



4.25. RO – Romania¹²⁸

4.25.1. Key findings

In Romania, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed with the amendments into Law No. 504/2002 (the Audiovisual Law). This law emphasises the need for co-regulatory and self-regulatory measures, including those stipulated in EU codes of conduct. While no such code had been implemented at the time of writing, they were in development.

According to the Audiovisual Law, the national media regulatory authority, the National Audiovisual Council (NAC), has to ensure that Romanian VSP providers have adopted appropriate measures to protect minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development. The law mandates that VSP providers must implement and maintain an age verification system in line with the provisions of the AVMSD. In the event that no other efficient means exist to enforce these provisions and avert serious harm to public collective interests or an individual's legitimate interests, the NAC can intervene with various requirements to remove or restrict access to content and/or users. Actions may include instructing VSP providers to remove or limit access to illegal content, issuing a user warning upon accessing such content, or disabling the user's account for up to 12 months.

According to Romania's Law on Preventing and Combatting Pornography (Law No. 196/2003), adult VSPs registered in Romania must implement password protection and access to these platforms must be granted only upon payment of a usage fee per minute, which must be declared to tax authorities. VSP providers are required to clearly display the number of visits to comply with the law's tax obligations. Further stipulations under Article 11 highlight the National Authority for Administration and Regulation in Communications (ANCOM) as the body responsible for receiving notifications regarding non-compliance. Upon reviewing the platform content, ANCOM may request that access to non-compliant websites be blocked. Internet service providers failing to block access within 48 hours of receiving a directive from ANCOM are liable to a fine.

¹²⁸ The summary on Romania incorporates feedback received from Ruxandra Minea-Cristea, Chief of Regulatory and European Relations Office, at the National Audiovisual Council (CNA), during the checking round with the national regulatory authorities.



4.25.2. National transposition of Article 28b (1) AVMSD

| Title and type of legislation | Key excerpts of legal measures | Link |
|---|---|-----------------------------|
| Law No. 504/2002 of 11 July 2002 (the Audiovisual Law) Consolidated 3 July 2022 (Article 42, paragraph 7) | VSP providers shall take appropriate measures to protect: Article 42, paragraph 7 (a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development, and in particular from programmes containing gratuitous violence and pornography, in accordance with Article 39 (1); Article 39 (1): Audiovisual media services provided by audiovisual media service providers under the jurisdiction of Romania which may impair the physical, mental or moral development of minors shall be made available only in such a way as to ensure that minors will not normally hear or see them. ... | Legislation |
| Law No. 196/2003 on Preventing and Combatting Pornography (Article 7) | Article 7 (1) Persons who create pornographic sites are obliged to restrict access to them via password, and access to them will be allowed only after paying a fee per minute of use, established by the creator of the site and declared to the tax authorities. (2) Persons who create or administer websites must clearly highlight the number of times the respective website has been accessed, in order to comply with the fiscal obligations provided by law. (3) It is forbidden to create and manage websites with a paedophile, zoophile or necrophile character. Article 11 Law No. 196/2003 on Preventing and Combatting Pornography: (1) The National Regulatory Authority in Communications and Information Technology [now ANCOM] receives notifications regarding non-compliance with the provisions of Article 7. (2) In the case of receiving a notification and verifying the content of the website, the National Regulatory Authority in Communications and Information Technology [ANCOM] requests Internet service providers to block access to the website in question. ... | Legislation |



4.25.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Romania but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.25.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.25.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs accessible in Romania is self-declaration of age. Romania's Law on Preventing and Combatting Pornography (see subsection 2.1) applies only to adult VSPs registered in Romania. At the time of the national expert's verification, there were no adult VSPs under Romanian jurisdiction. Should a VSP provider established in another member state fail to adhere to the regulations, the NAC can bring the case to the attention of the corresponding regulatory body.

4.25.6. Additional rules referring especially to influencers

The Audiovisual Law applies to influencers "who upload and generate videos on a sharing platform". The NAC can decide on sanctions if they break the provisions of the law.

According to the Audiovisual Law (Article 42, paragraph 9, (5)), as part of its control and supervision work, the NAC shall request the National Institute for Research and Development in IT (ICI) of Bucharest, in the case of .ro domains, to provide it with data or information that can help to identify persons who provide an audiovisual media service or



a VSP service or who upload and generate videos on a sharing platform. The requested data shall be sent to the NAC without delay, in accordance with the data protection legislation. The full mechanisms for the implementing measures shall be laid down by the NAC. Those mechanisms should be easy to access, user-friendly and allow for the submission of notices by electronic means.

At the time of the national expert's verification, the mechanism had not yet been adopted. The NAC's 2022 reports indicated that the NAC intends to pay more attention to influencers, who are supposed to be treated as VOD.