional crafts, design, digital media and set up of cultural hubs.
- "Acces" – a program dedicated to the promotion of contemporary culture, intercultural dialogue and creative potential of the youth and innovative approaches to cultural heritage.

Some specialised institutions subordinated to the Ministry of Culture have statutory force to launch financing programmes and open calls for application to these grants and financing schemes. These institutions are: National Centre for Cinema, Administration of the National Cultural Fund, National Heritage Institute and National Centre for Dance.

Each of these institutions has special regulations determining the scope of their activity and in the case of the first two their budget is made up from various contributions from economic operators in the form of para-fiscal taxes, as well as from allocations from the State budget.

All state aid and grants schemes administered by the above institutions follow an open procedure based on transparent rules, competition of projects and peer review evaluation.

The operations and activity of the National Heritage Institute is regulated by *G.D. No. 593/2011* and a series of laws (L 422/2001, L 6/2008, L 26/2008), with their respective subsequent modifications. One of the main activities of the Institute is the management of the funds allocated for research, restoration, protection of historical monuments via the National Programme for the Restoration of Historical Monuments. The funds dedicated to this programme come mainly from the state budget through the budget of the Ministry of Culture. The institute is also entrusted with the collection and management of the "*historical monuments stamp*" ("*timbrul monumentelor istorice*"), instituted by *Law No. 422/2001*, which must be used, inter alia, for loan funding of emergency intervention works on historical monuments.

The National Centre for Dance has its activity regulated by *G.D. No. 1123/2004* modified, and its operations are funded via budgetary allocations and own revenues. This institution supports programmes and projects of independent professionals and entities with a view to develop choreographic culture, research, experiment and innovation in contemporary dance.

Subsidies granted by the ministry to its own subordinated institutions are decided upon on the basis of the evaluation of the programmes implemented in the previous year and on the scope of the proposed managerial programme for the next budgetary period.

Recently, the Government has adopted *E.G.O No. 76/2018* approving a programme of investments in culture for the period 2019-2026 of 4.5 billion lei dedicated to financing the purchase of historical monuments and movable cultural goods, building of cultural infrastructure, interventions and restorations of historical monuments, rehabilitation and modernization of existing cultural infrastructure. The programme shall be managed by the Ministry of Culture and National Identity.

Eligible beneficiaries are public institutions, national and local, whose contributions shall amount to 2% of the total value of the respective investment.

### 7.1.3. EXPENDITURE PER SECTOR

Table. Public cultural expenditure per sector (2018)

Field/sector	Total public cultural expenditure (in thousands RON)	Transfers to public institutions	Transfers to NGOs, companies, individuals
I. Heritage	131.341	131.181	160
Historical monuments	17.914	17.914	
Museums	92.652	92.652	
Archives	0		
Libraries	20.615	20.615	
Intangible heritage	160		160
II. Visual arts	1.518	873	645
Visual arts	888	873	15
Photography	630		630
Architecture	0		
III. Performing arts	409.835	391.533	18.302
Music	276.097	266.747	9.350
Theatre	133.738	124.786	8.952
Interdisciplinary	0		
IV. Books and press	6.706	0	6.706
Books	1.081		1.081
Press	5.625		5.625
V. Audiovisual and multimedia	11.440	8.105	3.335
Cinema	11.385	8.105	3.280
Radio	25		25
TV	0		
Production Houses	0		
Multimedia	30		
VI. Others	65.616	10.894	54.722
Interdisciplinary	210		210
Socio-cultural	50.282		50.282
International Cultural Relations	3.230		3.230
Administration	0		

Other fields	11.894	10.894	1000
TOTAL	626.456	542.586	83.870

Source: The Ministry of Culture and National Identity of Romania

## 7.2. Support programmes

### 7.2.1. STRATEGIES, PROGRAMMES AND OTHER FORMS OF SUPPORT

The funding for the cultural sector comes mainly from the state through the Ministry of Culture and National Heritage in partnership with various entities such as National Cultural Fund Administration and Romanian Cultural Institute. In what concerns indirect forms of support, there is a legislative framework on sponsorship but is not related solely to the cultural artistic sector. Moreover, the practice of private funding for culture is only at a developing stage in Romania.

### 7.2.2. ARTIST'S FUNDS

Merit indemnities from the state budget to reward notorious activities in culture, science and sports are granted according to Law no. 118/2002 for the institution of merit indemnity and GD no. 859/2003 for the approval of the law's Application Norms. Law no.109/2005, republished in 2009 refers to the allowances given by Ministry of Culture and National Heritage to freelance artists and performers.

The National Centre of Cinematography gives direct loans and non-reimbursable financial assistance for activities in the cinematographic field. In 2011 the Minister of Culture put forward the necessity to re-launch the programme of purchasing books for public libraries. Indirect support for purchasing works of art is also provided through various programmes.

