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LAWS AND DECREES

THE PARLIAMENT OF ROMANIA

CHAMBER OF DEPUTIES

THE SENATE

LAW

on the fight against the unfair practices of traders in their relations with consumers and the harmonization of regulations with the European legislation on consumer protection

The Parliament of Romania hereby adopts this law.

TITLE I

Definition and prohibition of certain unfair commercial practices

CHAPTER 1

General provisions

Article 1 – This law aims at ensuring an improved functioning of the market and a high level of protection for consumers by laying down rules for the commercial practices which are likely to affect the consumers' economic interests.

Article 2 - For the purposes of this law, the terms and expressions below have the following meaning:

a) *consumer* – any natural person or group of natural persons established in associations who, in commercial practices covered by this law, is/are acting for purposes which are outside his/their trade, business or production activity, craft or profession;

b) *trader* – any natural or legal person who, in commercial practices covered by this law, is acting in the framework of his trade, business or production activity, craft or profession, as well as any person acting for the same purposes in the name of or on behalf of the former;

c) *product* – any goods or services including immovable property, rights and obligations;

d) *trader-to-consumer commercial practices*, hereinafter also referred to as *commercial practices* - any act, omission, course of conduct, undertaking or commercial communication including

advertising and marketing, by a trader, directly connected with the promotion, sale or supply of a product to consumers;

e) *material distortion of the economic behaviour of consumers* – using a commercial practice to appreciably impair the consumer's ability to make an informed decision that he would not have taken otherwise;

f) *code of conduct* - an agreement or set of rules not imposed by law or administrative provisions, which defines the behaviour of traders who undertake to observe that code in relation to one or more particular commercial practices or business sectors;

g) *code owner* - any entity, including a trader or group of traders, which is responsible for the formulation and revision of a code of conduct and/or for monitoring compliance with the code by those who have undertaken to observe it;

h) *professional diligence* - the standard of skill and care which may reasonably be expected from traders towards consumers, commensurate with fair market practice and/or the general principle of good faith in the traders' field of activity;

i) *invitation to purchase* - a commercial presentation which indicates characteristics of the product and the price in a way appropriate to the means of the commercial presentation used and thereby enables the consumer to purchase products;

j) *undue influence* - exploiting a position of power in relation to the consumer so as to apply pressure, even without using or threatening to use physical force, in a way which significantly limits the

consumer's ability to make an informed decision;

k) *transactional decision* - any decision taken by a consumer concerning whether, how and on what terms to purchase, make payment in whole or in part for, retain or dispose of a product or to exercise a contractual right in relation to the product, whether the consumer decides to act or to refrain from acting;

l) *regulated profession* - the professional activity or a group of professional activities access to which or the pursuit of which is conditional, directly or indirectly, in accordance with the legislation in force, upon possession of a document attesting the level of professional training;

m) *average consumer* - the consumer deemed to be reasonably informed, careful and cautious, taking into account the social, cultural and linguistic factors.

Article 3 - (1) This law shall apply to the unfair practices of traders in their relation with consumers, as laid down in Article 4, before, during and after a commercial transaction in relation to a product.

(2) This law shall be without prejudice to:

a) the legal provisions governing contracts and, in particular, the provisions concerning the validity, formation or effect of a contract;

b) the Community or national rules relating to the health and safety aspects of products;

c) the legal provisions determining the jurisdiction of the courts;

d) the conditions governing access to a profession or acquisition of the authorisation for the pursuit thereof, the deontological codes of conduct or other specific rules governing professions in order to uphold high standards of integrity on the part of the professional;

e) the provisions relating to financial services, as defined in Government Order No 85/2004 on consumer protection upon

the conclusion and performance of distance contracts relating to financial services, as approved by Law No 399/2004, or to the provisions relating to immovable property, where such provisions are more restrictive or prescriptive than this law.

(3) This law shall not apply to the provisions governing the certification and indication of the marks, titles in the case of precious metals.

CHAPTER II

Unfair commercial practices

Article 4 - (1) A commercial practice shall be unfair if:

a) it is contrary to the requirements of professional diligence;

b) it materially distorts or is likely to materially distort the economic behaviour with regard to the average consumer whom it reaches or to whom it is addressed, or of the average member of a group when a commercial practice is directed to a particular group of consumers.

(2) Commercial practices which are likely to materially distort the economic behaviour only of a clearly identifiable group of consumers who are particularly vulnerable shall be assessed from the perspective of the average member of that group. The group of consumers is particularly vulnerable to the practice or the underlying product because of their mental or physical infirmity, age or credulity, the economic behaviour of that group being likely to be reasonably foreseen by the trader. This provision is without prejudice to the common and legitimate advertising practice of making exaggerated statements or statements which are not meant to be taken literally.

(3) The unfair commercial practices shall be, in particular, those which:

a) are misleading as set out in Articles 6 and 7;

b) are aggressive as set out in Articles 8 and 9.

(4) The list of commercial practices which shall in all circumstances be regarded as unfair is set out in Annex 1.

SECTION 1

Misleading commercial practices

Article 5 – Misleading commercial practices may be misleading actions or omissions.

Article 6 – (1) A commercial practice shall be regarded as misleading if it contains false information or in any way, including overall presentation, deceives or is likely to deceive the average consumer, to such an extent that, according to both assumptions, either causes or is likely to cause him to take a transactional decision that he would not have taken otherwise in relation to one or more of the following elements, even if the information is factually correct:

a) the existence or nature of the product;

b) the main characteristics of the product, such as: its availability, benefits, risks, manufacturing, composition, accessories, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin, the results to be expected from its use, the results and material features of tests or checks carried out on the product;

c) the extent of the trader's commitments, the reasons for the use of the commercial practice and the nature of the sales process, any statement or symbol which might entail a connection between the product or the trader and either a direct or indirect sponsorship or approval;

d) the price or the manner in which the price is calculated, or the existence of a specific price advantage;

e) the need for a service, a distinct part, replacement or repair;

f) the nature, attributes and rights of the trader or his agent, such as: his identity and assets, his qualifications, status, authorisation, affiliation or connections,

ownership of industrial, intellectual property or commercial rights or his awards and distinctions;

g) the consumer's rights, including the right to be entitled to repair, replacement or reimbursement of the value following the contract rescinding as defined in Law No 449/2003 on the sale of products and associated guarantees [8], or the risks the consumer may face.

