

NATIONAL AUDIOVISUAL COUNCIL

Draft Decision on the provision of video-sharing platform services

Considering the dual role of the National Audiovisual Council as guarantor of the public interest in the field of audiovisual communication and sole regulatory authority in the field of audiovisual media services,

considering the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, published in the Official Journal of the European Union No. L 303 of 28 November 2018

in order to determine the criteria for establishing the jurisdiction on Romanian territory of the video-sharing platform providers, in accordance with the provisions of Article 42⁵ of Audiovisual Law No 504/2002, as subsequently amended and supplemented,

for the purpose of establishing the notification procedure for video-sharing platform services,

in order to implement appropriate measures to protect minors from harmful and/or illegal content that may affect their physical, mental or moral development, and the general public from content that incites violence, hatred or whose dissemination constitutes public incitement to commit acts of terrorism, pornography, or crimes of a racist or xenophobic nature,

taking into account the requirements to be complied with and the measures to be taken with regard to audiovisual commercial communications which are or are not promoted, marketed or organised by video-sharing platform providers,

considering the responsibilities of the National Audiovisual Council in establishing the comprehensive mechanisms necessary to assess the adequacy of the measures provided for in Article 42⁷, Article 42⁸ (6)-(8), Article 42⁹ (6) and (7) and Article 42¹⁰ (2) of the Audiovisual Law No. 504/2002, as amended and supplemented, implemented by video-sharing platform providers,

considering the provisions of Law No 50/2024 laying down measures for the application of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC, and amending and supplementing Law No 365/2002 on electronic commerce, republished, as amended,

pursuant to Article 17 (1) d), Article 42⁶ (1), Article 42⁹ and Article 74¹ of Audiovisual Law No 504/2002, as amended,

The National Audiovisual Council adopts the following decision:

Chapter I

General provisions

Article 1 - 1. This decision establishes the legal and procedural framework for the notification and provision of user-generated video sharing platform services, the issuance, modification and withdrawal of the authorisation to provide video-sharing platform services.

(2) This Decision shall apply to video-sharing platform service providers established in Romania or deemed to be under the jurisdiction of Romania, in accordance with the criteria laid down in Article 42⁵ of Audiovisual Law No 504/2002, as amended, hereinafter referred to as *the Audiovisual Law*.

(3) Video-sharing platform providers under the jurisdiction of a state which is not a member of the European Union but whose content may be accessed on Romanian territory pursuant to Article 2 paragraph 2¹ letter b) of the Audiovisual Act shall be subject to the obligations laid down in Articles 42⁷, 42⁸, 42⁹ and 91² paragraphs 3 to 5 of the Audiovisual Act.

Article 2 - 1. For the purposes of this Decision, the following terms and expressions have the following meanings:

a) **essential functionality** - mechanism for identifying aspects of social media services which, while not primarily aimed at providing programmes or videos, have this functionality as an important part of the service,

b) **provision of video-sharing platform services** - making available to the public the infrastructure suitable for the dissemination of digital content in audiovisual programmes, user-generated videos and audiovisual commercial communications, through electronic communications networks, as defined in Article 4(1)(6) of Government Emergency Order No 111/2011 on electronic communications, approved with amendments by Law No 140/2012, as amended, as part of a video-sharing platform service,

c) **monetization** - the generation of revenues of any nature obtained by the user loading and/or generating videos that can be accessed on a video-sharing platform, as well as by the video-sharing platform service,

d) **notification** - written request by which providers of video-sharing platform services inform the National Audiovisual Council that they intend to provide video-sharing platform services to the public,

e) **video sharing platform** - a communication tool via internet-type electronic communications networks, which generally provides digital infrastructure and enables interactions between platform service providers and users, for the purpose of providing audiovisual content online, by viewing, accessing, generating, uploading and/or sharing audiovisual content of their own or uploaded to the platform by other users thereof,

