

**PHARE 2004
STANDARD PROJECT FICHE**

1. Basic Information

1.1 CRIS Number (Year 1): Phare 2004/016-772.03.15

1.2 Title: **Enhancement and development of the professional expertise of the Romanian audiovisual sector**

1.3 Sector:

1.4 Location: Romania

1.5 Duration: 24 months

2. Objectives

2.1 Overall Objective(s):

Ensure compliance with and implementation of the European acquis, in the audiovisual sector in Romania.

2.2 Project purpose:

A. Strengthening the capacity of the National Audio-visual Council (C.N.A.) to apply the EU acquis in the sector, increase the effectiveness and transparency of the CNA activity in monitoring and sanctioning infringements of the law mainly on: protection of minors and human dignity; respect of the right to reply, freedom of expression, pluralism in electronic media and promotion of European works.

B. Strengthening the audiovisual sector in Romania, with the aim to promote European cultural diversity and to develop a viable national audiovisual industry.

2.3 Accession Partnership (AP) and NPAA priority

Accession Partnership, Section Culture and audio-visual:

- Continue to align legislation and develop the capacity of the National Audiovisual Council to enforce the new audiovisual law in a predictable, transparent and effective way.
- Ensure that the restructuring made in the Ministry of Culture and Religious Affairs relating to audiovisual affairs will not affect Romania's institutional capacity to secure effective legislative alignment.

NPAA priority:

In Chapter 3.20 of the NPAA, "Culture and audiovisual policy", the main objective on short and medium term is to strengthen the institutional capacity of NAC to implement the *acquis communautaire* in order to conclude the adoption of the acquis and to enhance the position of the NAC as the authority regulating and overseeing the free and harmonious development of the audiovisual market.

Roadmap Chapter 20

Romania should focus further efforts on making the final legislative adjustments and should continue to reinforce its administrative capacity.

2.4 Contribution to National Development Plan (and/or Structural Funds Development Plan/SDP)

Not applicable.

2.5 Cross Border Impact

Correct application of the Television Without Frontiers Directive in Romanian audiovisual programmes might have a slight Transfrontier impact, in neighboring countries where the main TV programmes can be received.

3. Description

3.1 Background and justification:

The audiovisual sector in Europe is evolving continuously, therefore the regulatory and administrative framework are adapting to the latest development both at EU and candidate countries' level.

The communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the regions COM (2003)784 final adopted in 15.12.2003 on the future of European regulatory audiovisual policy, states the need to adapt European policy in the audiovisual field to recent developments of the industry. Items surveyed include: promotion of production, protection of minors and public order, right of reply, and the need to adopt co-regulation measures. It is stated that the Council Recommendation on the protection of minors and human dignity should be updated. A study on co-regulatory measures in the media sector has been conducted. A report on the application of articles 4 and 5 of the DTVWF is drafted by the Member States every two years, the latest shall be finalised in 2004.

Following this Communication, the Commission has adopted an interpretative Communication on certain Aspects of the Provisions on televised Advertising in the TVWF Directive and a new proposal for a Council Recommendation on the protection of minors and human dignity.

The National Audiovisual Council (CNA)

The National Audiovisual Council was established in 1992 by the Broadcasting Law, which stipulates that an independent, autonomous authority shall be created in the audiovisual sector. According to the Law, C.N.A. is the sole responsible for protection of the public interest in the field of the audiovisual programmes and supervising respect of the audiovisual law. The National Audiovisual Council is an autonomous public authority with responsibilities in the field of granting audiovisual licences, drawing up secondary legislation and imposing legal requirements in the audiovisual field. C.N.A. holds the responsibility to adopt decisions in application of the Audiovisual Law no. 504/2002 on, among others, the right to reply, advertising, protection of minors and promotion of European works in audiovisual programmes.

A PIU has been created within the NAC for the implementation of the Phare programme RO.0107.02 "Audiovisual acquis adoption and implementation in Romania – improvement of policy making and development of administrative capacity" and it is adequately staffed for carrying out further Phare programmes.

Professional scientific background for the NAC personnel and for the independent producers in the field of the Directive Television Without Frontiers.

The issues of protection of minors, human dignity, freedom of expression and of pluralism in electronic media are key chapters of the acquis communautaire in the audiovisual field that Romania adopted. A new monitoring department has been created and new equipment has been purchased and installed. Staff has been employed to use the specialised monitoring software newly created. The monitoring and control staff background is crucial to the interpretation of the behaviour of the broadcasters in the field of the protection of the viewer's interest. This is a fine tuning activity and specialisation in European best practices must complete the current experience of the CNA staff (as there is no European guide to application of the acquis in the field).

On the other hand, the last workshops and public debate organised by the CNA on the issue of minor protection and preservation of the decent language in audiovisual programmes made it clear that the efforts made up to the present need to be continued in order to ensure a proper level of protection of minors. The sole effort of the CAN in regulating the field is not enough for the moment. Civil society as well as industry decision makers need to be further involved in a review of the implementation of current rules and mechanisms and the development of complementary tools including the field of codes of conduct and awareness campaigns. The sole effort of the CNA in regulating the field is not enough at the moment. A larger awareness campaign, involving audiovisual means as well as brochures dissemination and education means could significantly improve the minor's protection in the audiovisual field.

