

## Romania

### Short cultural policy profile

*Prepared by The National Institute for Cultural Research and Training*

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#### 1. Facts and figures

**Political system:** *Semi-presidential representative democratic republic*

**Official language(s):** *Romanian*

	<b>2020</b>	<b>2015</b>
<i>Population on January 1st</i>	<b>19 328 838</b>	<b>19 878 647</b>
<i>GDP in million EUR</i>	<b>218 165.2</b>	<b>160 149.8</b>
<i>GDP per capita in PPS Index (EU27_2020 = 100)</i>	<b>72</b>	<b>57</b>
<i>General government expenditure (in % of GDP)</i>	<b>42.2%</b>	<b>36.1%</b>
<i>Public cultural expenditure in EUR</i>	<b>179 056 827</b>	<b>170 027 314</b>
	<b>(2021)</b>	<b>(2020)</b>
<i>Public cultural expenditure as % of GDP</i>	<b>0.3%</b>	-
<i>Public cultural expenditure per Capita in EUR</i>	-	-
<i>Share of cultural employment of total employment</i>	<b>1.4%</b>	<b>1.5%</b>

**Sources:** Eurostat and The Ministry of Culture of Romania.

## 2. Cultural policy system

### 2.1 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 since then.

Another project, the [Strategy for Culture and National Heritage 2016-2022](#), generated by the need to update the existing strategic framework, has been on public debate. 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*. Unfortunately, the draft could not pass further than public debate level.

Currently, The National Institute for Cultural Research and Training is the partner of the Ministry of Culture in the project: [Strategic and Coherent Vision for the Cultural Sector](#), financed by the European Social Fund, through the Operational Programme Administrative Capacity. The main result of this project will be the elaboration of the *Sectoral Strategy for Culture 2023-2030*. The two main objectives of this future *Sectoral Strategy* are: increasing the level of professional training among the institutions under the authority of the Ministry of Culture, as well as all the other decentralized services of the Ministry (County Directorates for Culture) regarding the usefulness of evidence-based planning, including practices and mechanisms from European level; creating tools for substantiating decision-making processes at the local level.

Nowadays, the official document that defines cultural policy objectives is the current [Governing Programme for 2020-2024](#). Given the pandemic context that we've been passing through, the most important cultural policy objectives set forth in the Governing Programme are:

- Supporting the cultural and creative sectors, as well as the cultural industries by initiating and elaborating the Register of the Cultural Sector (initiated and managed by the National Institute for Cultural Research and Training);

- Elaborating and officially adopting the Sectoral Strategy for Culture;
- Digitization of the Ministry of Culture and its subordinated institutions;
- Making the amendment of Law no. 8/1996 regarding copyright and related rights;
- Developing the Archives safeguarding program;
- Improving the Administration of the National Cultural Fund financing system for cultural projects;
- Stimulating the participation of NGOs and cultural institutions to European funding programs dedicated to culture and cultural heritage;
- Implementing a strategic program for investing and valuing the cultural sector and its resources;
- Developing a national program, in partnership with the Ministry of Education and Research, based on the “Education through Culture” principle;
- Developing the cultural infrastructure as well as safeguarding and promoting the national cultural heritage.

## **2.2 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.
- 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](#) - see the chapter 1.1 of the [country profile](#)).