f) **social networks** - media communication tools via internet-type electronic communications networks consisting of online platforms for generating, uploading or sharing information and audiovisual content and interaction with other persons through the exchange of mutual information and/or audiovisual content,

g) **dissociable section** - a distinct, autonomous element within a video-sharing platform service, whose primary purpose is the provision to the general public of programmes, user-generated videos or both,

h) **terms and conditions of use of a video-sharing platform** - legal agreement concluded at a distance, irrespective of its name or form, governing the contractual relationship between a video-sharing platform service provider and a user using the service for the purpose of generating, uploading and sharing audiovisual content on that platform, and ensuring the correct functioning of the platform, user safety and compliance with applicable laws,

i) **user** - any person who creates, uploads or generates programmes, user-generated video material and audiovisual commercial communications to any other user on a video-sharing platform, or any person who accesses and views content available through a video-sharing platform.

(2) In this Decision, the definitions provided for in Articles 1, 2(2)¹ and 42⁵ of the Audiovisual Law, in Article 4(1)(6) of Government Emergency Order No 111/2011, approved with amendments and additions by Law No 140/2012, as subsequently amended and supplemented, in Article 1 of Law No 365/2002 on electronic commerce, republished, as subsequently amended and supplemented, and in Article 1(1) of Decision of the National Audiovisual Council No 573/2025 on the Code governing audiovisual content, as amended, are also applicable.

Chapter II

Criteria, conditions and procedure for the notification and provision of video-sharing platform services

Section 1

Notification criteria for video-sharing platform services

Article 3 - Video-sharing platform services, as defined in Article 1(1)(1¹) of the Audiovisual Law, may be:

- a) services that are primarily intended to provide programmes, user generated-videos, or both, to the general public;
- b) services of a broader nature offering, among other elements, a dissociable section whose main purpose is the provision to the general public of programmes, user-generated videos or both;
- c) services whose primary function is to provide the general public with programs, user-generated video content, or both.

Article 4 - Video-sharing platform services are defined as those services that cumulatively meet the following criteria:

- a) constitute a commercial activity,
- b) the main purpose of the entire platform or a separable section of the platform service or an essential functionality thereof is the provision of audiovisual programmes and/or user-generated video content for information, entertainment or educational purposes;
- c) the provider of the video-sharing platform does not exercise editorial responsibility;
- d) the service is organised by the video-sharing platform provider, using automated means or algorithms, in particular through display, tagging and sequencing;
- e) uses electronic communications networks, as regulated by Government Emergency Ordinance No 111/2011, approved with amendments and additions by Law No 140/2012, as amended.

Section 2

Notification conditions for video-sharing platform services

Article 5 - 1. The applicant established in accordance with the provisions of Article 1, paragraphs 2 and 3 may only begin providing video-sharing platform services after obtaining a video-sharing platform service provision licence from the National Audiovisual Council, hereinafter referred to as *Council* or *NAC*.

(2) the authorisation granted to the applicant certifies that it has complied with the notification requirements set out in this decision and that it is entitled to provide the video-sharing platform services specified in the authorisation.

Article 6 - Any person, hereinafter referred to as the applicant, who intends to provide video-sharing platform services within the meaning of Article 1(1)(1¹) of the Audiovisual Act shall be obliged to notify the NAC, as appropriate, of the estimated date of commencement of activity, but no earlier than 10 days from the date of transmission of the notification.

Section 3

Procedure for the provision of video-sharing platform services

Article 7 – 1. The notification concerning the provision of video-sharing platform services shall be submitted to the NAC, together with the relevant documentation, depending on the status of the applicant, as well as the applicant's self-declaration, in accordance with the standard form set out in Annex 2, which forms an integral part of this Decision, concerning the contact details chosen for the official communication of the original documents issued in relation to the NAC.

