



# ICLG

The International Comparative Legal Guide to:

## **Gambling 2015**

**1st Edition**

A practical cross-border insight into gambling law

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# The International Comparative Legal Guide to: Gambling 2015

# GLG

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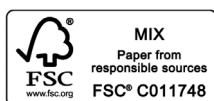
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# Romania

Ana-Maria Baci



Oana Albu



Nestor Nestor Diclescu Kingston Petersen

## Note

**Authors' disclaimer:** this article was written based on the Romanian legislation in effect as of 25 October 2014.

## 1 Relevant Authorities and Legislation

### 1.1 Which entities regulate what type of gambling activity in Romania?

According to the gambling legislation in force in Romania, the National Gambling Office (hereinafter referred to as "the Office"), an entity subordinate to the Romanian Government, is the regulatory authority for the gambling industry. A supervisory committee (the "Committee") has been set up within the Office, for granting gambling operators the licences/authorisations required by law, issuing certificates to the operators for the manufacturing of various gambling machines (either for own use or for placing them on the market) as well as for enforcing gaming regulations and internal rules applicable for such operators.

The gambling products currently identified by the legislation in force in Romania are: (i) lotto games; (ii) betting (mutual bets and fixed-odds bets); (iii) gambling specific to casino activities; (iv) slot machine games; (v) bingo games; and (vi) online gambling.

It should be noted that lotto games and mutual betting, both offline and online, are placed under the legal monopoly of the National Company "Loteria Romana" – S.A. Moreover, although in theory online gambling has been allowed in Romania since December 2010, such activity could not be legally conducted, as, in practice, there was no person authorised to monitor the activity. Therefore, no licence for online gambling has been ever issued.

\* Intended changes to the gambling legislation:

A new draft law amending Government Emergency Ordinance no. 77/2009 on the organisation and operation of gambling activities ("Draft Law") is currently under debate in the Romanian Parliament. The Draft Law has already been sent to the European Commission so as to comply with the mandatory notification procedure set up through Directive 98/34/EC, and the standstill period (set by the Romanian authorities to any one day) ended on October 17, 2014.

The Draft Law regulates new activities and new products for the Romanian gambling market such as: (i) land-based and remote (online) betting exchanges; (ii) remote casino-type games; (iii) poker games carried out in poker clubs; (iv) raffles; and (v) temporary gambling activities carried out in resorts. Moreover, mutual betting activities, both online and land-based, will be exiting

the monopoly of the National Company *Loteria Romana* in order to allow the economic operators to organise such activities.

Furthermore, the Draft Law newly provides that all activities organised by various economic operators with the view to stimulate sales which do not involve a participation fee or additional expense, respectively, from the participants, or an increase in price that the product had prior to the advertising campaign, are subject to the prior approval of the Office.

### 1.2 Specify all legislation which impacts upon any gambling activity (including skill and social games), and specify in broad terms whether it permits or prohibits gambling.

The main Romanian legislation which impacts upon gambling activity comprises the following acts:

- (i) Government Emergency Ordinance no. 77/2009 on the organisation and operation of gambling activities, as further amended and supplemented ("EGO 77/2009");
- (ii) Government Decision no. 870/2009 for the approval of the Methodological Norms for the implementation of Emergency Government Ordinance no. 77/2009 on the organisation and operation of gambling activities, as further amended and supplemented ("GD 870/2009");
- (iii) Government Emergency Ordinance no. 20/2013 on the organisation and functioning of the National Gambling Office and in regard to the modification and supplementation of Government Emergency Ordinance no. 77/2009 on the organisation and operation of gambling activities ("EGO 20/2013");
- (iv) Law no. 571/2003 regarding the Fiscal Code, as further amended and supplemented ("Romanian Fiscal Code");
- (v) Government Ordinance no. 92/2003 on the Fiscal Procedure Code ("Romanian Fiscal Procedure Code"); and
- (vi) Law no. 656/2002 on the prevention and sanctioning of money laundering, as well as for setting up measures for the prevention and combatting of terrorism financing acts, republished.

