

Study to support the preparation of an EU instrument to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

Mapping of national legislation – Romania

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
I. General information about the national legal framework		
National legal act(s) governing political advertising	<ul style="list-style-type: none"> Law no. 208/2015 on the elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) Law no. 370/2004 on the election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) Law no. 115/2015 on the elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf) Law no. 33/2007 on the elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru</i> 	<p>Please provide an overview of how political advertising is regulated in your Member State:</p> <p>Which legal act(s) is the principal piece of legislation governing political advertising (e.g. national elections act, specific act on political advertising, media act etc.)? How are they interlinked (e.g. via definitions or other common provisions)?</p> <p>Please, specify the principal piece of legislation or other regulations, (self-/co-regulatory codes or guidelines) governing online political advertising, if applicable. Please, provide any other relevant legislation and self-regulatory/co-regulatory instruments applicable to political advertising, political campaigning and parties/candidates funding.</p> <p>Rules on political advertising are comprised in several legislative acts concerning the four types of elections organised in Romania – parliamentary, presidential, local and for the European Parliament – as well as in Law no. 334/2006 on the financing of political parties and electoral campaigns, which includes common rules applicable to all types of elections.</p> <p>The four acts governing each type of elections are very similar in respect of the rules applicable to political advertising, with common</p>

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	<p><i>Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622)</p> <ul style="list-style-type: none"> Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/73672) 	<p>definitions for key concepts such as the pre-election campaign, election period etc. They also include largely identical provisions regarding political advertising and communication through radio and television broadcasting services during pre-election campaigns, as well as common rules on the use of printed electoral materials – posters, banners, leaflets etc.</p> <p>Political advertising through online media and print media remains largely unregulated (apart from the general provisions applicable to any form of political advertising), with previously mentioned legislation including some rules on the allocation of electoral expenses for such advertising, but without any specific substantive rules in place.</p>
Legal and/or statutory definition of the notion of “ political advertising ” and “ online political advertising ” (if applicable)	--	<p><i>Does your national legislation or regulations define political advertising?</i></p> <p><i>Does your national legislation or regulations define online political advertising?</i></p> <p>There is no express legal definition of political advertising or of online political advertising in Romanian legislation. The scope and content of these notions must rather be deducted from the various legal provisions applicable to specific forms of political advertising or communication.</p>
If not applicable, provide other definitions/terms used in the legislation close to the notion of “political advertising”	--	<p><i>Examples: “partisan advertising”, “campaign advertising”, “elections advertising and issues-based advertising” etc.</i></p> <p><i>Please, specify whether the available definitions apply towards specific actors/persons. (e.g. political parties/candidates, media, civil society, online intermediaries or other service providers etc.).</i></p> <p>No other definitions close to the notion of political advertising are present in Romanian legislation.</p>

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Evaluation of the current legislative framework and draft legislations on political advertising and/or online political advertising	--	<p><i><u>Has an evaluation of the rules and practices in place for political advertising and/or online political advertising already been carried out and if so, what are the results?</u></i></p> <p><i><u>Further to that, is there any draft legislation currently discussed in your Member State relevant for political advertising and/or online political advertising? If so, please provide a brief overview.</u></i></p> <p>No – there is no specific information available in public sources regarding the evaluation of the rules in place for political advertising or online political advertising or the result of such evaluation.</p> <p>Draft electoral legislation currently discussed by the Romanian Parliament (an overview here: https://www.roaep.ro/legislatie/wp-content/uploads/2021/01/Situatie-initiative-Parlament-01.2021.pdf) does not include political advertising and/or online political advertising.</p> <p>Most initiatives concerning electoral legislation were related to measures intended to adapt the electoral process to the context of the Covid pandemic, given that Romania has had two elections over the course of 2020 – parliamentary and local. Such initiatives concerned, for instance, the extension of the voting process over the course of several days, so as to avoid crowding and lines; postponing of the local elections; exercising the right to vote through alternative voting means rather than in person etc.</p> <p>However, the initiatives did not concern legislative proposals related to political advertising in general or online political advertising in particular. In any case, the vast majority of this draft electoral legislation is currently obsolete, as it was aimed specifically at either one or</p>

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		another type of elections taking place in 2020 and did not concern proposals for general amendments to existing electoral laws.
II. Political advertising rules during pre-election campaigns		
Definitions of pre-election campaigns in the Member State (if applicable)	<ul style="list-style-type: none"> Article 64 <i>et seq.</i> and article 6(3) of Law no. 208/2015 on the elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) Article 35 of Law no. 370/2004 on the election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) Article 64 of Law no. 115/2015 on the elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf) Article 35 of Law no. 33/2007 on the elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622) 	<p><i>Are pre-election campaigns defined in your Member State? If so, how?</i></p> <p>Yes. Pre-election campaigns are defined in several legislative acts governing the four types of elections organised in Romania (parliamentary, presidential, local and European elections). While the definitions are comprised in separate legislative instruments, they are identical in content, as described below.</p> <p>The pre-election campaign is defined as the period which commences 30 days before the date of the elections and ends on the Saturday morning preceding the elections, at 7 a.m.</p> <p>During the pre-election campaign, candidates, political parties, electoral alliances and citizens' organisations for national minorities participating in the elections, as well as all citizens, are entitled to express their opinions freely and indiscriminately, through rallies, gatherings, television, radio, press and any and all other mass communication means.</p>
National rules on paid political advertising during pre-election campaigns	<ul style="list-style-type: none"> Articles 67-69 and 79 of Law no. 208/2015 on the elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind</i> 	<p><i>Is paid political advertising during pre-election campaigns prohibited or allowed in your Member State?</i></p>

