

From Brussels to Bucharest, the Complex Journey of the EU AI Act into Romanian Law and Public Administration

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Abstract: *Da Bruxelles a Bucarest, il complesso percorso dell'AI Act dell'UE nel diritto e nella pubblica amministrazione rumena* - examines the implementation of Regulation (EU) 2024/1689 (the AI Act) within the Romanian legal and administrative framework. This study explores the friction between European harmonized standards and the Romanian tradition of "legal transplants", evaluates the National AI Strategy 2024-2027, the legislative nuances of Draft Law PI-x nr. 184/2025, and the institutional challenges faced by the Authority for the Digitalization of Romania, highlights also the legal implications of automated decision-making and the specific impacts to assure successful implementation.

Keywords: EU AI Act; Romania; Digital Governance; Public Administration; National AI Strategy

2137

1. Introduction

The promulgation of Regulation (EU) 2024/1689, hereafter referred to as the AI Act, represents a watershed moment in the history of digital governance, marking the transition from fragmented ethical guidelines to a comprehensive, risk-based legal framework¹. For the European Union, it functions as the foundation of its digital strategy, striving to establish a human-centric "Brussels effect" that sets global standards for trustworthy AI². However, as this regulation travels from the supranational corridors of Brussels to the domestic administrative landscapes of Member States like Romania, its journey is characterized by profound institutional and legal complexity³.

Romania presents a particularly compelling case study for comparative law. As a jurisdiction that has historically relied on the massive importation of Western legal models, a phenomenon theorized as "legal transplants", the country now faces the challenge of integrating a highly technical, directly applicable EU Regulation into an administrative structure

¹ The EU AI Act | Updates, Compliance, www.artificial-intelligence-act.com/ .

² M. Dutu, *Priorități și perspective de dezvoltare ale dreptului inteligenței artificiale*, in *Universul Juridic*, 29-7-2025, www.universuljuridic.ro/prioritati-si-perspective-de-dezvoltare-ale-dreptului-inteligenței-artificiale/ .

³ A. Mararu, *The EU AI Act: Implications for Romanian Companies Amid Delayed National Rollout*, 30-1-2026, www.mararu.com/articles/eu-ai-act-implementation-update-romania-business-guide.

often criticized for its formalistic rigidity and "legal anomie"⁴. The process from Brussels to Bucharest is not merely a matter of technical compliance, but it is a confrontation between the EU's standard-setting ambitions and a national legal culture shaped by decades of transitory challenges.

The implementation of the AI Act in Romania occurs within a dynamic technological ecosystem. Cities such as Bucharest, Cluj-Napoca or Timisoara have become regional centers for AI innovation. Nevertheless, public administration remains constrained by the tension between modernization initiatives and the structural inertia of its bureaucratic legacy. This study maps this complex process by analyzing the strategic, legislative, and institutional mechanisms through which Romania seeks to implement the AI Act while managing the risks of over-regulation and administrative friction.

2. The Supranational Blueprint: Regulation (EU) 2024/1689

The AI Act is structured around a risk-based hierarchy. It prioritizes protection of fundamental rights and safety while allowing room for innovation in low-risk sectors. This framework is essential for understanding the mandatory constraints on the Romanian legislator. The Regulation, in force from August 1, 2024, sets a staggered timeline to address the most harmful practices first⁵.

The core of the AI Act is its classification of AI systems based on the level of risk they pose to society.

Risk Category	Examples	Examples
Unacceptable Risk	Social scoring, subliminal manipulation, biometric categorization for sensitive traits.	Absolute prohibition, must be removed from the market by Feb 2025.
High-Risk	AI in critical infrastructure, education, recruitment, law enforcement, and justice.	Mandatory conformity assessments, data governance, and human oversight.
Limited Risk	Chatbots, deepfakes, emotion recognition.	Transparency obligations, users must be informed they are interacting with AI.
Minimal Risk	Spam filters, AI-enabled video games.	No specific regulatory constraints beyond voluntary codes of conduct.

