

I. ADMINISTRATIVE ENFORCEMENT

Which administrative mechanisms are available to enforce the Directives?

The Directive 1999/44/EC is implemented by Law no. 449/2003 on the sale of goods and associated guarantees ("Law no. 449/2003")

The Directive 2011/83/EU on consumer rights is implemented by Government Emergency Ordinance no. 34/2014 on consumer rights ("GEO no. 34/2014")

The Directive 98/6/EC on consumer protection in the price indication of products offered to consumers is implemented by Decision no. 947/2000 on the indication of the prices of products offered to consumers for sale ("Decision no. 947/2000")

The Directive 93/13/EEC on unfair terms in consumer contracts is implemented by Law no. 193/2000 on unfair terms in consumer contracts ("Law no. 193/2000")

The Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market is implemented by Law no. 363/2007 on fighting against unfair practices of traders in relation to consumers and on the harmonisation of regulations with the European legislation on consumer protection ("Law no. 363/2007")

The Directive 2008/122/EC on the protection of consumers in respect of certain aspects of timeshare, long-term holiday products, resale and exchange contracts is implemented by Government Emergency Ordinance no. 14/2011 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday products, resale and exchange contracts ("GEO no. 14/2011")

The Directive 2006/114/EC concerning misleading and comparative advertising is implemented by Law no. 158/2008 concerning misleading and comparative advertising ("Law no. 158/2008")

The Directive (EU) 2302/2015 was implemented through Government Ordinance no 2/2018 on package travel and linked travel arrangements, which replace the previous GO no. 107/1999 (GO no. 2/2018).

The general enforcement of the Romanian consumer protection legislation is handled by the National Authority for Consumer Protection (NACP) (in Romanian: Autoritatea Nationala pentru Protectia Consumatorului), which is a specialised authority in the central administration, under Government authority and co-ordinated by the Ministry of Economy, Trade and the Business Environment. The NACP acts also as a regulating body with respect to consumer protection and is also competent for receiving administrative complaints. The general website of the NACP can be found at <https://anpc.ro>.

As regards the GEO 34/2014 on consumer rights, on top of the general competence of the NACP, the National Authority for Administration and Regulation in Communications is also competent in relation to infringements of the provisions of this emergency ordinance.

As regards the GEO 14/2011, on top of the general competence of the NACP, The Ministry of Regional Development and Tourism is competent to withdraw the tourism license and may ascertain and inflict administrative sanctions.

As regards Law no. 158/2008, on top of the general competence of the NACP, the Ministry of Public Finance is also competent in relation to infringements of the provisions of the law.

As regards the GEO 14/2011, on top of the general competence of the NACP, the Ministry of Regional Development and Tourism is competent to withdraw the tourism license and may ascertain and inflict administrative sanctions.

As regards Law no. 158/2008, on top of the general competence of the NACP, the Ministry of Public Finance is also competent in relation to infringements of the provisions of the law.

As regards the GO 2/2018, the following authorities may intervene: NACP, Ministry of Economy, Energy and Business Environment, Ministry of Tourism, National Authority for the Protection of the Rights of Disabled Persons, Child and Adoption, The National Agency for Payments and Social Inspection.

Who can file administrative complaints? Can investigations be initiated ex officio?

As a general rule, the administrative complaints can be filed by the consumers who were prejudiced through the violation of the legal provisions. Furthermore, the competent authorities can initiate investigations ex officio.

Under the GEO no. 34/2014 and Law no. 363/2007, the complaints can be filed by any natural persons or by the organisations who have a legitimate interest. Competitors can also file a complaint with the competent authorities.

Under Law no. 158/2008, the traders, the associations and organisations holding a legitimate interest may notify the Ministry of Public Finances or, as the case may be, the National Audiovisual Council. For compliance with the provisions on comparative advertising, the consumer may notify the NACP.

Do any specific The complaints and notifications of the NACP can be made in writing (post), in electronic format or can be submitted personally by the consumer at the head office of the territorial structure of the NACP.

If the complaint is submitted in electronic format (through the internet site of NACP), there is a specific form that should be filled, and which is available on NACP site (<http://reclamatii.anpc.ro/Reclamatie.aspx>). The consumer should also include at least one probatory document (invoice, contract, certificate of guarantee) in relation to its claim and proof that he/she already addressed the professional, in an attempt to directly solve the issue.

