

Law No. 239/2025 on establishing certain measures for the recovery and optimization of public resources, and for amending and supplementing certain normative acts ("Law No. 239/2025"), part of the so-called "Package II" of fiscal-budgetary reforms, was published in the Official Gazette of Romania, Part I, no. 1160 of December 15, 2025, and entered into force on December 18, 2025.

Among other legislative changes, Law No. 239/2025 introduces targeted amendments to Government Emergency Ordinance No. 77/2009 on the organization and operation of gambling activities ("GEO No. 77/2009").

The key amendments focus on clarifying the scope of the restrictions applicable to Class II licence holders in relation to the provision of services to unlicensed gambling operators, an area that had sparked criticism due to its previous lack of clarity. Accordingly, Law No. 239/2025 refines the scope of the restrictions applicable to Class II licence holders in order to more clearly delineate the situations covered by the prohibition.

Pursuant to the amended provision of GEO No. 77/2009, all Class II license holders will be prohibited from offering services to unlicensed gambling operators which, on a domain or subdomains:

- a) offer any gambling content in whole or in part in the Romanian or other international language; and
- b) accepts RON or other currencies, including cryptocurrencies, and
- c) allow access to players located in Romania (i.e. through a Romanian IP address).

NOTE: Unlike the previous wording of the law, the amended provisions of GEO No. 77/2009 have narrowed down the scope of restriction by:

- removing the references to Romanian players who are not tax residents in another country, as in practice, many of the Class II licence holders did not have any technical means to check whether this condition is being met due to the absence of access to players KYC data; and
- establishing that the prohibition would apply only if legal conditions were met cumulatively rather than alternatively, as previously provided.

In addition, the amended provisions of GEO No. 77/2009 now state that the Class II license holders will be prohibited from offering services in relation to Romanian blacklisted domains, but only if the access to such domains is not restricted on the Romanian territory.

NOTE: In its initial form, the provisions of GEO No. 77/2009 raised concerns regarding a potential breach of the territorial application of the law and the limits of the authority's competence, as the prohibition could have been interpreted as applying to operators lawfully operating in other jurisdictions (e.g. gambling platforms may have been blacklisted on the Romanian territory, but they could have been lawfully operating in other territories).

*** While the amendments do not entirely remove the practical challenges that Class II licence holders may continue to encounter when complying with the restrictions applicable to services provided to unlicensed gambling operators, they represent a meaningful step toward greater legal certainty.