Table 1. *AI Act is its classification of AI systems based on the level of risk they pose to society - authors' own processing*⁶

⁴ D. Dragos, *The Romanian Ombudsman – A Legal Transplant Moulded by the Domestic Legal Culture*, in 14(1) *Rev. Eur. Admin. L.* 185-206 (2021).

⁵ The timeline of implementation of the AI Act, EU (2025), www.europarl.europa.eu/RegData/etudes/ATAG/2025/772906/EPRS_ATA%282025%29772906_EN.pdf.

⁶ According to EU and Luxembourg Update on the European Harmonized Rules on Artificial Intelligence-Recent Developments, 20-1-2026, www.klgates.com/EU-and-Luxembourg-Update-on-the-European-Harmonised-Rules-on-Artificial-IntelligenceRecent-Developments-1-20-2026.

By February 2, 2025, Romania, like all Member States, was required to ensure the cessation of prohibited practices. These include systems that exploit vulnerabilities related to age, disability, or socio-economic status, as well as AI-powered social scoring that leads to unfavorable treatment in social contexts⁷. For the Romanian administration, this necessitated an immediate audit of the existing tools used in social welfare and law enforcement to ensure that no "unacceptable" algorithms (AI systems banned due to risks to fundamental rights or safety) were in service.

The staged rollout of the AI Act is intended to prevent regulatory shock and sustain implementation momentum.

The Act's provisions kick in in stages. Key deadlines include February 2025 (bans on unacceptable uses), August 2025 (Member States must have appointed all AI "notifying authorities" and "market surveillance" bodies, obligations for general-purpose AI, partial penalties in force), and August 2026 (core requirements for all other high-risk AI, fines up to 7% of global turnover)⁸. Member States were required to designate a central notifying authority (to handle conformity assessments and communications with the EU AI Office) and relevant sectoral market surveillance authorities by 2 August 2025. These bodies will enforce compliance, adjudicate complaints, and liaise with the European AI Board. The Act also mandates each State to identify "fundamental rights authorities" (e.g., data protection, anti-discrimination, consumer protection bodies) responsible for overseeing high-risk AI with potential human-rights impacts⁹.

Recent developments at the EU level, including the "Digital Omnibus" proposal, indicate a potential extension of certain high-risk categories to February 2027, primarily to allow completion of harmonized technical standards. This delay offers Romania a critical window to finalize its domestic institutional architecture, which has encountered major obstacles¹⁰.

The AI Act's implementation in Romania cannot be understood without considering the country's unique constitutional context and tradition of legal transplantation. Article 148 of the Romanian Constitution establishes the priority of EU law over domestic provisions. Yet embedding complex Regulations often causes friction within administrative culture¹¹. Romanian law largely consists of "legal

⁷ W. Nauwelaerts, *First Milestone in the Implementation of the EU AI Act*, 2-2-2025, www.alstonprivacy.com/first-milestone-in-the-implementation-of-the-eu-ai-act/.

⁸ F. Florea, *Preparing for the Future: Romania's National AI Strategy and the EU AI Act*, 15-7-2024, www.wolftheiss.com/insights/preparing-for-the-future-romani-as-national-ai-strategy-and-the-eu-ai-act/; A. Mararu, *The EU AI Act*, cit.

⁹ List of national public authorities that supervise or ensure compliance with obligations under Union law protecting fundamental rights, in accordance with Article 77 of the Artificial Intelligence Regulation, 13-11-2024, www.adr.gov.ro/articole/lista-autoritatilor-publice-nationale-care-supravegheaza-sau-asigura-respectarea-obligatiilor-in-temeiul-dreptului-uniunii-care-protejeaza-drepturile-fundamentale-in-conformitate-cu-art-77-al-regulamentului-privind-inteligenta-artificiala.

