

The post-1989 Romanian theatre dynamics in relation to the legislative and fiscal framework dedicated to performing arts in the *independent* sector

DORU TALOŞ*
“Babeş-Bolyai” University, Cluj-Napoca
ROMANIA

Abstract: My work examines how funding systems and the legislative framework impact the development of cultural spaces (whether independent or state-run) and how they influence their relationship with the communities they are part of and the audiences they cultivate. I consider that the development of the theater sector in post-1989 Romania is closely tied to a form of resilience shaped by the decisions of central or local authorities. In 2024, amidst a war at the border, an increasingly acute energy crisis, inflation that constantly disrupts budget planning, a growingly undeniable climate crisis, and, not least, at a time when the “golden generation” of Romanian theater is beginning to step away from the spheres of influence that shielded this field from abusive or radical interventions, I believe the entire sector needs to unite and advocate for restructuring and improving the legislative and fiscal framework. This would allow theater to gain greater autonomy and build communities around it that justify its importance and relevance. Starting from an analysis of operational models and repertory policies developed in the cultural sector in Romania after 2000, I aimed to understand to what extent the vision of a cultural space is shaped by the dynamics of funding systems and how the legislative framework contributes to the formation of working models. I also sought to identify potential reforms that could contribute to the sustainability and development of long-term projects. The analysis is technical, drawing on specialized literature and a series of interviews with various recognized cultural operators from Romania.

Keywords: cultural policies, funding frameworks, organizational models.

Introduction

I believe that the development of the theatre field in post-revolutionary Romania is closely linked to a form of resilience built around the decisions of central or local authorities. In 2025, with a war on the border, an increasingly acute energy crisis, inflation that constantly upsets all the calculations that should clarify a production budget, a climate crisis that is increasingly difficult to ignore, and last but not least, at a time when the “golden generation” of Romanian theatre is beginning to leave the spheres of influence that have

* doru.mihai.talos@gmail.com

protected this environment from abusive or radical interventions, we are at a point where the entire sector must come together and campaign for the restructuring and improvement of the legislative and fiscal framework, so that theatre can gain greater autonomy and build communities around it that justify its importance and relevance.

Theatre must urgently reclaim its function as a public service. It must be accessible to all citizens, regardless of their socio-economic status or geographical location, through reasonable prices and forms of mobility, through frameworks for dialogue, through education and training projects dedicated to young audiences (but not only), through the promotion of diversity and tolerance, through the promotion of national or universal heritage, cultural values that have played a decisive role in defining us, and last but not least, through research and experimentation frameworks designed to improve relations with the younger generations, who have different needs – which are changing ever more rapidly under the influence of technology and new media and means of socialising or spending free time.

The future of theatre depends on us and our ability to remain connected and attentive to the formation and development of audiences, and we can achieve this more easily together, in a framework of collaboration and mutual support. Our islands will become increasingly smaller and more suffocating if we do not choose to bring about a healthy change in the dynamics of the sector to which we belong.

The evolution of the legislative and fiscal framework dedicated to theatre in relation to the development of the cultural theatre in different systems of organisation and operation

In the first years following the 1989 Revolution, the entire legislative and fiscal framework was extremely fragile and precarious, and people's distrust of the state did not create the necessary conditions for a solid and articulated construction for a future in which we could break out of the logic of the dominant financing system.

Reform and the creation of complementary systems of organisation and operation for Romanian theatre were an important issue for those in leadership or political positions in the early 1990s. But any major change in that context, with an extremely unstable political and economic situation, a precarious and incomplete legislative framework, and failed privatisation models, would not have been accepted by the vast majority of those in the system. People were afraid, and a secure salary was extremely important.

Alternative systems of production and performance, independent companies and venues emerged in the early 1990s, when most theatre people hoped to revive the model of the famous companies of the interwar period. Between 1990 and 1993, there was even a certain effervescence in the attempt

to develop new productions, in public-private partnerships, touring shows, shows with stars, etc. But the turmoil of those years, fraught with protests, miners' riots and major changes in our society, with an acute financial crisis, emptied the theatres, or at least the interest of the general public was extremely low.

