

CMS Romania: Draft 5G legislation receives government approval

On 15 April 2021, the Romanian government approved draft legislation on the conditions for the deployment of 5G networks (i.e. the 5G Draft Law), which the Romanian Ministry of Transport, Infrastructure and Communications released for public debate in August last year.

The cornerstone provision in the 5G Draft Law states that, due to national security reasons, all manufacturers and suppliers of 5G technology must have prior authorisation from the Romanian Prime Minister. The authorisation procedure involves an assessment conducted by Romanian authorities to confirm that the applicant is not subject to control by a foreign government, has a transparent ownership structure, and is subject to a legal regime that enforces transparent corporate practices. For details on the relevant provisions of the 5G Draft Law, see our Law-Now article available [here](#).

The authorisation procedure was created to prevent vulnerabilities in national security. However, the procedure may also impact competition due to the fact that Chinese technology producers would effectively be barred from taking part in the development of Romania's 5G network.

Also, the 5G Draft Law has been criticised for a lack of technical criteria and a failure to observe the provisions of the 5G EU Toolbox. Hence, it is not clear whether the Romanian parliament will adopt the 5G Draft Law in the form approved by the government or if it will accommodate stakeholder needs and concerns. CMS is monitoring the status of the 5G Draft Law and will provide updates on its progress.

For more information on this e-Alert and 5G regulations in Romania, contact your regular CMS advisor or local CMS experts **Valentina Parvu** and **Sorin Predescu**.