¹⁰ R. Sen, S. Putnam, J. Meek, P. Gao, *EU's Digital Omnibus offers AI regulatory relief, but questions remain. The next step*, 12-1-2026, explore.pwc.com/next-move-digital-omnibus.

¹¹ R.D. Popescu, *The Constitutionalization and the Europeanization of Private Law in Romania*, in R. Szczepaniak (Ed), *The Constitutionalization of Private Law versus the*

transplants," mainly from the French and German traditions. Such openness to external ideas has enabled rapid modernization and has also created a gap between law and social reality, a phenomenon called "artificial convergence"¹². The AI Act, in many ways, is the ultimate legal transplant. Unlike the 19th-century "Organic Regulations" imposed under foreign occupation to reconfigure administration¹³, the AI Act is a supranational mandate requiring not only institutional change, but a "top-to-bottom legal-judicial cultural change". Bucharest's challenge is to ensure the AI Act does not remain merely declarative, as in past legal anomie, but becomes a functional part of administrative procedure.

The Romanian Constitutional Court (CCR) has often struggled with the "collision of legal cultures," especially in relation to the ECHR, EU law, and domestic statutes. Implementation of the AI Act, which concerns judicial independence and non-discrimination, will likely test the CCR's willingness to balance the "interpretative priority" of EU norms alongside constitutional safeguards¹⁴.

3. Romania's National AI Strategy and Policy Framework

Romania's authorities moved swiftly to establish a national policy framework in parallel with the EU debate. In July 2024, the Romanian Government officially approved the National Strategy on Artificial Intelligence 2024–2027¹⁵. The strategy is consistent with EU goals and sets out five "strategic axes": digital public administration, digital economy, digital education, cybersecurity, and digital communications, showing a holistic vision for AI. Its stated aim is to "align the country's digital technology adoption with human-rights principles" and to promote excellence and confidence in AI. Notably, Romania's Prime Minister at the time emphasized that the strategy would enable tax authorities and other public institutions to extensively employ AI for tasks such as risk analysis, public procurement, and spending optimization. In other words, Romania plans to harness AI to modernize the state, provided it is done "responsibly" and in line with European standards.

The SN-IA is not simply a technical roadmap, but it is a declaration of strategic intent aimed at reducing the fragmentation of Research & Development (R&D) resources and advancing a "human-centric" digital administration¹⁶.

Europeanization of Private Law, Leiden-Boston, 2025, 203-242.

¹² *Ibidem*.

¹³ M. Ureche, *Autoritatile publice in dreptul statelor europene (Public authorities in the law of European states)*, Alba Iulia, Romania, 2011, 271.

¹⁴ G. Martinico, *Is the European Convention Going to Be 'Supreme'? A Comparative-Constitutional Overview of ECHR and EU Law before National Courts*, in 23(2) *Eur. J. Int'l L.* 401-424 (2012).

¹⁵ Romania Approves 2024-2027 AI Strategy, 16-7-2024, Written By CAIDP Europe HQ, www.caidp.eu/news/romania-approves-ambitious-ai-strategy.

¹⁶ National Strategy for Artificial Intelligence for the period 2024 – 2027 (Government Decision no. 832 in July 2024 approved Romania's national Artificial Intelligence (AI) strategy, 2024).

Strategic Objective	Targeted Administrative Change	Mechanism of Action
OS1: Digital Admin	Improving citizen-state interaction through AI-driven efficiency.	Integration of AI in the SIPOCA 704 strategic framework.
OS2: Economic Growth	Supporting SMEs and startups in the AI sector.	Creation of national innovation hubs and specialized clusters.
OS3: Research & Innovation	Funding basic and applied AI research.	Amendments to the National RDI Plan 2022-2027.
OS4: Governance	Establishing a clear regulatory and ethical oversight body.	Creation of a dedicated AI Regulatory Authority under the ADR.

