

[RO] The Romanian National Audiovisual Council sets out new rules and obligations applicable to online content creators and influencers

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Decision No. 116 of 24 February 2026 (hereafter, "the Decision"), issued by the Romanian National Audiovisual Council, came into force on 27 September. It sets forth the updated legal procedure for the licensing, authorisation, and notification of audiovisual media services.

Apart from modifying the existing legal procedures, the Romanian National Audiovisual Council, in the preamble to the Decision, also acknowledges that users of video-sharing platform services can provide audiovisual content that is available to the general public and increasingly accessed by it. For this reason, it introduces new criteria according to which certain users may qualify as on-demand audiovisual media services, as well as an obligation for said users to notify the Romanian National Audiovisual Council if they meet additional conditions.

Firstly, according to Article 2(n) of the Decision, a user is defined as any person who creates, uploads and generates programmes, videos and audiovisual commercial communications on a video-sharing platform.

A user may qualify as an on-demand audiovisual service if he or she uploads and/or generates videos and programmes via a channel provided through a video-sharing platform, when that platform is subject to Romanian law, or when the videos and programmes are intended for a Romanian audience, even if the platform is not subject to Romanian jurisdiction. Additionally, in order to be considered an on-demand audiovisual service, the channel which is provided through a video-sharing platform must meet the criteria listed under Article 33 of the Decision, namely that:

- a) it constitutes a commercial activity;
- b) the user has editorial responsibility for the audiovisual content made available on their own channel and exercises control over the selection of programmes and their chronological ordering in the catalogue/playlists;
- c) it enables the audiovisual content in the catalogue/playlists to be viewed at the individual request of another user and at a time chosen by that user;

- d) its main purpose is the provision of audiovisual programmes and/or video material for informational, entertainment or educational purposes;
- e) it is provided through a video-sharing platform distributed via electronic communications networks.

The term "channel provided through a video-sharing platform" is defined by Article 1(1)(a) of the Audiovisual Code as the audiovisual content associated with an account of an audiovisual media service provider registered on a video-sharing platform, on which videos and programmes are uploaded and/or generated.

For the scope of this Decision, it is irrelevant whether the owner of the channel is an already registered provider of on-demand audiovisual services whose programmes have also been broadcast through other electronic communications networks, or another legal or natural person; as long as they hold editorial responsibility for the audiovisual content made available, the individual can be considered a provider of an on-demand audiovisual service.

However, an exception is provided for public institutions and authorities, as long as the content they transmit through video-sharing platforms presents the activities and responsibilities within their area of competence.

Secondly, a user who qualifies as an on-demand audiovisual service shall provide a notification to the Romanian Audiovisual Council only if they meet all of the conditions listed under Article 36 of the Decision:

- a) they host a channel provided through a video-sharing platform that can be accessed by the public in Romania;
- b) the audiovisual content can be accessed by, and is intended for, the public in Romania, as well as Romanian citizens abroad;
- c) the individual has at least 100 000 followers or subscribers on a video-sharing platform, or cumulatively across other platforms;
- d) they have uploaded at least 24 videos in the last 12 months;
- e) they have received money, goods or services, or obtain a benefit for themselves or a third party as a result of uploading and/or generating videos on that channel.

Therefore, even if all content creators who meet the general conditions established under the Decision are considered to be on-demand audiovisual services from 27 September, the obligation to notify the Romanian National Audiovisual Council only applies to active content creators who also meet the additional conditions of Article 36, namely those who have over 100 000 followers

across all video-sharing platforms they are active on, who have uploaded at least 24 audiovisual materials in the last 12 months which can be accessed by, and are intended for the Romanian public and who receive a form of compensation for themselves or for a third party as a result of their online activity.

The notification template is provided in Annex 5 of the Decision, and it must include copies of identity documents as well as the tax registration certificate, for a legal person, or single declaration on income obtained from social media posts, for natural persons. The notification and the additional required documents must be sent to the Romanian National Audiovisual Council within 60 days of the date on which the Decision came into force.

Decision No. 116 of 24 February 2026 regarding the legal procedure for the licensing, authorisation and notification of audiovisual media services

<https://www.cna.ro/a-decizie-nr-116-din-24-februarie-2026-privind-procedura-de-licentiere-de-autorizare-si-de-notificare-a-serviciilor-media-audiovizuale-f7lm0wjz0eli08jh4l0add17/>