(2) An applicant who is a Romanian citizen and a merchant shall submit the following documents to the NAC:

a) notification, in accordance with the standard form set out in Annex 1, which forms an integral part of this Decision;

b) a copy of the registration certificate issued by the Trade Register Office to the legal person or, where applicable, to the authorised natural person, individual undertaking or family undertaking;

c) the updated articles of association or accompanied by all subsequent amendments and additions and the certificates of registration of entries or the certificate of good standing issued by the Trade Register Office, at the time of the request, within the 30-day validity period, in copy;

d) a copy of the identity document of the authorised natural person applicant;

e) proof of the applicant's representative status, in original.

(3) The applicant who is a Romanian legal person and is not a trader shall submit the following documents to the NAC:

a) notification, in accordance with the standard form set out in Annex 1, which forms an integral part of this Decision;

b) a copy of the tax registration certificate issued by the National Agency for Fiscal Administration;

c) a copy of the certificate of registration in the Register of Associations and Foundations or in the Register of Federations.

d) a copy of the updated founding document or all subsequent amendments and additions;

e) proof of the applicant's representative status, in original.

4. applicants who are foreign persons having their principal place of business in the Member States of the European Union or the European Economic Area shall submit the following documents to the NAC:

a) notification, in accordance with the standard form set out in Annex 1, which forms an integral part of this Decision;

b) documents equivalent to those referred to in paragraph 2 b) and c) or paragraph 3 b) and d), as appropriate;

c) the power of attorney of the person authorised to incur liability of the applicant in relation to the NAC, in original, and their contact address on the territory of Romania.

(4) Copies of the documents referred to in paragraphs 2, 3 and 4 shall be certified by the signature of the legal representative.

(5) Documents submitted to the NAC in a foreign language shall be accompanied by a certified translation into Romanian.

Article 8 - 1. The notification and the accompanying documents shall be submitted to the NAC in person, through a legal representative, or online, with a certified digital electronic signature.

(2) After verification and approval by the Licensing and Authorisation Service, the notification and accompanying documents are registered with the Council Registry Service.

Article 9 - 1. If the documentation is incomplete or documents are submitted in an inadequate form, the Licensing Service shall communicate to the applicant the documents, the conditions and the deadline for their completion.

(2) The fulfilment of the conditions regarding the required documents and the submission deadlines shall be communicated to the applicant by the Licence Service.

Article 10 - 1. The notification shall be deemed to have been carried out lawfully only if all the requirements laid down in Sections 1 to 3 of Chapter II have been met, in which case the Licensing Service shall issue the applicant with the notice to provide video-sharing platform services, which shall confer on the applicant the status of video-sharing platform service provider.

(2) The opinion may be sent to the applicant as an electronic document to which an advanced electronic signature has been incorporated, attached or logically associated.

(3) The Council shall be informed periodically or whenever necessary of the opinions issued under paragraph 1.

Article 11 - The notice on the provision of video-sharing platform services shall include:

- a) the number and date of issue of the opinion,
- b) the identification details of the permit holder,
- c) the name of the provider and the type of the video-sharing platform service,
- d) the identification data of the electronic communications networks and services used to provide the platform,
- e) the address of the website and/or the name of the internet portal specific to the platform,
- f) the country of jurisdiction of the video sharing platform service,
- g) the geographical area of access of users to platform services.

Article 12 - For the purpose of drawing up an official record of video-sharing platform service providers, the Council shall establish, maintain and display on its website at www.cna.ro, the updated list of video-sharing platform service providers, specifying the criteria on which the jurisdiction is based, in accordance with the provisions of Article 42⁵ of the Audiovisual Act.

Section 4

Amendment of the notice on the provision of video-sharing platform services

Article 13 - Video-sharing platform service providers shall be obliged to notify the Council in writing of any changes to the documents referred to in Article 7(2) to (4), as well as to the data referred to in Article 11(b)–(g), within 30 days of their occurrence.

Article 14 - For the purposes of registering the amendments with the NAC in accordance with Article 13, the applicant shall submit the standard form set out in Annex 1, which forms an integral part of this Decision and the documents related to each amendment, where applicable, in person, through their legal representative, or online, with a certified digital electronic signature.