(2) A commercial practice shall also be regarded as misleading if, in its factual context, taking account of all its features and circumstances, it causes or is likely to cause the average consumer to take a transactional decision that he would not have taken otherwise. In this case, the misleading action is determined by:

a) any marketing of a product, including comparative advertising, which creates confusion with any products, trade marks, trade names or other distinguishing marks of a competitor;

b) non-compliance by the trader with the obligations set out in codes of conduct by which the trader has undertaken to be bound, where:

(i) his commitment is not aspirational but is firm and is capable of being verified;

(ii) he indicates in a commercial practice that he has committed to abide by the code.

Article 7 – (1) A commercial practice shall be regarded as misleading if, in its factual context, taking account of all its features and circumstances and the limitations of the communication medium used for the transmission of the information, it omits material information that the average consumer needs, according to the context, to take an informed transactional decision and thereby causes or is likely to cause the consumer to take a transactional decision that he would not have taken otherwise.

(2) It shall also be regarded as a misleading omission when, taking account of the matters described in paragraph 1, a

trader hides or provides in an unclear, unintelligible, ambiguous or untimely manner such material information or fails to identify the commercial intent of the commercial practice if not already apparent from the context, and where, in either case, this causes or is likely to cause the average consumer to take a transactional decision that he would not have taken otherwise.

(3) Where the communication medium used to disseminate the commercial practice imposes limitations of space or time, these limitations and any measures taken by the trader to make the information available to consumers by other means shall be taken into account in deciding whether information has been omitted.

(4) In the case of an invitation to purchase, the following information shall be regarded as material, if not already apparent from the context:

a) the main characteristics of the product, taking account of the communication medium used and the product;

b) the registered office and the other particulars of the trader and, where he acts on behalf of another trader, the latter's registered office and other particulars;

c) the price inclusive of all taxes, or where the price cannot reasonably be calculated in advance considering the nature of the product, the manner in which the price is calculated. Moreover, where appropriate, all additional freight, delivery or postal charges or, where these charges cannot reasonably be calculated in advance, it shall be specified that such additional charges may occur and they must be borne by the consumer;

d) the arrangements for payment, delivery, performance and for complaints settlement, if they are different from the requirements of professional diligence;

e) for products and transactions involving a right of waiver or termination, the specification of such a right.

(5) Information provided for by the law in relation to commercial presentations,

including advertising or marketing, shall be regarded as material. The non-exhaustive list thereof is contained in Annex 2.

SECTION 2

Aggressive commercial practices

Article 8. - A commercial practice shall be regarded as aggressive if, in its factual context, taking account of all its features and circumstances, by harassment, coercion, including the use of physical force, or undue influence, it significantly impairs or is likely to significantly impair the average consumer's freedom of choice or conduct with regard to the product and thereby causes him or is likely to cause him to take a transactional decision that he would not have taken otherwise.

Article 9 - In determining whether a commercial practice uses harassment, coercion, including the use of physical force, or undue influence, account shall be taken of the following:

a) its timing, location, nature and/or persistence;

b) the use of threatening or abusive language or behaviour;

c) the exploitation by the trader of any specific misfortune or circumstance of such gravity as to impair the average consumer's judgment, of which the trader is aware, to influence the consumer's decision with regard to the product;

d) any onerous or disproportionate barriers not foreseen in the contract and imposed by the trader where a consumer wishes to exercise rights under the contract, including rights to terminate a contract or to switch to another product or another trader;

e) any threat to take any action that cannot legally be taken.

CHAPTER III

Competence, notification and control

SECTION 1

Competence and notification

Article 10 – (1) In order to stop and combat unfair commercial practices, persons

or organisations which, under the law, have a legitimate interest, may either notify unfair commercial practices to the National Consumer Protection Authority, so that the latter may decide on the complaints concerned, or take legal action against traders who have committed or are likely to commit unfair commercial practices.

(2) Competitor economic operators may inform the National Consumer Protection Authority of unfair commercial practices.

Article 11 – (1) Traders must provide evidence as regards the accuracy of the allegations made in connection with the commercial practice pursued, and shall, at the request of the National Consumer Protection Authority or a court, submit documents that substantiate their statements.

(2) Where the documents are not submitted within the deadline established by the authority which requested them or if they are deemed insufficient, the allegations concerned shall be regarded as inaccurate.

SECTION 2

Responsibilities and penalties

Article 12 – (1) The National Consumer Protection Authority may take action in accordance with this Law, by Order of the head of the National Consumer Protection Authority or by Decisions of the heads of units with legal personality under the authority of the National Consumer Protection Authority.

(2) An Order or a Decision issued pursuant to paragraph 1 shall be reasoned.

(3) An order or a decision issued pursuant to paragraph (1) may be appealed against before an administrative court, in accordance with Law No 554/2004 on administrative litigation, as amended.

(4) Lodging an appeal shall not attract the legal suspension of enforcing the measures ordered.

Article 13 – (1) Insofar as it is deemed necessary, taking into account all the interests involved and in particular the public interest, the competent courts or the

National Consumer Protection Authority shall act under the urgent procedure, even without proof of actual loss or damage or of intention or negligence on the part of the trader, to order one the following measures:

a) the cessation of or the launching of appropriate legal proceedings for the cessation of unfair commercial practices;

b) the prohibition of or the launching of appropriate legal proceedings for the cessation of unfair commercial practices, even if they have not yet been carried out but are imminent;

c) the communication by the National Audiovisual Council, within five working days following the receipt of the request, of the identification details of the natural or legal persons engaged in audiovisual advertising which is deemed an unfair commercial practice, and a copy of the disseminated advertising material.

(2) Where, with a view to eliminating the effects of unfair commercial practices, the cessation or prohibition thereof has been ordered, and the court judgment ordering that measure has become final and irrevocable or the order or decision issued pursuant to Article 12(1) has not been appealed against pursuant to Article 12(3), the court which issued the final and irrevocable decision or the National Consumer Protection Authority, may require:

a) the publication of that decision in full or in part and in such form as they deem adequate;

b) the publication of a corrective statement. The corrective statement must indicate the trader's registered office and his other identification details, the unfair practice committed, the date on which that practice was committed and the measures ordered.

(3) The information whose publication has been required pursuant to paragraph (2) shall be published, in all cases, in a widely circulated newspaper, at the trader's expense.

Article 14 – (1) This Law does not exclude the control which the persons responsible for the codes of conduct may exercise in accordance with the provisions of the codes of conduct that traders have undertaken to observe.

(2) The exercise of the control referred to in paragraph (1) does neither exclude nor restrict the right of consumers, associations or competitors to notify the person responsible for the code, or the right of consumers or associations to refer to the National Consumer Protection Authority or the competent court.