The European Council Recommendation dated July 24th 1998 concerning the promotion of a national framework for the provision of comparable and effective protection of minors and of human dignity illustrates the complementary aspect of regulating and self-regulating and provides the legal framework for experimenting and implementing these two aspects into practice.

Following the previous regulations for the protection of minors, the EC adopted the “Principles and guidelines of the audiovisual policy in the digital era (2000-2005)”. The document stipulates the introduction of a higher transparency and coherence in classifying the audiovisual content according to the targeted audience. The problem of explicit criteria, classified according to age, is far from being solved. The new proposal for a Council Recommendation on the protection of minors and human dignity should also be taken into account.

National regulatory framework:

- **Audiovisual Law** no.504/2002, published in the OJ no. 534/ July 22, 2002;
- **Law no. 402/2003** on the modification and completion of the audio-visual Law no. 504/2002, published in the OJ no. 709/ October 10, 2003
- **Emergency Ordinance of the Government no. 9/2001** concerning measures in the field of culture and art, cults, cinematography and copyright, published in the OJ no. 35/ January 19, 2001
- **Law no. 199/2002** concerning the modification of art. 2 on Emergency Ordinance of the Government no. 9/2001, published in the OJ no. 267/ April 22, 2002
- **Governmental Decision no. 742/2003** concerning the organization and functioning of the Ministry of Culture and Religious Affairs, published in O.J. no. 493 / July 8, 2003
- **Law on Cinematography** no. 630/2002 published in the OJ 889/ December 9, 2002
- **Emergency Ordinance of the Government** no. 64/2003 concerning measures related to the organization of public administration, published in the OJ no. 464/ June 29, 2003
- **CNA Decision no. 52 of March 4, 2003** concerning the obligation of broadcasters to inform the audience on summons and sanctions applied by the National Audiovisual Council – published in O.J. no.147/ March 6, 2003
- **CNA Decision no. 57 of March 13, 2003** concerning the protection of minors within programme services – published in O.J. no.199/ March 27, 2003
- **CNA Decision no. 123 of June 30, 2003** concerning advertising and teleshopping – published in O.J. no.479/July 4, 2003
- **CNA Decision no. 130 of November 12, 2002** regarding the broadcast of Romanian audiovisual works – published in O.J. no. 880/December 6, 2002
- **CNA Decision no. 258 of September 16, 2003** concerning the broadcasting of European audiovisual works – published in O.J. no. 677/September 24, 2003

The training on acquis related subjects shall focus on adopting and implementing the best practices in Europe and on drafting a set of specific supplementary norms tailored for the Romanian audio-visual sector.

The EC published a communication to the European Parliament on 26.09.2001: COM(2001) 534 on certain Legal aspects related to cinematographic and other audiovisual works, stating the need to increase audiovisual production, in order to ensure application of the DTVWF.

Research and Studies

Recommendation 23(2000) of the Committee of Ministers of the Member States concerning the independence and functions of the Regulatory Authorities in the audiovisual field stipulates the need for research, inquiries, studies for a scientific consolidation of the decisions adopted by the regulatory authorities.

The Ministry of Culture and Religious Affairs (MoCRA)

MoCRA, as a Governmental body, holds specific responsibilities as legislator and policymaker in the audiovisual and cinematography fields. Accordingly to the Law no. 199/2002, which modifies art. 2 in Emergency Ordinance No. 9/2001, Ministry of Culture and Religious Affairs has the responsibility to elaborate and implement the strategy in the field of cinematography, and to elaborate, in cooperation with the National Audiovisual Council, the strategy in the audiovisual field. Simultaneously, as the institution responsible for the accession negotiations under Chapter 20 "Culture and audiovisual policy", MoCRA has the responsibility to coordinate the general strategy of the institutions in this sector (CNA, CNC) related to adoption and implementation of the acquis.

The National Centre for Cinematography (CNC) has been set up as a governmental agency in early 1990, pursuant to the adoption of Decree-Law No. 80/1990. In 1997 an Emergency Governmental Ordinance (No. 67) has been issued, which transformed radically the state aids scheme for the cinema sector: National Fund for Cinema has been set up to be administered by the CNC, in order to collect the contributions from parafiscal taxes and levies, established by the above-mentioned Act. In the same period of time access to state aids from the Cinema Fund was opened to all producers and distributors, on the basis of a competition procedure. The Emergency Governmental Ordinance No. 67/1997 was subsequently amended by Law and by Emergency Ordinance No. 152 of 2000. In December 2002, Parliament passed Law No. 630 on cinematography, repelling all previous regulations. However, the main principles of state aids allocation via the Fund for Cinema were retained, in alignment with several principles¹ laid down in the Commission Communication of 29 June 2001. From its inception in 1990 until June 2003, the National Centre for Cinema retained its capacity as

¹ The aid intensity is up to 65% of the film budget (although it generally does not exceed 50 %) as compared to 50 % in the Communication, while the territoriality criterion is only 66% - while the same criterion in the Communication allows for up to 80 %.

governmental agency in charge with cinema policy and secondary regulation for the sector.