Article 15 - 1. After verification and approval by the Licensing and Authorisation Service, the notification and accompanying documents shall be registered with the Council Registry Service.

(2) The provisions of Articles 9 and 10 shall apply accordingly.

Article 16 - 1. If the holder of the approval to provide video-sharing platform services intends to alienate the video-sharing platform to a third party, he or she and the third party acquiring the video-sharing platform shall submit to the NAC the following documents:

- a) the request of the holder of the notice of withdrawal;
- b) request from the new owner of the video-sharing platform to issue the supply notice, in accordance with the provisions of Articles 5 and 7.

2. Changes resulting from the approval of the requests referred to in paragraph 1 shall be made public on the NAC website at www.cna.ro.

(3) The provisions of Article 8, Article 9 and Article 10 shall apply accordingly.

Article 17 - The rights provided for in the notice for the provision of video-sharing platform services may not be transmitted to third parties.

Section 5

Revocation of the license to provide video-sharing platform services

Article 18 - 1. The notice of provision of video-sharing platform services shall be withdrawn at the request of the holder, by submitting, in writing, to the NAC, a request to waive the right to provide the video-sharing platform services transmitted.

(2) The request referred to in paragraph 1 shall take effect from the date of its transmission to the NAC or from a later date specified therein.

Article 19 - 1. The withdrawal of the authorisation shall be ordered by a decision of the Council, which shall also set the date on which the right to provide the video-sharing platform services referred to in the authorisation ceases.

(2) The decision to withdraw the opinion shall be made public by displaying it at the NAC premises and on the institution's website at www.cna.ro.

Section 6

Mechanisms for assessing the suitability of implementing measures for the protection of minors and the general public and compliance with the provisions on audiovisual commercial communications

Article 20 - Providers of video-sharing platform services shall take measures to ensure that programmes, user-generated videos and audiovisual commercial communications uploaded to a video-sharing platform do not:

a) include content which may impair the physical, mental or moral development of minors, in accordance with the provisions of Article 42⁷(a) of the Broadcasting Act,

b) include content which incites to violence or hatred directed against a group of persons or a member of a group based on the grounds of discrimination referred to in Article 42⁷(b) of the Audiovisual Law,

c) include content where the broadcasting constitutes public provocation to commit offences, in accordance with the provisions of Article 42⁷(c) of the Broadcasting Act,

d) include content that violates the provisions of Article 29(1) and (2) of the Audiovisual Law on audiovisual commercial communications.

Article 21 - 1. If the Council finds on its own initiative or is notified that audiovisual content that violates the provisions of Article 20 is uploaded on a video sharing platform and no other effective means are available to prohibit the violation of these provisions, in order to avoid the risk of serious harm to the collective interests of the public or the legitimate interests of a person, it shall request that appropriate measures be taken and shall notify in writing, by electronic means:

a) providers of video-sharing platform services, in accordance with Article 42⁹(1)(a) of the Broadcasting Act, on the basis of a reasoned decision,

b) service providers offering storage space for video sharing platforms, according to Article 42⁹ paragraph 1 letter b) of the Audiovisual Law, based on a reasoned decision or a final court ruling, as applicable,

c) registry operators, which allocate domain names for video sharing platforms, according to Article 42⁹ paragraph 1 letter c) of the Audiovisual Law, based on a reasoned decision or a final court ruling, as applicable.

(2) The Council may require the video-sharing platform providers referred to in paragraph (1)(a) to restrict user access to that platform for an indefinite period, in the event that the measure referred to in Article 42⁹ (1)(a) of the Audiovisual Law is ordered at least twice, by means of a reasoned decision that is sufficiently precise and duly substantiated to enable the provider to take an informed decision on the action to be taken in response to the decision received.

(3) The providers referred to in paragraph 1 shall implement the decisions of the Council expeditiously, but no later than 48 hours after becoming aware of them.