Article 15 - (1) The use of unfair commercial practices by traders, as defined in Chapter II, shall be prohibited, shall constitute an administrative offence and shall be punishable by fine of between RON 3 000 and RON 30 000.

(2) Failure to comply with the measures ordered by the Order or Decision referred to in Article 12(1) shall be punishable by fine of between RON 6 000 and RON 60 000.

(3) The administrative offences referred to in this Law shall be established following a notification from consumers or associations having a legitimate interest under the law, or ex officio by authorised representatives of the National Consumer Protection Authority.

(4) When applying an administrative fine, the reporting agent may propose, as a complementary penalty, the suspension of activities until the unfair commercial practice has ceased.

(5) The complementary penalty proposed to be applied pursuant to paragraph 4 shall be ruled under an Order issued by the leader of the National Consumer Protection Authority or under a Decision issued by the leaders of the units with legal personality subordinated to the National Consumer Protection Authority pursuant to Article 12(3) and (4).

Article 16 – The provisions of Government Order No 2/2001 on the legal regime of administrative offences, as approved as amended and supplemented by

Law No 180/2002, as subsequently amended and supplemented, shall be applicable to the administrative offences referred to in Article 15.

TITLE II

Amendment of certain legislative acts relating to consumer protection

Article I. - Government Order No 130/2000 on consumer protection upon the conclusion and performance of distance contracts, as published in Official Gazette of Romania, Part I, No 431 of 2 September 2000, as approved as amended and supplemented by Law No 51/2003, shall be amended and supplemented as follows:

1. Point b and c under Article 2(1) shall read as follows:

“b) *consumer* – any natural person or group of natural persons established in associations who, for the purposes of the contracts covered by this Order, is/are acting for purposes which are outside his/their trade, business or production activity, craft or profession;

c) *trader* – any natural or legal person who, for the purposes of the contracts covered by this Order, is acting in the framework of his trade, business or production activity, craft or profession, as well as any person who is acting for the same purposes, in the name of or on behalf of the former;”.

2. Article 6(a) shall read as follows:

“a) distance contracts relating to financial services, covered by Government Order No 85/2004 on consumer protection upon the conclusion and performance of distance contracts relating to financial services, as approved by Law no 399/2004;”.

3. Article 14 shall read as follows:

“Article 14 – In the case of supplies for which no prior order has been issued, the consumer shall be exempted from any consideration for that operation, the absence of a response not constituting consent.”

4. Article 23¹ shall read as follows:

“Article 23¹ – Annex 1 shall be updated by a Government Decision.”

5. Two new articles, Article 23² and 23³, shall be introduced after Article 23¹ to read as follows:

“Article 23² - The consumer may not be deprived of his rights conferred on him by this Order.

Article 23³ - Where the contracting parties choose as an applicable law for the distance contract the law of a state which is not part of the European Union, and the contract has close connection with the territory of Romania or with that of other Member States of the European Union and where this Order has more favourable provisions for the consumer, these latter provisions shall be applicable.”

6. The following mention shall be introduced after Article 24:

“This Order transposes the provisions of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts, as published in Official Journal of the European Union (OJEU) No L144 of 4 June 1997, as subsequently amended.”

7. Annex 2 shall be repealed.

Article II - Government Order No 85/2004 on consumer protection upon the conclusion and performance of distance contracts relating to financial services, as published in Official Gazette of Romania, Part I, No 796 of 27 August 2004, as approved by Law No 399/2004, shall be amended and supplemented as follows:

1. Point d under Article 3 shall read as follows:

“b) *consumer* – any natural person or group of natural persons established in associations who, in the framework of the contracts covered by this Order, is/are acting for purposes which are outside his/their trade, business or production activity, craft or profession;”

2. Article 15 shall read as follows:

“Article 15 – In the case of supplies for which no prior order has been issued, the consumer shall be exempted from any consideration for that operation, the absence of a response not constituting consent.”

3. Article 21(2) shall read as follows:

“(2) Where the contracting parties choose as an applicable law for the distance contract the law of a state which is not part of the European Union, and the contract has close connection with the territory of Romania or with that of other Member States of the European Union, and where this Order has more favourable provisions for the consumer, these latter provisions shall be applicable.”

4. A new paragraph, paragraph 3, shall be introduced after paragraph 2 to read as follows:

“(3) The consumers’ complaints and the establishment of compensation procedures in matters of contracts for the provision of distance financial services may also be settled by out-of-court means of redress pursuant to Law No 192/2006 on mediation and the organisation of the profession of mediator.”

Article III. - Law No 240/2004 on the liability of producers for the damage caused by defective products, as published in Official Gazette of Romania, Part I, No 552 of 22 June 2004, shall be amended to read as follows:

- In Article 7, the introductory part of paragraph 1 shall be amended to read as follows:

“Article 7 – (1) The producer shall be exempted from liability in accordance with the provisions of this law if he proves one of the following aspects:”

Article IV. - Law no 289/2004 on the legal regime of consumer credit agreements intended for natural persons acting as consumers, as published in Official Gazette, Part I, no 611 of 6 July 2004, shall be amended and supplemented as follows:

1. Article 2(a) shall read as follows:

“a) *consumer* – any natural person or group of natural persons established in associations who, in the framework of the transactions covered by this law, is/are acting for purposes which are outside his/their trade, business or production activity, craft or profession;”.

2. A new article, Article 13¹, shall be introduced after Article 13 to read as follows:

“Article 13¹ – The provisions of the credit contract shall be without any prejudice to the consumer’s rights in respect of the seller of products or the provider of services where the products or services referred to in the credit contract have not been provided or are not in compliance with the contract for purposes of their supply/provision.”

Article V – Government Order No 107/1999 on the marketing of package holidays, as republished in Official Gazette of Romania, Part I, No 387 of 7 June 2007, shall be amended and supplemented as follows:

1. Point 4 under Article 2 shall read as follows:

„4. *consumer* – any person or group of natural persons established in associations purchasing or undertaking to purchase the package holiday, designated as the principal contractor, or any person on whose behalf the principal contractor undertakes to purchase the package holiday, designated as the other beneficiaries, or any person to whom the principal contractor or other beneficiaries transfers/transfer the holiday package, designated as the transferee.”

2. Point b under Article 20(2) shall read as follows:

“b) when non-compliance with the obligations is due to cases of force majeure such as those defined in Article 18(b), or to an event which neither the travel agency nor the supplier or provider of services, even with all due care, could foresee or forestall;”.