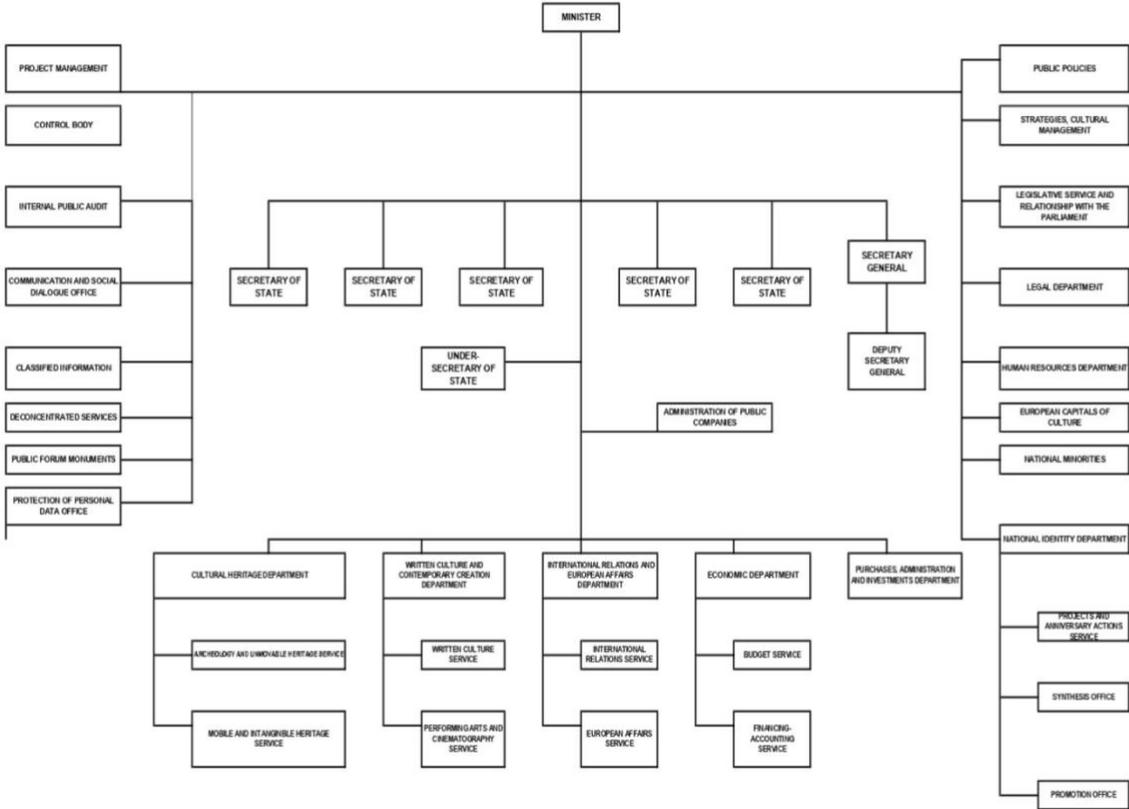
One of the recurrent themes of the political debate is related to the decentralisation of cultural institutions. It should be reminded that in 1990 Romania inherited a heavily centralised system including that of public cultural institutions. Although decentralisation was a “hot topic” in the political 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.

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

### 2.3 Governance system: Organisational Organigram

Organisation Chart - Ministry of Culture and National Identity



Secretaries of State, Understate Secretary of State, Secretary General and Deputy Secretary General perform the tasks delegated by the orders of the Minister

Last update - 17th July 2019

## **2.4 Background**

### **1945-1989**

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.

### **1990-1996**

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.

### **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).

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. 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.

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. 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.

### **2011-present**

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.

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.

On the background of the decrease of its role in regulating the field of culture, the Ministry decided that the period between 2019-2021 and beyond 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 immovable, moveable and intangible heritage;

- elaborating the Sectoral Strategy for Culture for the new funding framework 2023-2030;
- 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 Timișoara - European Capital of Culture 2023.
- drawing the attention to the independent / private sector and creating more support mechanism for freelance artists;
- improving and updating the statistical data on infrastructure, specialists and the activity of the whole cultural sector.

### **3. Current cultural affairs**

#### **3.1 Key developments**

The medium-term objectives set by the current *Governing Programme 2020-2024* regarding the cultural sector are related to a constant adaptation to the changes within the society and the desire to preserve the values of the Romanian identity and the national minorities'. The same official document states that one of the transversal objectives will consist of the correlation between cultural approaches and some others from regional and local level, as well as the civil society, in order to develop the cultural tourism. At the same time, a national plan for cultural and artistic education will be implemented in the Romanian schools curriculum, based on a cooperation between the Ministry of Culture, the Ministry of Education and Research and specialized NGOs. Moreover, the dialogue between public cultural institutions and the independent sector will be intensified, in order to create synergy effects on the delivery of cultural products, as expected by the members of the Romanian society.

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.

## 3.2 Key themes

### The role of the artist

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 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 (see the chapter 2.3. of the [country profile](#)).

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.

During the same year, the Government approved a Memorandum stating the need to create a framework for the recognition and regulation of Cultural and Creative Sectors. The Memorandum remained just a document with no further implications.

### Regional harmonisation

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).

### **Cultural governance**

Within the Government, the responsibilities for drafting, promoting and implementing cultural policies belong, primarily, to the Ministry of Culture. The overall policy objectives and main activities that should be carried out by the Ministry of Culture are set forth in *G.D. no. 90/2010* with its subsequent revisions and in the *Governing Programme* adopted by Parliament. The Ministry of Culture 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 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 (see chapter 1.2.2. of the [country profile](#)).

In each of the 41 counties of Romania, as well as in Bucharest, the Ministry of Culture has its own decentralised services (County Directorates for Culture). 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.

At the level of counties and cities, the Local Public Administration Law amended by the new Administrative Code gives the right to establish or abolish cultural institutions of any kind, without mentioning the obligation to hire specialists with cultural competences. Thus, in most of these territorial entities, cultural decisions are taken by the administration.