Table 2. *National Strategy on Artificial Intelligence 2024–2027 map - authors' own processing*¹⁷.

The strategy explicitly involves the national intelligence services (SRI and SIE) in an inter-ministerial commission to ensure that AI adoption is consistent with national security goals and EU regulations. This "securitization" of AI policy reflects the great importance of the digital transition, where the efficiency of public services needs to be weighed against the risks of hybrid threats and algorithmic manipulation¹⁸.

This reflects the government's intention to secure buy-in from across the state apparatus. The strategy itself acknowledges Romania's weakness in digital governance (citing shortages of skilled personnel, low e-government usage at ~25% of citizens, and infrastructure shortfalls)¹⁹. It therefore emphasizes building human and infrastructural capacity to support AI adoption. In sum, Romania has created an active roadmap (often referred to as SN-IA) that explicitly ties its national AI ambitions to EU regulatory direction²⁰. One major aspect is the Authority for Digitalization of Romania (ADR), created in 2020 under the Ministry of Research, Innovation, and Digitalization (MCID). The ADR is now the lead agency for digital transformation and is expected to host Romania's AI regulatory body. Indeed, the strategy foresees a new "AI Regulatory Authority" within the ADR to handle the Act's obligations (serving as the notifying and market surveillance authority)²¹.

¹⁷ Romania Approves 2024-2027 AI Strategy, 16-7-2024, Written By CAIDP Europe HQ, www.caidp.eu/news/romania-approves-ambitious-ai-strategy.

¹⁸ A. Mararu, *The EU AI Act*, cit.

¹⁹ B. Münstermann, L. Jánoskúti, O. Tisler, and T. Weber, with M. Dósa, M. Horáček, and N. Kitipova, *The transformative potential of AI in Romania's public sector*, 29-9-2025, www.mckinsey.com/industries/public-sector/our-insights/the-transformative-potential-of-ai-in-romania-public-sector#.

²⁰ F. Florea, *Preparing for the Future: Romania's National AI Strategy and the EU AI Act*, 15-7-2024, www.wolftheiss.com/insights/preparing-for-the-future-romania-national-ai-strategy-and-the-eu-ai-act/.

²¹ Overview of all AI Act National Implementation Plans, 8-11-2024, last update 19-5-2025, artificialintelligenceact.eu/national-implementation-plans/.

In addition to the AI strategy, in April 2024 the Government established a broader Coordination Committee for Data, Digital Services, and Artificial Intelligence. This committee includes representatives from ANCOM (the telecoms regulator), the MCID, ADR, ANSPDCP (Data Protection Authority), the national cybersecurity directorate (DNSC), the national statistics institute (INS), consumer protection and audiovisual councils, and the competition council. Its mandate is to oversee policies across data sharing, digital services, and AI sectors that intersect heavily with public administration functions. The committee's rotating presidency and multi-agency membership signal an attempt to forge a whole-of-government approach to digital/AI issues. Together, the national strategy and new coordination structures indicate Romania's intention to conform to EU priorities and to integrate AI into public administration and the economy in a measured way.

Despite the ambitious objectives of the SN-IA, implementation has been hindered by what scholars describe as "fragmentary advancement." By early 2026, progress lagged behind EU requirements, with several institutional proposals remaining in draft form. This situation illustrates a recurring challenge in Romanian administrative law, the difficulty of translating strategic blueprints into operational reality. The success of the SN-IA depends on the ADR's capacity to manage political instability and bridge the legal-cultural gap between Western standards and domestic practices.

4. The Legislative Response: Pl-x nr. 184/2025

Although the EU AI Act itself does not require "transposition" into Romanian law (as it is directly applicable), Romania must still adopt complementary rules and appoint officials to operationalize it. For example, Romanian commentators note that "the Regulation is directly applicable in Romania without additional transposition", so Romania has pursued complementary domestic legislation to clarify enforcement systems and sector-specific restrictions. After the rejection of an overly simplistic draft in 2024 (Pl-x nr. 336/2024), the Romanian Senate registered a more detailed proposal, Draft Law Pl-x nr. 184/2025 on the responsible use of artificial intelligence²².