Article 22 - 1. Providers of video-sharing platform services, which are obliged by the Council Decision to restrict access to harmful and/or illegal content, in accordance with Article 20, shall display, when accessing the video material, the following static message: *"Content warning: This video has been identified as inappropriate or offensive to some users!"*

(2) Video-sharing platform service providers, which are required by the Council's decision to display a warning to users when accessing harmful and/or illegal content, in accordance with Article 20, shall display the following message throughout the duration of the video: *"Attention! This video may be inappropriate or offensive to some users!"*.

(3) Service providers offering storage space for video-sharing platforms, who are required by the Council's decision to disable or restrict access to a video-sharing platform, in accordance with Article 20, shall display a message when accessing the platform's website containing the legal basis for the restriction, as provided for in the Council's decision or on the basis of a final court ruling, as applicable.

Article 23 - 1. Video-sharing platform service providers shall provide users with a procedure for submitting complaints about harmful and/or illegal content, which shall be easily identifiable, directly accessible, user-friendly and permanently available when viewing content and shall have an efficient and transparent procedure for resolving complaints about harmful and/or illegal content.

(2) The procedure referred to in paragraph 1 for resolving referrals shall ensure that the providers of video-sharing platform services:

a) take immediate note of the report and verify whether the reported content is illegal and should be removed or access to it restricted, or warn users by displaying a warning when accessing this content, or disable the user's account for a period of up to 12 months,

b) remove or restrict access to manifestly illegal content within 48 hours of receiving the referral,

c) in the event of removal of the notified content, retain the content for a period of 12 months from the date on which the content ceases to be available for viewing, informing the complainant and the user of any decision taken.

Article 24 - The terms and conditions of video-sharing platform services shall contain information on:

a) protecting minors and the general public from programmes, user-generated video content and audiovisual commercial communications, in accordance with Article 42⁷ of the Audiovisual Law,

b) how to comply with the requirements laid down in Article 29(1) and (2) of the Audiovisual Law, with regard to audiovisual commercial communications which are or are not promoted, marketed or organised by the respective providers,

c) the marking of programmes and user-generated videos containing audiovisual commercial communications, with a view to clearly informing users, in accordance with Article 42^{8(7)(c)} of the Audiovisual Law,

d) reporting and flagging content as set out in Article 42⁷ of the Audiovisual Law,
e) the judicial or extrajudicial settlement of disputes between providers of video sharing platform services and users arising from or in connection with the application of Articles 42⁷ and 42⁸ of the Audiovisual Act.

Article 25 - 1. NAC shall assess the suitability of the measures provided for in Articles 42⁷ and 42⁸(6) to (8) of the Broadcasting Act by verifying the inclusion of these measures in the Terms and Conditions of the video-sharing platform services, as declared in the notification, according to the standard form set out in Annex 1, which forms an integral part of this Decision, concerning:

a) the access link to the terms and conditions of use of the platform,
b) parental control system,
c) the age verification system of the platform users,
d) the user information system about programmes and user-generated video content that contains audiovisual commercial communications declared by users or of which the provider is aware,
e) the harmful audiovisual content classifying system,
f) the system for reporting harmful and/or illegal audiovisual content,
g) the user information system about the effects of reporting and flagging harmful and/or illegal audiovisual content,
h) the procedure for resolving user notifications,
i) the mechanism for out-of-court dispute resolution,
j) measures and tools relating to audiovisual media literacy and, where appropriate, raising users' awareness of such measures and tools.

(3) The assessment of the adequacy of the measures referred to in paragraph 1 shall be carried out by the Council ex officio or whenever it is notified of non-compliance with the provisions of Article 42⁷ and Article 42⁸ of the Audiovisual Law by providers of video-sharing platform services, by reference to the number of notifications received for the categories of measures provided for in paragraph 1.

(4) If the Council finds that, following the assessment referred to in paragraph 2, the measures referred to in paragraph 1 are insufficient, it may order that they be updated.

Chapter III

Sanctions and final provisions

Article 26 - 1. The provision of a video-sharing platform service in the absence of the notification provided for in Article 6 of this Decision shall be sanctioned in accordance with Article 91 of the Audiovisual Law.

