

Romania's extra mile in the context of the upcoming Romanian Presidential Elections: brief considerations on political advertising (materials)



Romania has recently further regulated transparency in advertising materials aiming to avoid undue voter influence in 2025 elections campaigns. More specifically, *Government Emergency Ordinance No. 1/2025 on certain measures for the organization and conduct of the 2025 elections for the President of Romania and the 2025 local by-elections* ("**GEO No. 1/2025**") has introduced certain additional rules for advertising during the electoral campaign in Romania.

GEO No. 1/2025 takes inspiration from and builds on several provisions of the *Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising* (the "**Political Advertising Regulation**" or the "**Regulation**")¹.

This article comments on certain legal implications of GEO No. 1/2025 and its interaction with other European regulations.

1. New rules, new impact - what is there to know about GEO No. 1/2025 for political actors

GEO No. 1/2025 addresses key aspects regarding transparency, fairness, and accountability in political advertising, representing a framework specific to the 2025 Presidential Elections ("**Presidential Elections**").

One of the central themes of GEO No. 1/2025 is the regulation of transparency obligations regarding political advertising. Specifically, "*political advertising materials*" are defined as **any written, online, audio or video material used in an election campaign which directly or indirectly encourages voters to elect or not to elect, to vote or not to vote for an independent candidate or for a candidate of a clearly identified political party.**

This new terminology seemed to overlap with the existing definition of **electoral propaganda material** as provided under the existing Romanian law², raising concerns about the potential double application of regulations to online publications. In response, the Permanent Electoral Authority (“**PEA**”) clarified in a recently published draft decision³ (the “**PEA Draft Decision**”) that electoral propaganda materials are equivalent to "political advertising materials" as defined by GEO No. 1/2025. However, the PEA Draft Decision can be further amended after the public consultation period.

Moreover, the transparency obligations laid down under GEO No. 1/2025 expressly refer to **political actors**, as defined in the Political Advertising Regulation, *i.e.* mainly referring to political parties, political alliances, European political parties, candidates or officeholders at any level of government or within a political party; members of Union institutions (excluding certain bodies such as the Court of Justice of the European Union, the European Central Bank and the Court of Auditors) or government officials, political campaign organizations formed solely to influence elections or referendums, and any individuals or entities acting on behalf of the aforementioned persons or organizations to promote their political objectives.

In light of the above, the new transparency provisions stipulate that, during the election campaign, **political actors must ensure that any political advertising material published must include:**

- (i) a clear indication that it is political advertising;
- (ii) the identity of the sponsor of the political advertising material, *i.e.* the name, e-mail address and, if public, the postal address and, if the sponsor is not a natural person, the address where the sponsor is located;
- (iii) where applicable, a statement that the political advertising material has been subject to targeting or distribution techniques;
- (iv) a statement that the money spent for the preparation, placement, promotion, publication, distribution, or dissemination of political advertising material comes exclusively from sources permitted by the electoral law;
- (v) where appropriate, a statement that the political advertising material was the subject of an election promotion or paid election promotion.

These transparency provisions shall also apply to **any promotion, distribution, posting or editing of political advertising materials on online platforms, very large online platforms, online search engines or other social networks.**

The details on how to promote, distribute, post, or edit political advertising materials were further developed in the recently published PEA Draft Decision which aims to establish strict transparency rules and visibility requirements for the 2025 Presidential Election campaign. According to this draft decision, political actors must ensure that all advertising materials, regardless of medium, include clear labeling, funding disclosures, and information on targeting techniques. Specific requirements apply to different formats, such as audio, online text-based, and live broadcasts. The decision also mandates that redistributed or edited materials retain all required disclosures and introduces a complaint process for manipulative advertising practices, such as fake accounts and deceptive content

promotion. However, amendments may follow based on public consultation.

Violations of these transparency provisions represent a misdemeanor (if they do not fall under the criminal law), punishable by a fine ranging between RON 15,000 (approx. EUR 3,000) and RON 50,000 (approx. EUR 10,000), applicable to the political party, political alliance, independent candidate, financial mandate, and/or donor, as well as to any non-compliant individual.

2. User posts versus political ad rules

As already mentioned before, it seems that the Romanian Government intended to align GEO No. 1/2025 with the principles of the Political Advertising Regulation, which governs the transparency and targeting of political advertising across the European Union and provides a unified framework for managing political ads online. Although the Regulation is not fully applicable until October 2025, some provisions, such as those concerning definitions and non-discrimination by providers of political advertising services, are already enforceable.

The Political Advertising Regulation provides a comprehensive definition of "**political advertising**" to encompass a wide range of activities, including the preparation, placement, promotion, publication, delivery or dissemination, by any means, of a message, normally provided for remuneration or through in-house activities or as part of a political advertising campaign, by, for or on behalf of a political actor, designed to influence electoral outcomes, public opinion, or legislative processes. This definition is intentionally broad in order to cover the numerous forms that political advertising may take and any means and modes of publication or dissemination in the EU, whether the source is located in the EU or in a third country.