In June 2003, Emergency Government Ordinance No. 64 transformed the CNC from a governmental agency into a public institution with no real financial independence, subordinated to MOCRA. In this new architecture, CNC is responsible for drafting policy and regulatory proposals, while MOCRA is responsible for their approval and their submission to the Government. However, the Fund for Cinema (collection of revenues for the Fund and its administration) remained as a sole competence of the CNC, while state aids allocation continue to be decided upon by a Committee of independent professionals.

It must be stressed that, for the time being, and according to the existing regulatory framework, the Cinema Fund supports exclusively the production and distribution of cinematographic films. The production of cinematographic films benefits also from fiscal incentives.

At the same time, specialized training for producers (organizational and project management, development, resources management, marketing, promotion and selling etc.) is not provided by any of the 3 higher education establishments that offer film and TV courses. During the workshop organized on 20 February 2004 (in the framework of Phare project RO 0107.02) it became evident that independent audiovisual producers are lacking such specialized expertise, and the training in this area was identified as a most urgent need.

In order to meet the needs expressed by the industry, it is necessary that specialized training for production of audiovisual works be provided, as well as a grant scheme, with a twofold objective: on the one hand, support for circulation of European non-national audiovisual works and, on the other hand, support for development of national audiovisual works (formats, pilots, TV series, short films etc.). This approach should help towards the development of a viable national audiovisual industry, which could participate in the European exchange of audiovisual services, thus enhancing European cultural diversity. At the same time, the support provided for the circulation of European non-national works should help in the process of audience building, by exposing Romanian audiences to the diversity of quality cultural goods and services from European countries.

Ensure compliance with European requirements in the field of promotion of European works by 2007

The independent audiovisual production in Romania is scarce, due to lack of funding and know how of the professionals. The independent producers lack expertise in production management, marketing and distribution of their works; even if there are some recent works their capacity to circulate among broadcasters is very low.

Increase the effectiveness, transparency of the MoCRA and of the CNC policies for the audiovisual sector.

The EC communication to the European Council and Parliament, and to the Economic and Social committee, COM (2001)534 final, on certain legal aspects related to cinematographic and other audiovisual works states the need to bring support to cinematographic and audiovisual production in order to preserve the European cultural diversity principle.

3.2 Sectoral rationale

At present there are no provisions for economic or fiscal incentives, or for state aids schemes in order to support and develop production and circulation of independent audiovisual works other than cinematographic films, although the Audiovisual Law states the independent production quota obligation since 2002.

The situation is similar with regard to the promotion of European non-national works in Romania (there are no support schemes and neither any other economic or fiscal incentives).

3.3 Results

A –the regulatory authority’s capacity strengthened to ensure application of the EU acquis in an effective and transparent manner
(through training courses for the personnel and analysis of the market status as well as the launch of an awareness campaign)

A1.

- Minimum 70 members of the C.N.A. staff **trained** on issues such as: protection of minors, human dignity, right to reply, European quotas, freedom of expression and private life, public interest, pluralism.
- **professional skills improved** of the staff in the departments dealing with legal matters, control and monitoring activities and EU integration
- **six studies carried out** on subjects related to the diagnosis and prognosis of the audiovisual market before accession to the EU (violence, audiovisual consumption, advertising and new technologies, minorities rights, discrimination, pluralism of information sources etc).
- **results published and disseminated** through a special number of CNA newsletter

A.2.

- A review process of the implementation of the existing regulatory framework in the field of protection of minors and human dignity :
 - at least four meetings organised for the CNA members with the broadcasters’ representatives and other interested parties on application of the specific minors and human dignity protection norms;

- Meetings held with representants of other National Regulatory Agencies to develop exchange of experience and identify best practices
 - complementary tools developed where needed, including codes of conduct.
- **An awareness campaign carried out** for minors' protection in audiovisual environment (through TV spots broadcasted on national radio and TV channels, banners, leaflets etc)
 - **Two workshops organised**, one at the beginning of the project and the other towards the end.
 - At least **two meetings organised** for the CNA members with the broadcasters' representatives, on application of the specific minors' protection norms.

B. Increased quality of audiovisual works broadcasted in Romania

B.1.

a minimum of 60 media professionals trained in: organizational and project management, development, resources management, marketing, promotion and selling

(through local training and having had the opportunity to participate in the training sessions organised through the MEDIA programme)

B.2.

- at least 20 audiovisual projects developed through a grant scheme addressed to independent producers (see definition in TVWFD)

B.3.

- European non-national audiovisual works circulation increased in the Romanian audio-visual sector

3.4 Activities (means)

A. Subcomponent A.

A1 – Organisation of three professional training sessions for the NAC personnel from the control, monitoring, legal and European integration departments; this will include the organisation of an exchange of experience with a EU member state regulatory authority, for this specialised personnel, on specific regulatory issues.

Elaboration of six studies on audiovisual market development on topics such as :

- thematic analysis on TV violence;
- usage and attitude of TV viewers: audiovisual consumption vs. written press, cinema, theatre and literature.