(2) Within 90 days from the date of entry into force, all video-sharing platform service providers shall be required to submit the standard notification form in accordance with the procedure set out in Chapter II, Section 3.

(3) Failure to submit the notification within the time limit and under the conditions set out in paragraph 2 shall be punished in accordance with the provisions of Article 91 of the Audiovisual Law.

Article 27. -This Order shall be published in Part I of the Official Gazette of Romania and shall enter into force 30 days after its publication.

The Vice-President of the National Audiovisual Council,

Valentin-Alexandru Jucan

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Other data:

5. List of publications issued by the applicant:
.....

6. List of other programme services provided:
.....

7. Surname and given name (s) of person (s) responsible for the management of the company:
.....

telephone:, e-mail:

9. Correspondence address of the

applicant:..... telephone:,

e-mail:

II. Video-sharing platform service information:

1. Video-sharing platform service name:	
2. Identification details of the electronic communications networks and services used to provide the platform	
3. Website address and/or name of the platform's own website portal	
4. Geographical area of users' access to the platform services	
5. Date of commencement of the provision of the video-sharing platform service in Romania, but not earlier than 10 days from the date of submission of the notification ³	

III. Jurisdiction of the video sharing platform service:

According to the criteria for establishing jurisdiction, provided for in Article 42⁵ of the Audiovisual Law No. 504/2002, as subsequently amended and supplemented, the video-sharing platform **Service subject to notification is under the jurisdiction of the following State:**

ROMANIA, according to Article 42⁵ paragraph 1 of the Audiovisual Law No. 504/2002, with subsequent amendments and additions:

_____ parent company

_____ subsidiary

_____ group

MEMBER STATE OF THE EUROPEAN UNION:
_____, according to Article 42⁵ paragraphs 2 and 4⁴ of the Audiovisual Law No. 504/2002, as amended and supplemented:

_____ parent company

_____ subsidiary

_____ group

THIRD EUROPEAN STATE- Party to the European Convention on Transfrontier

_____:

- _____ parent company
- _____ subsidiary
- _____ group

A STATE THAT IS NOT A MEMBER OF THE EUROPEAN UNION, BUT ITS CONTENT CAN BE ACCESSED ON ROMANIAN TERRITORY _____:

- _____ parent company
- _____ subsidiary
- _____ group

IV. Notified service⁵, according to Article 1(1)(1¹) of Audiovisual Law No 504/2002, as amended:

- its main purpose** is to provide the general public with programs, videos generated by users or both;
- a **dissociable section** where the main purpose is the provision to the general public of programmes, user-generated videos or both (*overview of the main service and organisation of the website with description of the dissociable section containing video-sharing platform services*);

Access link:

- an **essential functionality** consisting of the provision to the general public of programmes, user-generated videos or both (*overview of the main service and the way the website is organised, with description of the key functionality containing video-sharing platform services*);

Access link:

V. Measures to protect minors and the general public from programmes, user-generated video content and audiovisual commercial communications that are or are not promoted, marketed or organised by the provider on the notified platform:

Access link to the Terms and Conditions of use of the platform	
Parental control system (<i>brief description of the measures applied in the platform and link to the section describing the parental control system</i>)	
The age verification system of the platform users/visitors (<i>description of the age verification system and the access link to it</i>)	
User information system regarding programs and user-generated videos containing audiovisual commercial communications declared by users or of which the provider is aware (<i>brief</i>	

<i>description of the system and access link to it)</i>	
Classification system for harmful⁶ and/or illegal audiovisual content <i>(short description of the system and access link to it)</i>	
System for reporting harmful audiovisual content <i>(brief description of the system and access link to it)</i>	
User information system on the effects of reporting and flagging harmful audiovisual content <i>(summary system description and access link to the system)</i>	
Procedure for dealing with user complaints <i>(brief description and access link to this section)</i>	
Out-of-court dispute resolution mechanism <i>(brief description and access link to this section)</i>	
Measures and tools relating to audiovisual media literacy and increasing users' awareness of those measures and tools, where appropriate <i>(brief description and link to this section)</i>	

VI. Personal⁷ data processing:

I have been informed of the processing of personal data carried out for the purpose of registration of this notification.