3. A new point, point c, shall be introduced after point b under Article 20(2) to read as follows:

“c) when non-compliance with the obligations is attributable to a third party unconnected with the provision of the services contracted for, and the causes determining that non-compliance are unforeseeable or unavoidable.”

4. A new paragraph, paragraph 3, shall be introduced after Article 30(3) to read as follows:

“(3) In the cases referred to in paragraph 2(b), the travel agency, which is a party to the contract, shall be required to give prompt assistance to the consumer in difficulty.”

5. The following mention shall be introduced after Article 33:

“This Order transposes the provisions of Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours, as published in Official Journal of the European Union (OJEU) No L 158 of 23 June 1990.”

Article VI. - Law No 193/2000 on unfair terms in contracts concluded between traders and consumers, as republished in Official Gazette of Romania, Part I, No 1014 of 20 December 2006, shall be amended and supplemented as follows:

1. Article 2 shall read as follows:

“Article 2 – (1) A *consumer* shall mean any natural person or group of natural persons established in associations who, under a contract governed by this law, is/are acting for purposes which are outside his/their trade, business or production activity, craft or profession.

(2) A *trader* shall mean any authorised natural or legal person who, under a contract governed by this law, is acting in the framework of his trade, business or production activity, craft or profession, as well as any person who is acting for the same purposes, in the name of or on behalf of the former.”

2. Two new paragraphs, paragraph 5 and 6, shall be introduced after Article 4(4) to read as follows:

“(5) Without prejudice to the provisions of this law, the unfairness of a contractual term shall be assessed according to:

a) the nature of the goods or services making the subject matter of the contract upon its conclusion;

b) all the factors having determined the conclusion of the contract;

d) other terms of the contract or of other contracts on which it is dependent.

(6) Assessment of the unfair nature of the terms shall relate neither to the definition of the main subject matter of the contract nor to the quality to meet the requirements in terms of price and payment, on the one hand, nor to the services provided or goods supplied in exchange, on the other, in so far as these terms are expressed in an easily intelligible language.”

3. A new article, Article 14¹, shall be introduced after Article 14 to read as follows:

“Article 14¹ - Where the contracting parties opt for the law of a non-member State as the law applicable to the contract, and the contract has a close connection with the territory of Romania or with that of other Member States of the European Union and where this law has more favourable provisions for the consumer, these latter provisions shall be applicable.”

4. The following mention shall be introduced after Article 16:

“This law transposes the provisions of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, as published in Official Journal of the European Union (OJEU) No L 95 of 21 April 1993.”

5. Point a, p and t in the Annex shall read as follows:

“a) entitle the trader to alter the terms of the contract unilaterally without a valid reason which is specified in the contract.

The provisions of this point shall be without hindrance to terms under which a supplier of financial services reserves the right to alter the rate of interest payable by the consumer or due to the latter, or the amount of other charges for financial services without prior notice where there is a valid reason, provided that the trader is required to inform the other contracting parties thereof at the earliest opportunity and that the latter are free to dissolve the contract immediately.

The provisions of this point shall also be without hindrance to terms under which the trader reserves the right to alter unilaterally the conditions of a contract of indeterminate duration, provided that he is required to inform the consumer with reasonable prior notice and that the consumer is free to dissolve the contract;

.....
.....
.....

p) provide for the price of goods to be determined at the time of delivery or allowing sellers of goods or suppliers of services to increase their price without in both cases giving the consumer the right to cancel the contract if the final price is too high in relation to the price agreed when the contract was concluded.

The provisions of this point shall be without hindrance to price-indexation clauses, where lawful, provided that the method by which prices vary is explicitly described;

.....
.....
.....

t) entitle the trader to terminate the contract concluded for an indeterminate duration without a reasonable prior notice, provided that sound reasons have been given.

The provisions of this point shall be without hindrance to terms under which the supplier of financial services reserves the right to decide unilaterally to terminate a contract concluded for an indeterminate

period and without a prior notice where there is a valid reason, provided that the trader is required to inform the other contracting parties thereof at the latest opportunity.”

6. A new paragraph, paragraph 2, shall be introduced in the Annex to read as follows:

“(2) The provisions of paragraph 1(a), (p) and (t) shall not be applicable to:

a) transactions in transferable securities, financial instruments and other products or services where the price is linked to fluctuations in a stock exchange quotation or index or a financial market exchange rate that the seller or supplier cannot control;

b) contracts for the purchase or sale of foreign currency, traveller's cheques, international money orders denominated in foreign currency or other international means of payment.”

Article VII. - Law No 449/2003 on the sale of products and associated guarantees, as published in Official Gazette of Romania, Part I, No 812 of 18 November 2003, shall be amended and supplemented as follows:

1. Article 2(a) shall read as follows:

“a) *consumer* – any natural person or group of natural persons established in associations who, under the contracts governed by this law, is/are acting for purposes which are outside his/their trade, business or production activity, craft or profession;”.

2. Paragraph 2 under Article 14 shall be repealed.

3. A new paragraph, paragraph 2, shall be introduced under Article 25 to read as follows:

“(2) Where the contracting parties opt for the law of a non-member State as the law applicable to the contract, and the contract has a close connection with the territory of Romania or with that of other Member States of the European Union and where this law has more favourable provisions for the

consumer, these latter provisions shall be applicable.”

4. A new article, Article 25¹, shall be introduced after Article 25 to read as follows:

“Article 25¹ – The Government shall adopt detailed rules implementing this law.”

5. The following mention shall be introduced after Article 26:

“This law transposes the provisions of Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees, as published in Official Journal of the European Union (OJEU) No L 171 of 7 July 1999.”

Article VIII. - Law No 245/2004 on the general safety of products, as published in Official Gazette of Romania, Part I, No 565 of 25 June 2004, shall be amended and supplemented as follows:

1. In Article 1, the introductory part of paragraph 2 shall read as follows:

“(2) Where products are subject to specific safety requirements imposed by Community legislation, this law shall apply only to the aspects and risks or categories of risks not covered by those requirements, as follows:”.

2. In Article 3, the introductory part of paragraph 4 shall read as follows:

“(4) In conditions other than those referred to in paragraph 2 and 3, the conformity of a product to the general safety requirement shall be assessed by taking into account the following, where they exist:”.

3. In Article 4, point a of Article 3 shall read as follows:

“a) the information by way of the product or packaging, with regard to the producer's identity and particulars, and the information about the product or, as appropriate, about the batch of products including that product, with the exception of cases when the omission of this information is justified;”.