- impact of advertising and new technologies on radio and TV
- the respect of human dignity and minorities rights in audiovisual programmes
- the extremist discourse and intolerance on audiovisual media: possible discrimination on ground of sex or religious beliefs.
- one research on pluralism and political impartiality on audiovisual programmes

Dissemination of the results of the audiovisual market studies **through Publication of a CNA magazine that will contain also specific EU regulation, Romanian legislation framework and best practices in EU in this specific field.**

A2 - Launching an awareness campaign for the protection of minors and human dignity, consisting of :

- preparation of the campaign: visual identity, creative concepts, processing, title of the campaign, pre-testing (focus groups- target groups, evaluation);
- production of all materials with the same visual identity;
- organisation of two workshops with the civil society and broadcasters representatives on two different themes, one at the beginning for preparation of the campaign and one at the end after evaluation of the campaign.
- producing and broadcasting two television and radio advertising spots with variant messages and a common corpus;
- media plan elaboration
- production of leaflets/banners
- the evaluation of the campaign
- organisation of meetings with the radio, television and cable licence holders with a view to identify means for increasing the observance of the audiovisual *acquis communautaire*

Subcomponent B

B.1. Training activities for audiovisual professionals: a minimum of 60 media professionals will be trained in issues such as:

-management and entrepreneurship of SME's in audiovisual media in view of sustainable development.

- project management and development
- promotion, marketing and distribution of audiovisual works: establishing a marketing policy to adapt to the international market.

Etc.

B.1.1, The training activities will have a component organised locally by the technical assistance team and the Romanian counterparts as an awareness raising for the forthcoming possibility of participation in the MEDIA training sessions and will comprise:

- assessment of the training needs expressed by the audiovisual professionals
- development of the training methodology (partnership with the MEDIA training programme) and carrying out of the awareness raising sessions

B.1.2 The second part of the training programme will consist in participation of Romanian audio-visual professionals in the training sessions organised by the MEDIA Training community programme, for which a grant scheme of **350.000 Euro** was foreseen.

Tasks to be undertaken:

- development of selection criteria
- organisation of call for tenders
- awarding of scholarships
- monitoring and evaluation

B.2. Development of production projects

The grant scheme of 300.000 Euro is aimed for minimum of 20 grants of at least 10.000 € for development of production projects for independent producers (see TVWFD)

The grant scheme is intended to support development of Romanian production projects in feature films, television fiction, television series and documentaries and will be designed according to the guidelines of the MEDIA Development and New Talent programmes.

Above the line, the grant scheme will finance development of projects with a European market potential. This will give the opportunity to Romanian professionals to participate at various networking and co-production sessions.

Below the line, the grant will support Romanian independent producers to participate in international co-productions or productions based on a regional perspective. It will provide a leverage effect for complementary funds.

Eventually, the grant scheme will increase the possibility of job creations in the independent production sector.

Tasks to be undertaken:

- study of industry needs and of various support schemes, operational in EU countries
- mechanism development of grant scheme, including development of selection criteria
- organization of 2 calls for tenders
- grant contracting
- monitoring and evaluation

B.3. Circulation of European works

A grant scheme of 250.000 Euro for a minimum of 30 grants of at least 5.000 € for supporting circulation of European non-national audiovisual works

The grant scheme is intended to increase the broadcasting time of European non-national audiovisual works by Romanian broadcasters and to increase the presence of non-national European films in the Romanian cinema halls, as well as to help in the process of audience building for such works, fostering trans-border circulation of audiovisual content, being thus instrumental in the promotion of cultural diversity and of European cultural identities.

Tasks to be undertaken:

- study of existing situation concerning circulation of European non-national works and assessment of needs
- mechanism development of grant scheme, including development of selection criteria and information to the audiovisual sector
- organization of 2 calls for tenders
- grant contracting
- monitoring
- final evaluation

3.5 Linked Activities:

1. The Phare programme RO 0107.02 "Audiovisual acquis adoption and implementation in Romania - improvement of policy-making and development of administrative capacity"² is currently being implemented
2. Currently, MoCRA is supervising directly the organization of the seminars with regard to independent production, minors' protection on TV programs and new technologies, in the framework of PHARE RO 0107.02 project. The conclusions resulted from this debates is taken into account when when drafting the policy for the audiovisual sector.
3. Following a request addressed directly to the MoCRA by a group of independent producers, gathered in the Romanian Film and Audiovisual Producers Union (UPFAR), the Ministry will take the initiative to constitute an ad-hoc working group with representatives of MoCRA, CNA, CNC, UPFAR and other producers organizations in order to analyse the situation of independent production dedicated to television programs and to propose best solutions in this field.
4. Accordingly to the Law no. 199/2002, Ministry of Culture and Religious Affairs has the responsibility to elaborate the strategy in the audiovisual field, in cooperation with the National Audiovisual Council. In order to fulfil this legal responsibility, the Ministry of Culture and Religious Affairs is initiating the establishment of a working group, composed by three experts of the Ministry and three experts of the National Audiovisual Council. This working group will analyse the Romanian audiovisual landscape and will propose strategies for its development. On the basis of these proposals the Ministry and the Council will define the general strategy on audiovisual field. The establishment of this working group will be formally sanctioned by a Written Agreement, signed by both partners authorities, which will clearly state the competences and the functioning rules of this structure.
5. NAC took the initiative of organizing a *Conference of the Regulating Authorities in the Candidate Countries on the Adoption and Implementation of the Acquis* aiming at assessing as clearly as possible the general situation of the candidate countries from the point of view of the economic and legislative criteria, of their capacity to meet the requirements of the audiovisual acquis and to share the experience and expertise gathered by candidate countries. In order to organise this conference NAC applied for financing under Phare "Europe" program and was granted the requested financial support.