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	<p><i>alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf)</p> <ul style="list-style-type: none"> Articles 40-43 of Law no. 370/2004 on the election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) Articles 67-69 and 79 of Law no. 115/2015 on the elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf) Articles 38-40 of Law no. 33/2007 on the elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622) Article 36 of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/73672) 	<p><i>If prohibited, what is the scope of the ban of paid political advertising? In the opposite case, to which extent is paid political advertising allowed? What are the limitations applicable?</i></p> <p><i>Please, specify whether such rules during pre-election campaigns are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>Yes, paid political advertising is allowed during pre-election campaigns, but only under the limited conditions indicated below. The rules applicable to paid political advertising are common to all types of elections organised in Romania (parliamentary, presidential, local and European), with only minor variations determined by the specificities of each type of elections.</p> <p>Political advertising materials are legally defined as any written, audio or video materials that (a) mention clearly and directly a candidate or a political party participating in the elections, (b) are used in the period of the electoral campaign, (c) have an electoral purpose and are addressed to the public and (d) go beyond the limits of journalistic activity to inform the public – article 36(7) of Law no. 334/2006.</p> <p>Limitations for paid political advertising generally concern the amount of airtime that may be allocated and the prices that private broadcasting companies may apply to the various political parties and candidates for access to their election programmes (e.g. the obligation to apply equal tariffs). For example, advertising clips of 20-30 seconds urging the public to vote for an individual candidate may only be broadcast in certain types of electoral programmes and the purchasing of airtime ("<i>spatii de emisie</i>") for the broadcasting of electoral clips or shows is prohibited.</p>

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		<p>Rules concerning paid political advertising mainly refer to broadcast media and print media, with very few mentions of online media or online platforms. While the use of online paid political advertising is permitted, its content remains for the most part unregulated (apart from the general rules applicable to all means of political advertising and from the general rules concerning the financing of political parties).</p> <p>In respect of actors registered outside of Romania, specific rules are in place only to regulate donations from third states, foreign organisations or third-state nationals. Such donations are in principle prohibited (article 15 of Law no. 334/2006), with only a few minor exceptions (e.g. donations from EU citizens residing in Romania who are members of the political party to which the donation is made or certain in-kind donations, which are not advertising materials, received from affiliated international political organisations).</p>
National rules on financing of political parties/candidates in relation to political adverts	<ul style="list-style-type: none"> • Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/73672) • Government Decision no. 10/2016 on the adoption of methodological Norms of application of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Hotărârea de Guvern nr. 20/2016 pentru aprobarea Normelor metodologice de aplicare a Legii nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/175291) 	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>Law no. 334/2006 includes detailed provisions regarding the sources of financing for political parties and pre-election campaigns. However, most rules do not specifically address financing in relation to political advertising, but are rather applicable to the financing of all types of activities carried out by political parties and candidates.</p> <p>Strict limits are in place in relation to the recipient of financing and in relation to donors, which are tied either to percentages of total income</p>

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		<p>(e.g. articles 6-7 of Law no. 334/2006) or minimum gross national salary (e.g. articles 6-7, 9 and 28 of Law no. 334/2006).</p> <p>With specific reference to political advertising, article 15 of Law 334/2006 stipulates an exception from the prohibition of donations from foreign organisations or third-country nationals: political advertising materials may be donated by foreign entities such as affiliated political organisations, to the extent that they are used only for the pre-election campaign for Romania's representatives to the European Parliament.</p> <p>During pre-election campaigns, parties may only rely on candidate contributions or internal party revenue for electoral expenses (article 28 of Law no. 334/2006), including political advertising. In order for such expenses to be tracked, political parties may only execute payments from a distinct bank account, specially dedicated to operations during the pre-election campaign (Government Decision no. 10/2016 – article 36). According to article 38 of Law no. 334/2006 and article 40 of the Government Decision no. 10/2016, during pre-election campaigns political advertising expenses are limited to:</p> <ul style="list-style-type: none"> • maximum 40% of total electoral expenses – for radio, television and written press advertising combined; • maximum 30% of total electoral expenses – for online advertising; • maximum 20% of total electoral expenses – for electoral billboards; • maximum 50% of total electoral expenses – for leaflets, flyers and other similar printed advertising materials. <p>In addition, within 30 days from the end of the pre-election campaign, parties and/or candidates must submit to the Permanent Electoral Authority a declaration comprising the descriptions of all online political</p>