Draft Law Pl-x nr. 184/2025, registered with the Romanian Senate on 31 March 2025, includes a comprehensive set of provisions to guarantee transparency, protect fundamental rights, and prevent the misuse of AI in essential sectors. In contrast to its predecessor, Pl-x nr. 336/2024, a two-page document rejected by the Senate in May 2024 and subsequently by the Chamber of Deputies in May 2025, the new proposal manifests a more mature legislative ambition, albeit one not lacking significant structural and substantive shortcomings²³.

²² A. Iftime-Blagean, N. Lazar, *Romania and the EU AI Act: Ready or Just Warming Up?*, 4-12-2025, eurocloud.org/news/article/romania-and-the-eu-ai-act-ready-or-just-warming-up/.

²³ A.M. Zamfirescu, *Romania: EU Artificial Intelligence Regulation: What companies need to know*, 11-2-2026, lynx.legal/romania-eu-artificial-intelligence-regulation-what-to-know.

The draft law addresses AI deployment across several major domains. In Public Administration, AI systems must be transparent and subject to periodic audits, and decisions made solely by AI without human involvement are expressly forbidden. In the judiciary and law enforcement, the proposal categorically prohibits the use of AI in judicial decision-making, while AI systems used by law enforcement agencies must be certified and comply with fundamental rights standards. In the medical field, AI systems used for diagnosis and treatment require scientific validation and approval from relevant authorities, and medical decisions based on AI must be validated by a specialist physician²⁴.

The transparency and accountability provisions of Pl-x nr. 184/2025 mandates that AI developers bear responsibility for the impact of their algorithms on end users. All AI systems involved in decision-making must undergo annual audits by independent entities, and digital platforms must clearly label AI-generated content. The draft also addresses the use of AI for political profiling without direct consent, which is expressly prohibited, and bans deepfakes intended to manipulate public opinion or disrupt democracy processes²⁵.

Domain / Provision	EU AI Act (Reg. 2024/1689)	Draft Law Pl-x nr. 184/2025 (Romania)
Prohibited AI Practices	Art. 5-Exhaustive list of prohibited practices (social scoring, subliminal manipulation, real-time biometric identification in public spaces, etc.)	Implicit prohibitions through sector-specific bans (e.g., AI in judicial decisions, unauthorised surveillance), no exhaustive prohibited practices list
High-Risk AI Classification	Art. 6 & Annex III-Risk-based classification system with conformity assessments for high-risk AI	No explicit risk-based classification system; sector-specific rules replace horizontal risk categorization
Transparency Obligations	Art. 50-Obligations for providers to inform users of AI interaction, labelling of AI-generated content	Requires digital platforms to label AI-generated content, users must be informed when interacting with AI
AI in Public Administration	Annex III-AI systems used by public authorities for benefit eligibility, service allocation classified as high-risk	AI systems must be transparent and audited, fully automated administrative decisions without human involvement prohibited
AI in Judiciary & Law Enforcement	Annex III, para. 6 & 8-AI in law enforcement and administration of justice	AI cannot be used to render judicial decisions; law enforcement AI must be

companies-need-to-know/.

²⁴ M. Pop, *Legal Frameworks for Artificial Intelligence: A Comparative Analysis of Romania, The European Union, And International Perspectives*, in 21 *J.L. & Admin. Scis.* 75 (2024).