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- ² a public debate took place on the 23-rd of February dealing with European quotas; another public debate shall be organised dealing with violence in media content;
 - a workshop has been held on the 20-th of February, dealing with independent productions; other two workshops shall be organised, dealing with Minors protection and the impact of the digital TV and new technologies.
 - training will be ensured on European Integration Issues;
 - the CNA webpage will be restructured.
 - three studies will be developed on: Usage and attitude of Romanian viewers; Children's exposure to radio and TV broadcasting, Influence of media upon civic and electoral behaviour.

6. A two day seminar was organised by the NAC with the support of the Council of Europe on “Regulating the programme services”, in June 2003.
7. CNC actively participates in Eurimages fund, with a view to fostering co-operation in the film sector, allowing for European co-productions where one co-producer is Romanian.
8. CNC also participates in the Europe Cinema scheme, with a view to bolster the circulation of European non-national films in Romania, allowing Romanian audiences to have access to this specific form of creative expression.
9. CNC took the initiative to hold consultations with the industry, especially in order to enhance the transparency and effectiveness of the competition procedures for state aids from the Cinema Fund, as well as to identify the needs for subsequent policy or regulatory instruments.

3.6. Lessons learned:

As a conclusion of the TA inception report in Phare Project Ro0107.02 currently run by CNA, there is profound need for further training of CNA personnel on European issues and best practice in the audiovisual sector.

At the same time, as a consequence of organising a workshop on Independent production and a public Debate on European quotas in programming under the same TA, the acute need for financial and management support for audiovisual industry has arisen, as well as the need for professional training of the independent producers in organizational and project management and techniques, marketing and selling techniques, above and below the line.

The current regulatory framework is establishing an artificial distinction between film production and distribution, which benefits from state aids schemes and fiscal incentives, and the rest of the audiovisual sector, especially with regard to TV independent production, where no such schemes are available. On the other hand, the current regulatory framework places an obligation on broadcasters to meet the DWF minimum requirements (the 10 % quota). In order to meet this minimum quota requirement and to broadcast quality and diverse TV production, professionalization of the independent production sector is paramount, alongside with equal treatment of all independent producers of audiovisual works (transparent and competitive access to state aids, creation of a competitive environment, equal fiscal incentives/shelters).

4. Institutional Framework

The institutional framework will be provided by MoCRA, CNC and CNA.

The Ministry of Culture and Religious Affairs (MoCRA)

www.ministerulculturii.ro

MoCRA, as a Governmental body, holds specific responsibilities as legislator and policymaker in the field of audiovisual and cinematography. Accordingly to the Law no. 199/2002, which modifies art. 2 in Emergency Ordinance No. 9/2001, Ministry of Culture and Religious Affairs has the responsibility to elaborate and implement the strategy in the field of cinematography, and to elaborate, in cooperation with the National Audiovisual Council, the strategy in the audiovisual field. Simultaneously, as the institution responsible for the accession negotiations under Chapter 20 "Culture and audiovisual policy", MoCRA has the responsibility to coordinate the general strategy of the institutions in this sector (CNA, CNC) related to the adoption and the implementation of the acquis.

The National Cinematography Centre (CNC) www.cncinema.ro

CNC is currently a public institution subordinated to MoCRA, that deals with cinematographic film. Its remit consists of drawing secondary regulation for the cinematographic sector and of administering the Fund for Cinema. The CNC in Romania is responsible for supervising and supporting strictly the cinematographic sector.

A PIU will be created within the CNC in order to implement subcomponent B of the programme and staff will be appointed for incumbent management and operational tasks.

The National Audiovisual Council (CNA) www.cna.ro

The National Audiovisual Council was established in 1992 by the Broadcasting Law, which stipulates that an independent, autonomous authority shall be created in the audiovisual sector. According to the Law, CNA. is the sole responsible for protection of the public interest in the field of the audiovisual programmes and supervising respect of the audiovisual law.

Steering Committee

A Steering Committee will be established jointly in order to monitor the project development. It will include representatives of the three institutions: Ministry of Culture and Religious Affairs, National Audiovisual Council as autonomous regulatory authority, and the National Centre for Cinematography. The SC will meet quarterly and whenever necessary. A representative of the Delegation of The European Commission and of the CFCU will attend the Steering Committee meetings as observers.

The SC will approve the composition of the evaluation committee for the contracts tenders.

The SC will approve all reports (quarterly and ad-hoc) for the two subcomponents.

The SC will be chaired on a rotational basis, by the representatives of the three institutions.

SC meetings will be convened by the chair of the previous meeting, via written notification.

The Secretariat of the SC will be provided by the institution that chairs the meeting. Rapporteurs will be the PIU heads, responsible for each of the two contracts.