4. Article 8(1) shall read as follows:

“Article 8 – (1) The following shall be deemed administrative offences and shall be punishable:

a) any breach in the provisions of Article 3(1), which shall be punishable by the application of a fine ranging between RON 3,000 and RON 30,000;

b) any breach in the provisions of Article 4(1), which shall be punishable by the application of a fine ranging between RON 1,000 and RON 3,000;

c) any breach in the provisions of Article 4(2) and of Section 2 of Article 5(1)(b), which shall be punishable by the application of a fine ranging between RON 700 and RON 7,000;

d) any breach in the provisions of Article 5(1)(a), which shall be punishable by the application of a fine ranging between RON 2,000 and RON 4,000.”

5. In Article 10, the introductory part of paragraph 1 shall read as follows:

“Article 10 – (1) For the purposes of this law, in particular of Article 6, the competent authority supervising the market as regards the conformity of the products with the general safety requirements must take, as appropriate, one of the following complementary measures:”.

6. A new paragraph, paragraph 7, shall be introduced after Article 17(6) to read as follows:

“(7) Following the notifications received through the RAPEX system, the national contact point shall send to the European Commission the measures adopted as regards the products detected on the market in Romania.”

7. Article 18(3) shall read as follows:

“(3) The competent authority supervising the market as regards the conformity of the products with the general safety requirements, which is responsible for the application of the measures referred to in Article 10(1)(b) to (f), must enable the parties involved to express their opinion

within one month, informing the European Commission thereof.”

8. A new paragraph, paragraph 4, shall be introduced after Article 18(3) to read as follows:

“(4) Export from the European Community of dangerous products which have been the subject of a decision referred to in paragraph 2 shall be prohibited insofar as the decision does not provide otherwise.”

9. In Annex 2, Section 7 shall read as follows:

„7. When, in accordance with Article 17(3) of the law, Romania has informed the European Commission of a serious risk before deciding to adopt measures, it must indicate to the European Commission within 45 days whether it confirms or modifies this information.”

Article IX. – Act no 12/1990 on the protection of population against unlawful commercial activities, as republished in Official Gazette of Romania, Part I, No 133 of 20 June 1991, as subsequently amended and supplemented, shall be amended as follows:

- Point c under Article 1 shall read as follows:

“c) ”the sale of goods or the provision of services to be conditional upon the purchase of other goods or the provision of services;”.

Article X. - Government Order No 106/1999 on contracts concluded away from business premises, as published in Official Gazette of Romania, Part I, No 431 of 31 August 1999, as approved as amended as amended and supplemented by Law No 60/2002, shall be amended and supplemented as follows:

1. In Article 2, points a and b shall be amended to read as follows:

“a) *consumer* – any natural person or group of natural persons established in associations who, in the framework of the transactions governed by this Order, is/are acting for purposes which are outside his/their trade, business or production activity, craft or profession;

b) *trader* – any authorised natural or legal person who, for the purposes of the transactions governed by this Order, is acting in the framework of his trade, business or production activity, craft or profession, as well as any person who is acting for the same purposes, in the name of or on behalf of the former;”.

2. The following mention shall be introduced after Article 23:

“This Order transposes the provisions of Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises, as published in Official Journal of the European Union (OJEU) No L 372 of 31 December 1985.”

Article XI. - Government Order No 21/1992 on consumer protection, as published in Official Gazette of Romania, Part I, No 208 of 28 March 2007, shall be amended and supplemented as follows:

1. Point 2 and 23 under Article 2 shall be amended to read as follows:

„2. *consumer* – any natural person or group of natural persons established in associations and acting for purposes which are outside his/their trade, business or production activity, craft or profession;

.....

23. *placing on the market* – the action of making a product or a service available for the first time on the market, in return for payment or free of charge, with a view to distribution and/or use.”

2. Point e under Article 3 shall read as follows:

“e) to organise in consumer associations for purposes of protecting their interests.”

3. The first indent of point a under Article 7 shall be repealed.

4. The forth indent of point c under Article 7 shall read as follows:

“- upon the provision of the services, to ensure clean conditions, the conditions

established by the producer, by the legislative acts in force and the conditions pertaining to the development of the activity;”.

5. The fifth indent of point c under Article 7 shall be repealed.

6. Point g under Article 10 shall read as follows:

“g) to notify consumer associations and the public administration bodies of any breach in the consumers’ rights and legitimate interests and to make proposals on how to improve the quality of products and services;”.

7. Article 20(1) shall read as follows:

“Article 20 – (1) The producer must inform about the designation of the product, the designation and/or the manufacturer’s mark, the quantity and, as appropriate, the period of guarantee, of validity or the date of the minimum sustainability, the average period of use, the main technical and qualitative features, the composition, the additives used, about any potential predictable risks, the manner of use, handling, storage, preservation or keeping, contraindications.”

8. The title of Chapter VI shall read as follows:

“CHAPTER VI

Consumer associations”

9. Article 30 shall read as follows:

“Article 30 – For the purposes of this Order, *consumer associations* shall be regarded as non-governmental organisations established as legal persons under the law, which, without aiming at gaining profit for their members, have the sole purpose of protecting the rights and legitimate interests of their members or of consumers, in general.”

10. Article 31 shall read as follows:

“Article 31 – Consumer associations may be social partners having a right of representation in the advisory councils acting in the area of consumer protection, where public administration bodies are

represented, if they meet the requirements of this Order.”

11. The introductory part of Article 32 shall read as follows:

“Article 32 – Consumer associations protecting the consumers’ rights and legitimate interests in general are social partners in the advisory councils referred to in this Order if:”.

12. Article 33 shall read as follows:

“Article 33 – Consumer associations which are established for the purpose of protecting only their members’ interests may become social partners with a right of representation in the advisory bodies acting in the area of consumer protection, where the public administration bodies are represented, only if they have at least 800 members.”

13. Article 34 shall read as follows:

“Article 34 – After their establishment, consumer associations shall request their registration at the public administration body for consumer protection at central or local level, as appropriate.”

14. Article 35 shall read as follows:

“Article 35 – The management staff and the employees of the specialised public administration bodies, as well as those of the demerged public services of ministries and of the other specialised bodies of the central public administration with duties in the area of consumer protection, shall not be entitled to be employed in the management bodies of consumer associations.”

15. The introductory part of Article 36 shall read as follows:

“Article 36 – Consumer associations shall be consulted by the public administration services and bodies referred to in Article 35 according to their competences in the preparation of the general provisions and procedures and of other works aiming at consumer protection, as regards:”.