In what concerns skill and social games, the legislation currently in force in Romania does not expressly regulate such. However, given Romania's definition of gambling activities, we may say that any game (including skill games or social games) that lacks any of the elements falling within the legal definition of gambling will not be deemed as gambling and thus, shall be permitted in our jurisdiction without authorisation for such. Therefore, any skill or social game not involving (i) material winnings, or (ii) participation costs, or (iii) hazard-making the object of the game shall not be regarded as a gambling activity.

## 2 Application for a Licence and Licence Restrictions

### 2.1 Who can apply for a licence to supply gambling facilities?

According to the Romanian gambling legislation in force, an economic operator applying for a licence and authorisation to organise gambling games must be set up as a Romanian legal entity in accordance with the law, having “gambling and betting” activities as its main object of activity and the share capital subscribed and paid up to the amount stipulated by the law (despite the European Commission’s opinion that this creates obstacles to the free movement of services and/or the freedom of establishment of service operators within the internal market).

\* Intended changes to the gambling legislation:

According to the Draft Law, the economic operator applying for a licence and authorisation to organise gambling games will be either (i) a Romanian legal person established under the Romanian law, or (ii) a legal person duly established in (a) a Member State of the European Union, (b) a Contracting State of the Agreement on the European Economic Area, or (c) the Swiss Confederation.

### 2.2 Who or what entity must apply for a licence and which entities or persons, apart from an operator, need to hold a licence? Are personal and premises licences needed? Do key suppliers need authorisation?

Apart from the legal entities which may apply for a licence to organise gambling activity, as indicated in our answer to question 2.1 above, the Monitoring and Reporting Operators for online gambling must be authorised by the Office, in accordance with the law. No such authorisation has been issued for such activities so far. Hence, the online gambling market was practically blocked.

No personal or premises licences are needed under the current legislation in force.

\* Intended changes to the gambling legislation:

Under the Draft Law, the technical control, the monitoring and the supervision of online gambling will be exclusively performed by the Office. Thus, the monitoring and reporting functions will no longer be outsourced to entities (i.e. Monitoring and Reporting Operators) outside of the Office.

In addition, according to the Draft Law, the economic operators which conduct activities pertaining to online gambling activities in Romania, namely (i) the operators which offer management and hosting facilities on their gambling platform, (ii) manufacturers, importers, exporters, intra-community suppliers, etc., of gambling machinery and related components, (iii) payment processors, (iv) manufacturers and distributors of gambling software, (v) affiliates, (vi) certifiers, and (vii) auditors, are also obliged to obtain a licence from the Supervisory Committee of the Office in order to carry out these type of activities.

Another innovation of the Draft Law resides in the fact that the software (including its updated versions) used for the conduction of online gambling activity will be subject to the Office’s preliminary approval, based on tests which are performed by authorised laboratories.

### 2.3 What restrictions are placed upon any licensee?

In addition to the restriction according to which the gambling organisers must be set up as a Romanian legal entity, under the applicable legislation in force, the economic operator applying to be

licensed as an organiser of online gambling must hold, directly or through a shareholder/partner, a licence to organise and an authorisation to operate gambling games characteristic to casinos with at least 20 authorised game tables, a minimum of 500 slot-machine stations, fixed-odds betting games with a minimum 100 agencies or bingo games organised via television network systems. No such licence for online gambling has yet been issued.