5. Detailed Budget

	EU Support					
	Investment Support	Institution Building	Total EU (=I+IB)	National Co-financing*	IFI*	TOTAL
A. Technical Assistance – Regulatory Authority (CNA)		800,000	800.000			
B. Technical Assistance – Strengthening the AV sector³		500.000	500.000			500.000
Grant scheme		900.000.	900.000.	⁴		900.000.
Total		2.200.000	2.200.000			2.200.000

6. Implementation Arrangements

6.1 Implementing Agency

Central Finance and Contracts Unit, Ministry of Public Finance (CFCU), Magheru Avenue, no 6-8, 5th floor, Bucharest 1, Romania, Phones: +40-21-211 99 79, +40-21-211 99 84, +40-21- 210 62 20, Fax: +40-21-210 64 56, +40-21- 210 83 48.

The financial management of the Program will be under the responsibility of the CFCU. The nominated Program Authorizing Officer (PAO), who is a Secretary of State from the Ministry of Finance, and the Deputy PAO, who is the General Director of the CFCU, are responsible for contracting, reporting and accounting. The responsibilities of the CFCU also cover finalization of contract dossiers for approval, of Technical Assistance contracts, and maintenance of financial records for audit purposes.

Implementing authority

³ Technical Assistance including grant scheme management and local training

⁴ The TA will elaborate during the inception period the guidelines for the grant schemes using as model the appropriate parts of the MEDIA programme

National Audiovisual Council of Romania, Libertatii bul. No 14, sector 5 Bucharest, SPO Mr. Attila Gasparik, member of the Council, PIU member, telephone/fax: +4021 3055353, email: frunzeti@cna.ro

National Centre for Cinematography of Romania, Str. Dem. I. Dobrescu, no.4-6, sector 1, Bucharest, contact person Mrs. Delia Mucica, director of the Cinematographic Development and International Cooperation, tel +4021 31043 02 fax: +3104300, email: deliamucica@cncinema.ro

Ministry of Culture and Religious Affairs, Sos. Kisseleff no. 28-30, sector 1, Bucharest, contact person Mr. Eugen Cadaru, counsellor of the Minister, telephone: +4021 2243682, fax.: +4021 2233725, email: eugen.cadaru@cultura.ro

Beneficiary PIUs will be:

National Audiovisual Council of Romania
National Centre for Cinematography of Romania

6.2 Twinning

Not applicable.

6.3 Non-standard aspects

The PRAG will be strictly followed in all contracts.

6.4 Contracts

The expected number of contracts:

-For Project A: technical assistance for CNA the number of contracts is one, 700.000 euro, to be contracted by June of 2005.

For Project B: technical assistance for CNC and management of the grant scheme 500,000 Euro, to be contracted in June 2005.

7. Implementation Schedule

7.1 Start of tendering/call for proposals

ToRs are to be ready in December 2004, start of tendering will be in January 2005.

7.2 Start of project activity

A. Expected date of commencement of contract A is June 2005

B. Expected date of commencement of contract B is June 2005.

7.3 Project completion

December 2007

8. Equal Opportunity

Not applicable

9. Environment

Not applicable

10. Rates of return

Not applicable

11. Investment criteria (applicable to all investments)

Not applicable

12. Conditionality and sequencing

A PIU should be set up within CNC. The necessary staff exists in the CNC structure within the Directorate for Cinematographic development and international cooperation.

The beneficiaries of the grant scheme will co-finance their participation in the MEDIA programme according to the guidelines elaborated by the TA team (in the inception phase of the project)

ANNEXES TO PROJECT FICHE

1. Logframe in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule, by quarter, for full duration of project
4. Reference list of feasibility/pre-feasibility studies, indepth ex ante evaluations or other forms of preparatory work. For all investment projects, the executive summaries of economic and financial appraisals, environmental impact assessments, etc, should be attached
5. Reference list of relevant laws and regulations
6. Reference list of relevant strategic plans and studies

ANNEX 1

Logframe

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name and number	
		Contracting period expires 30.11.06	Disbursement period expires 30.11.2007
Enhancement and development of the professional expertise of the Romanian audio-visual sector		Total budget: 2.2 MEUR	Phare budget 2.2 MEUR
Overall objective	Objectively verifiable indicators	Sources of Verification	
<ul style="list-style-type: none"> Ensure compliance with and implementation of the European acquis, in the audio-visual sector in Romania 	<ul style="list-style-type: none"> increase in the degree of compliance with acquis by Romanian broadcasters increased number of Romanian works produced by independent producers and European works programmed in national TV networks 	<ul style="list-style-type: none"> Progress reports of the Romanian Government White paper of the MoCRA Annual reports of the C.N.A. and of the CNC TV guides 	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
<ul style="list-style-type: none"> Strengthening the capacity of the C.N.A. to apply the EU acquis in 	<ul style="list-style-type: none"> decrease in number of complaints for non respect of the right to reply and human dignity number of programmes correctly 		<ul style="list-style-type: none"> C.N.A. remit is not changed