²⁵ Digital4All: Empowering Romanian SMEs with Advanced Digital Skills, zitec.com/case-study/adr-success-story/.

	classified as high-risk, subject to conformity requirements	certified and comply with fundamental rights
AI in Healthcare	Annex III, para. 1-AI as safety component of medical devices classified as high-risk	AI in diagnosis/treatment requires scientific validation and approval by competent authorities; medical decisions must be validated by specialist physician
Human Oversight Requirement	Art. 14-Deployers must ensure human oversight for high-risk AI systems	Mandatory human oversight for all AI-driven decisions in public administration and healthcare
Independent Audits	Art. 43-Conformity assessment procedures; post-market monitoring (Art. 72)	Annual independent audits required for all AI systems involved in decision-making
Deepfakes Regulation	Art. 50(4)-Obligation to label deep fakes; disclosure of artificially generated content	Deepfakes aimed at manipulating public opinion or disrupting democratic processes are prohibited
Political Profiling	Recital 44 & Art. 5(1)(a)-Prohibition of AI-based manipulation targeting political behaviour	Political profiling using AI without explicit consent is prohibited
Data Protection (GDPR)	Art. 10 & Recital 45-Data governance obligations; alignment with GDPR principles	Mandatory GDPR compliance for all AI systems
Sanctions – Administrative Fines	Art. 99-Administrative fines up to EUR 35 million or 7% global turnover	Organisational fines: RON 500,000–100 million (approx. EUR 100,500–20.1 million)
Sanctions – Criminal Penalties	Not provided-AI Act relies exclusively on administrative enforcement measures	Criminal sanctions: imprisonment 2–5 years for fundamental rights infringements via AI; criminal liability for responsible individuals
AI Regulatory Sandboxes	Art. 57-Each Member State must establish at least one sandbox by 2 August 2026	Not addressed – no provisions on regulatory sandboxes
Competent National Authority	Art. 70-Member States to designate national competent authorities; deadline 2 August 2025	Not designated – ADR proposed as host but not formally established as competent authority
Fundamental Rights Impact Assessment	Art. 27-Deployers of high-risk AI must conduct fundamental rights impact assessments	Not explicitly provided – indirect protection through sector-specific oversight obligations

Table 3. *PL-x nr. 184/2025 provisions mapped against the EU AI Act - authors' own processing.*

The sanctions regime of Pl-x nr. 184/2025 is notably more punitive than that of the AI Act. Individuals found using AI to infringe upon fundamental rights, through manipulation, discrimination, or excessive surveillance, face imprisonment of 2 to 5 years. Organizations, including companies and NGOs, that violate these provisions could incur fines of between RON 500,000 (approximately EUR 100,500) and RON 100 million (approximately EUR 20.1 million), with responsible individuals subject to criminal liability for economic offenses. Unauthorized use of AI for persistent surveillance without a legal ground or authority supervision is punishable by 2 to 5 years of imprisonment, while entities developing or implementing AI systems for automated decision-making without securing transparency and explainability face fines of up to RON 100 million, with responsible people facing criminal prosecution²⁶.

This approach raises a fundamental question of regulatory coherence. Article 99 of the AI Act establishes a tiered system of administrative fines, up to EUR 35 million or 7% of global annual turnover for prohibited practices, up to EUR 15 million or 3% for other obligations, and up to EUR 7.5 million or 1% for supplying incorrect information. The Romanian draft law's introduction of criminal sanctions (imprisonment) for comparable offenses creates a parallel punitive framework that may conflict with the Regulation's principle of proportionality. Moreover, the draft contains definitions that differ from those of the AI Act and provisions that overlap with or contradict the EU framework, including references to "certified" or "approved" AI systems without specifying which entities will provide approvals or under what procedures. The concept of "significant algorithmic decisions" is defined as those affecting "the rights, opportunities, or life of a person" free from clear criteria for assessing such impacts, leaving considerable room for interpretive uncertainty²⁷.