### 2.4 What is the process of applying for a gambling licence?

For each type of gambling activity that the applicant intends to operate, a licence must be obtained from the Office upon request from the applicant. The licence is valid for five years, subject to the payment of annual fees ranging between approx. EUR 5,500 and EUR 110,000. In addition, an authorisation must be obtained annually and implies payment of fees ranging between approx. EUR 1,800 and EUR 180,000, or, for certain activities, a fee expressed as a percentage of the amounts collected from the respective activity. Moreover, the organisers of gambling activities must create a security fund for each electronic machine, casino gambling table or location, in order to cover risk of non-payment of their financial obligations to the Romanian state. On top of all of the above, the organisers of gambling activity must have a subscribed and paid-up share capital ranging between approx. EUR 6,700 and EUR 450,000, depending on the type of activity for which the licence is requested. Furthermore, the current gambling framework imposes a minimum number of game means, locations and technical equipment for which an authorisation may be requested.

\* Intended changes to the gambling legislation:

Although the process of applying for a gambling licence will be roughly the same under the Draft Law, the intended changes to the gambling legislation will impact on tax and other compulsory levies, as indicated below in our answer to question 2.7.

### 2.5 Please give a summary of applicable time limits and revocation.

The licence to organise gambling games is valid for five years, subject to the payment of annual fees. The Office may decide to revoke the licence to organise gambling games for cases such as: (i) failure to comply with the payment obligations to the general consolidated budget or payment of the respective obligations, in accordance with the legal provisions in force, more than 30 days from the date on which they become due in accordance with the law; (ii) the organiser no longer has the organising of gambling games as its main object of activity; (iii) if the approval issued by the police authorities for the legal representatives of the legal entity has been withdrawn, the latter keeps the respective position for more than 30 days from the date on which the withdrawal of the approval was communicated; (iv) a final judgment of conviction without rehabilitation was issued against the legal entity; (v) the legal representatives of the economic operator are in a situation of incompatibility for more than 30 days calculated from the date on which the incompatibility occurred; (vi) any of the shareholders or legal representatives of the legal entity keep their position for more than 30 days, when a final judgment of conviction without rehabilitation was issued against the respective entity, in Romania or in a foreign state, for a crime stipulated by the Romanian gambling legislation or for any other crime committed with intent for which a minimum two-year prison sentence was applied; (vii) the organisation of fraudulent gambling games; (viii) the security fund was not created to the amount, format or by the deadline



provided by law; (ix) there are irregularities with regard to the way the winnings awarded have been recorded, withholding the related sums of money and not paying them, or paying them after a delay of more than 30 days, as well as with regard to failure to comply with any requirements for licensing and authorisation established by the gambling legislation in force; and (x) it is found that gambling activities do not comply with the provisions of Law no. 656/2002 for the prevention and sanctioning of money laundering.

After the licence to organise gambling games has been revoked, a new application can be submitted after at least one year from the date on which the revocation decisions became irrevocable in the appeal system.

Moreover, the Office may decide to cancel the licence to organise gambling games or the authorisation to operate gambling games, as the case may be, if the Office finds that, on the date these documents were granted, the applicants provided incorrect or inaccurate information which, if known, would have led to the licence to organise gambling games or the authorisation to operate gambling games, as applicable, not being granted. In this situation, a new application for authorisation can be submitted after at least five years from the date on which the cancellation decision becomes final in the administrative appeal system or from the date on which the court judgment becomes final and irrevocable.

The Office may also decide to suspend or revoke the licence to organise gambling games, as the case may be, at the request of the National Office for the Prevention and Control of Money Laundering, due to failure to comply with the provisions of the legislation regarding the prevention and control of money laundering and financing of terrorist activities, determined by administrative documents that have remained final in the administrative appeal system, or by court judgments that are final and irrevocable.

\* Intended changes to the gambling legislation:

Under the provisions of the Draft Law, licences for the organisation of gambling activities will be granted for 10 years (instead of five years as currently granted), subject to the payment of annual fees.

Moreover, in addition to the above mentioned cases of licence cancellation or revocation, the Office may also decide, under the Draft Law, to suspend or revoke the licence to organise gambling games, as the case may be, at the request of the National Tax Administration or the Fraud Investigations Directorate within the General Inspectorate of Romanian Police of the Minister of Administration and Interior.