### **Cultural diversity and inclusion**

All the Strategies for Culture that have been elaborated until now highlighted the role of cultural diplomacy in the improvement of the intercultural dialogue, while

education through culture was set to improve the intercultural dialogue and cultural diversity. The upcoming *Sectoral Strategy for Culture 2023-2030* will surely include courses of action regarding funding priorities 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; dialogue cooperation and promotion as well as intercultural skills; intercultural education; 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.

According to the *Culture for Development Indicators 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.

### **National identity**

As a concept, the national identity has been introduced in one of the most important laws concerning the organisation and functioning of the Ministry of Culture (*G.D. no. 90/2010*), correlated with another important element of the cultural domain: cultural heritage. Throughout the subsequent revisions and modifications of *G.D. no. 90/2010*, the essence of the principles underlying cultural policies was kept intact, including the following statements: “The national cultural heritage must be protected, as it is a determinant factor of Romanian cultural identity as well as a non-renewable resource”; “Cultural identities, traditions and heritage, tangible and intangible heritage must be protected and respected”.

## 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 immovable 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 immovable 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, which also organizes the annual programme for the restoration of heritage buildings at national level.

Cultural heritage has always been an important part of the cultural strategies, actions and politics in Romania. Even though at present we are preparing for an officially assumed and coherently implemented Sectoral Strategy, 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 (see chapter 3.1. of the [country profile](#)).

### **3.3 International Cultural Cooperation**

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.

## **4. Cultural Institutions**

### **4.1 Overview**

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.

### **4.2 Data on selected public and private cultural institutions**

**Table 1: Cultural institutions, by sector and domain**

Domain	Cultural institutions (subdomains)	Public sector			Private sector		
		Number (year)		Trend last 5 years (In %)	Number (year)		Trend last 5 years (In %)
		2015	2020		2015	2020	
<b>Cultural heritage</b>	Archaeological sites recognized by the Ministry of Culture	15.960	22.649	6.88%	NA	NA	-
	(Historical) cultural heritage sites recognized by the Ministry of Culture	24.370	24.743	1.51%	NA	NA	-
<b>Museums</b>	Museums institutions and museographic collections	648	660	1.85%	90	103	14.4%
<b>Archives</b>	Archives (of public authorities)	42	42	0%	-	-	-
<b>Visual arts</b>	Art galleries / exhibition halls	NA	NA	-	NA	NA	-
<b>Performing arts</b>	Stable stage spaces for theatres	92	86	-6.53%	7	11	57.1%
	Concert houses (Opera houses)	9	9	0%	NA	NA	-
	Performing arts and concert companies	22	11	-50%	7	2	-71.4%
	Dance and ballet companies	6	16	166%	2	1	-50%

	Symphonic orchestras	8	5	-37.5%	1	1	0%
<b>Libraries</b>	Libraries	9.868	8.577	-13.1%	530	359	-32.2%
	Publishers (newspapers and magazines)	127	120	-5.5%	449	411	-8.4%
<b>Audiovisual</b>	Cinemas (number of halls)	7 (2014)	29 (2019)	314%	338	449	32.84%
	Broadcasting organisations (Radio and Television channels)	19 (radio)	21 (radio)	10.5% (radio)	547 (radio)	591 (radio)	8.04% (radio)-
		11 (TV)	10 (TV)	-9% (TV)	632 (TV)	329 (TV)	47.9% (TV)
	Music production companies	NA	NA	-	NA	NA	-
<b>Inter-disciplinary</b>	Socio-cultural centres	25	28	12%	4	1	-75%

**Sources:** Studies by the National Institute of Statistics of Romania („Activitățile unităților cultural-artistice. Anul 2015”, Elena Mihaela IAGĂR coord. & Silvia PISICĂ coord., the National Institute of Statistics of Romania, 2016; „Activitățile unităților cultural-artistice. Anul 2020”, Elena Mihaela IAGĂR coord. & Silvia PISICĂ coord., the National Institute of Statistics of Romania, 2021), Repertories of the National Institute of Heritage, Romania.

## 5. Cultural Funding

### 5.1 Overview

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 chapter 5.1.5 of the country profile) 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 Programs 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 programs 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.

## 5.2 Public cultural expenditure by level of government

**Table 2: Public cultural expenditure by level of government, in EUR, 2021 and 2010**

Level of government	Total cultural expenditure in 2021		Total cultural expenditure in 2010	
	In EUR <sup>1</sup>	% share of total	In EUR	% share of total
State (central, federal)	179 100 000	100%	167 114 635	19%
Regional (provincial, Länder, etc.)	-	-	-	-
Local (municipal, incl. counties)	-	-	718 500 915	81%
<b>Total of all government levels</b>	<b>179 100 000</b>	<b>100%</b>	<b>170 070 000</b>	<b>100%</b>

**Source:** Ministry of Culture, Romania

<sup>1</sup> Estimation according to the National Bank of Romania exchange rates on March 8<sup>th</sup> 2022.