However, despite the potentially broad interpretation of political advertising, the Regulation draws certain boundaries to safeguard freedom of expression and editorial independence. Specifically, **political opinions expressed in a purely personal capacity or through media subject to editorial responsibility** are explicitly excluded, unless specific payment or other remuneration is provided by third parties for or in connection with their preparation, placement, promotion, publication, delivery or dissemination.

In addition, for the avoidance of doubt, the Political Advertising Regulation also excludes **free** distribution of political content. By way of example, **personal social media posts or political opinions expressed in any medium under editorial responsibility do not fall under the Regulation's scope, unless specific payment or other remuneration was involved.**

3. Political content is also subject to various transparency obligations of online platforms

The online political content is impacted by the transparency obligations incumbent upon online platforms. In this respect, it is of note that in April 2024, the *Commission's Guidelines for providers of Very Large Online Platforms and Very Large Online Search Engines on the mitigation of systemic risks for electoral processes pursuant to Article 35(3) of Regulation (EU) 2022/2065* (“**DSA Guidelines**”) were published to address the proliferation of illegal hate speech online, threats related to foreign information manipulation and interference (“**FIMI**”), as well as the wider phenomenon of disinformation (not least caused by the spread of content generated by new technologies such as generative artificial intelligence (“**AI**”).

In essence, they provide detailed guidance on how online platforms such as Very Large Online Platforms (“**VLOPs**”) and Very Large Online Search Engines (“**VLOSEs**”) as designated by the European Commission⁴ should implement the broader principles of the Digital Services Act, in particular with regard to transparency and targeting of political advertising and therefore on how such obligations impact the online political content.

Specifically, measures that online platforms should take to address systemic risks to electoral processes should include:

- (i) **Facilitating access to official electoral information**, by providing voters with accurate information about the electoral process, including where and how to vote through online platforms using features such as banners, pop-ups, search interventions or dedicated tabs.
- (ii) **Promoting contextual awareness**, by allowing users to evaluate the trustworthiness of content through specific tools, including fact-checking labels on identified disinformation, prompts encouraging users to verify content and sources before sharing, tools to assess the provenance, authenticity, and edit history of digital content.
- (iii) **Ensuring transparency and targeting of political advertising**: even the DSA Guidelines reaffirm that VLOPs and VLOSEs are expected to comply with the forthcoming Political Advertising Regulation. Therefore, key recommendations include:
 - o Clear, salient and real-time labeling of political advertising (including the AI generated content), ensuring these labels remain intact when shared by users on the same platform;
 - o Providing users with information about the political advertisements they see, such as the sponsor identity, targeting criteria, and financial aspects of political ads;
 - o Maintaining a publicly accessible and searchable repository of political ads in as close as possible to real-time;
 - o Enforcing adequate policies and systems that prevent the misuse of advertising systems to disseminate misleading information, disinformation and FIMI with regards to electoral processes, including deceptive generative AI content.
- (iv) **Providing transparency for influencer-based political content**: Influencers involved in political online debates should be provided with a functionality that allow them to declare whether the content they provide is or contains political advertising, including the sponsor's identity, the period during which the political advertisement is intended to be published, delivered or disseminated; the aggregated amounts and the aggregated value of other benefits received by the providers of political advertising services; display period, as well as meaningful information about the main parameters used to determine the recipient to whom the advertisement is presented

Conclusion

GEO No. 1/2025, together with the Political Advertising Regulation (as well as the DSA and the DSA Guidelines which we will discuss in further details in a separate article) are aimed to provide a more comprehensive framework for regulating online political advertising during elections in Romania. Nevertheless, it remains to be seen how some of these measures will be implemented and enforced in practice and whether they can address the new challenges.

1. Which entered into force in April 2024 and will become applicable as of 10 October 2025 (except for Article 3 (Definitions) and Article 5(1) (non-discrimination by providers of political advertising services), which already apply.

2. Specifically defined in Article 36(7) of Law 334/2006 on the financing of political parties and electoral campaigns as any written, audio, or video content that cumulatively meets the following criteria: (i) it explicitly references a clearly identified candidate or political party participating in elections; (ii) it is used, as a general rule, during the election campaign; (iii) it has an electoral objective and targets the general public; and (iv) it exceeds the boundaries of journalistic activities aimed at informing the public.

3. Draft Decision on the procedure for the promotion, distribution, publication or editing of political advertising materials used in the electoral campaign for the elections for the President of Romania in 2025, published for public consultation on February 13, 2025, on PEA website (available [here](#), in Romanian).

4. The list of designated VLOPs and VLOSEs is available [here](#). By way of example, the European Commission designated TikTok Technology Limited, Google Ireland Ltd., LinkedIn Ireland Unlimited Company, Meta Platforms Ireland Limited, Microsoft Ireland Operations Limited, Pinterest Europe Ltd., Snap B.V., Twitter International Unlimited Company, Whaleco Technology Limited, etc., as very large online platforms and search engines under the DSA