## 2.6 By product, what are the key limits on providing services to customers?

One of the key limits is the prohibition for minors under 18 years old to take part in gambling activities.

In addition, the legislation currently in force in Romania incriminates the participation of players (physical persons) from Romania to online gambling activities not authorised on the Romanian territory. Such act is qualified under the Law as a criminal offence and sanctioned by imprisonment or by criminal fine.

## 2.7 What are the tax and other compulsory levies?

Gambling activities are generally subject to the following taxes and fees:

- Annual licensing fee  
This is a fixed fee payable annually for obtaining/maintaining the gambling licence, and ranges between RON 25,000 (approx. EUR 5,600) for slot machine games and RON

500,000 (approx. EUR 112,000) for land-based and online lotteries.

- Annual authorisation fee

This is a fee payable annually for obtaining/maintaining the gambling authorisation, and is generally established as a percentage of the amount cashed by gambling organisers from players. Depending on the type of gambling, the percentage ranges between 1.5% and 10%. In some cases, the authorisation fee is established as a fixed fee (e.g., in cases of casinos or slot machines).

Both the annual licensing fee and the annual authorisation fee need to be paid to be able to operate gambling activities in Romania.

- Corporate tax

The general corporate tax rate is 16%, applied to the taxable profit (i.e., accounting profit adjusted with non-taxable revenues and non-deductible expenses). Tax payers carrying out activities in the nature of casinos or sports betting must pay as corporate income tax at least 5% applied on the revenue derived from those activities.

- Income tax on players' gains

Gambling revenues derived by players are subject to income tax at 25%. The taxable income is the net revenue calculated as the difference between the gross revenue and the non-taxable amount of RON 600 (approx. EUR 135), obtained from the same gambling organiser in one day. The gambling organiser is liable to compute, withhold and pay the individual income tax to the state budget.

\* Intended changes to the gambling legislation:

One of the most important innovations of the Draft Law refers to the calculation of gross gambling revenue (for the purpose of calculation of the authorisation tax). The taxable revenue is defined within the Draft Law as follows: (i) for computing the authorisation tax, the gambling revenue of a licensed operator is computed as the difference between the amounts cashed from players as tax for participating in the game, and the prizes granted to players (including the "jack-pot") for each type of game per day/month; and (ii) for games where the organiser collects a commission from the gambling participants/winners, for the purpose of computing the authorisation tax, the revenue of the licensed operator is represented by the collections (commissions retained from the participants), respectively the quota of the amount charged by the organiser, as per the specific gaming regulations for a day/month.

The annual authorisation tax for online gambling will be calculated as 16% of the gambling gross revenues whereas the annual authorisation tax for offline betting will be calculated as 16% of the gambling gross revenues, but not less than EUR 90,000.

The value of the licensing and authorisation fee as well as the minimum level of the security funds will also be increased and established in Euro for all gambling products and activities.

In addition, as per the Draft Law, the online gambling revenues for players will be expressly exempted from the withholding taxation. Notwithstanding, 1% withholding taxation will apply to offline gambling.

The Draft Law also regulates other special taxes such as: (i) 2% applied on the Video-Lottery operator's revenues; (ii) a vice tax for slot machines in amount of EUR 400/authorised post/year; and (iii) administrative taxes for obtaining the licence for remote games, namely (a) a tax of EUR 2,500 for analysing the file, and (b) a tax for issuance of the licence in the amount of EUR 8,500/licence/year.

Separately from the above, according to the Draft Law, gambling organisers will be obliged to finance the activities of a public interest foundation having as members the members of the Consultative Council to the Office, through the following annual contributions: (i) organisers of remote gambling subject to Class I

licensing: EUR 5,000/year; (ii) legal entities which are subject to Class II licensing: EUR 1,000/year; (iii) entities subject to Class III licensing: EUR 5,000/year; and (iv) organisers of traditional gambling: EUR 1,000/year.