<p>the sector, increase the effectiveness, and transparency of the CNA activity in monitoring and sanctioning infringements of the law</p> <ul style="list-style-type: none"> • Strengthening the audio-visual sector in Romania, with the aim to promote European cultural diversity and to develop a viable national audio-visual industry 	<p>signalled for the protection of minors on TV</p> <ul style="list-style-type: none"> • % of Romanian works produced by independent producers and European works programmed by national TV broadcast 	<ul style="list-style-type: none"> • Regular reports of the European Commission • White paper of the MoCRA • Monitoring reports of C.N.A. • Project progress report • Annual reports of the C.N.A. and of the CNC 	
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>-A –A.1. 70 C.N.A. personnel trained per 7 days in legal, control, monitoring and EU integration</p>	<ul style="list-style-type: none"> • number of C.N.A. personnel trained • number of days for training • duration of training sessions • number of lecturers 	<p>Annual report of the C.N.A. Project progress report Timesheets Graduate certificates for the trainee</p>	

<p>departments.</p> <p>A research and si studies finalised. Special number of CNA magazine published in 1000 copies on studies' conclusions</p> <p>- A.2 Awareness campaign for minors' protection and human dignity in audio-visual environment</p> <p>B. B.1. 60 media professionals trained on: management, development, promotion and</p>	<ul style="list-style-type: none"> • number of studies finalised • number of magazine copies published • number of magazines disseminated • number of radio and TV spots broadcast on national radio and TV channels; • number of banners placed • number of leaflets printed and distributed. • number of workshops organised • number of meetings of C.N.A. with broadcasters on minors protection norms • number of media professionals trained • number of training sessions • duration of training sessions • number of lecturers • number of training days performed 	<ul style="list-style-type: none"> • Annual report of the C.N.A. • Project progress report • Postal receipts for sending the magazine copies • List of persons having been handed copies • Radio and TV monitoring reports of C.N.A. • Project progress report • Annual report of the C.N.A. • C.N.A. meetings minutes • Workshops' recordings • Project progress reports • Timesheets • Graduate certificates for the trainees • Annual report of the CNC 	<ul style="list-style-type: none"> • The studies are finalised. • The magazine is edited. • The spots are produced • Co-operation of TV broadcasters in programming the social campaign spots. • CNC develops a PIU structure.
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<p>distribution of audio-visual works .</p> <p>B2. Grants</p> <p>B 2.1. 15 grants for the development of Romanian audio-visual works produced by independent producers awarded</p> <p>B 2.2. 30 grants for supporting circulation of European non-national audio-visual works awarded</p>	<ul style="list-style-type: none"> • number of grants awarded • number of works developed • number of TV broadcasts of the works • number of grants awarded • number of European non-national audio-visual works programmed in national TV networks 	<ul style="list-style-type: none"> • Radio and TV monitoring reports of C.N.A. • Report of the TV audience measurement • Project progress report • Annual report of the C.N.C. 	<ul style="list-style-type: none"> • The grants are implemented by the grantees. • Co-operation of TV broadcasters in programming quota of European works.
Activities	Means		Assumptions
<p>A.</p> <p>A.1. - three professional training sessions for NAC personnel:</p>	<ul style="list-style-type: none"> • One TA contract concluded for all A activities • The contractor should provide a management team for the A component of the project. 		<ul style="list-style-type: none"> • The technical specifications for both components are drawn in

<p>control, monitoring, legal and European integration personnel to be trained for a month</p> <p>- study tour in an EU member state regulatory authority, for personnel.</p> <p>- developing six studies on audio-visual market development till 2007</p> <p>-publishing and the dissemination of the results of the audio-visual market studies to target group</p> <p>A.2. - launching an awareness campaign for the protection of</p>	<ul style="list-style-type: none"> • The contractor should provide all the equipment necessary for managing the project • Subcontracting training • Organising the study tour • Subcontracting studies (if the case may be i.e. the contractor is not a research company) • Distribution of the studies' published conclusions. • Organisation of the workshops and the meetings 	<ul style="list-style-type: none"> • Annual report of the CNA • Progress report of Romania • Steering Committee's Reports • Radio and TV monitoring reports of C.N.A. • Report of the TV audience measurement • Annual report of the CNA 	<p>due time.</p> <ul style="list-style-type: none"> • The tenders for A and B components are awarded in due time. • Co-operation of TV broadcasters in programming the social campaign spots. • Availability of the CNA
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<p>minors and human dignity, :</p> <ul style="list-style-type: none"> - organisation of two workshops with the civil society and broadcasters - producing 2 television and radio advertising spots and - printing 1000 leaflets - 10 advertising banners - organising 2 meetings of C.N.A. members with the broadcasters <p>B.</p> <p>B.1. Organising three training sessions for audio-visual industry</p>	<ul style="list-style-type: none"> • Subcontracting the awareness campaign (as the case may be) <ul style="list-style-type: none"> • One TA contract concluded for all B activities • Subcontracting of the training sessions for industry professionals • Launching the grants <ul style="list-style-type: none"> • One contract concluded for B.2. activity • Launch call for proposals for the grant scheme • follow up of the contracts. • assessment of received proposals, • evaluation and awarding the grants • management of the contracts • monitoring and evaluation of the grants awarded 	<ul style="list-style-type: none"> • Periodical and final reports of project management • Financial reporting • Yearbook of CNC • White paper of MoCRA • Monitoring reports of CNA on quota requirements fulfilment 	<p>members for discussions with the broadcasters on minors protection issues.</p> <ul style="list-style-type: none"> • The training in audio-visual production is prior to the launching of grants. • The industry professionals are participating in the grant development scheme.
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<p>professionals in: management, development and distribution training.</p> <p>B.2. - launching a support grant scheme for B.2.1 development of Romanian audio-visual works produced by independent producers and B.2.2. for supporting circulation of European non-national audio-visual works</p>			
<ul style="list-style-type: none"> • 	Preconditions		
	<ul style="list-style-type: none"> • Remit of C.N.A. is not modified • Organisation of a PIU in CNC 		