16. In Article 37, the introductory part and point c shall read as follows:

“Article 37 – Consumer associations have the following rights and obligations:

.....

c) to inform the competent authorities of the existence of non-compliant products on the market, or of products endangering the consumers’ life, health or safety, of any unfair contractual terms and unfair practices of traders in their relations with consumers;”.

17. Article 37(f) and (j) shall be repealed.

18. Article 38 shall read as follows:

“Article 38 – Consulting and information centres for consumers may be organised as offices included in the organizational chart of consumer associations to carry out activities free of charge to the benefit of the latter, consisting in the provision of information, the issue of recommendations and consultancy in matters related to the purchase of a product or service.”

19. In Article 39, the introductory part of paragraph 1 shall read as follows:

“Article 39 – (1) The amounts received from the State budget through the National Consumer Protection Authority shall be used for the establishment and operation of consumer consulting and information centres, in particular for:”.

20. A new article, Article 39¹, shall be introduced after Article 39 to read as follows:

“Article 39¹ – (1) Starting with 2008, the National Consumer Protection Authority shall co-finance the European Consumer Centre.

(2) Every year, the National Consumer Protection Authority shall foresee in its budget amounts destined to co-finance the European Consumer Centre.

(3) The control over the activity carried out by the European Consumer Centre in respect of the amounts allocated from the

State budget shall be exercised by the National Consumer Protection Authority.”

21. Article 41 shall read as follows:

“Article 41 – The control over the activities carried out in the consumer consulting and information centres attached to the consumer associations and over the European Consumer Centre which received amounts from the State budget or from the local budgets shall be exercised by the National Consumer Protection Authority.”

22. Article 42 shall read as follows:

“Article 42 – The representatives of consumer associations shall not be entitled to control economic operators.”

23. Article 43 shall read as follows:

“Article 43 – Consumer consulting and information centres and the European Consumer Centre may benefit from specialised assistance from the staff of the National Consumer Protection Authority, which has the relevant competence.”

24. Point c under Article 45 shall read as follows:

“c) representatives of consumer associations;”

25. Article 47 shall read as follows:

“Article 47 – The legal actions taken by the consumer associations established under the conditions referred to in Article 32 and 33 against the economic operators which prejudiced the consumer’s rights and legitimate interests shall be exempted from the payment of the stamp fee.”

26. In Article 50, point a of Article 1 shall read as follows:

“c) any breach in the provisions of Article 5, the first, the second and the fifth indent of Article 7(b), the third and the fourth indent of Article 7(c), Article 9, Article 10(a) to (f) and (h) and Article 11, shall be punishable by the application of a fine under administrative proceedings ranging between RON 2,000 and RON 4,000;”

27. Point d of Section 2 under Article 55 shall read as follows:

“d) services which are likely to endanger the consumer’s life, health, safety or economic interests are provided;”

28. Article 60(1) shall read as follows:

“Article 60 – (1) Where the offender has not paid the fine within 30 days following the final penalty decided with regard to his person, and where there is no possibility to resort to enforcement, the court with competence over the ascertaining agent shall refer the matter to the court with jurisdiction over the area where the offence was committed in order to replace the fine with the penalty of compelling the offender to carry out an activity to the benefit of the community taking into account the partial value paid from the value of the fine.”

29. Point f under Article 66 shall read as follows:

“f) the conditions in which consumer associations established pursuant to Article 33 may become social partners with a right of representation;”

30. Article 66(h) shall be repealed.

31. Article 68 shall read as follows:

“Article 68 – The National Consumer Protection Authority shall approve or amend the evaluation and selection criteria for consumer associations establishing or including operational consumer consulting and information centres, and the model agreement referred to in Article 40(1).”

Article XII. - Government Emergency Order No 97/2001 laying down rules for the production, circulation and marketing of foodstuffs, as published in Official Gazette of Romania, Part I, No 349 of 29 June 2001, as approved as amended and supplemented by Law No 57/2002, shall be amended as follows:

- Point d under Article 34 shall read as follows:

“d) the prohibition to sell foodstuffs under certain names, information or presentations which are likely to be misleading, and the prohibition to advertise products for which certain graphical

presentations or other information which are likely to be misleading are used;”.

Article XIII. – Law No 296/2004 on the Consumption Code, as published in Official Gazette of Romania, Part I, No 593 of 1 July 2004, as subsequently amended and supplemented, shall be amended as follows:

- Section 13 in the Annex shall read as follows:

„13. *consumer* – any natural person or group of natural persons established in associations and acting for purposes which are outside his/their trade, business or production activity, craft or profession;”.

TITLE III

Final provisions

Article I – Through its specialised bodies, the Government shall prepare specific rules and regulations to be published in Official Gazette of Romania, Part I, within 12 months following the date of entry into force of this law, pursuant to the provisions of Title I.

Article II - The Government shall approve by a decision the regulation on the establishment and operation of consumer consulting and information centres and the establishment of the funding sources for such centres within 60 days following the date of entry into force of this law.

Article III. - (1) The National Consumer Protection Authority shall inform consumers through the media in connection with the provisions of Title I within 30 days following the date of entry into force of this law.

(2) At the request of economic operators, the National Authority for Consumer Protection shall provide them with consulting services in connection with the development of some codes of conduct.

Article IV. - (1) Until 12 June 2013, more restrictive provisions than those in this law are likely to be applied as a result of the transposition of some directives with minimum harmonization clauses.

(2) The National Consumer Protection Authority shall notify the European Commission of the legal provisions referred to in paragraph 1.

Article V – The following legislative acts shall be republished with the texts renumbered:

a) Government Order No 130/2000 on consumer protection upon the conclusion and performance of distance contracts, as published in Official Gazette of Romania, Part I, No 431 of 2 September 2000, as approved as amended and supplemented by Law No 51/2003, and as amended and supplemented by this law;

b) Act no 12/1990 on the protection of population against unlawful commercial activities, as republished in Official Gazette of Romania, Part I, No 133 of 20 June 1991, as subsequently amended and supplemented, and as amended by this law;

c) Government Order No 106/1999 on contracts concluded away from business premises, as published in Official Gazette of Romania, Part I, No 431 of 31 August 1999, as approved as amended and supplemented by Law No 60/2002, and as amended and supplemented by this law;

d) Government Emergency Order No 97/2001 laying down rules for the production, circulation and marketing of foodstuffs, as published in Official Gazette of Romania, Part I, No 349 of 29 June 2001, as approved as amended and supplemented by Law No 57/2002, and as amended by this law;

e) Law No 296/2004 on the Consumption Code, as published in Official Gazette of Romania, Part I, No 593 of 1 July 2004, as subsequently amended and supplemented, and as amended by this law;