“The accounting records kept in the archives of the Ministry of Culture show, for example, that in 1994, the National Theatre in Timișoara had an occupancy rate of 39%. In 1996, for the ‘Vasile Alecsandri’ National Theatre in Iași, the occupancy rate of the large hall was 20.2%, and the studio hall had an occupancy rate of 23.5%, with a funding level of 96% (amounting to 532,100 lei, meaning that own revenues of 21,648 lei represented only 4% of the total budget), of which 79.30% went towards personnel expenses. The National Theatre in Cluj-Napoca, in the second part of the season (1 January - 30 June 1996), had an occupancy rate of 14% for the main auditorium and the studio hall 39%, with a subsidy of 94.8% (440,000 lei) and total revenues of 23,934 lei, with personnel expenses accounting for 73% of total expenses.”¹

In such a situation, any discussion of a major change, a restructuring of the entire financing system, was bound to scare everyone.

The legislative framework underlying the organisation and financing of the independent cultural sector

Ordinance No. 51 of 11 August 1998, published in the Official Gazette No. 296 of 13 August 1998, was drafted during the term of Ion Caramitru, Minister of Culture in the governments of Victor Ciorbea, Radu Vasile and Mugur Isărescu, between 1996 and 2000. It currently forms the basis for the funding of projects or programmes in the independent, private or state sector. In practice, today, on the basis of this law, funding competitions are organised by the Ministry of Culture, the National Cultural Fund Administration, the Romanian Cultural Institute, as well as by some town halls or county councils in the country: Timișoara, Brașov, Bucharest, Sibiu, etc.

In 1998, this law did not refer in any way to the *independent* sector, being dedicated to the main credit authorisers and their subordinate institutions. In seven articles, the law defined the concept of a project, cultural programme², and clarified, in a superficial and technical manner, a framework for financing and co-financing public cultural institutions, while also establishing a form of financial management for events organised by state institutions.

¹ Ioana Maria Tamaș, Doctoral thesis – *Cultural policies in post-communist theatre. A comparative study of Romania, Bulgaria, Poland and Hungary*, p. 160 – Data from the Ministry of Culture Archives. *Balances 1994, 1996, Quarter II. Theatres. Works.*

² a) the cultural programme represents a set of cultural projects that take place over a longer period and in a wider space;

b) a cultural project is an action or a set of cultural actions carried out in connection with a specific objective or theme for a fixed period and in a fixed location.

The ordinance could have created the conditions for project- or programme-based funding, or could have supported the launch of complementary funding models, for both public institutions and the independent sector, but it merely gave the state the possibility to finance subordinate institutions on the fly. The ordinance did not clarify the evaluation systems and their objectives, and there was no transparency regarding the distribution of resources or the monitoring of their use. The concept of co-financing was introduced and beneficiaries were encouraged to seek complementary sources of funding that did not come from the state budget, but Article 2(1) stated that co-financing could be provided *from local and state budget allocations, with the approval of the respective chief authorising officers*.

The ordinance was first amended in 2001, by Law No. 245 of 16 May 2001. Six new points were added to Article 2. Point 1 establishes that cultural foundations and associations may receive financial support for the implementation of cultural projects or programmes.³ The following points mention that funding is granted according to certain criteria, through a series of methodological rules, but also that the beneficiaries of such funding will be subject to forms of control and monitoring, and a list of beneficiaries will be made public. Last but not least, the eligible expenses for these funds are clarified and supplemented.

The year 2001 brought recognition of complementary forms of organisation and operation within the theatre sector, which was important for the development of the *independent* environment. The state's openness to organising competitions for the financing of cultural projects is a first step in the process of making the relationship between the financier and the cultural operator, whether public or *independent*, more transparent.

Although at that time the law did not receive enough amendments to function transparently and efficiently, and even if there was no capacity to set objectives and directions for development, a sign of a lack of vision, a number of improvements can be recognised in the state's perception of the theatre sector and its needs.

Valeria Seciu's pioneering work with the Levant Theatre between 1990 and 1996, the emergence of the company ART-INTERIOR-ODEON in 1995, which became the Act Theatre Foundation in 1998, the emergence of Luni Theatre at Green Hours – launched in 1997, as well as the theatre company “777” (1996), under the coordination of Theodor Cristian Popescu, or the

³ “(1) Romanian associations and foundations with legal personality, as well as other non-governmental non-profit organisations that initiate and organise cultural programmes and projects, may receive subsidies allocated from the state budget or, where appropriate, from local budgets, which shall be used exclusively to cover part or all of the expenses related to the cultural programmes and projects established as beneficiaries of the subsidies.”

