Country Crowdfunding Factsheet
Romania
Date: June 2018
European Crowdfunding Network

The European Crowdfunding Network AISBL (ECN) is the professional network promoting adequate transparency, (self) regulation and governance while offering a combined voice in policy discussion and public opinion building, incorporated as an international not-for-profit organization in Brussels, Czech Republic.

We support our members in carrying initiatives aimed at innovating, representing, promoting and protecting the European crowdfunding industry. We aim to increase the understanding of the key roles that crowdfunding can play in supporting entrepreneurship of all types and its role in funding the creation and protection jobs, the enrichment of European society, culture and economy, and the protection of our environment.

In that capacity we help developing professional standards, providing industry research, as well as, professional networking opportunities in order to facilitate interaction between our members and key industry participants. On behalf of our members, the ECN will maintain a dialogue with public institutions and stakeholders as well as the media at European, international and national levels.
This document has been extracted from Annex II of the study "Identifying market and regulatory obstacles to crossborder development of crowdfunding in the EU", published in November 2017 and funded by the European Commission (DG FISMA).

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**Romania**

**Overview**
In Romania, Crowdfunding is rarely developed. Its first Crowdfunding Platform was launched in 2014, and only a dozen small projects have eventually been financed and finalised.

**A. Role of alternative finance**

**Market size**

There are no reliable numbers available with regard to Crowdfunding volume in Romania.

The review of Crowdfunding regulations performed by The European Crowdfunding Network (ECN) at the end of 2014, indicated that in 2014, Multifinantare Project financed one project in the artistic sector for EUR 1,500. Other projects are still pending, such as a project regarding a blood substitute amounting to EUR 2,000. Since the end of 2013, Crestem Idei managed to finance another 11 projects and obtained more than EUR 20,000.1

**Trend**

There is an overall positive trend in the area of Central and Eastern Europe. No specific data about Romania is available.

![Crowdfunding activity in Romania from 2016](source: TAB)

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1 ECN Review of Crowdfunding Regulation. Interpretations of existing regulation concerning Crowdfunding in Europe, N. America and Israel ([link](#))
**Total Crowdfunding Platforms**

Currently, there are approximately 8 active Crowdfunding Platforms in the country: Crestemidei.ro, Multifinantare.ro, PotSiEu.ro, We-are-here.ro, Kazuu.ro, Bursabelui.ro, Crowdfunding oferit de Universitatea Babeş-Bolyai – Cluj-Napoca, and Sprijina.ro.2

**Crowdfunding models**

<table>
<thead>
<tr>
<th>Equity-based Crowdfunding</th>
<th>There is only one Crowdfunding Platform (Multifinantare) and it mixes both equity and rewards Crowdfunding.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lending Crowdfunding</td>
<td>P2P business lending: EUR 1m.</td>
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**B. Regulatory context**

<table>
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<tr>
<th>Country</th>
<th>Romania</th>
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<tbody>
<tr>
<td><strong>Summary</strong></td>
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| Recent developments in Crowdfunding regulation | • a draft law regarding participatory financing development is in legislative procedure before the Romanian Chamber of Deputies;  
  • currently there is no specific regulation in force with regards to Crowdfunding; |

| Current/planned Crowdfunding regulation | |
| General regulation | Directive 2011/61/EU regarding alternative investment fund managers has been transposed into Romanian legislation by adopting Law no. 74/2015 on managers of alternative investment funds; |
| Prospectus requirement | • Public offering of securities is subject to the approval of a prospectus by the ASF with several exceptions.  
  • Trading shares of a company on regulated markets is subject to the approval of a prospectus by the ASF. This rule shall apply to the Equity Model. |
| AIFMD regulation | • The typical operator of a Crowdfunding Platform does not |

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2 According to desk research of European Crowdfunding Network, referencing the state of the market in 2016, ([link](#))
<table>
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Payment service regulation</strong></td>
<td>Providers of payment services need an authorisation by the NBR. Authorisation by the NBR is not applicable to entities licenced as deposit-taking banks, e-money issuers or IFNs.</td>
</tr>
</tbody>
</table>
| **Consumer credit regulation** | • In Romania, no Crowdfunding Platform currently offers financing pursuant to the lending regulation; in principle, any financial institution which finances its clients for development of an activity/business by public issuance of stocks/bonds falls under the requirement of the Banking Law or the NFI Law;  
• In order to avoid breaching the requirements on lending activity, some Crowdfunding organisations act as intermediaries between the initiator of the project and the banks and/or NFI. |
| **Further possible requirements** | • Regulations regarding marketing and distance selling;  
• Anti-money laundering regulations;  
• Data protection regulations. |
| **Regulatory barriers** | |
| **Inbound Foreign Crowdfunding Platform addressing Romanian investors** | • Crowdfunding Platform: no licence applicable under Romanian law; if the platform benefits from a MiFID licence in its home Member State there is no need to apply for a similar licence in Romania (however a notification procedure is required);  
• Company/project: Romanian prospectus regulation applies, if required by law; however, an exception is provided in cases where the foreign platform complies with prospectus regulations in its home Member State (the notification procedure will be necessary); |
| **Foreign Crowdfunding Platform addressing Romanian companies/projects** | • Crowdfunding Platform: there is no specific Crowdfunding licence required;  
• Company/project: Capital Markets Law is applicable for
any operations carried out on Romanian territory;