### 7.2.3. GRANTS, AWARDS, SCHOLARSHIPS

The Ministry of Culture and National Heritage, either by itself or in collaboration with various entities or organisations, offers awards and prizes for excellence in the cultural sector. The National Cultural Fund Administration set up in 2005 subordinated to The Ministry of Culture and National Heritage offers every year non-reimbursable grants to public institutions, NGOs and private legal persons that undertake cultural programmes. Nevertheless, in 2012, the Romanian government has put forward a draft legislation that will stop the transfer of the 2% of the Romanian Lottery revenues to the Administration of the National Cultural Fund. These 2% were amounting to as much as 95% of the total budget of the AFCN for its grant-making towards cultural and editorial projects, so the effect for all project-based culture in Romania will be very important, especially for small organisations and freelance artists.

Between 2005 and 2008, scholarships and grants for studies and travel were made available by the Cultural Mobility Fund of the Ministry of Culture and National Heritage. Since 2009, due to economic reasons the fund has been frozen. However, the Ministry has continued its preoccupation to offer support. In 2011 through the collaboration with the Indian Cultural Institute, the Ministry of Culture and National Heritage, offers seven study scholarships at universities in India, for the period 2011-2012. These scholarships are meant for students and citizens interested in Indian music, dance, sculpture etc.

From 2003 the Ministry of Education has instituted the "Theodor Aman" scholarship for postgraduate studies abroad in the field of arts. The scholarship is offered for up to two years. In 2009, the Agency of Loans and Scholarships (<http://roburse.ro/>) it was set up. The Agency is subordinated to the Ministry of Education and centralises all scholarships available from the Ministry of Education, including those for the cultural sector.

The Romanian Cultural Institute also awards grants for the preparation and specialisation of translators, for foreign cultural journalists and foreign researchers. Another opportunity offered by this institution is the "Constantin Brâncuși" and "George Enescu" scholarships programme, designed to put Romanian artists in contact with the European cultural milieu by offering them the opportunity to work in a multicultural environment in the fields of art and music. In partnership with the Woodrow Wilson International Centre for Scholars, The Romanian Cultural Institute initiated a fellowship programme that offers Romanian students the opportunity to participate in advanced research activities in Washington D.C.

#### 7.2.4. SUPPORT TO PROFESSIONAL ARTISTS' ASSOCIATIONS OR UNIONS

Support for professional artists associations or unions is regulated by the *Law no. 35/6.06.1994* (republished in 2008) which refers to the use of the literary, cinematography, theatre, architecture, music and entertainment duty stamps. The corresponding collected tax revenue is directed, according to the law, to all corresponding creators' unions and professional organisations.

Professional artists associations or unions can receive support from the authorities based on GO no. 51/1998 and GD no. 49/2003, which set out the criteria for granting financial aid to Romanian associations and foundations that organise cultural projects and programs. For instance, in June 2011, the Ministry of Culture and National Heritage supported The Romanian Writers Union in organising the tenth edition of the International Festival called "Days and Nights of Literature", having also as collaborators the Romanian Cultural Institute and the Mangalia town hall. The aim of this event was to bring together international literary figures and create a milieu for cultural exchange and dialogue.

### 7.3. Private funding

The state represents the main source of funding for the cultural field. Partly because of this, but also as a result of the imperfections of a non-stimulating legislation on sponsorship and patronage, in Romania the private funding of culture is still at an incipient stage.

A recent mechanism of indirect support allows individuals to donate 2 percent of their income tax to non-profit organisation. According to the study Barometer of Cultural Consumption 2010, realised by the Centre for Research and Consultancy on Culture, 15% of the people who donated a percentage of their income tax to an organisation have chosen a "cultural, artistic, sportive and recreational" NGO.

## Expert Authors

Carmen Croitoru



## GENERAL MANAGER INCFC

Carmen Croitoru has been an associate professor at the National University of Theatre and since 2011. She has twenty years of experience in teaching cultural management and for the past twenty five years she has been involved in the administration and development of cultural management in Romania. She participated in promoting legal reglementations in this field (such as laws and provisions for implementing management in cultural public organisations and the legal status for the Cultural Manager as a profession).

Croitoru graduated from the Academy of Theatre and Film of Bucharest in 1994 and has a Master's degree in Theatre Studies and Cultural Management, a Phd in Theatre Studies and an accreditation for training and evaluating cultural public institution managers.

Since 2014, Croitoru has been the general manager of the National Institute for Cultural Research and Training (NIRCT). She is also involved in several national and international professional networks: she's the national representative member for the EU Commission for Creative Sectors, the national representative in the Steering Committee for Culture and Heritage at the Council of Europe (CDCPP), she's the founder of the Professional Association for Romanian Cultural Managers, a co-founder of the ECUMEST Association and a member of ENCATC and Europeana.

Croitoru is currently the Secretary of the Board of the Compendium Association.

[More information »](#)

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