“Teatrul Fără Frontiere” (Theatre Without Borders) led by Mihaela Sârbu, the work of Alina Nelega in the “DramaFest” Foundation between 1996 and 2000, which coordinates a series of writing residencies, as well as a festival and a magazine the events supported by “Casa Tranzit” in Cluj-Napoca since 1997, etc., all of which have influenced the state's perception of the directions of development and needs of the emerging cultural sector. But there were other factors that led to the first notable changes in the legislative framework we know today:

- in 1995, Romania began the process of joining the European Union, which brought to the state's attention the possibility of accessing European funding, funding that was only possible through well-written and transparently implemented programmes and projects, not to mention the pressure from the Council of Europe to develop and implement public policies for culture;
- between 1996 and 2000, in addition to the Ministry of Culture, a working group was set up to organise a series of debates with the cultural sector, thanks to which the ministry gained a broader understanding of the problems in the system, which unfortunately also led to slower development, as dialogue with the cultural sector further tempered the idea of solid reform, but at least provided a much better understanding of the issues;
- in 1998, Government Decision no. 134 on the organisation and functioning of the Ministry of Culture led to a restructuring, with new functions and competences being defined;
- In 1998, the ECUMEST Association was founded, led by Corina Şuteu, which made a significant contribution to the formation and consolidation of the *independent* cultural sector through the development of cultural policies, the organisation of courses and professional training programmes for managers, the development of international programmes and projects, exchanges of good practices, etc.

The period 1995-2000 saw good momentum in the development of co-financing and co-production frameworks, as most representatives of the independent sector were also part of the public sector or had been validated by the dominant theatre system (which I imagine greatly facilitated dialogue and the process of establishing frameworks for collaboration).. Most projects from the independent sector were carried out in partnership with public institutions, which was advantageous for all parties. It is also worth mentioning that during this period there were no partnerships between different independent organisations, most likely due to a lack of resources or a lack of frameworks to justify such opportunities.

The end of the 1990s coincided with the launch of much larger generations of graduates, both from traditional schools and newly created ones.

In the 1990s, the number of students in all higher education institutions gradually increased. It was a period when more and more artists could not find their place in the central system, either literally or in terms of their artistic identity and interests. With the emergence of new generations of young people who were not part of the system or who were not validated by it, the dynamics of collaboration changed. Following the amendments made to Emergency Ordinance No. 51 of 1998 by Law No. 245 of 16 May 2001, the cultural sector gained greater visibility and was characterised by an increasing dynamics. In Bucharest, the groups DramAcum (2002) and TangaProject (2005) appear. In Cluj, the Transylvania International Film Festival (2002) and the Imposibil Theatre (2002) appeared, in Târgu-Mureş - Teatrul 74 (2004), in Timișoara - Teatrul Auăleu (2005), etc. The climate is somewhat more favourable. The country is beginning to overcome the acute economic crisis of the 1990s and inflation is moderate.

More and more artists are interested in contemporary drama, in theatre that is more closely connected to the problems of the communities to which they belong, or have a real interest in taking a critical stance towards the central system, which has led to the support and development of alternative/independent/complementary systems. "The independents have eroded the monolithic image of the theatre field. The reaction of the political and administrative factors has been slow and timid, but above all confused and unprofessional."⁴

The early 2000s also represent the first moment when we can talk about the formation of an independent theatre sector. The first years after the revolution were characterised by an vibrant pioneering spirit, led largely by people who were either integrated into the public theatre system or strongly connected to it, with the possible exception of Voicu Rădescu, founder of the Luni Theatre at Green Hours, which was awarded the UNITER Senate's Excellence Award in 2005.

The emergence of these new generations, disconnected from the moment of the December 1989 revolution or from the central theatre system, also brought about the first fracture between the two sectors. The generation of the revolution, which in the early 1990s dreamed of change, began to tire and settle more comfortably into the system, while the younger ones seek a new revolution, are somewhat more mobile in their organisation and have a much more project-oriented mindset, influenced by the funding provided immediately after the revolution by international foundations that sought to support Romania's transition to a democratic society with transparent organisation and functioning:

⁴ Runcan Miruna (2006). *Instituțiile teatrale după 1989* [Theatre institutions after 1989], în Malița, Liviu (editor), *Viața teatrală în și după comunism* [Theatre life in and after communism], Editura EFES, Cluj, p. 387.