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		advertising materials, as well as information regarding their means of production, the period and the environment in which they were used (article 36(3 ²) of Law no. 334/2006).
National rules on free political advertising (or free airtime) during pre-election campaigns	<ul style="list-style-type: none"> • Law no. 208/2015 on elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) • Law no. 370/2004 on election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) • Law no. 115/2015 on elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf) • Law no. 33/2007 on elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622) 	<p><i>Are political parties in your Member State allocated free political advertising during pre-election campaigns? If so, on which media is free political advertising granted?</i></p> <p>Yes. During pre-election campaigns political parties are granted free political advertising access/ airtime in broadcast media (radio and television).</p> <p>Candidates and political parties are granted free access to public (and, in the case of local and presidential elections, also private) radio and television broadcasters. Access to free airtime is granted upon request by candidates and/or political parties, which must be submitted to the management of broadcasting companies before a specific deadline (e.g. for presidential elections, before the start of the pre-elections campaign - article 40 of Law no. 370/2004).</p> <p>In the case of local and parliamentary elections, public service airtime is granted to electoral competitors in proportion to the total number of registered and validated candidacies (article 68 of Law no. 208/2015 and article 68 of Law no. 115/2015). Private broadcasters must observe the same proportions when granting airtime to candidates and parties in national and European parliamentary elections.</p> <p>Additionally, all parties or candidates participating in any type of election are allocated free advertising space to place maximum 2 (two) electoral posters in specially designated areas in each municipality – see, for instance, article 79 of Law no. 208/2015.</p>

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National rules on political advertising on broadcast media during pre-election campaigns (incl. public service and private broadcasters)	<ul style="list-style-type: none"> • Law no. 208/2015 on elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) • Law no. 370/2004 on election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) • Law no. 115/2015 on elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf) • Law no. 33/2007 on elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622) • Decision no. 220/2011 of the National Audio-visual Council on the Code of regulation for audio-visual content (<i>Decizia nr. 220/2011 a Consiliului Național al Audiovizualului privind Codul de reglementare a conținutului audiovizual</i> - https://www.cna.ro/DECIZIE-Nr-220-din-24-februarie.html) • Decision no. 781/2019 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign concerning the election of the President of Romania (<i>Decizia CNA nr. 781 din</i> 	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during pre-election campaigns.</i></p> <p>Airtime for political parties and candidates during the pre-election campaign may be granted, by both public and private broadcasters, only in the following types of programmes: (a) electoral promotion programmes/ shows, (b) electoral debates and (c) informative programmes/ shows. The live of recorded broadcasting of rallies and electoral meetings, press conferences or any other campaign activities is considered an electoral promotion programme (see, e.g. articles 5-6 of Decision no. 781/2019).</p> <p>Radio electoral spots (“<i>spoturi electorale</i>”) may only be broadcast during electoral programmes indicated at points (a) and (b) above, under condition that they are duly signalled as electoral spots, do not exceed 30 seconds, are expressly acknowledged, through presentation and content, by the candidates and ensure equal access conditions for all candidates. (article 6(1) of Decision no. 781/2019; article 10 of Decision no. 475/2020; article 11 of Decision no. 603/2020). Electoral spots do not represent commercial audio-visual communication under Romanian law.</p> <p>During the pre-election campaign, with the exception of electoral spots, the broadcasting of any other forms of commercial or non-commercial audio-visual communication which contains references to the candidates or their political parties is prohibited (see article 6(3) of Decision no. 781/2019)</p> <p>a. Free political advertising on broadcast media:</p> <p>Under current electoral legislation, candidates and political parties are granted free access to public (and, in the case of local and presidential</p>

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	<p><i>03.09.2019 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerea Președintelui României - https://www.cna.ro/DECIZIE-nr-781-din-03-09-2019,9964.html)</i></p> <ul style="list-style-type: none"> Decision no. 475/2020 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign for the local elections of 2020 (<i>Decizie nr. 475/2020 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerile locale din anul 2020 - https://www.cna.ro/IMG/pdf/Decizie_C.N.A._nr._475_18.08.2020-ALEGERI_LOCALE_2020-M._Of.pdf</i>) Decision no. 603/2020 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign for the election of the Senate and the Chamber of Deputies of 2020 (<i>Decizie nr. 603/2020 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerea Senatului și a Camerei Deputaților din anul 2020 - https://www.cna.ro/IMG/pdf/Decizie_C.N.A._nr._603_din_21.10.2020-ALEGERI_PARLAMENTARE.pdf</i>) Decision no. 308/2019 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign for the election of Romanian members to the European Parliament (<i>Decizie nr. 308/2019 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerea membrilor din Romania în Parlamentul European – https://www.cna.ro/DECIZIE-nr-308-din-26-martie-2019.html</i>) 	<p>elections, also private) radio and television broadcasters. Access to free airtime is granted upon request by candidates and/or political parties, which must be submitted to the management of broadcasting companies before a specific deadline (e.g. for presidential elections, before the start of the pre-elections campaign - article 40 of Law no. 370/2004).</p> <p>In the case of local and parliamentary elections, public service airtime is granted to electoral competitors in proportion to the total number of registered and validated candidacies (article 68 of Law no. 208/2015 and article 68 of Law no. 115/2015). Private broadcasters must observe the same proportions when granting <i>paid</i> airtime to candidates and parties in national and European parliamentary elections.</p> <p>b. Paid political advertising on broadcast media:</p> <p>Candidates and political parties participating in parliamentary and European elections are granted access to airtime by private radio and television broadcasters under an equal tariff regime and only in special electoral shows and programmes, as defined above (e.g. article 68(4) of Law no. 208/2015). Outside of such programmes, other airtime may not be purchased and/or used by, or in favour of candidates or political parties. In order to be granted airtime in the electoral shows or programmes of private broadcasters, political parties and candidates must submit requests for airtime with the management of private broadcasters, at the latest 40 days before the elections date (article 68(6) of Law no. 208/2015).</p>
National rules on political advertising in print media during pre-election campaigns	<ul style="list-style-type: none"> Articles 36 and 38 of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale - http://legislatie.just.ro/Public/DetaliiDocument/73672</i>) 	<p><i>Please, provide a brief description of the national rules on political advertising in print media during pre-election campaigns.</i></p>