<table>
<thead>
<tr>
<th>Outbound</th>
<th>Romanian Crowdfunding Platform addressing foreign investors</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>• Crowdfunding Platform: no licence applicable under Romanian law in respect of Crowdfunding; however Romanian regulatory law will apply as the platform is a Romanian resident;</td>
</tr>
<tr>
<td></td>
<td>• Company/project: Romanian prospectus regulation applies, if required by law for operations carried out on Romanian territory.</td>
</tr>
</tbody>
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**Romanian Crowdfunding Platform addressing foreign companies/projects**

- Crowdfunding Platform: there is no specific Crowdfunding licence required; Romanian legislation applies to the platform;
- Company/project: Capital Markets Law is applicable for any operations carried out on Romanian territory.

### Impact of EU legislation

<table>
<thead>
<tr>
<th>Prospectus regulations</th>
<th>MiFID has been transposed into Romanian law with the adoption of the Capital Markets Law; however, the impact of the European legislation is not significant for most start-ups.</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIFM Directive</td>
<td>The AIFM Directive, transposed into Romanian law, could impact on the operator of a Crowdfunding Platform only in cases where it is structured as an AIF or as an AIF manager.</td>
</tr>
<tr>
<td>MiFID/MiFID II</td>
<td>MiFID II has not yet been implemented in Romanian legislation; MiFID, implemented with the adoption of the Capital Markets law, can have an impact where platforms organised as stock companies comply with the specific conditions in this respect.</td>
</tr>
<tr>
<td>PSD /PSD II</td>
<td>PSD II has not yet been implemented in Romanian legislation. PSD could have in impact in cases where the investors pay their investments amounts directly to the operator of the Crowdfunding Platform.</td>
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</table>

### C. Disclosures & safeguards

No professional industry association exists. To foster the professional and transparent development of the local market, it might be advisable for a national Crowdfunding association to establish a Code of Conduct with which platforms should be obliged to comply. Examples exist in a number of countries, such as the UK, France, Germany or the Netherlands. Alternatively, the open adoption of the European Crowdfunding Network Code of
Conduct and its Charter of Crowdfunders’ Rights by market players could help in markets without a critical mass of platforms.

Platforms themselves, to the extent that they can serve as marketplaces, have the potential to aid regulatory developments through early self-regulation and transparency. But this will require credible and enforceable quality and transparency standards as well as level playing fields. Any such initiative should aim to cover key performance indicators for the industry, conflict of interest rules and platforms remuneration. However, regulation will always play the main role in establishing and ensuring a functioning market with an adequate level of safeguards and disclosures.

D. Support policies

Overview

A draft proposal of the Law for Participatory Financing Development (“Crowdfunding Project”) was launched for public discussion, by the Department for SME Business Environment and Tourism in September 2014. Since then, there has been no further development.³

Market Supervision

Ministerul Finanțelor Publice - Ministry of Public Finance.⁴

Crowdfunding models

| Crowdfunding guidelines for entrepreneurs/investors | The Financial Education centre for capital market investors (ASF-SIF) has published, on its website, a short guide to what Crowdfunding is and the potential risks. |


⁴ Ministerul Finanțelor Publice (link)
E. Additional insights

Lack of business experience and knowledge, shortage of capital and low incomes are some of the barriers for enabling Crowdfunding projects in Romania. The lack of confidence increases reluctance to participate on such platforms. In the 1990’s several institutional attempts to build on some type of financial mechanisms ended in complete failure, which led to many people to lose lots of money. This brought on a significant backtrack and mistrust from the general public to any sort of financial breakthroughs.\(^5\)

\(^5\) Cristian Moisoiu, Kaisa Matschoss, Petteri Repo, Anita Tregner-Mlinaric (2015): Crowdfunding in sustainable innovation - Insights from and for Romania (link)