Almost all representatives of independent theatre groups rightly criticise the cumbersome functioning of subsidised theatre institutions, their inability to break out of a deadlock that is not only legal and administrative (in the absence of reform or even the beginnings of change), but also one of thinking and attitude, generated by the inability of many directors and “managerial” teams to adapt to a different professional rhythm, to adopt a constructive and less conservative mentality. At the same time, no matter how much autonomy and freedom independence brings, it is clear that no one can survive on their own (within normal parameters of quality and quantity) in the field of culture and theatre in particular ly, without the responsible intervention of a state subsidy system, whose duty is to support and financially sustain valid cultural projects.”⁵

Even though the state's relationship with the associative sector has not been dynamic, visionary or coherent, the early 2000s saw a shift, with this sector receiving recognition and validation both from the state, through changes to the legislative framework, and from the dominant theatre sector. For example, since the late 1990s, the National Theatre Festival has organised sections dedicated to *independent* productions – “Atelier” or “Theatre of Tomorrow”. The organisation of sections separate from the main selection is debatable, but we must accept that it is ultimately a form of recognition, even if we cannot call it validation. In the mid-2000s, the *independent* sector received its first coherent and predictable forms of funding from the state.

In 2005, through Decision No. 802 of 14 July 2005, published in *the Official Gazette* No. 697 of 3 August 2005, the National Cultural Fund Administration acquired a legal and transparent framework for its organisation and operation. Established in 1998, but without transparent funding regulations, politically controlled by the Ministry of Culture and operating intermittently, the Administration gained an important form of independence. This happened under the ministry of Mona Muscă, in the government led by Călin Popescu Tăriceanu. Fifteen articles regulate and organise the functioning of the National Cultural Fund Administration as a public institution with legal personality, subordinate to the Ministry of Culture. This law establishes the objectives of the Administration: managing the national cultural fund, financing cultural programmes, projects and actions, and supporting international relations. It also establishes the management structure: the Administration has a director with a number of responsibilities:

“a) takes the necessary measures to organise the selection of offers for the non-reimbursable financing of cultural programmes, projects and actions, at least twice during a financial year;

b) publicises the launch of the selection of bids through the media;

⁵ Anca Măniuțiu (2006). *The Phenomenon of Independent Theatre in Romania 1990–2005*, în Malița, Liviu (editor), *Theatre Life in and after Communism*, Editura EFES, Cluj, p. 407.

c) takes the necessary measures to set up committees for the evaluation and selection of tenders;

d) grant, by direct award, non-reimbursable funding to meet urgent cultural needs;

e) concludes financing contracts with the beneficiaries of non-reimbursable financing and verifies their implementation;

f) appoints the persons authorised to check compliance with the obligations to pay contributions to the National Cultural Fund;

g) appoints the persons authorised to establish contraventions and apply the sanctions provided for in Article 20 of Government Ordinance No. 10/2005, approved with amendments and additions by Law No. 146/2005.

(2) The director shall perform any other duties in accordance with the law.⁶

The director is assisted by a board of directors consisting of eleven members - one representative of the Ministry of Culture and Religious Affairs, one representative of the Ministry of Public Finance, one representative of the Romanian Cultural Institute, a representative of the Council of National Minorities and seven representatives appointed by the Ministry of Culture, based on proposals made by cultural operators, legal entities under private law, with more than three years' experience and demonstrable representativeness. At the same time, a number of sources of funding for the budget for financing projects are established.

Perhaps the most important thing to mention is that the board of directors is assigned a number of tasks, including:

“a) establishing the strategy and priorities for financing from the National Cultural Fund;

b) establishing the total amount of funding for each session, depending on the availability of funds in the National Cultural Fund;

c) establishing, for each session, the thematic area of the cultural programmes, projects and actions to be financed, as well as the deadline for submitting documentation to the Administration;

d) appoints the members of the evaluation and selection committees.”⁷

The formation of a council composed mainly of independent experts was a major step forward for the development of the cultural sector. So we are at a point where the state, probably influenced by the models imposed by external foundations and organisations that supported the cultural sector in the 1990s, understands that it must also have a series of objectives and requirements regarding the financing of the cultural sector.

This law subsequently underwent a series of minor amendments, intended to correct certain dysfunctions identified in the process of its

⁶ DECISION no. 802 of 14 July 2005, <https://legislatie.just.ro>, accessed on 03.06.2023.