## 2.8 What are the broad social responsibility requirements?

The gambling regulatory framework is focused on protecting minors and preventing their access to gambling, preventing fraud, money laundering and financing of terrorist actions, as well as ensuring the integrity and transparency of gambling activities, as well as a fair game system, which is to be constantly supervised.

## 2.9 How do any AML financial services regulations or payment restrictions restrict or impact on entities supplying gambling?

As a general rule, payment instruments used in the financial-banking system (payment orders, bills of exchange, promissory notes, bank transfers, paying-in slips, etc.) or other securities/declared value securities or vouchers are not accepted as payment instruments that contribute to the operation of gambling games, except for money, including credit and/or debit bank cards. Exceptions are provided for online gambling, including mutual bets and lotto games organised via Internet communication systems and landline or mobile telephone systems, in which case payments, transfers or withdrawals of money to/from the player's account are made through a bank account opened at a bank located in Romania or in a Member State of the European Union.

\* Intended changes to the gambling legislation:

Under the Draft Law, payment instruments used in the financial-banking system (payment orders, bills of exchange, promissory notes, bank transfers, paying-in slips, etc.) and money, including bank cards, are accepted as payment instruments that contribute to the operation of gambling games. For online gambling, the payment instruments and bank cards must be operated by banks that are located in Romania.

In addition, according to the Draft Law, all payments to players should be made only through a payment processor which is licensed by the Office.

## 3 The Restrictions on Online Supply/Technology Support/Machines

### 3.1 Does the law restrict, permit or prohibit certain online activity and, if so, how?

Online gambling currently permitted under the Romanian gambling legislation in force, is defined as all gambling activities, other than: (i) lotto games and bingo games taking place in game rooms or organised through television network systems; and (ii) online betting representing fixed-odds betting activity and bingo games, organised through communication systems such as the Internet and landline or mobile telephony systems, that are carried out by methods other than those which require the physical presence of the gamblers, organised and transmitted by communication systems and for which an organiser of gambling activities has obtained authorisation and a licence.

Currently, the following online activities are regulated in Romania:

- (a) bingo games organised through communications systems such as the Internet, landline or mobile telephony systems;
- (b) online betting representing the fixed odds betting activity, organised through communications system such as the Internet, landline or mobile telephony systems;

- (c) online gambling representing all the gambling activities, other than lotto games and bingo games taking place in game rooms or organised through television network systems and the gambling activities mentioned under items (a) and (b) above, that are carried out by methods other than those which require the physical presence of the gamblers, organised and transmitted by communication systems and for which an organiser of gambling activities has obtained authorisation and a licence; and
- (d) online lotto games and mutual betting which are currently placed under the legal monopoly of the National Company "Loteria Romana" – S.A.

\* Intended changes to the gambling legislation:

The Draft Law regulates new online products for Romanian gambling market such as remote (online) betting exchanges. In addition, remote casino-type games will be expressly regulated as an online gambling product.

Moreover, mutual betting activities, both online and land-based, will be exiting the monopoly of the National Company *Loteria Romana* in order to allow the economic operators to organise such activities.

### 3.2 What other restrictions have an impact on online supplies?

In order to protect consumers from unlicensed operators, the Office has the responsibility and obligation to identify the websites that enable access to online gambling games which do not hold a licence to organise/an authorisation to operate gambling games in accordance with the Romanian legislation. Moreover, the Office will identify the websites used for carrying out marketing, advertising, and publicity activities or any other promotional activities relating to the online gambling games, or activities and services related to these, which are not authorised in accordance with the Romanian legislation. In such cases, the Office shall immediately communicate all information regarding any unauthorised activities identified to the Internet providers, so that access to these websites can be blocked, and in addition shall also communicate the information about these unauthorised websites to payment institutions and services so that any payments to and from these unauthorised websites can be blocked.