Date	Signature of the representative
<p>Endorsed by the Licenses Authorizations Service</p> <p>Date:</p>	

NOTES:

NOTES:

¹ This applies to providers of video-sharing platform services that are established or deemed to be established in Romania, in accordance with the provisions of Article 425 of the Audiovisual Law No. 504/2002, as amended and supplemented.

² To be filled in by the legal representative of the legal person or its representative with an authentic special or general power of attorney or the lawyer, on the basis of a legal power of attorney, or by any partner, shareholder or member.

³ Any change in the dates set out in Sections I and II shall be notified to the Council within 30 days of its occurrence.

⁴ To be filled in according to the provisions of Article 42⁵ paragraphs 2 and 4 of the Audiovisual Law No. 504/2002, as subsequently amended and supplemented:

“2. A video-sharing platform provider which is not under the jurisdiction of Romania as referred to in paragraph 1 shall be deemed to be under the jurisdiction of the State in which that provider: a) has a parent company or a subsidiary which is established in the territory of that State; b) is part of a group and another company in that group is established in the territory of that State. (...)

4. For the application of paragraph 2, if the parent company, the subsidiary or the other companies in the group are each established in different States, the video-sharing platform provider shall be deemed to be established in the State in which its parent company is established or, in the absence of such an establishment, it shall be deemed to be established in the State in which its subsidiary is established or, in the absence of such an establishment, in the State in which the other company in the group is established.”

⁵ Provision to the general public of programmes or user-generated videos, or provision of both, for information, entertainment or educational purposes.

⁶ as subsequently amended and supplemented: In accordance with Article 42⁷ of the Audio-visual Law No 504/2002, as subsequently amended and supplemented:

„Video-sharing platform providers shall take appropriate measures to protect:

a) minors, programmes, user-generated video content and audiovisual commercial communications that may affect their physical, mental or moral development, in particular programmes containing pornography or unjustified violence, in accordance with the provisions of Article 39(1);

b) the general public, programmes, user-generated videos and audiovisual commercial communications containing incitement to violence or hatred directed against a group of persons or a member of a group based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, or a contagious or non-contagious chronic disease;

c) the general public, programmes, user-generated videos and audiovisual commercial communications containing content the dissemination of which constitutes public provocation to commit offences to Act No 535/2004, as amended, or Act No 196/2003 on preventing and combating pornography, republished, or offences of a racist and xenophobic nature.’

⁷ Processing means any operation or set of operations performed on personal data or on sets of personal data, with or without the use of automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction, in accordance with Article 4(2) of Regulation (EU) No 679/2016 of the European Parliament and of the Council of the European Union on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), published in Official Journal No 119L/4.5.2016. Information on the processing of personal data can be accessed on the website www.cna.ro, in the category "Communication" - section "Personal data - Regulation no. 679 of 2016".

⁸ This form must be completed by the legal representative of the legal entity or by a person authorized by the legal representative through a notarized special or general power of attorney, or by any partner, shareholder, or founding member.

⁹ Where applicable, if the company has a secondary office (place of business) that is declared and authorised in accordance with the law and constitutes an editorial and/or production space.

¹⁰ Processing means any operation or set of operations performed on personal data or on sets of personal data, with or without the use of automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise

making available, alignment or combination, restriction, erasure or destruction, in accordance with Article 4(2) of Regulation (EU) No 679/2016 of the European Parliament and of the Council of the European Union on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), published in Official Journal No 119, L/4.5.2016. Information on the processing of personal data can be accessed on the website www.cna.ro, in the category "Communication" - section "Personal data - Regulation no. 679 of 2016".