If the complaint is submitted personally by the consumer at the head office of the territorial structure of the NACP, the consumer will be requested to fill a Fiche of complaint (according to a standard model established by the NACP's internal general procedure set for the resolution of the consumers claims).

Do the administrative authorities have an obligation to investigate the complaint?

The Romanian legislation transposing the EU Directives on consumer protection does not contain express provisions regarding the obligation of the authorities to investigate the consumers' complaints.

However, according to the general rules, all complaints duly filed with a public authority must be registered, investigated and analysed under all aspects and solved within 30 days. If solving the claim needs further information and a detailed inspection, the term may be extended by 15 days.

The authorities are entitled not to investigate the complaints which are anonymous or insufficiently documented, which contain aberrant information, impertinent, irrelevant, aggressive and offensive language, which refer to acts committed more than 6 months prior to the complaint, which are illegible and /or unintelligible, which are addressed through intermediaries, without proper act of representation, or if the claims are already object of legal proceedings in front of state courts.

Are there any specific requirements regarding the provision of evidence to the competent authorities?

In order for the NAPC to investigate a claim, the complaint made by the consumer should contain information on the products/service acquired, the data of identification of the economic operator and a set of supporting documents (such as cash receipts, contracts, invoices, certificates of guarantee).

During the examination of complaints against a trader, the national authorities may request that the trader provide all the evidence material to the investigation. Failure to submit such information as well as submission of incorrect or incomplete information may lead to a fine.

Pursuant to Law no. 363/2007, traders must produce evidence of the accurate affirmations about the commercial practice exercised and are compelled, upon request of the NAPC or state courts, to make available the documents proving what they asserted. When the documents are not produced within the term established by the claimants or if deemed insufficient, the said affirmations will be deemed inaccurate.

Furthermore, pursuant to Law no. 158/2008, the Ministry of Public Finances or, as the case may be, the NAPC, by their representatives, will request the trader advertising itself to provide all necessary proof about the accuracy of the affirmations, indications or presentations in the advertisement. When the trader fails to produce the requested proof or when such proof is deemed incomplete or insufficient, the affirmations in that advertisement will be deemed inaccurate.

Also, according to the GO 2/2018, in case of controls made by public authorities, the tourism agencies and traders should provide all the requested documents.

According to Law 193/2000, the professionals are obliged to provide to the authorities the original contracts (containing the alleged unfair terms) concluded with the consumers.

II. ENFORCEMENT THROUGH COURT ACTION

Which court actions are available to enforce the Directives?

A general claim for civil damages can be filed before the competent civil courts by the consumers prejudiced by the acts of a trader (in violation of the law).

In relation to Law 193/2000, the consumers are entitled, on the basis of the general civil law norms, to request the competent courts to ascertain the nullity of the unfair terms (directly or by the way of exception); they may also request monetary remedies (reimbursement of the amounts that have been unduly charged by the professionals, damages).

The associations for the consumers' protection may seize the competent courts to order the traders to cease the use of contracts containing unfair terms, as well as to modify the existing contracts by removing the unfair terms. Furthermore, under the same law, the NAPC may also seize the courts with an action for the elimination of unfair terms from contracts concluded by a certain trader.

In addition, under Law no. 363/2007, the National Authority for Consumers Protection may file actions to put an end to unfair commercial practices of traders. All decisions taken by the administrative authorities in relation with the normative acts transposing the Directives may be contested before state courts, which may uphold, modify or annul them.

Who can start a court action?

The court action can be initiated by any person or organisation that proves to have a legitimate interest (generally, a consumer, a consumers' association or the NAPC).

Can court actions be initiated by competitors? The aforementioned Romanian legislation transposing the EU Directives on consumer protection does not cover this aspect. Based on general civil procedural rules, a competitor must prove its direct and legitimate interest in order to initiate a court action.

Can the case be handled through an accelerated procedure?

Under Law no. 363/2007, the action for cease-and-desist is handled through an accelerated procedure. As such, if it is deemed necessary and taking into account all involved interests, in particular the public interest, the court can decide urgently, even without evidence of loss or effective damage or the trader's intent or negligence: (i) cease and desist of unfair practices; (ii) prohibition of unfair practices even if such practices have not yet been carried out, but are imminent; or (iii) send the identification data of the legal or moral person involved in making misleading advertising to the National Audiovisual Council.