f) Law No 98/1994 on the establishment of and the penalties applied for the offences committed in respect of the legal hygiene and public health rules, as published in Official Gazette of Romania, Part I, No 317 of 16 November 1994, as subsequently amended and supplemented;

g) Law No 349/2002 on the prevention and combating of the effects of the consumption of tobacco products, as published in Official Gazette of Romania, Part I, no 435 of 21 June 2002, as subsequently amended and supplemented;

h) Law No 348/2003 on pomology, as published in Official Gazette of Romania, Part I, No 541 of 28 July 2003, as subsequently amended and supplemented;

i) Law No 30/2006 on public health rules in the use of mushrooms from the spontaneous flora, as published in Official Gazette of Romania, Part I, No 208 of 7 March 2006, as subsequently amended;

j) Government Order No 85/2004 on consumer protection upon the conclusion and performance of distance contracts relating to financial services, as published in Official Gazette of Romania, Part I, No 796 of 27 August 2004, as approved by Law No 399/2004, as amended and supplemented by this law;

k) Law No 240/2004 on the liability of producers for the damage caused by defective products, as published in Official Gazette of Romania, Part I, No 552 of 22 June 2004, as amended by this law;

l) Law no 289/2004 on the legal regime of consumer credit agreements intended for natural persons acting as consumers, as published in Official Gazette, Part I, no 611 of 6 July 2004, as amended and supplemented by this law;

m) Law No 193/2000 on unfair terms in contracts concluded between traders and consumers, as republished in Official Gazette of Romania, Part I, No 1014 of 20 December 2006, as amended and supplemented by this law;

n) Law No 449/2003 on the sale of products and associated guarantees, as published in Official Gazette of Romania, Part I, No 812 of 18 November 2003, as amended and supplemented by this law;

o) Law No 245/2004 on the general safety of products, as published in Official Gazette of Romania, Part I, No 565 of 25

June 2004, as amended and supplemented by this law;

p) Government Order No 107/1999 on the marketing of package holidays, as republished in Official Gazette of Romania, Part I, No 387 of 7 June 2007, as amended and supplemented by this law;

q) Government Order No 21/1992 on consumer protection, as republished in Official Gazette of Romania, Part I, No 208 of 28 March 2007, as amended and supplemented by this law;

r) Law No 608/2001 on the assessment of the conformity of products, as republished in Official Gazette of Romania, Part I, No 313 of 6 April 2006, as subsequently amended;

s) Government Emergency Order No 200/2000 on the classification, labelling and packaging of dangerous substances and chemical preparations, as published in Official Gazette of Romania, Part I, No 593 of 22 November 2000, as approved as amended by Law No 451/2001, as subsequently amended and supplemented;

t) Government Order No 42/1995 on the production of foodstuffs intended for marketing, as published in Official Gazette of Romania, Part I, No 203 of 1 September 1995, as approved as amended and supplemented by Law No 123/1995, as subsequently amended and supplemented;

u) Government Order No 25/2006 on an enhanced administrative capacity of the Romanian Copyright Office, as published in Official Gazette of Romania, Part I, No 84 of 30 January 2006, as approved as amended and supplemented by Law No 364/2006;

v) Government Order No 34/2000 on the production of foodstuffs intended for marketing, as published in Official Gazette of Romania, Part I, No 172 of 21 April 2000, as approved by Law No 38/2001, as subsequently amended and supplemented.

Article VI. - Title I of this law transposes the provisions of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial

practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (“Unfair Commercial Practices Directive”), published in Official Journal of the European Union (OJEU) No L 149 of 11 June 2005.

Article VII. - Annexes 1 and 2 shall form an integral part of this decision.

This law has been adopted by the Romanian Parliament, in accordance with the provisions of Article 75 and 76(2) of the Constitution of Romania, as republished.

PRESIDENT OF THE CHAMBER OF
DEPUTIES
BOGDAN OLTEANU

PRESIDENT OF THE SENATE
NICOLAE VĂCĂROIU

Bucharest, 21 December 2007.

No 363.

ANNEX I

COMMERCIAL PRACTICES

which are in all circumstances considered unfair

Misleading commercial practices

1. Claiming to be a signatory to a code of conduct when the trader is not.

2. Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorisation.

3. Claiming that a code of conduct has an endorsement from a public or other body which it does not have.

4. Claiming that a trader (including his commercial practices) or a product has been endorsed, approved or authorised by a public or private body when he/it has not or claiming that he/it has been endorsed, approved or authorised without complying with the terms of the endorsement, approval or authorisation.

5. Making an invitation to purchase products at a specified price without the

trader disclosing the existence of any reasonable grounds he may have for believing that he will not be able to offer himself or by way of another trader, those products or similar products at the same price for a period that is, and in quantities that are, reasonable having regard to the product, the scale of advertising of the product and the price offered.

6. Making an invitation to purchase products at a specified price and then the trader resorting to one of the following acts:

- a) refusing to show the advertised item;
- b) refusing to take orders for it or deliver it within a reasonable time;
- c) showing a defective sample with the intention of promoting a different product.

7. Falsely stating that a product will only be available for a very limited time, or

that it will only be available on particular terms for a very limited time, in order to elicit an immediate decision and deprive consumers of other possibilities or of sufficient time in order to be able to make an informed choice.

8. The trader undertaking to provide after-sales service to consumers without clearly disclosing this to them before they are committed to the transaction, with regard to the language in which the service is provided considering that the trader has communicated with the consumer prior to a transaction in a language which is not an official language of the Member State where the trader is established.

9. Stating or otherwise creating the impression that a product can legally be sold when it is not possible.

10. Presenting rights given to consumers in law as a distinctive feature of the trader's offer.

11. Using editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content or by images or sounds clearly identifiable by the consumer (advertorial). This provision shall be without prejudice to the provisions of Law No 504/2002 on audiovisual, as subsequently amended and supplemented.

12. Making inaccurate statements concerning the nature and extent of the risk to the personal security of the consumer or his family if the consumer does not purchase the product.

13. Promoting a product similar to another product made by a particular manufacturer in such a manner as to mislead the consumer into believing that the product is made by this manufacturer when it is not.

14. Establishing, operating or promoting a pyramid promotional scheme which a consumer takes into account due to the possibility to receive compensation that is derived, in particular, from the introduction of other consumers into the scheme rather than from the sale or consumption of products.