In practice, the Office has already begun sending letters to the Internet service providers, in order to help detect and further stop infringements of the Romanian gambling legislation with respect to online gambling. By such letters, the Internet Service Providers have been requested (i) to take all necessary measures in order to block the access to illegal online gambling websites available for players located in Romania, and (ii) to provide information related to: the total number of distinct IP addresses accessed from the Romanian territory; details regarding such IP holders; the registration date of the users; how many times they accessed the listed websites; and other data of interest (IP domain name for gaming website, domain name holder, website owner, server location, country, etc.) (to the best of our knowledge, such action was carried out for 22 websites). However, the ISPs informed the Office that they are not able to provide such information, as they do not have access to this data.

\* Intended changes to the gambling legislation:

According to the Draft Law, specific requirements for the economic operator applying for a licence and authorisation to organise remote gambling games are as follows:

- providing evidence that the organiser holds a bank account for depositing the players' money as well as the players' winnings at (i) a bank which is licensed in Romania, or at (ii) a bank authorised (a) in another Member State of the EU, (b)

- in a Contracting State of the Agreement on the European Economic Area, or (c) in the Swiss Confederation, but which operates on the Romanian territory;
- in case of organisers established in a Member State of the European Union, in a Contracting State of the Agreement on the European Economic Area or in the Swiss Confederation, the organisers must have an “authorised representative” of the company; the representative must have its domicile in Romania (thus he/she must be a natural person) and must be empowered to represent the organiser in front of State authorities and the Romanian courts. Other requirements related to the organiser’s representative in Romania will be regulated within the Secondary legislation;
  - to hold all the technical equipment (which ensures support for organising and transmitting these type of gambling games) that is mandatory in the Romanian territory. The exception to this rule is the gambling organisers which are authorised in a Member State of the EU and which hold all the necessary technical equipment in a Member State of the EU, subject to connecting the equipment to a mirrored centralising computerised system connected to the Office;
  - the organisers must constitute a guarantee fund for the players’ deposits;
  - all payments to players should be made only through a payment processor which is licensed by the Office;
  - the organisers of online gambling activities must also create a guarantee fund in order to cover the risk of non-payment of the operator’s financial obligations to the Romanian State of EUR 100,000; and
  - the operators carrying out unauthorised online gambling activities will be blacklisted, along with their unlawfully websites.

### 3.3 What terminal/machine-based gaming is permitted and where?

The gambling legislation in force in Romania covers terminal/machine-based gaming as follows:

#### a) Slot-machines

The slot-machine games category includes the following means of gambling: (i) means of gambling constituted in a single unit, which enable access to the gambling game of a single participant, from a single gaming station (terminal); and (ii) means of gambling constituted in a single unit, which enable simultaneous access to the gambling game of several participants, from at least four gaming stations (terminals). Currently, slot machines can be located in casinos, gambling halls, the National Lottery’s agencies, betting agencies, restaurants or cinemas, theatre halls, sports halls, art halls, etc., provided that the following requirements are met: separate access for the players to make sure that the other activities are not disturbed in any way; and that access of underaged persons is completely restricted.

#### b) Video lotteries

In Romania, video lottery is a lotto-type game by which winnings are randomly obtained. The result of the participation in the game is revealed to the player via the video lottery terminal, and the dexterity or ability of the player does not have any influence/relevance in winning the prize. Video lottery games can be carried out via a unified network of closed-circuit terminals which only operate when connected online to a national central system. The central system ensures the activation and permanent monitoring of the terminals, centralisation of the data, and the automatic validation of the winnings awarded to the players. However, validation and awarding of winnings does not involve the

terminal used by the player. Video lottery terminals can be placed in the National Lottery’s agencies.