The Romanian Code of Civil Procedure regulates a special small claims procedure, that was inspired by the European Small Claims Procedure Regulation, which it resembles significantly. Also, it regulates a domestic order for payment procedure (ordonanța de plată) (articles 1014-1025 CPC). Even though these mechanisms are more frequently used by traders, they can also be used by consumers, when the requirements of texts are met, in order to obtain a rapid payment/reimbursement from professionals

Are there any specific requirements regarding the provision of evidence to the court?

The general rules of evidence under Romanian legislation are applicable in consumer law disputes. As such, any person bringing an action before the competent courts must prove their claims.

Nevertheless, the burden of the proof is sometimes reversed; hence, it will be the professional or the provider of the service that will have to prove the fact regardless of his/her position (claimant or defendant). This is the case, for example, in claims concerning contracts concluded with professionals for the information that must be provided to the consumer (Article 5 GEO 34/2014, art. 8 GO 2/2018), with regard to commercial practices used (Article 11 Law 363 /2007), regarding the direct negotiation of contractual terms in standard contracts (Article 4(3) Law 193/2000).

Are there specific procedural reliefs for consumers or consumer associations?

In relation with the infringements of the provisions of the legal acts transposing the European Directives, the consumers/the consumer association may obtain declaratory judgements or judgements ordering a party to cease and desist, interim or interlocutory injunctions (in order to secure the future enforceability of claims and to provide provisional relief).

Where forced execution measures are being undertaken against them, in relation to contracts containing alleged unfair terms, the consumers may file a motion for the suspension of the execution (Article 719 Civil Procedure Code).

According to the GEO 80/2013, there is an exemption from the payment of procedural duties (taxe de timbru) for the disputes regarding the protection of consumers' rights, when the natural persons and the associations for the consumers' protection are initiating legal proceedings against the professionals who prejudiced the consumers' legitimate rights and interests.

III. SANCTIONS

What are the possible civil sanctions and remedies for the infringement of the provisions of the Directives?

The competent civil court can award damages in the framework of a claim for civil damages based on the Romanian Civil Code. These damages, however, should be interpreted as indemnifying measures rather than as sanctions.

Furthermore, under the GEO 14/2011, when the consumer exercises the right to withdraw from the timeshare or long-term holiday product contract, any exchange contract ancillary to it or any other ancillary contract is automatically terminated, at no cost to the consumer.

What are the possible criminal sanctions for the infringement of the Directives' provisions?

There are no criminal sanctions provided for the infringement of the aforementioned Romanian legislation transposing the EU Directives on consumer protection.

Nevertheless, Law 193/2000 accepts that the stipulation of an unfair term may sometimes be a criminal offence and can be sanctioned accordingly (the sanction for falsification of private documents: a fine or prison from 6 months up to 3 years; the sanction for deceit: prison from 6 months up to 3 years).

Also, the GO 2/2008 accepts that, in certain conditions, some facts of the tourism agencies may be criminal offences and may be sanctioned according to the provisions of the Penal Code.

What are the possible administrative sanctions for the infringement of the Directives' provisions?

The violations of the provisions of the laws transposing the EU Directives on consumer protection constitute contraventions/misdemeanours punishable with administrative fines and other complementary measures, irrespective of the nature of the trader (natural or legal persons).

As regards the administrative fines, the national laws provide that the monetary amounts of the fines are revenues for the State or local budget.

As a general rule, the sanctions imposed by the competent bodies must be proportional to the level of social danger of the perpetrated actions. Certain specific criteria are provided under Law 363/2007, pursuant to which the individualisation of the sanction is made according to the gravity and duration of the action, and the sanction must be proportional to the level of social danger of the perpetrated action, taking into consideration the circumstances of the perpetrated action, the manner and means for its perpetration, its purpose, its consequences and the other data in the minutes.