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	<ul style="list-style-type: none"> Articles 39-40 of Government Decision no. 10/2016 on the adoption of methodological Norms of application of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Hotărârea de Guvern nr. 20/2016 pentru aprobarea Normelor metodologice de aplicare a Legii nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/175291) 	<p>Under existing Romanian legislation, there are very few provisions dedicated to regulating political advertising in print media.</p> <p>According to article 36 of Law no. 334/2006 and article 39(1)(d) of Government Decision no. 10/2016, during the pre-election campaign political parties and candidates may use for electoral propaganda advertising materials in the written press. Under article 40(1)(a) of the same Government Decision, political advertising expenses for radio, television and written press advertising combined are limited to maximum 40% of total electoral expenses.</p>
National rules on political advertising on online media applicable to political parties , during pre-election campaigns	--	<p><i>Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i></p> <p>No special rules are in place concerning political parties and their use of electronic political communication. General data protection and privacy rules (in force at EU and national level) are thus applicable to political parties for any type of communication carried out during their activities, under the same conditions as those applicable to other actors.</p> <p>In terms of post-campaign reporting obligations, Romanian legislation provides that within 30 days from the end of the pre-election campaign, parties and/or candidates must submit to the Permanent Electoral Authority a declaration comprising the descriptions of all online political advertising materials, as well as information regarding their means of production, the period and the environment in which they were used (article 36(3²) of Law no. 334/2006.</p> <p>This rule is meant to ensure easier tracking of campaign expenses (which for online political advertising is capped at maximum 30% of total electoral expenses) but it does not include any specific provisions</p>