Under the AI Act, Member States were required to designate three types of authorities by 2 August 2025: a market surveillance authority, a notifying authority, and national public authorities for the protection of fundamental rights. Romania has partially complied with this obligation. In accordance with Article 77(2) of the AI Act, Romania notified the European Commission of several public authorities responsible for monitoring compliance with EU legislation protecting fundamental rights in the context of high-risk AI systems, including the Ombudsman (Avocatul Poporului), the National Authority for Consumer Protection, the National Council for Combating Discrimination, the National Supervisory Authority for Personal Data Processing (ANSPDCP), the National Audiovisual Council, and the Permanent Electoral Authority, among others.

However, as of early 2026, Romania has not officially designated a competent national authority for enforcing the AI Act, namely the market surveillance and notification authority. The National AI Strategy (SN-IA) proposes establishing a dedicated AI Regulatory Authority, to be

²⁶ Details at ai-act-service-desk.ec.europa.eu/en/ai-act/article-99, *Digital Governance in Romania: From Fragmentation to a Citizen-Centric Digital State*, 11-11-2025, lobbyromania.ro/digital-governance-in-romania-from-fragmentation-to-a-citizen-centric-digital-state/.

²⁷ Art. 99 from EU AI Act, art. 57 from EU AI Act.

coordinated by the Authority for the Digitalization of Romania (ADR) and the Ministry of Research, Innovation, and Digitalization (MCID), but this proposal is in the institutional design phase. The European Commission is carefully monitoring Member States that missed the August 2025 deadline, and infringement proceedings are widely expected if authorities are not designated and communicated in a timely manner²⁸.

This designation gap is compounded by wider challenges in Romania's digital governance. A recent assessment by the Edge Institute rated Romania's digital maturity at approximately 3.1 out of 10, signifying robust basic infrastructure (such as near-universal broadband and digital ID frameworks) but weak public digital services and fragmented governance. The ADR, established in 2020 as the lead agency for digital transformation, has encountered criticism for its limited capacity and coordination authority. Its prospective role as the host of the AI regulatory body requires a significant expansion of resources, technical expertise, and institutional independence, none of which are assured in the current political and budgetary context²⁹.

An additional obligation under Article 57 of the AI Act requires each Member State to establish at least one AI regulatory sandbox at the national level, operational by 2 August 2026. These sandboxes are designed to provide a controlled environment for testing innovative AI systems before market deployment, supporting innovation while ensuring regulatory compliance. For Romania, this represents both an opportunity and a challenge, while a sandbox could activate the active AI ecosystem centered in Bucharest and Cluj-Napoca, its successful operationalization presupposes the prior designation of competent authorities, a prerequisite that, as discussed, remains unmet.

The intersection of the AI Act, the GDPR, and Romanian administrative law creates a particularly elaborate legal environment for automated decision-making in the public sector. Article 22 of the GDPR already grants individuals the right not to be subject to decisions based solely on automated processing that produce legal or similarly significant effects, with exceptions demanding explicit consent, contractual necessity, or authorization by Union or Member State law, provided appropriate safeguards are in place. The AI Act reinforces this by classifying AI systems used in public administration, including those for evaluating eligibility for public benefits, allocating emergency services, and assessing creditworthiness, as high-risk, thereby subjecting them to tough requirements for risk management, data governance, transparency, and human oversight.

Romania's public administration has experienced substantial digital transformation since 2009, with initiatives such as the National Electronic System (SEN) and the ROeID digital identity framework. Yet, as scholars have noted, this "algorithmic race" in the Romanian public sector has outpaced the evolution of the legal framework, which still lacks

²⁸ Article 57: AI regulatory sandboxes, ai-act-service-desk.ec.europa.eu/en/ai-act/article-57.

²⁹ B. Münstermann, L. Jánoskúti, O. Tisler, and T. Weber, with M. Dósa, M. Horáček, and N. Kitipova, *The transformative potential of AI*, cit.

specific legislation on the use of algorithms in public administration. The existing national legal frameworks, the Administrative Judicial Review Act of 2004 and the Administrative Code of 2019, provide some guidance but are insufficient for the distinct challenges posed by AI, such as algorithmic transparency, accountability, and the protection of citizens' right to challenge automated decisions.