In particular:

Under Law 449/2003 - the infringements of the legal provisions shall be sanctioned by the NACP as follows:

- failure to observe the provisions of article 20 and 21 shall be sanctioned with a fine of RON 1,000 to RON 2,000

- failure to observe the provisions of article 9,11 and 19 shall be sanctioned with a fine of RON 5,000 to RON 25,000

Under GEO 34/2014 - the infringements of the legal provisions shall be sanctioned by the NACP as follows:

a) failure to comply with the request to provide information in a clear and comprehensible manner, pursuant to the introduction to article 4 para. (1) shall be sanctioned with a fine of RON 2,000 to RON 5,000.

b) failure to comply with the pre-contractual information provided by article 4 para. (1) let. a)-j) shall be sanctioned with a fine of RON 2,000 to RON 5,000.

c) failure to comply with the request to include pre-contractual information also in contracts for the supply of water, gas or electricity, where they are not put up for sale in a limited volume or set quantity, of district heating or of digital content, which is not supplied on a tangible medium, pursuant to Article 4 para. (2), shall be sanctioned with a fine of RON 2,000 to RON 5,000.

d) failure to comply with the request to include pre-contractual information in the contract, pursuant to Article 4 para. (4), shall be sanctioned with a fine of RON 2,000 to RON 5,000.

e) failure to comply with the request to provide information in a clear and comprehensible manner, pursuant to the introduction to article 6 para. (1), shall be sanctioned with a fine of RON 2,000 to RON 5,000.

f) failure to comply with the provisions of article 6 para. (1) let. a)-t) regarding pre-contractual information shall be sanctioned with a fine of RON 2,000 to RON 5,000.

g) failure to comply with the provisions of article 6 para. (4) regarding the correct filling in of the standard instructions on withdrawal set out in part A of the annex, when required, shall be sanctioned with a fine of RON 2,000 to RON 5,000.

h) failure to comply with the provisions of article 6 para. (5) regarding inclusion of pre-contractual information in the contract and regarding alteration of such information shall be sanctioned with a fine of RON 1,000 to RON 4,000.

i) failure to comply with the provisions of article 6 para. (6) regarding the case when the trader has not complied with the information requirements shall be sanctioned with a fine of RON 1,000 to RON 4,000.

j) failure to comply with the provisions of article 6 para. (7) regarding presentation of information in Romanian, in an accessible form so as to ensure that such information is easily understood by the consumer, shall be sanctioned with a fine of RON 1,000 to RON 4,000.

k) failure to comply with the provisions of article 7 para. (1) regarding information, with the provisions of article 7 para. (2) regarding the contract, and with the provisions of article 7 para. (3) regarding the request to initiate performance of services shall be sanctioned with a fine of RON 1,000 to RON 4,000.

l) failure to comply with the provisions of article 7 para. (4) regarding information, as well as the provisions of article 7 para. (4) let. b) regarding confirmation of contract shall be sanctioned with a fine of RON 2,000 to RON 5,000.

m) failure to comply with the provisions of article 8 para. (1)-(7) regarding information, and of the article 8 para. (8) regarding the requirement to make an express request shall be sanctioned with a fine of RON 1,000 to RON 4,000.

n) failure by the trader to comply with the provisions of article 9 para. (1) - (2) regarding the right of withdrawal and of the provisions of article 9 para. (3) regarding the contractual obligations during the withdrawal period shall be sanctioned with a fine of RON 2,000 to RON 5,000.

o) failure to observe the right of withdrawal under article 10 shall be sanctioned with a fine of RON 2,000 to RON 4,000.

p) failure to comply with the provisions of article 11 para. (3) regarding the acknowledgement of receipt of the withdrawal form shall be sanctioned with a fine of RON 1,000 to RON 4,000.

q) failure to comply with the provisions of article 12 to terminate the obligations of the contractual parties in case of exercise of the right of withdrawal shall be sanctioned with a fine of RON 2,000 to RON 5,000.

r) failure to comply with the provisions of Article 13(1) and (2) regarding the obligations of the trader in the event of withdrawal as well as with article 13(4) regarding the postponement of reimbursement shall be sanctioned with a fine of RON 2,000 to RON 5,000.

s) failure to comply with the obligations under article 14 in case the consumer observed his obligations shall be sanctioned with a fine of RON 1,000 to RON 4,000.