### 5.3 Public cultural expenditure per sector

**Table 3: Public cultural expenditure by level of government, 2021 and 2010**

Field	2021			2010		
	In RON	In EUR <sup>2</sup>	% share of total	In RON	In EUR <sup>3</sup>	% share of total
Heritage	31 176 000 <sup>4</sup>	6 300 000 <sup>5</sup>	3.51%	58 033 000	11 730 000	8.24%
Museums	166 019 000	33 540 000	18.73%	101 422 000	20 500 000	14.42%
Archives	-	-	-	-	-	-
Visual Arts <sup>6</sup>	64 548 000	13 040 000	7.29%	4 950 000	1 000 480	0.70%
Performing Arts <sup>7</sup>	562 675 000	113 690 000	63.48%	185 037 000	37 400 000	26.30%
Audiovisual and multimedia	-	-	-	-	-	-
Others <sup>8</sup> : Interdisciplinary Socio-cultural International Cultural Relations Administration	61 971 000	12 520 000	6.99%	354 093 902	71 570 000	50.33%
<b>Total of all government levels</b>	<b>886 389 000</b>	<b>Approx. 179 100 000</b>	100%	<b>703 535 902</b>	<b>Approx. 142 200 000</b>	100%

**Source:** The Ministry of Culture of Romania (2022), Compendium Country Profile - Romania (2012)

<sup>2</sup> *Idem.*

<sup>3</sup> *Idem.*

<sup>4</sup> Amounts run through the budget of the National Heritage Institute, County Directorates for Culture.

<sup>5</sup> *Idem.*

<sup>6</sup> Amounts run through the budget of the National Centre of Cinematography and the National Archives of Films.

<sup>7</sup> Amounts run through the budgets of performing arts and concert institutions, ARTEXIM.

<sup>8</sup> Amounts run through the budgets of The National Cultural Fund Administration (AFCN), the National Institute for Research and Training (INCFC), Central Administration, The National Library of Romania, Cultural Centres.

## 6. Legislation on culture

### 6.1 Overview of national cultural legislation

The field of culture, as well as the main areas of interest to society – education, health, environment, etc. – is subject to legal Regulation.

The main piece of legislation which is related to the Romanian cultural sector is Article 33 of the Romanian Constitution, where we find access to culture.

The constitutional provision is short, but sufficient enough to show both citizens' rights and the state's duties in the field of culture.

*"Article 33 Access to culture*

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

*(2) the personal freedom to develop one's own spirituality and to access the values of national and universal culture cannot be restricted.*

*(3) the state must ensure the preservation of the spiritual identity, the support of national culture, the stimulation of the arts, the protection and preservation of cultural heritage, the development of contemporary creativity, the promotion of Romania's cultural and artistic values in the world."*

The main laws governing culture in Romania are laws (organic or ordinary) and government ordinances (simple or emergency).

These are:

a) **Laws affecting the entire field of culture** – e.g.: *Copyright and related rights Law No 8/1996; GEO No 189/2008 on the management of public cultural institutions; OG No 51/1998 on improving the financing system for cultural programs, projects and actions;*

b) **Laws dealing with other areas of Regulation but of important scope in the field of culture, such as: Law No 500/2002 on public finances – governs the system of financing of public institutions of culture;** *Law No 215/2001 of local public Administration; Law No 98/2016 on public procurement; Administrative Code; Labour Code; and more. Law No 31/1990 on companies, republished, as amended and supplemented, OG No 26/2000 on associations and foundations and OUG No 44/2008 on the pursuit of economic activities by authorized natural persons (PFA), individual businesses and family businesses – legislation on the basis of which private law entities*

operating in the field of culture are organized and operated, given that there are no special provisions on these entities governed by private law in the specific legislative acts.

(c) **Special laws relating to each cultural and creative sector (CCS):** Some examples are - Law No 182/2000 on Mobile cultural Heritage, Law No 26/2008 on the Protection of intangible cultural Heritage, Law No 422/2001 on the Protection of historical monuments, public museums and collections Law No 311/2003, Libraries Law No 334/2002, Audiovisual Law No 504/2002.

In an overview of Romanian culture legislation, it is clear that the public cultural sector has been overregulated over the years, while the private cultural sector has not benefited from state Regulation. This shows a single acute need for the Romanian cultural field to adopt a system law defining the territories and cultural competences and containing classifications, definitions for all sectors of public and private activity.

## 6.2 Overview international cultural legislation

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/IL O	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