⁷ DECISION no. 802 of 14 July 2005, <https://legislatie.just.ro>, accessed on 03.06.2023.

implementation. Thus, in 2007, it was clarified that: “A person who, during their term of office as a member of the Council, is part of the management bodies of a cultural operator applying for non-reimbursable funding from the National Cultural Fund cannot be a member of the Administrative Council”⁸.

The National Cultural Fund Administration has played an extremely important role in the coherent development of the independent sector. Thanks to the establishment of funding priorities and guidelines, more and more operators have been able to develop a type of thinking directed towards the public, with a focus on the idea of public service.

Ordinance No. 51 of 11 August 1998 received the following series of amendments, the most substantial of which were made in 2008. Ordinance No. 2 of 30 January 2008 amended and improved most of the articles and introduced two new chapters. This is a sign that the state is beginning to understand the dynamics and needs of the cultural sector. However, these additions are also strongly influenced by the National Cultural Fund Administration, which has had a successful running-in period in terms of the dynamics and development of the cultural sector.

Thus, in the first chapter of Ordinance No. 2 of 30 January 2008, its stakes were clarified and nuanced, and several terms commonly used in funding competitions were defined: funding authority, public funding, cultural asset, cultural action, cultural project, cultural programme, cultural offer, applicant, beneficiary, urgent cultural need. For the first time, a series of principles related to free competition, transparency of selection procedures, support for newcomers, cultural diversity and multidisciplinary, and non-discriminatory treatment, regardless of the community or cultural field to which the applicant belongs, were introduced. Local or national authorities were given responsibility for establishing annual funding programmes and setting a dedicated budget. The possibility of multi-annual funding for cultural programmes was opened up. The selection procedures were clarified and, for local public authorities (mayors' offices, county councils), the obligation to organise at least one funding session each year was introduced, and for the National Cultural Fund Administration, two. Eligible and ineligible expenses were supplemented and all stages of contracting, financing and proper settlement of projects were clarified.

The second chapter of the Ordinance establishes a series of operational procedures for organising funding sessions and details the stages involved in the selection of cultural offers: announcement of the competition, administrative verification of applicants, ranking of offers, communication of results and resolution of appeals.

⁸ DECISION no. 802 of 14 July 2005, <https://legislatie.just.ro>, accessed on 03.06.2023.

The eligibility criteria that applicants must meet are set out: “they must be an authorised natural person or a legal entity established in accordance with the legal provisions in force, have no debts to local or state budgets, and have settled previous funding contracts in good conditions.”⁹

The composition and formation of the evaluation committees has been established, as has the fact that the number of members must be odd and the number of specialists must be greater than the number of representatives of the funding authority. Last but not least, the method for ranking cultural offers has been clarified, the procedure for filing appeals has been established, as well as the manner and time available for resolving them – on this point, the law gains its most important additions. The fact that the majority of evaluators are independent experts ensures, at least in theory, for the first time in our country, a politically autonomous funding framework, inspired by the model of the National Cultural Fund Administration. It is precisely because of these additions that local authorities have rejected the use of this law as much as possible, preferring to organise the allocation of non-reimbursable funds on the basis of Law No. 350 of 2 December 2005, a law that is not dedicated to the cultural sector, but to the financing of non-profit projects of general interest, and which allows the distribution of resources by local councillors and people employed in local or county public administration structures.

The third chapter of the Ordinance in question is dedicated to the Administration of the National Cultural Fund. For the most part, this chapter repeats, with minor changes, the provisions of Government Decision No. 802 of 14 July 2005. The Administration is headed by a director, who is assisted by a council of 11 members, including two representatives of the Ministry of Culture, one representative of the Romanian Cultural Institute, one representative of the National Minorities Council and seven members appointed by the Ministry of Culture on the basis of proposals made by non-governmental organisations in the field of culture.

In addition, the sources of funding for the administration's budget were detailed and supplemented, and the procedures and deadlines for payment, as well as the penalties or sanctions for any delays or non-payment of obligations, were clarified.

The fourth chapter established, through a series of final provisions, that this Ordinance forms the basis for the financing of cultural actions, projects and programmes. However, to this day, many town halls or county councils choose to finance cultural projects illegally, through Law No. 350

⁹ Ordinance no. 51 of 11 August 1998, consolidated form, <https://legislatie.just.ro>, accessed on 03.06.2023.

of 2 December 2005, a law that should be dedicated only to non-profit activities of general interest.