15. A trader claiming that he is about to cease trading or move premises when he is not.

16. Claiming that a product is able to facilitate winning in games of chance.

17. Falsely claiming that a product is able to cure illnesses, dysfunction or malformations.

18. Passing on inaccurate information on market conditions or on the possibility of purchasing the product with the intention of inducing the consumer to purchase the product at conditions less favourable than normal market conditions.

19. Claiming in a commercial practice to organise a competition or prize promotion without awarding the prizes, as promised, or a reasonable equivalent.

20. Describing a product as "gratis", "free", "without charge" or similar if the consumer has to pay anything other than the unavoidable cost of responding to the commercial practice and paying for the delivery or collection of the product.

21. Including in marketing material an invoice or similar payment-related document which gives the consumer the impression that he has already ordered the marketed product when he has not.

22. Falsely claiming or creating the impression that the trader's actions are not related to his trade, business or production, craft or profession, or falsely representing oneself as a consumer.

23. Creating the false impression that after-sales service in relation to a product is available in a Member State other than the one in which the product is sold.

Aggressive commercial practices

1. Creating the impression that the consumer cannot leave the trader's premises until a contract is formed.

2. Conducting personal visits to the consumer's home ignoring the consumer's request to leave or not to return except in legitimate situations and to the extent

justified, under national law, to enforce a contractual obligation.

3. Making persistent and unwanted solicitations by telephone, fax, e-mail or other remote means of communication except in legitimate situations and to the extent justified under national law to enforce a contractual obligation. The provisions of this Section shall be applicable without prejudice to the provisions of Article 15 and 16 of Government Order No 130/2000 on consumer protection upon the conclusion and execution of distance contracts, as approved as amended and supplemented by Law No 51/2003, of Article 12(1) of Law No 677/2001 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as subsequently amended and supplemented, and of Article 9(1) to (3) of Law No 506/2004 on the processing of personal data and the protection of private life in the area of electronic communications, as subsequently amended.

4. Requiring a consumer who wishes to claim on an insurance policy to produce documents which could not reasonably be considered relevant as to whether the claim was valid, or failing systematically to respond to pertinent correspondence, in order to dissuade a consumer from exercising his contractual rights.

5. Including in an advertisement a direct exhortation to children to buy advertised products or persuade their parents or other adults to buy advertised products for them. The provisions of this Section shall be applicable without prejudice to the provisions of Article 33 of Law No 504/2002 on audiovisual, as subsequently amended and supplemented.

6. Demanding immediate or deferred payment for the return or safekeeping of the product supplied by the trader, but not solicited by the consumer, except where the product is a substitute supplied in conformity with the provisions of Article 11(3) of Government Order No 130/2000, as approved as amended and supplemented by Law No 51/2003.

7. Explicitly informing the consumer that if he does not buy the product or service, the trader risks losing his job or jeopardizing his livelihood.

8. Creating the false impression that the consumer has already won, will win, or will on doing a particular act win, a prize or other equivalent benefit, when in fact either of the following situations is valid:

- a) there is no prize or other equivalent benefit;
- b) taking possession of the prize or of another equivalent benefit is subject to the customer paying money or incurring a cost.

ANNEX 2

PROVISIONS IN THE NATIONAL LEGISLATION

establishing rules in matters of advertising and commercial communication

1. Article 3 and 4 of Government Order No 130/2000 on consumer protection upon the conclusion and performance of distance contracts, as published in Official Gazette of Romania, Part I, No 431 of 2 September 2000, as approved as amended and supplemented by Law No 51/2003

2. Article 6 to 10 of Government Order No 107/1999 on the marketing of package holidays, as republished in Official Gazette of Romania, Part I, No 387 of 7 June 2007

3. Article 4(5) of Law No 282/2004 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use certain immovable properties on a limited period of time, as published in Official Gazette of Romania, Part I, No 580 of 30 June 2004

4. Article 6 and 7 of Government Decision No 947/2000 on the method of indication of prices for the products offered to consumers for sale, as published in Official Gazette of Romania, Part I, No 524 of 25 October 2000

5. Article 5 of Law no 289/2004 on the legal regime of consumer credit agreements intended for natural persons acting as consumers, as published in Official Gazette of Romania, Part I, no 611 of 6 July 2004

6. Article 4 to 6 of Government Order No 85/2004 on consumer protection upon the conclusion and performance of distance contracts relating to financial services, as published in Official Gazette of Romania, Part I, No 796 of 27 August 2004, as approved by Law No 399/2004

7. Article 5 and 6(2) of Law No 365/2002 on the electronic commerce, as republished in Official Gazette of Romania, Part I, No 959 of 29 November 2006

8. Article 73, Article 184, Article 185(1), Article 187 of Law No 297/2004 on capital market, as published in Official Gazette of Romania, Part I, No 571 of 29 June 2004, as subsequently amended and supplemented

9. Article 12(16) to (19) and Article 24¹ of Law No 32/2000 on the insurance activity and the supervision of insurance, as published in Official Gazette of Romania,

Part I, No 148 of 10 April 2000, as subsequently amended and supplemented

10. Article 1 to 6 and Article 8(1) and (2) of the annex to Order No 3111/2004 of the President of the Insurance Supervisory Committee implementing the Rules on the information that insurers and insurance intermediaries must provide to their clients, as published in Official Gazette of Romania, Part I, No 1243 of 23 December 2004

11. Article 401 of Law No 136/1995 on insurance and reinsurance in Romania, as published in Official Gazette of Romania, Part I, no 303 of 30 December 1995, as subsequently amended and supplemented

12. Article 21 and 93 of Regulation No 1/2006 on issuers and operations in transferable securities, as approved by Order No 23/2006 of the National Securities Committee, as published in Official Gazette of Romania, Part I, No 312 and 312 bis of 6 April 2006

13. Article 792 to 811 of Law No 95/2006 on the reform in the area of health, as published in Official Gazette of Romania, Part I, No 372 of 28 April 2006, as subsequently amended and supplemented.

THE PRESIDENT OF ROMANIA

DECREE

promulgating the Law on the fight against the unfair practices of traders in their relations with consumers and the harmonization of regulations with the European legislation on consumer protection

Pursuant to Article 77(1) and to Article 100(1) of the Constitution of Romania, as republished,

The President of Romania has issued this decree:

Single Article. - The Law on the fight against the unfair practices of traders in their relations with consumers and the harmonization of regulations with the European legislation on consumer protection shall be promulgated and a decision shall be issued for the publication of this law in Official Gazette of Romania, Part I.

THE PRESIDENT OF ROMANIA

TRAIAN BĂSESCU

Bucharest, 20 December 2007.

No 1133.

