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The Romanian government recently passed Government Decision No. 823/2011 which amends and supplements the functioning of Government Emergency Ordinance No. 77/2009 on the organisation of gambling activities - the primary piece of legislation for the sector. This new enactment had a particular focus on the online gambling market and has introduced, for the first time, conditions for the licensing of online gambling operators and for the organisation of online gambling activities.

Government Decision No. 823/2011 entered into force on August 31, 2011. Before proceeding with an outline of the most important changes brought about by this new law, it is worth making certain comments on the position of the Romanian Government in relation to online gambling from a historical perspective.

With the publication of Government Emergency Ordinance No. 77/2009, Romania managed to replace its former gambling legislation dating back to 1998. The 2009 law did not include provisions concerning the organisation of online gambling. The law, however, qualified the activity of organising gambling activities through the internet or intranet communication systems, as well as through other communication systems (landline or mobile telephony), as a criminal offence. To the best of our knowledge, this restriction has never been enforced. It is also questionable whether this restriction was even applicable to foreign-based operators offering online gambling to Romanian customers.

In any event, the restriction was removed in 2010 when the government voiced its intention to adapt the legislative framework to permit online gambling, in effect – reflecting the market reality in Romania.

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