- t) failure to comply with the provisions of article 15 regarding the consumer rights in case of exercise of the right of withdrawal on ancillary contracts shall be sanctioned with a fine of RON 1,000 to RON 4,000.
- u) failure to comply with the provisions of article 18 regarding delivery shall be sanctioned with a fine of RON 1,000 to RON 4,000.
- v) failure to comply with the provisions of article 20 regarding the risk of loss of or damage to the goods shall be sanctioned with a fine of RON 2,000 to RON 5,000.
- w) failure to comply with the provisions of article 21 regarding payment of the basic rate in case of telephone communications shall be sanctioned with a fine of RON 2,000 to RON 4,000.
- x) failure to comply with the provisions of article 22 regarding additional payments and of article 24(3) regarding the terms shall be sanctioned with a fine of RON 2,000 to RON 4,000.

Additionally, the National Authority for Administration and Regulation in Communications may impose sanctions in case of offences established in points e)-k), m)-u) and w)-x) above, when they consist of acts related to contracts concluded by the consumers for services of access and connection to public electronic communications networks or electronic communication services for the public.

Under Decision no. 947/2000 - the infringements of the legal provisions shall be sanctioned by the NACP as follow: failure to indicate the unit price pursuant to art. 4-7, art. 10 and 11 shall be sanctioned with a fine ranging from RON 500 to RON 2,500

Under Law no. 193/2000 - the infringements of the legal provisions shall be sanctioned by the NACP as follows: failure to comply with the interdiction mentioned at art. 1(3) shall be sanctioned with a fine ranging from RON 200 to RON 1,000

Under Law no. 363/2007 - the infringements of the legal provisions shall be sanctioned by the NACP as follows:

a) the use of unfair commercial practices by a trader shall be sanctioned as follows:

§ by fine ranging from RON 2,000 to RON 100,000 for using unfair commercial practices defined at art. 4 (1) and (2)

§ by fine ranging from RON 5,000 to RON 100,000 for using misleading commercial practices defined in art. 6 and 7, as well as for using either practice mentioned in annex no. 1 at paragraph "Misleading commercial practices"

§ by fine ranging from RON 2,000 to RON 100,000 for using aggressive commercial practices defined in art. 8 and 9, as well as for using either practice mentioned in annex no. 1 at paragraph "Aggressive commercial practices".

b) failure to observe the actions under the order or decision mentioned in art. 12 (1) is sanctioned by fine from RON 50,000 to RON 100,000.

c) once the sanction consisting in the administrative fine is inflicted, the inspection agent may propose, as a complementary sanction:

§ the suspension of activity until the unfair commercial practice ceases

§ the refund of the value of the product or service, as the case may be, within a 15-day period after the offender has seen the minutes related to the offence (failure to observe this measure is sanctioned by fine from RON 5,000 to RON 50,000).

the sanctions mentioned in left. a bullets 1 and 3 above are inflicted as follows:

a) from RON 2,000 to RON 10,000 for traders with up to 9 employees and a net annual turnover of up to the equivalent in RON of EUR 2 million

b) from RON 3,000 to RON 50,000 for traders with 10 to 49 employees and a net annual turnover of up to the equivalent in RON of EUR 50 million

c) from RON 5,000 to RON 100,000 for traders with more than 50 employees and a net annual turnover exceeding the equivalent in RON of EUR 50 million.

the sanctions mentioned in left. a bullet 2 above are inflicted as follows:

a) from RON 5,000 to RON 15,000 for traders with up to 9 employees and a net annual turnover of up to the equivalent in RON of EUR 2 million

b) from RON 6,000 to RON 50,000 for traders with 10 to 49 employees and a net annual turnover of up to the equivalent in RON of EUR 50 million

c) from RON 7,000 to RON 100,000 for traders with more than 50 employees and a net annual turnover exceeding the equivalent in RON of EUR 50 million.

d) Under the GO no. 2/2018 - the infringements of the legal provisions regarding the pre-contractual information and the conclusion, the modification, the performance or the termination of the contract, the contractual liability toward the consumer, or the obligation of the professional to provide the documents required by the control authority shall be sanctioned with a fine ranging from RON 4000 to RON 20.000. In case of multiple contraventions during a calendar year, the fine will range from 30000 RON to 50000 RON.

The infringements of the legal provisions regarding the guarantees in case of insolvency shall be sanctioned with a fine ranging from RON 20000 to RON 40000.

The control authority may also impose a complementary administrative sanction: the withdrawal of the administrative authorisation (tourism licence) of the professional.

The control authority may also oblige the professional to take immediate action to respect the contractual terms, to reimburse the sums illegally perceived or to repair the deficiencies found.

