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Legal Bulletin



Media and Advertising

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New requirements on the organization of promotional campaigns

Government Emergency Ordinance No. 92/2014 on the regulation of tax and budget measures and the amendment of legislative acts ("GEO 92/2014") was published in the Official Journal of Romania, Part I, No. 957 of 30 December 2014.

GEO 92/2014 amends several legislative acts, including Government Emergency Ordinance No. 77/2009 on the organization and operation of games of chance ("GEO 77/2009")¹. These amendments will become effective as of 13 February 2015.

Notably, the amendments brought by GEO 77/2009 provide, inter alia, that the National Gambling Office ("NGO") is competent to control and supervise promotional actions targeting the consumers.

Thus, according to the new legal framework, undertakings organizing actions "to boost sales and which do not involve an entry fee or any other additional expense for the participants or a higher product price than the pre-advertising price" must apply for the preliminary endorsement of NGO's Supervisory Committee. Moreover, GEO 92/2014 provides that such endorsement is also required for actions involving winnings or prizes to be awarded to one or several winner(s).

Therefore, as of 13 February 2015, any professional who, in order to promote its products and/or services, wishes to use one of the regular methods to boost consumer sales, such as: discounted sales, bonus sales, promotional lotteries, must take these new requirements into account.

Failure to obtain NGO's endorsement is a misdemeanour under the new legal framework and may be punished by a fine ranging from RON 20,000 to RON 40,000.

¹ GEO 77/2009 was published in the Official Journal of Romania, Part I, No. 439 of 26 June 2009.

However, GEO 92/2014 does not stipulate the procedure to be followed or the deadlines by which NGO must issue its endorsement. These rules are to be set forth in the enforcement regulations that the Government will approve by 14 March 2015 (i.e., within 30 days as of the effective date of Articles I to V of GEO 92/2014).

Since undertakings frequently resort to practices for boosting sales (in other words, promotional campaigns), these new requirements can be expected to have a significant impact on their operations, at least until the procedure to be followed and the deadlines for obtaining NGO's endorsement have been clarified.

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Editors

Țuca Zbârcea & Asociații has developed a wealth of expertise as regards **Media and Advertising** laws and regulations, providing legal assistance services for reputable media and public relations agencies and regulators, Internet services providers, broadcasters and production companies, mobile and fixed telecom operators or multi-nationals activating in various industries, as well as public figures (TV producers, writers, journalists, actors, etc).

Our services include advice on specific legal matters related to Internet-related contracts, advertising agreements (public relations services contracts, co-marketing agreements and event-sponsorship agreements), consumer protection and IP protection related matters (compliance with laws relating to trademarks, copyrights and other intangible properties, such as the rights to privacy), etc.

Also, our team specialising in Media and Advertising offers assistance on the obtaining of the required authorisation for advertisers and media players and on the establishment of new television channels, and in connection with the strategies ensuring avoidance of illegal and false advertising and protection from infringement.



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