ANNEX 2

DETAILED TIME IMPLEMENTATION CHART FOR PROJECT NUMBER RO-2004/016-772.03.15

“Enhancement and development of the professional expertise of the Romanian audiovisual sector”

	2004				2005												2006												2007													
calendar months	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
Activities																																										
A1. Organisation of three professional training sessions for NAC personnel; elaboration of six studies on audiovisual market development	D	D	D	D	D	D	D	D	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
A2. Launching an awareness campaign for the protection of minors and human dignity	D	D	D	D	D	D	D	D	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
B1. Training activities for audiovisual professionals	D	D	D	D	D	D	D	D	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
B2. Grants scheme	D	D	D	D	D	D	D	D	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
	D = Design C = Contracting I = Implementation																																									

ANNEX 3

Enhancement and development of the professional expertise of the Romanian audiovisual sector

CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE (M EURO 2.2)

DATE: April 28, 2004

	31/03/05	30/06/05	30/09/05	31/12/05	31/03/06	30/06/06	30/09/06	31/12/06	31/03/07	30/06/07	30/09/07	31/12/07
CONTRACTED		2,2										
DISBURSEMENT		1,3			1,9						2	2.2

NB: 1. All contracting should normally be completed within 6-12 months and **must** be completed within 24 months of signature of the FM.
2. All disbursements **must** be completed within 36 months of signature of the FM.

ANNEX 4

Reference list of feasibility/pre-feasibility studies

N/A

ANNEX 5

Reference list of relevant laws and regulations

“Enhancement and development of the professional expertise of the Romanian audiovisual sector”

A. PRIMARY LEGISLATION

- **Audiovisual Law** no.504/2002, published in the OJ no. 534/ July 22, 2002;
- **Law no. 402/2003** on the modification and completion of the Law of the Audiovisual no. 504/2002, published in the OJ no. 709/ October 10, 2003
- **Emergency Ordinance of the Government no. 9/2001** concerning some certain measures in the fields of culture and art, cults, cinematography and copyright, published in the OJ no. 35/ January 19, 2001
- **Law no. 199/2002** concerning the modification of art. 2 on Emergency Ordinance of the Government no. 9/2001, published in the OJ no. 267/ April 22, 2002
- **Governmental Decision no. 742/2003** concerning the organization and functioning of the Ministry of Culture and Religious Affairs, published in O.J. no. 493 / July 8, 2003
- **Law on Cinematography** no. 630/2002 published in the OJ 889/ December 9, 2002
- **Emergency Ordinance of the Government** no. 64/2003 concerning some certain measures on regard the organization of public administration, published in the OJ no. 464/ June 29, 2003

B. SECONDARY LEGISLATION

- **CNA Decision no. 52 of March 4, 2003** concerning the obligation of broadcasters to inform the audience on summons and sanctions applied by the National Audiovisual Council – published in O.J. no.147/ March 6, 2003
- **CNA Decision no. 57 of March 13, 2003** concerning the protection of minors within programme services – published in O.J. no.199/ March 27, 2003
- **CNA Decision no. 123 of June 30, 2003** concerning advertising and teleshopping – published in O.J. no.479/July 4, 2003
- **CNA Decision no. 130 of November 12, 2002** regarding the broadcast of Romanian audiovisual works – published in O.J. no. 880/December 6, 2002
- **CNA Decision no. 258 of September 16, 2003** concerning the broadcasting of European audiovisual works – published in O.J. no. 677/September 24, 2003

ANNEX 6

Reference list of relevant strategic plans and studies

“Enhancement and development of the professional expertise of the Romanian audiovisual sector”

1. White Paper of the Ministry of Culture and Religious Affairs
2. Strategy on Culture Development, on regard the fields of culture, religious affairs, cinematography and copyright protection. Sectorial approach - National Development Plan of Romania for 2004-2007
3. The National Centre for Cinematography – Synthesis of activity on 2001-2002
4. The National Centre for Cinematography – Synthesis of activity on 2003
5. Restructuring and privatisation strategy for the cinema companies settled under the Ministry of Culture and Religious Affairs' authority
6. Restructuring and privatisation strategy for the *Régie Autonome RomaniaFilm* and the cinema theatres
7. Study in progress under Phare Project RO - 0107.02
 - Usage and attitude of Romanian viewers;
 - Children's exposure to radio and TV broadcasting,
 - Influence of media upon civic and electoral behaviour.