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		on the type of online advertising materials that may be used or their particular characteristics.
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during pre-election campaigns	<ul style="list-style-type: none"> Articles 36 and 38 of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/73672) Articles 39-40 of Government Decision no. 10/2016 on the adoption of methodological Norms of application of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Hotărârea de Guvern nr. 20/2016 pentru aprobarea Normelor metodologice de aplicare a Legii nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/175291) 	<p><i>Are there any particular rules to online platforms during pre-election campaigns in your Member State?</i></p> <p>No. No specific rules are in place to regulate online platforms and/or intermediaries during pre-election campaigns and in general, there are very few legal provisions regulating online political advertising. For instance, article 36(2)(d) of Law no. 334/2006 enumerates online electoral propaganda materials among the types of permitted propaganda materials during pre-election campaigns and article 38(2)(b) of the same act limits political advertising expenses for online advertising to maximum 30% of total electoral expenses.</p> <p>Additionally, article 36(3²) of Law no. 334/2006 provides that within 30 days from the end of the pre-election campaign, parties and/or candidates must submit to the Permanent Electoral Authority a declaration comprising the descriptions of all online political advertising materials, as well as information regarding their means of production, the period and the environment in which they were used.</p>
Specific rules relating to “ false information ”, fake news ” or “ disinformation campaigns ” during pre-election campaigns	<ul style="list-style-type: none"> Law no. 208/2015 on elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) Law no. 370/2004 on election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - 	<p><i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or “disinformation campaigns” during pre-election campaigns?</i></p> <p>There are no specific provisions in place tackling the dissemination of “untrue information”, “false information”, “fake news” or “disinformation campaigns” during pre-election campaigns.</p> <p>However, the general principles and rules governing communication in the media during pre-election campaigns are meant to ensure, among</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p>https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf)</p> <ul style="list-style-type: none"> Law no. 115/2015 on elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf) Law no. 33/2007 on elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622) 	<p>others, that the information imparted to the public is non-discriminatory, fair, balanced and fact-based (e.g. articles 66, 70-72 of Law no. 208/2015).</p> <p>For example, messages or slogans that are discriminatory or incite to hatred or intolerance, as well as any other means or actions that denigrate or incite to religious or ethnic hatred are prohibited (article 65 of Law no. 208/2015). Given that one of the main principles governing pre-election campaigns is to allow the electorate to receive accurate information so as to cast an informed vote, public and private broadcasters must ensure that the fair, equitable and balanced character of the pre-elections campaign is observed (article 66 of Law no. 208/2015).</p> <p>During the pre-election campaign, informative programmes presenting the electoral system and the voting technique must ensure that the information made available is accurate (article 67 of Law no. 208/2015).</p>
III. Political advertising rules during elections period		
Definitions of elections period in the Member State (if applicable)	<ul style="list-style-type: none"> Articles 64, 73 and article 6(3) of Law no. 208/2015 on the elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) Article 35 of Law no. 370/2004 on the election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) 	<p><i>How is the elections period defined in your Member State?</i></p> <p>The elections period starts at the end of the pre-election campaign, at 7 a.m. on the Saturday morning preceding the voting day (see, for instance, article 35 of Law no. 370/2004).</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<ul style="list-style-type: none"> Article 64 of Law no. 115/2015 on the elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf) Articles 35 and 40 of Law no. 33/2007 on the elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliuDocument/78622) 	
National rules on paid political advertising during elections period	<ul style="list-style-type: none"> Article 73 of Law no. 208/2015 on the elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) Article 41 of Law no. 370/2004 on the election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) Article 74 of Law no. 115/2015 on the elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - 	<p><i>Is paid political advertising during election period prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i></p> <p><i>Please, specify whether such rules during elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction (e.g. enforcement of ‘silence periods’ online)</i></p> <p>All political advertising during the election period is prohibited in Romania.</p> <p>After the end of the pre-election campaign, the broadcasting of electoral messages in audio, visual or mixt format or on digital screens placed in public or private spaces, as well as through special vehicles, is prohibited (article 40 of Law no. 33/2007).</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p>https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf</p> <ul style="list-style-type: none"> Article 40 of Law no. 33/2007 on the elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622) 	<p>Additionally, 48 hours before the voting day, it is forbidden (a) to present opinion polls or to air electoral advertising spots; (b) to invite or present candidates in programmes and (c) to present comments concerning the pre-election campaign (article 73 of Law no. 208/2015).</p> <p>There are no specific rules in place concerning online advertising, but the general prohibitions described above apply to all types of electoral advertising after the end of the pre-election campaign, including in the online environment.</p>
National rules on financing of political parties/candidates in relation to political adverts	<ul style="list-style-type: none"> Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/73672) Government Decision no. 10/2016 on the adoption of methodological Norms of application of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Hotărârea de Guvern nr. 20/2016 pentru aprobarea Normelor metodologice de aplicare a Legii nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/175291) 	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>Law no. 334/2006 includes detailed provisions regarding the sources of financing for political parties and pre-election campaigns. However, most rules do not specifically address financing in relation to political advertising, but are rather applicable to the financing of all types of activities carried out by political parties and candidates.</p> <p>Strict limits are in place in relation to the recipient of financing and in relation to donors, which are tied either to percentages of total income (e.g. articles 6-7 of Law no. 334/2006) or minimum gross national salary (e.g. articles 6-7, 9 and 28 of Law no. 334/2006).</p> <p>With specific reference to political advertising, article 15 of Law 334/2006 stipulates an exception from the prohibition of donations from foreign organisations or third-country nationals: political advertising</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		materials may be donated by foreign entities such as affiliated political organisations, to the extent that they are used only for the pre-election campaign for Romania's representatives to the European Parliament.
National rules on free political advertising (or free airtime) during elections period	--	<i>Are political parties in your Member State allocated free political advertising during elections period?</i> No. Not permitted – see above.
National rules on political advertising on broadcast media during elections period (incl. public service and private broadcasters)		<i>Please, provide a brief description of the national rules on political advertising on broadcast media during elections period</i> Not permitted – see above.
National rules on political advertising in print media during elections period		<i>Please, provide a brief description of the national rules on political advertising in print media during elections period</i> Not permitted – see above.
National rules on political advertising on online media applicable to political parties , during elections period		<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i> Not permitted – see above.
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during elections period		<i>Are there any particular rules to online platforms during elections period in your Member State?</i> There are no specific rules in place concerning online political advertising, but the general prohibitions described above apply to all types of electoral advertising after the end of the pre-election campaign, including in the online environment.

