

CMS | Romania proposes stricter rules against harmful content on social media



Romania has drafted a new legislative proposal to curb the spread of illegal content, hate speech, and manipulated information on social media through very large online platforms (VLOPs). The proposed law goes beyond provisions of the EU Regulation 2022/2065 (Digital Services Act or DSA), introducing significantly stricter measures for content moderation and platform accountability.

Key provisions of the Romanian proposal

1. Scope of application

The new proposal, which applies to VLOPs providing social networks, addresses how these platforms should approach illegal content as defined in the DSA, and potentially harmful content.

Potentially harmful content is broadly defined as any content that incites hatred and violence, dangerously disinform, manipulates information, or misleads on major national interest topics.

2. Obligations for VLOPs providing social networks

- Limiting content spread: For user accounts registered or active in Romania, social network providers must adjust their content propagation algorithms to ensure that potentially harmful content (as defined above) is not disseminated to more than 150 users. In practical terms, if a piece of potentially harmful content is posted, the platform's algorithm must limit its visibility, preventing it from going viral.
- Prohibition of promotion: Providers are prohibited from promoting potentially harmful content associated with user accounts registered or active in Romania.
- Content removal: Illegal content must be removed within 15 minutes of publication. During this quarantine period, the platform's algorithms should analyse and classify the content type.

3. Sanctions

Thirty days after the law's enactment, if state institutions validate more than 30% of user reports of illegal or harmful content on a social network, this provider will face a fine of 1% of its turnover.

How the proposal differs from the DSA

The Romanian proposal provides stricter and more concrete measures than the DSA:

- The Romanian proposal caps the spread of potentially harmful content to 150 users, whereas the DSA only requires platforms to mitigate systemic risks.
- The proposal mandates faster content removal of illegal content – within 15 minutes. The DSA only requires platforms to act “expeditiously” without a fixed deadline.
- Platforms must classify content within 15 minutes, which is not required under the DSA.
- If more than 30% of user-reported content is confirmed as illegal, platforms are fined 1% of turnover. The DSA imposes fines up to 6% of global turnover but does not use a user-report validation metric.

Conclusion

This legislative proposal seeks to protect the public from harmful and misleading information. However, its stricter mechanisms go beyond the EU’s Digital Services Act, potentially setting a precedent for more aggressive content regulation at national level.

If this law comes into force, it will be a challenge for providers, who will be required to implement mechanisms to detect and categorise potentially harmful content, and remove identified illegal content within 15 minutes of publication. If other countries do not adopt similar rules, providers must either apply these stricter measures universally or develop separate mechanisms to identify and categorise content posted by and for users in Romania.

Regarding the feasibility of these obligations, the explanatory memorandum of the proposal suggests that companies should be capable of triaging illegal content using artificial intelligence, which has demonstrated efficiency in recent studies.

While we understand the need for effective mechanisms to combat illegal content, we believe that the urgency imposed by this proposal, the strong reliance on AI, and the broad definition of “potentially harmful content” could lead to errors and potentially infringe on freedom of expression.

It remains to be seen whether the draft law will be enacted in its current form.

For more information on obligations applicable to digital services providers in Romania, contact your CMS client partner or CMS experts: **Cristina Popescu** and **Carmen Turcu**.