Under Law no. 158/2008 - the infringements of the legal provisions shall be sanctioned by the NACP and the Ministry of Public Finances as follows:

a) failure to comply with the provisions of art. 4 and 6 shall be sanctioned with a fine from RON 3,000 to RON 30,000.

b) the following complementary measures can be imposed along with inflicting sanctions

the cessation of misleading advertising or unlawful comparative advertising

the prohibition of misleading advertising or comparative advertising that is in breach of provisions hereof, if the same has not yet been published, but publication is imminent.

c) additionally, with a view to eliminate the continuing effects of misleading advertising or unlawful comparative advertising, the cessation, respectively the prohibition of which has been ordered by a findings and sanction report related to the offence, which was not disputed, or by a final and irrevocable court decision ordering such measure, the Ministry of Public Finances or the NACP, by their authorised representatives, will request the concerned trader:

§ to publish the findings and sanction report related to the offence or the court decision, in full or in excerpt

§ to publish a corrective statement containing the offending trader's identification data, the offence committed, the date when this was committed, as well as the measures ordered.

d) failure to observe the measures provided at art. 12, as well as the obligation provided at art. 9 shall be sanctioned with fine from RON 6,000 to RON 60,000

Under GEO 14/2011 - the infringements of the legal provisions shall be sanctioned by the NACP as follows:

a) failure to comply with art. 6-10 shall be sanctioned with a fine of RON 4,000 to RON 40,000.

b) failure to comply with art. 11-16 and of art. 22-29 shall be sanctioned with fine of RON 8,000 to RON 80,000.

c) failure to comply with the consumer's right to withdraw from the contract, according to art. 17, shall be sanctioned with a fine of RON 8,000 to RON 80,000.

d) the trader's failure to observe the method for calculating the period within which the consumer may exercise his right of withdrawal, pursuant to art. 18-20 shall be sanctioned with fine of RON 8,000 to RON 80,000.

e) the trader's failure to observe the moment from which the right of withdrawal has effect, pursuant to art. 21 para. (3) shall be sanctioned with fine of RON 8,000 to RON 80,000.

f) when inflicting the sanction by fine, the inspection agent may order the following complementary administrative sanctions:

§ immediate observance of the contractual clauses that have been breached

§ refund of the amounts collected without a legal ground, within 15 calendar days at most

§ amending the contract in compliance with the legal provisions, within 15 calendar days at most

§ remedy the irregularities ascertained under the report, within 15 calendar days at most.

g) failure to accomplish the complementary administrative sanctions or the recurrence within 3 months after the first ascertainment of one of the offences mentioned in points a-e above shall be punished with a fine of RON 80,000 to RON 100,000

§ In addition, The Ministry of Regional Development and Tourism may withdraw the tourism license and may ascertain and inflict administrative sanctions.

What are the contractual consequences of an administrative order or a judgment on an individual transaction under the Directives?

Under Law no. 363/2007, unfair commercial practices can be terminated by initiating a cease-and-desist procedure. If this procedure is initiated by a competitor who is not a party to the individual transaction with the consumer, the individual transaction will not be affected by a cease-and-desist decision, since a judicial decision only produces effects between the parties to the procedure.

Nevertheless, a procedure can also be initiated under the general rules by the consumer who contemplates that the contract is void because he/she has concluded the contract with a mistaken consent. He/she will thus allege that this mistaken consent originates from inter alia error, fraud or violence. If a competent court concludes that the trader has conducted an aggressive or a misleading commercial practice, the consumer will be able to prove the origin of his/her mistaken consent and thus his contract will be declared void.

According to Law 193/2000 (articles 12(1) and 13(1)), the NAPC may seize the courts with an action against the professionals using standard contracts containing alleged unfair terms. If the courts found the existence of unfair terms, the professional would be obliged to modify the existing contracts and to eliminate the unfair terms from the standard contracts used for future transactions.

Can authorities order the trader to compensate consumers who have suffered harm as a result of the infringement?

Consumers have the possibility of filing a claim for civil damages before the competent courts. Such claim for damages is subject to the general civil rules.

Furthermore, the organisations representing consumers' interests may file a request with competent courts. However, the decisions/ judgements issued in such circumstances are only applicable in the case at hand, and thus, cannot be relied upon by other third parties (e.g., consumers who might also have been affected by the sanctioned practice). Even in such case, damages are awarded on an individual basis.