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
Specific rules relating to “false information,” fake news” or “disinformation campaigns” during elections period		<p><i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or ‘disinformation campaigns’ during elections period?</i></p> <p>No.</p>
IV. Political advertising rules outside of elections period		
National rules on paid political advertising outside of elections period	<ul style="list-style-type: none"> Article 139 of Decision no. 220/2011 of the National Audio-visual Council on the Code of regulation for audio-visual content (<i>Decizia nr. 220/2011 a Consiliului Național al Audiovizualului privind Codul de reglementare a conținutului audiovizual</i> - https://www.cna.ro/DECIZIE-Nr-220-din-24-februarie.html) Article 25(1)(c) of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/73672) 	<p><i>Is paid political advertising outside elections period prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>If allowed, are there restrictions on paid political advertising?</i></p> <p><i>Please, specify whether such rules outside of elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>Paid political advertising outside of elections period is in principle prohibited, as resulting from the provisions of article 139 of Decision no. 220/2011, which stipulates that all advertising, whether positive or negative, in relation to political parties, politicians or political messages, is prohibited, except for the pre-election campaign periods. However, it can be interpreted that certain forms of political advertising might still be allowed outside of elections period, even though the legislation does not expressly clarify which forms. As resulting from the provisions of article 25(1)(c) of Law no. 334/2006, political party revenue granted from the state budget may be used for limited purposes, including for “expenses for press and propaganda”. Given that revenue granted from the state budget may not be used during the pre-election campaign, but it may, however, be used for propaganda expenses, the necessary interpretation to be drawn is that such propaganda expenses may refer to certain paid advertising outside of elections period.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National rules on financing of political parties in relation to political adverts	<p>Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/73672)</p>	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>Law no. 334/2006 includes detailed provisions regarding the sources of financing for political parties and pre-election campaigns. However, most rules do not specifically address financing in relation to political advertising, but are rather applicable to the financing of all types of activities carried out by political parties and candidates.</p> <p>Strict limits are in place in relation to the recipient of financing and in relation to donors, which are tied either to percentages of total income (e.g. articles 6-7 of Law no. 334/2006) or minimum gross national salary (e.g. articles 6-7, 9 and 28 of Law no. 334/2006).</p> <p>With specific reference to political advertising, article 15 of Law 334/2006 stipulates an exception from the prohibition of donations from foreign organisations or third-country nationals: political advertising materials may be donated by foreign entities such as affiliated political organisations, to the extent that they are used only for the pre-election campaign for Romania's representatives to the European Parliament.</p> <p>Outside of pre-election campaigns, political parties may allocate some of the revenue received through public financing from the state budget for political advertising ("press and propaganda expenses" – article 25 of Law no. 334/2006).</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National rules on free political advertising (or free airtime) outside of elections period	--	<p><i>Are political parties in your Member State allocated free political advertising outside of elections campaigns?</i></p> <p>No.</p>
National rules on political advertising on broadcast media outside of elections period (incl. public service and private broadcasters)	Article 139 of Decision no. 220/2011 of the National Audio-visual Council on the Code of regulation for audio-visual content (<i>Decizia nr. 220/2011 a Consiliului Național al Audiovizualului privind Codul de reglementare a conținutului audiovizual</i> - https://www.cna.ro/DECIZIE-Nr-220-din-24-februarie.html)	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media outside of elections period</i></p> <p>Political advertising outside of elections period is prohibited, as resulting from the provisions of article 139 of Decision no. 220/2011, which stipulates that all advertising, whether positive or negative, in relation to political parties, politicians or political messages, is prohibited, except for the pre-election campaign periods.</p>
National rules on political advertising in print media outside of elections period	--	<p><i>Please, provide a brief description of the national rules on political advertising in print media outside of elections period</i></p> <p>Under existing Romanian legislation, there are no specific provisions dedicated to regulating political advertising in print media outside of elections period.</p>
National rules on political advertising on online media applicable to political parties , outside of elections period	--	<p><i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i></p> <p>No special rules are in place concerning political parties and their use of electronic political communication. General data protection and privacy rules (in force at EU and national level) are thus applicable to political parties for any type of communication carried out during their activities, under the same conditions as those applicable to other actors.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
V. Rules and obligations applicable to online platform operators and intermediaries of political advertising		
Particular rules applicable to online platforms and intermediaries such as social media for political advertising	--	<p><i>Are there any particular rules applicable to online platforms in your Member State (e.g. disclosure requirements to users, record-keeping requirements, reporting requirements)?</i></p> <p><i>If so, which are the online platforms operators and other intermediaries concerned by the legislation/guidelines/self-regulatory code?</i></p> <p><i>Are there any particular rules applicable to online platforms to set up means to fight disinformation?</i></p> <p>There are no specific rules in place for online platforms and/or intermediaries in respect of political advertising.</p>
VI. Transparency rules for political parties/candidates funding		
Rules on direct public funding¹ to political parties and/or candidates	<p>Articles 18-23 of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/73672)</p>	<p><i>Are there provisions for direct public funding to political parties in your Member State? Please give a brief description.</i></p> <p>Yes. Political parties are granted annual funding (subventions) from the state budget, based on the following criteria:</p> <ul style="list-style-type: none"> the number of voted received in general elections for the Chamber of Deputies and the Senate; the number of voted received in general elections for the authorities of local public administration. <p>For political or electoral elections, the funding is divided between the members of the alliance based on the number of mandates obtained by each.</p>

¹ Public funding refers to funds or resources provided by the State/Government to political parties and/or candidates. Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>State funding is paid monthly, through the Permanent Electoral Authority, in a special bank account opened by each political party. Public funding received by political parties may only be used for the express purposes provided by the law and may not be used for expenses during the pre-election campaign.</p> <p>Political parties may receive direct donations from both natural persons and legal persons, according to article 6 of Law no. 334/2006.</p> <p>Donations received from a natural person during one year may amount to maximum 200 minimum gross base salaries at national level, as of 1 January of the year in case.</p> <p>Donations received from a legal person during one year may amount to maximum 500 minimum gross base salaries at national level, as of 1 January of the year in case.</p> <p>The total amount of the donations made by legal persons directly or indirectly controlled by another person or group of natural or legal persons cannot exceed the limitations stipulated above.</p> <p>In addition, donations or financing in any other way may not be made to political parties or candidates by a public authority, public institution, autonomous directorate, national company, trading company or credit institution, to which the state or administrative-territorial units of the state are majority shareholders, or by trading companies carrying out activities financed from public funds. The latter prohibition applies to any trading companies which, 12 months before the beginning of the pre-election campaign, carried out activities financed from public funds (article 33 of Law no. 334/2006).</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
Rules on indirect public funding² to political parties and/or candidates	Article 26 of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i> - http://legislatie.just.ro/Public/DetaliiDocument/73672)	<p><i>Are there provisions for indirect public funding for electoral campaigns in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p>Yes. Upon motivated request, local and central authorities may grant political parties office space for their local and central headquarters, as well as the corresponding necessary lands. Political parties may receive only one office space in each territorial unit.</p> <p>Rental of office space by local authorities to political parties follows the same legal regime as that applicable to residential rentals.</p>
Rules on free or subsidised access to media for political parties and/or candidates	<ul style="list-style-type: none"> Law no. 208/2015 on elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) Law no. 370/2004 on election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) Law no. 115/2015 on elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr.</i> 	<p><i>Are there provisions for free or subsidized access to media for political parties in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p>Yes. Free access to media (radio and television broadcasting services) is granted under certain conditions to political parties, only for the duration of the pre-election campaign. Candidates and political parties are granted free access to public (and, in the case of local and presidential elections, also private) radio and television broadcasters. Access to free airtime is granted upon request by candidates and/or political parties, which must be submitted to the management of broadcasting companies before a specific deadline (e.g. for presidential elections, before the start of the pre-elections campaign - article 40 of Law no. 370/2004).</p>

² Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign, free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p><i>115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf)</i></p> <ul style="list-style-type: none"> • Law no. 33/2007 on elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622) • Decision no. 220/2011 of the National Audio-visual Council on the Code of regulation for audio-visual content (<i>Decizia nr. 220/2011 a Consiliului Național al Audiovizualului privind Codul de reglementare a conținutului audiovizual</i> - https://www.cna.ro/DECIZIE-Nr-220-din-24-februarie.html) • Decision no. 781/2019 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign concerning the election of the President of Romania (<i>Decizia CNA nr. 781 din 03.09.2019 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerea Președintelui României</i> - https://www.cna.ro/DECIZIE-nr-781-din-03-09-2019,9964.html) • Decision no. 475/2020 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign for the local elections of 2020 (<i>Decizie nr. 475/2020 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerile locale din anul 2020</i> - https://www.cna.ro/IMG/pdf/Decizie_C.N.A. nr. 475_18.08.2020-ALEGERI_LOCALE_2020-M. Of.pdf) • Decision no. 603/2020 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign for the election of the Senate and the Chamber of Deputies of 2020 (<i>Decizie nr. 603/2020 privind regulile de desfășurare în audiovizual a campaniei electorale</i> 	<p>In the case of local and parliamentary elections, public service airtime is granted to electoral competitors in proportion to the total number of registered and validated candidacies (article 68 of Law no. 208/2015 and article 68 of Law no. 115/2015). Private broadcasters must observe the same proportions when granting <i>paid</i> airtime to candidates and parties in national and European parliamentary elections.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p><i>pentru alegerea Senatului și a Camerei Deputaților din anul 2020 - https://www.cna.ro/IMG/pdf/Decizie_C.N.A._nr._603_din_21.10.2020-ALEGERI_PARLAMENTARE.pdf)</i></p> <ul style="list-style-type: none"> Decision no. 308/2019 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign for the election of Romanian members to the European Parliament (<i>Decizie nr. 308/2019 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerea membrilor din Romania în Parlamentul European – https://www.cna.ro/DECIZIE-nr-308-din-26-martie-2019.html</i>) 	
Rules on foreign contributions to political parties and political campaigns	Article 15 of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale - http://legislatie.just.ro/Public/DetaliiDocument/73672</i>)	<p><i>Is there a ban on contributions from foreign interests (i.e. foreign countries and governments, foreign companies, foreign organisations, foreign private persons) to political parties and/or to candidates during political campaigns in your Member State?</i></p> <p>Yes. Article 15 of Law no. 334/2006 stipulates that the acceptance of donations from other states or from organizations from abroad, as well as from individuals who do not hold the Romanian citizenship or by legal persons holding a nationality other than Romanian is prohibited, with the exception of those received from citizens of member states of the European Union who have their domicile in Romania and who are members of the political party to which the donation is granted.</p> <p>Nonetheless, donations consisting of material goods necessary for the political activity but which are not electoral propaganda materials, received from international political organizations to which the respective party is affiliated or from political parties or political organizations collaborating with the party in case are permitted. Propaganda materials that are to be used only during the electoral campaign for the election of the Romania's representatives to the European Parliament are also permitted (article 15(2) of Law no. 334/2006).</p>
VII. Monitoring and enforcement of national rules on political advertising by national authorities		