One thing I would like to emphasise, along with these additions, is that the state gives the impression that it has a vision and is developing a strategy for the future of the theatre sector. We have a special institution under the Ministry of Culture, which is autonomous in setting funding and evaluation guidelines, but also has funding sources that are independent of the state budget. This is important both for the *independent* sector and for state institutions.

In the early years of the National Cultural Fund Administration, the relationship between public and *independent* institutions in terms of access to non-reimbursable funds was somewhat balanced. Starting in the mid-2000s, managers of cultural institutions were appointed for a fixed term and on the basis of a project competition, which opened the doors to people familiar with project writing and with solid knowledge of managing projects with non-reimbursable funding, while the associative sector was still in its infancy.

The end of the 2000s brought an important change: the *independent* sector had more and more cultural operators with expertise in project writing and a well-oriented mindset in this regard, and the evaluation grids of the National Cultural Fund Administration (but not only) rightly began to prioritise funding for the associative sector in the context of the financial crisis and the accelerated development of the *independent* sector (with ever-increasing needs), which led to a significant dysfunction in the relationship between the two sectors: Public institutions have begun to rely more and more on “front” associations, both to have a better chance in funding competitions and to be able to autonomously manage projects of interest to the institution, reducing the number of collaborations with *independent* structures.

New funding directions and relative predictability in terms of project competitions, both nationally and locally, as well as the lack of funding for medium-sized or large associations, or for associations that have moved beyond the start-up phase, create another anomaly. More and more associations are beginning to structure an annual budget and a coherent programme in relation to a number of funded projects. And, in order to streamline budgets and expenses, cultural operators are starting to set up companies, associations or sole proprietorships to manage services that would normally have been covered by employment contracts or outsourced to other economic operators or companies.

Nevertheless (or despite the anomalies reported), between 2005 and 2019, the *independent* cultural sector experienced a relatively stable period of coherent and organic development. There are more and more cultural

workers in this sector and a form of solidarity that has never been seen before and is unlikely to be seen again in the coming years. The economic crisis of 2008 and the gathering of a critical mass around the Roşia Montană case (2013-2014) have increased interest in strengthening artistic or public communities around certain spaces or initiatives. And the collapse of the real estate market has created a series of opportunities for the development of *independent* cultural spaces, something that would be much more difficult in a different context.

In 2009, Fabrica de Pensule was established in Cluj-Napoca, and in the same year the company Váróterem Projekt was launched. In 2012 Teatrul Fix appeared in Iaşi, and in 2014, the Reactor space for creation and experimentation appeared in Cluj-Napoca, while in Bucharest, the Replika Educational Theatre Centre appeared in 2015 and Macaz in 2016, etc. The collapse of the real estate market created a series of opportunities for the development of independent cultural spaces, something that would have been much more difficult to achieve in a different context. The sector's interest in moving in this direction was significant and influenced the dynamics of collaboration between various operators.

Until 2022, Ordinance No. 51 of 11 August 1998 will not undergo any major structural changes. It is worth mentioning the period 2013-2015, when the National Cultural Fund Administration no longer benefited from the 2% share of the Romanian Lottery's revenues, which had a significant impact on the Administration's budget, and the period 2018-2019, when the evaluation committees included a member appointed by the Ministry of Culture, which was perceived by the cultural sector as an attempt to politicise the evaluations.

In 2022, Emergency Ordinance No. 83 of 16 June 2022 introduced a series of important amendments to Ordinance No. 51 of 11 August 1998.

New terms are defined, such as: applicant's guide or non-economic cultural activity, and a register of non-reimbursable funding is introduced as a transparent database for identifying funding opportunities and for better predictability for access to resources. Priority is given to funding start-ups, or rather associations that have been operating for less than two years. A series of new funding priorities are established, focusing on: the European dimension, cooperation and co-production frameworks, cultural entrepreneurship and the exploration of new technologies, excellence and the artistic value of the project. The possibility of financing a project from several public sources is clarified, as well as the financing of several projects by the same financier – this is only possible by clearly and unequivocally highlighting the differences between the projects proposed for financing.

Possible sources of co-financing for projects under implementation are detailed, and a number of income-generating activities are permitted, provided that the income is used in the projects. For the first time, eligible expenses include the purchase of fixed assets, up to a maximum of 25% of the total funding, which is useful for equipping spaces or companies with the technical or logistical resources necessary for their proper functioning.