However, the possibility of organisations to file actions on behalf of consumers does not affect their individual rights. From a procedural standpoint, it is possible for more plaintiffs to file a common court action if the object of such action is a common obligation or if the plaintiffs' rights and obligations have the same cause. Nevertheless, their claims must be individual, and the court will award such claims individually.

Can the administrative authorities or the courts require the publication of their decisions?

Under Law no. 158/2008 and Law no. 363/2007, both the courts and the NACP can require their decisions are published in a widely circulated newspaper.

IV. OTHER TYPES OF ENFORCEMENT

Are there any self-regulatory enforcement systems in your jurisdiction that deal with aspects of the Directives?

CNA - Consiliul National al Audiovizualului (the National Audiovisual Council – NAVC) is an independent regulatory body under Parliamentary control which regulates the field of commercial practices in mass media. It ascertains and sanctions the use of unfair commercial practices in mass media.

ANRE (Romanian Energy Regulatory Authority) intervene to verify if the professionals acting in the field of electric energy, natural gas or thermic energy respect the consumers' rights (for example, refraining from using unfair terms, providing adequate and transparent information, refraining from unfair practices). In case of infringements, the ANRC may also apply administrative sanctions.

ANCOM/Autoritatea Națională pentru Administrare și Reglementare în Comunicații (the National Authority for Administration and Regulation in Communications) is the national authority of regulation and surveillance in the field of electronic communication and postal services. It protects the interests of (electronic) communication users in Romania, by promoting competition in the communications market, managing limited resources, and encouraging efficient investment in infrastructure and innovation.

Consiliul Roman pentru Publicitate/Romanian Advertising Council (RAC) (<https://www.rac.ro/ro>) is a professional, non-governmental, non-profit and independent organisation that established a Code of Conduct in commercial communications. Its main roles are the protection of consumers' interests, the protection of general public interest and the creation of a frame for a loyal competition in the market. The RAC also established codes of conduct regarding the advertising for beer and spirits, the advertising for alimentary products for children, and the advertising for cosmetics products. It examines and solves the complaints related to the eventual violations of the Code of Conduct in Advertising and imposes the respect of the regulations regarding advertising (normative acts and the code of conduct) by its members.

Are there any out-of-court dispute settlement bodies available that deal with aspects of the Directives (e.g., mediation, conciliation or arbitration schemes ombudsmen)?

Following Government Ordinance no 38/2015, on the alternative resolution of disputes between consumers and professionals, some specific ADR entities were created:

SAL ANPC entity (Directorate for Alternative Dispute Resolution of the National Authority for Consumer Protection - https://anpc.ro/categorie/1271/sal_) - may be voluntarily seized by consumers (a model of request for the alternative resolution of the dispute is published on the ANPC site) and solve the cases in an independent, impartial, transparent, rapid and equitable manner; for the consumer, the procedure is free of charge. If one of the parties does not accept the solution proposed, the result of the procedure will not be mandatory, and the consumer will be informed of the available (administrative or judicial) remedies.

SAL-Fin Entity (Alternative Dispute Resolution Entity in the Non-Banking Financial Field) (SAL-FIN) (www.salfin.ro/) is a structure created by the Authority of Financial Supervision and allows the consumer to freely benefit from a mechanism of alternatives resolution of disputes in the non-banking financial field (insurance, capital market, private pensions).

CSALB (Centre for alternative resolution of disputes in the banking field) (www.csalb.ro) is an entity created for the alternative (out-of-court) resolution of disputes between consumers and banking institutions. The professionals involved (conciliators) may act as mediators or as arbitrators, depending on the type of procedure chosen by parties.

European Consumer Centre Romania (ECC Romania) may be involved in solving in an amiable way the cross-border disputes between consumers and professionals (domiciled in Romania and another EU Member State).

In general, after the dispute has arisen (and the consumer's rights are freely disposable), the consumers may conclude mediation or arbitration agreements, in order to solve their dispute with the professionals. The updated list of mediators that may intervene in consumer law cases is held by Mediation Council (<https://www.cmediere.ro/mediatori/>) (law 192/2006). For arbitration, the relevant rules of the Civil Procedure Code are relevant (art. 542 and seq).

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