2024 – COUNTRY REPORT
ROMANIA
TCO TRANSPARENCY

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I. Aims and scope of the report

This is the second annual Country Transparency Report for Romania, the first one being issued and forwarded to the European Commission in 2023. The objective of this annual report is to fulfill the transparency obligation for member states prescribed by Article 21(1) of Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021.

Therefore, the present report intends to give an account of the Romanian competent authorities activities in 2023. More specifically, the provisions of article 21(1) of Regulation (EU) 2021/784 fall under the scope of this report:

(a) the number of removal orders issued and the number of items of terrorist content which have been removed or access to which has been disabled and the speed of the removal or disabling;

(b) the specific measures taken pursuant to Article 5, including the number of items of terrorist content which have been removed or access to which has been disabled and the speed of the removal or disabling;

(c) the number of access requests issued by competent authorities regarding content preserved by hosting service providers pursuant to Article 6;

(d) the number of complaint procedures initiated and actions taken by the hosting service providers pursuant to Article 10;

(e) the number of administrative or judicial review proceedings initiated and decisions taken by the competent authority in accordance with national law.

Also, the present Report includes the answers to the additional information request sent on 14th of March 2023 by the Commission in accordance with Article 23 of Regulation (EU) 2021/784, information necessary for the drafting of the evaluation report.
II. Context

At the national level, the necessary measures for the implementation of the Regulation (EU) 2021/784 have been adopted through Law No. 68/2023 for amending Law no. 535/2004 on the prevention and combating terrorism. The law entered into force on April 1, 2023. Therefore, for the purpose of this report, please keep in mind that Romania designated the competent authorities under the Regulation – i.e. the National Authority for Management and Regulation in Communications (ANCOM) and the Romanian Intelligence Service (SRI) - only from April 1, 2023.

III. Transparency information under Article 21(1)

1. The number of removal orders issued

As regards the information required under Article 21(1) a) of Regulation (EU) 2021/784 – i.e. the number of removal orders issued and the number of items of terrorist content which have been removed or access to which has been disabled and the speed of the removal or disabling – we mention that, following the designation mentioned at point 2 above, ANCOM issued 2 removal orders, dated May 29, respectively November 9, addressed to 2 Romanian hosting providers, following the requests from the Romanian Intelligence Service. The requests envisaged 2 URLs.

Both providers executed the orders in a very short amount of time (10-15 minutes from receiving the order), the first one by blocking the specific content in all member states, the second one by eliminating the specific content.

2. The specific measures taken pursuant to Article 5

As regards the information required under Article 21(1) b) of Regulation (EU) 2021/784 – i.e. the specific measures taken pursuant to Article 5, including the number of items of terrorist content which have been removed or access to which has been disabled and the speed of the removal or disabling – we mention that, in 2023, no specific measures based on Article 5 of the Regulation were taken, as we had no HSP “exposed to terrorist content” in the sense of Art. 5 para. 4.
3. The number of access requests pursuant to Article 6

As regards the information required under Article 21(1) c) of Regulation (EU) 2021/784 – i.e. the number of access requests issued by competent authorities regarding content preserved by hosting service providers pursuant to Article 6 – we mention that, in 2023, there were no access requests pursuant to Article 6 of Regulation (EU) 2021/784.

4. The number of complaint procedures pursuant to Article 10

As regards the information required under Article 21(1) d) of Regulation (EU) 2021/784 – i.e. the number of complaint procedures initiated and actions taken by the hosting service providers pursuant to Article 10 – we mention that, in 2023, there were no complaint procedures initiated by the HSPs pursuant to Article 10 of Regulation (EU) 2021/784.

5. Administrative or judicial review

As regards the information required under Article 21(1) e) of Regulation (EU) 2021/784 – i.e. the number of administrative or judicial review proceedings initiated and decisions taken by the competent authority in accordance with national law – we mention that, in 2023, to our knowledge there were no administrative or judicial review proceedings under Article 9. Also, no decisions were taken in accordance with national law.

IV. Information requested under Article 23

As for the additional information requested by the Commission in line with Article 23 (Member States’ obligation to provide the Commission with information necessary for the drafting of the evaluation report), our answers can be found below:

- On removal orders:

Q: Did the removal orders you issued target audio, video, photo or text files (how many for each)?
A: The removal orders targeted 2 websites, therefore the content was a mix of video, audio, photo and text files.

Q: Did the removal orders you issued target whole accounts, channels, groups or profiles? If so, how many (for each)?
A: As the removal orders targeted whole websites, by closing/blocking them all accounts and channels connected to the websites have been affected. We cannot estimate how large the number of accounts is.

Q: Did the removal orders you issued target whole websites? If so, how many?
A: Yes, 2 websites.

Q: Which ideology did the removal orders you issued target (Islamist, VRWE, left wing terrorism, other)? Please specify how many removal orders for each ideology.
A: Both removal orders targeted the Islamist ideology.

Q: What was the purpose of the content targeted by the removal orders you issued? Was it propaganda and glorification of terrorists (attacks), was it instructional/guiding material on how to build weapons and commit attacks, was it inciting/soliciting the commission of terrorist attacks, was it calls for financing of terrorism, etc.? Please specify how many for each purpose under Article 2(7).
A: The content on both websites was mainly propaganda and glorification of terrorism.

Q: If possible, please provide detailed information on the content targeted by the removal orders you issued (what did the content show exactly?). The more detail, the better.
A: The websites contained videos of the actions of Hamas and Hezbollah, speeches from their active leaders and also Quran interpretations. Moreover, the websites contained news about the current activities of the jihadi groups.

Q: How many of the removal orders you issued were actually complied with (content taken down or access thereto blocked within the hour)? How many of these removal
orders were not complied with and for which reason? What was the follow-up to removal orders not complied with? (any new removal order sent? Any sanction taken?)
A: Both providers executed the orders in a very short amount of time (10-15 minutes from receiving the order), the first one by blocking the specific content in all member states, the second one by eliminating the specific content.

Q: Have you sent removal orders outside of PERCI? If so, how many?
A: Both orders issued by ANCOM were sent outside of PERCI.

Q: Please specify the month (and year) your removal orders were issued (and the date if you can)
A: ANCOM’s orders were issued on May 29, respectively November 9, 2023.

Q: How many removal orders have you issued since Hamas’ terrorist attack on 7 October 2023? Were all these removal orders related to the attack?
A: ANCOM issued one removal order on Nov. 9, 2023, but the order did not have a direct connection with the events of October 7.

Q: Have you taken any enforcement measures (sanctions) against HSPs for infringing the Regulation? Against which HSPs? For which reason/infringement of the Regulation?
A: Not the case.

Q: How many removal orders did you decide to scrutinise pursuant to Article 4? For which reason? What did you base your decision to scrutinise on?
A: Not the case.

- On referrals:

Q: How many were issued?
Q: Which HSPs were targeted?
Q: How many of these referrals were acted upon by HSPs?
Q: If these referrals were not acted upon, did you follow up with removal orders? In how many cases?
Q: Have you noticed any increase in responsiveness to referrals compared to the situation prior to the TCO? If so, why do you think HSPs are more responsive to referrals now?
Q: How many imminent threat to life notifications have you received under Article 14(5)? From which HSPs? What was the follow-up to these notifications?

A: In Romania, no referrals were issued in 2023.