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National (or regional/local if applicable) authority or body responsible for monitoring national rules on political advertising	<ul style="list-style-type: none"> Articles 100, 103-104 of Law no. 208/2015 on elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) Law no. 370/2004 on election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) Law no. 115/2015 on elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf) Law no. 33/2007 on elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622) 	<p><i>Who is responsible for monitoring national rules on political advertising, (e.g. political communications and advertisement messages, the balanced presence and equity of all political candidates)?</i></p> <p>The Permanent Electoral Authority (<i>Autoritatea Electorală Permanentă</i>) is the national authority responsible for monitoring the observance of rules on political advertising.</p> <p>The Permanent Electoral Authority is an autonomous institution endowed with general competence in the field of elections, whose mission is to ensure that the organisation of elections and of referenda, as well as the financing of political parties and pre-election campaigns are carried out in observance of the Romanian Constitution, of the legal provisions and of international and European applicable standards (article 100 of Law no. 208/2015).</p> <p>The Permanent Electoral Authority monitors the implementation and observance of the rules regarding the financing of political parties and of pre-election campaigns, issues secondary legislation to organise the elections, issues reports on the functioning of the electoral process, may propose draft legislation in the field of elections etc. (article 103 of Law no. 208/2015).</p>
Particular measures for supervising online political advertising within and outside elections periods	<ul style="list-style-type: none"> Articles 103-104 of Law no. 208/2015 on elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) 	<p><i>How are national rules on political advertising, including online, ensured in your Member State, if these exist? What are the enforcement powers of the relevant authority/body, as well as procedural safeguards?</i></p> <p>Relevant authorities may conduct controls and verifications concerning the observance of the rules regarding political advertising. In case</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		violations are found, sanctions may be applied. The sanctioning decisions of the relevant authorities may be challenged in court, with all the guarantees of due process.
Sanctions, penalties and remedy measures applicable in violation of the law	<ul style="list-style-type: none"> Articles 98-99 of Law no. 208/2015 on elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority (<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf) Articles 55-64 of Law no. 370/2004 on election of the President of Romania (<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf) Articles 108-111 of Law no. 115/2015 on elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials (<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i> - https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf) Articles 53-54 of Law no. 33/2007 on elections for the European Parliament (<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i> - http://legislatie.just.ro/Public/DetaliiDocument/78622) Articles 52-58 of Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns (<i>Legea nr. 334/2006 privind</i> 	<p><i>How are national rules on political advertising enforced in your Member State and what sanctions and remedy measures are applicable?</i></p> <p>Violations of the rules on political advertising are generally sanctioned by administrative fine, which is applied and enforced by representatives of the Permanent Electoral Authority, by the central or regional Electoral Bureaus or by police agents.</p> <p>The law provides that illegal conduct will be sanctioned by fine, “if not committed in such a manner as to be categorized as a crime under criminal law provisions” (e.g. article 98 of Law no. 208/2015, subsequently listing the different violations sanctionable by fine). Generally, the violation of rules on political advertising is not prone to be committed in such a manner as to be considered a crime and therefore most frequently such breaches will be sanctioned by fines.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<i>finanțarea activității partidelor politice și a campaniilor electorale - http://legislatie.just.ro/Public/DetaliiDocument/73672)</i>	

Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
<i>Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente</i>	https://www.roaep.ro/legislatie/wp-content/uploads/2020/09/L208.pdf	Law no. 208/2015 on elections for the Senate and the Chamber of Deputies and the setting up and operation of the Permanent Electoral Authority
<i>Legea nr. 370/2004 pentru alegerea Președintelui României</i>	https://www.roaep.ro/legislatie/wp-content/uploads/2019/09/legea-nr-370-2004-pentru-alegerea-presedintelui-romaniei.pdf	Law no. 370/2004 on election of the President of Romania
<i>Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali</i>	https://www.roaep.ro/legislatie/wp-content/uploads/2020/07/Legea-115-2015.pdf	Law no. 115/2015 on elections for local public administration authorities, for the amendment of the public administration Law no. 215/2001 and for the amendment and supplementation of Law no. 393/2004 concerning the Status of local elected officials
<i>Legea nr. 33/2007 privind organizarea și desfășurarea alegerilor pentru Parlamentul European</i>	http://legislatie.just.ro/Public/DetaliiDocument/78622	Law no. 33/2007 on elections for the European Parliament
<i>Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale</i>	http://legislatie.just.ro/Public/DetaliiDocument/73672	Law no. 334/2006 on the financing of the activities of political parties and of electoral campaigns

<i>Decizia nr. 220/2011 a Consiliului Național al Audiovizualului privind Codul de reglementare a conținutului audiovizual</i>	https://www.cna.ro/DECIZIE-Nr-220-din-24-februarie.html	Decision no. 220/2011 of the National Audio-visual Council on the Code of regulation for audio-visual content
<i>Decizia CNA nr. 781 din 03.09.2019 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerea Președintelui României</i>	https://www.cna.ro/DECIZIE-nr-781-din-03-09-2019.9964.html	Decision no. 781/2019 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign concerning the election of the President of Romania
<i>Decizie nr. 475/2020 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerile locale din anul 2020</i>	https://www.cna.ro/IMG/pdf/Decizie_C.N.A. nr. 475_18.08.2020-ALEGERI_LOCALE_2020-M. Of.pdf	Decision no. 475/2020 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign for the local elections of 2020
<i>Decizie nr. 603/2020 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerea Senatului și a Camerei Deputaților din anul 2020</i>	https://www.cna.ro/IMG/pdf/Decizie_C.N.A. nr. 603 din 21.10.2020-ALEGERI_PARLAMENTARE.pdf	Decision no. 603/2020 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign for the election of the Senate and the Chamber of Deputies of 2020
<i>Decizie nr. 308/2019 privind regulile de desfășurare în audiovizual a campaniei electorale pentru alegerea membrilor din Romania in Parlamentul European</i>	https://www.cna.ro/DECIZIE-nr-308-din-26-martie-2019.html	Decision no. 308/2019 of the National Audio-visual Council on the rules applicable to the audio-visual pre-election campaign for the election of Romanian members to the European Parliament