The potential benefits of AI in Romania's public sector are considerable. According to McKinsey³⁰ AI adoption is likely to yield annual public-sector productivity gains of up to EUR 1 billion and to contribute EUR 30–50 billion to Romania's GDP cumulatively by 2040. However, achieving these benefits demands addressing the fundamental tension between efficiency-driven digitalization and user-centered legal protections. Romania's digitalization efforts have traditionally prioritized efficiency over a citizen-centric approach, frequently neglecting vital legal safeguards such as the right to explanation, the right to contest automated decisions, and the guarantee of non-discrimination within algorithmic processing.

Draft Law Pl-x nr. 184/2025 seeks to address some of these deficiencies by prohibiting fully automated administrative decisions without human oversight and requiring annual independent audits of AI decision-making systems. However, the draft's lack of clarity about the criteria for "significant algorithmic decisions" and the absence of a defined institutional oversight framework render these provisions susceptible to the same issues of artificial convergence and legal anomie that have affected prior reform efforts in Romanian administrative law.

5. Conclusions

The journey of the AI Act from Brussels to Bucharest illustrates the structural tensions inherent in the supranational governance of emerging technologies within a Member State defined by a complex tradition of legal transplantation and institutional fragmentation. Romania's response to Regulation (EU) 2024/1689 demonstrates strategic ambition, as reflected in the National AI Strategy 2024–2027 and the proposed institutional architecture for AI governance. However, persistent implementation gaps risk reducing policy aspirations to declaratory instruments.

Draft Law Pl-x nr. 184/2025 constitutes a significant, though imperfect, effort to complement the directly applicable AI Act with domestic provisions tailored to Romania's sectoral concerns. Its explicit prohibitions on fully automated decision-making in public administration and the judiciary, the introduction of a criminal sanctions' regime, and its transparency mandates reflect a deliberate choice to exceed the minimum standards of the EU framework. However, the legislative ambition must be balanced by the requirement for regulatory coherence. Divergences between Pl-x nr. 184/2025 and the AI Act, particularly in their definitions, sanctioning philosophy, and institutional

³⁰ Details, 29-9-2025, www.mckinsey.com/industries/public-sector/our-insights/the-transformative-potential-of-ai-in-romania-public-sector#/.

designation, are likely to create legal fragmentation that may undermine the Regulation's harmonization objectives.

Three major challenges define the road ahead. First, the institutional designation gap must be resolved without delay. Without a formally designated market surveillance and notifying authority, Romania cannot operationalize the compliance, conformity assessment, and enforcement protocols mandated by the AI Act. The ADR's capacity must be strengthened via dedicated funding, recruitment of technical experts, and institutional safeguards against political volatility. Second, the regulatory sandbox obligation under Article 57 of the AI Act, requiring operational sandboxes by August 2026, offers Romania an opportunity to leverage its vibrant AI ecosystem for innovation-friendly compliance. However, the sandbox cannot function without prior institutional clarity, creating a cascading dependency that demands coordinated action. Third, protecting fundamental rights in the context of automated decision-making in public administration requires a legislative framework that goes beyond the general principles of the GDPR and the AI Act. Romania must develop sector-specific guidelines that operationalize the rights regarding transparency, explanation, and contestation within the administrative procedure, drawing on both EU standards and the Romanian Constitutional Court's evolving jurisprudence.

The success of Romania's AI governance framework ultimately depends on its capability to bridge the "legal-cultural gap" between supranational standards and domestic administrative practice. The AI Act represents the most demanding legal transplant in Romania's contemporary history, requiring not only formal transposition but also an extensive transformation of institutional culture, technical capacity, and the relationship between citizens and the algorithmic state. Romania's capacity to meet this challenge will determine both its compliance with EU law and its ability to harness the transformative potential of artificial intelligence for public administration and citizens.

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