#### c) Fixed-odds betting activities

Fixed-odds betting activities can be carried out in well-defined locations called betting agencies. The betting halls will be operated through certain independent computer systems, solely at the level of the organising company, irrespective of the number of locations where such activity is carried out, subject to the obligation to centralise in a centralising computer system located on the Romanian territory the information reflecting each connected gaming terminal, the total participation fees collected and the total prizes awarded. The centralising computer system, through the care and on behalf of the organiser, will be connected to a terminal located at the Office, provided by the organisers, free of charge, and will contain or allow access to the information concerning: the participation fee for each ticket gambled; the prize awarded for each winning ticket; the total participation fees collected any day; the total prizes awarded that day; as well as the record of all terminals interconnected in the system (their number and the address where each of them is operated).

#### d) Bingo games

Mini-bingo terminals can be connected to the main computer in the bingo hall for players who are playing several cards at the same time, to enable them to follow the numbers drawn and the winning numbers, as well as the winning cards.

## 4 Enforcement and Liability

### 4.1 Who is liable for breaches of the relevant gambling legislation?

According to the gambling legislation in force in Romania, the deed committed by the administrator, director or any other legal representative of a legal entity (or even by a natural person) of carrying out any of the activities in the gambling sector without a licence or authorisation is considered a criminal offence and is punished with a one-month to one-year prison sentence or criminal fine. Moreover, the sanction applied to a legal entity for committing such crime is a fine ranging between approx. EUR 2,250 and 22,500 and the additional sanction of dissolving the legal entity.

Also, marketing, advertising, publicity or other promotional activities regarding online gambling or related activities, not authorised in Romania, are qualified as a minor offence and sanctioned with an administrative fine ranging from approx. EUR 11,200 to EUR 22,500. Under the same sanction, gambling legislation expressly forbids the promotion, through permitted online gambling activities, of any services, means or activities that are forbidden, or are not regulated by the Romanian legislation. In the latter situation, the authority may also revoke the licence granted for the organisation of the respective activity.

Moreover, gambling legislation in force expressly provides the prohibition of natural persons to participate from Romania in online gambling activities not authorised on the Romanian territory. Such act is qualified as a criminal offence and sanctioned with imprisonment for a period of six months to two years or a criminal fine.

### 4.2 What is the approach of authorities to unregulated supplies?

During recent years, less than 20 civil and criminal cases pertaining to gambling activities have been finalised (in some of the cases, with a court’s decision for conviction to imprisonment) or are

currently pending before the Romanian courts. In addition, the first sanction for TV advertising was imposed in November 2013 by the National Council for Audiovisual with respect to two ads for online poker given that the online operators were promoting gambling activities not authorised in Romania.

#### 4.3 Do other non-national laws impact upon enforcement?

Under Directive 98/34/EC, laying down a procedure for the provision of information in the field of technical standards and regulations, Member States (therefore including Romania) must notify to the European Commission and other Member States the draft regulations regarding products and Information Society services (such as online gaming and betting) before adopting them.

#### 4.4 Are gambling debts enforceable in Romania?

Only debts arising from authorised gambling games are enforceable.

### 5 Anticipated Reforms

#### 5.1 What (if any) intended changes to the gambling legislation/regulations are being discussed currently?

Please refer to our answers provided above, under the reference “\* Intended changes to the gambling legislation”. Moreover, amendments will probably also be brought to the secondary legislation. However, no indication of how such legislation will be amended is publicly available.



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Nestor Nestor Diculescu Kingston Petersen is a promoter of business law in Romania. The firm, together with its specialised tax and intellectual property divisions, has a team comprising 115 attorneys, 23 tax consultants and three intellectual property counsellors, has offices in Bucharest, Timișoara, Cluj-Napoca, Brașov and Craiova and offers full-service and integrated legal and tax advice to companies in Romania and abroad. NNDKP represents Romania in some of the most prestigious international professional alliances - Lex Mundi, World Services Group - and is a founding member of the South East Europe Legal Group (SEE Legal). The firm is constantly top ranked by the most important international legal guides such as Chambers & Partners, The European Legal 500 and IFLR 1000.



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