In 2022, attempts were made to correct some of the dysfunctions that had arisen in practice, but also to improve and clarify the funding system both at national level for the Ministry of Culture and the National Cultural Fund Administration, and at local level for town halls and county councils. The period 2009-2019, a somewhat stable period for the cultural sector, led to the formation of a large number of associations with solid expertise in writing, implementing and settling projects, with competition for non-reimbursable funds offered at local or national level reaching a peak in 2019. During this period, many associations experienced rapid growth, and their support needs became increasingly complex. The lack of additional funding frameworks for large or medium-sized organisations led in some cases to a form of monopoly for experienced “subscribers”. Between 2019 and 2022, the state attempted to limit access to non-reimbursable funds and sought to curb associations with a large number of projects in implementation. Instead of seeking to supplement funding systems, the state, lacking vision, chose to stifle what was working. Unfortunately, this idea only led to the formation of new anomalies. Spaces operated by multiple associations or companies, collectives organised in increasingly complex legal forms, multiple funding for the same activities.

Conclusions

Improving collaboration models and developing sectors could be easier simply by establishing a legislative framework that encourages these aspects and by clarifying by some high-level working directions. A change of perspective is needed within the Ministry of Culture and Education - this is where changes in organisation, functioning and legislation should come from, encouraging and supporting the development of new models, some of which are functional in the true sense of the word.

Thirty-three years after the revolution, we have a patchwork legislative framework that lacks vision, a framework that has led to a series of legal loopholes in the functioning and organisation of performing arts institutions, whether public or *independent*, artifices that prevent the implementation of medium- or long-term projects and the development of healthy and transparent relationships between various cultural operators.

Article 33 of the Romanian Constitution, which forms the basis of cultural legislation, highlights/establishes the role of the state as the main

body responsible for the development and support of cultural sectors, through measures that determine their dynamics, through public and cultural policies with clearly defined objectives:

“Article 33. Access to culture

(1) Access to culture is guaranteed, under the conditions of the law.

(2) The freedom of the individual to develop their spirituality and to access the values of national and universal culture cannot be restricted.

(3) The state must ensure the preservation of spiritual identity, support national culture, stimulate the arts, protect and conserve cultural heritage, develop contemporary creativity, and promote Romania's cultural and artistic values throughout the world.”¹⁰

The state can regulate and clarify a trajectory for the cultural sector through the Ministry of Culture and the subordinate County Directorates of Culture.

“Another aspect related to legislation, however, is that of the system for structuring and providing perspective on those artistic fields and related activities that give substance to the very life of culture, in our case theatre culture. In other words, institutions are nothing more than manifestations, and sometimes even symptoms, of cultural policies, if they exist. But... do they exist?”¹¹

A major problem in building solid foundations for development lies in the fact that, thirty-three years after the revolution, we still do not have a cultural strategy adopted by the government. We need medium- and long-term co es, strategies that cover a range of objectives in the development of cultural sectors and in establishing the relationship that cultural institutions must develop with the communities to which they belong and to which they are addressed. After the revolution, the legislative framework was developed in parallel with the development of the cultural sector, and the lack of a coherent direction led to a series of anomalies. Sustainable models emerged that were built on the edge of the law, models that were tolerated, even appreciated, but not supported by a solid vision to empower them.

“Well, cultural practices, not policies, have determined the evolution of the context and given rise to a concrete alternative to a rigid administration that maintains its centralised inertia. These organic, connective cultural practices, produced mainly with the support of foreign financial resources or through individual initiative, have built and are building a reality that will clash more and more and more conflictually with that of an outdated, unreformed bureaucracy, a clash

¹⁰ The Constitution of Romania, <https://www.cdep.ro>, accessed on 29 May 2023.

¹¹ Miruna Runcan, *op. cit.*, p. 379.

that will culminate in 2019 in the breach of the contract of trust between civil cultural society and the public administration of culture.”¹²

By analysing the legislative framework in the field of culture, in which the cultural sector, and in particular the theatre sector in our country, has been formed and developed, we understand why it is insufficient to work solely on the basis of the current dynamics of the sector or a series of problems identified at the present moment. Without a medium-term or long-term projection, the legislative framework will always be one step behind, and this will lead to dysfunctions in the organisation and development of the entire sector.

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