

HOME ► ROMANIAN LOBBYING LAW

Romanian lobbying law

Romanian Lobbying Law

Chapter 1

General provisions

Art. 1

This law regulates the conduct and registration obligations in association with the activities through which the direct influence of the law-making activity and of the decision-making processes in the local public administration are being pursued.

This law does not apply to the representation of the interests of trade unions and employers' organizations, with the exception of registration obligations under art. 9 and art. 12.

This law does not apply to political parties, cults recognized by law, associative structures of local public administration authorities, public social security institutions, and interest groups that do not personally represent themselves as interest representatives.

Art. 2.

The provisions of this law are not applicable to:

- a) the activities of the public representatives in connection with the fulfillment of their attributions, according to the law;
- b) the activities of a person by which it uses its own interests without entrepreneurship;
- c) the improvement of certain rights or the representation of the interests of a party or an entity

- involved in relations with the administrative or judicial authorities, under the law;
- d) legal advice and representations made by attorneys, notaries, fiduciaries and other persons authorized to do so;
 - e) capitalizing on the interests of foreign policy in diplomatic or consular relations;
 - f) activities carried out at the request of public representatives;

Art. 3

For the purpose of the present law, the terms and expressions below have the following meanings:

- a) lobbying and / or representation of interests – any organized and structured contact with public representatives to exert influence in the interest of a client within the meaning of art. 1, paragraph (1) of the present law, as well as the activities undertaken to support or sustain such contacts;
- b) lobbying contract – a contract by onerous title whereby a provider undertakes to conduct lobbying activities in the interest of a certain client;
- c) lobbying company – a company operating under the Companies Law no. 31/1990, republished, with the subsequent modifications and completions, having as object of activity the assumption and realization of a lobbying activity, even if it is not permanent;
- d) lobbyist – a person who engages in lobbying as an employee or service provider within a lobbying company or within a company that includes lobbying in their business;
- e) internal lobbies – employees who carry out significant lobbying activities for the employing company or for the benefit of an affiliated company, except in the case of the fulfillment of the professional obligations established by law;
- f) association of interests – an association or a contractual association consisting of several natural or legal persons, from the activities that are part of the capitalization of the common interests and which does not hold the status of lobbyist;
- g) representative of interest groups – employees of an association of interests, whose main activity is lobbying;
- h) public representatives – dignitaries appointed or elected, civil servants and contract staff, insofar as they carry out their activity in the law-making process and in the process of implementing the specific legislation;

2. Media Relations

Chapter II

Conduct obligations

Art. 4

(1) **Lobbying companies** and companies employing lobbyists, lobbyists and internal lobbyists may only lobby activities from the date of registration in the **Lobby Register** and the representation of interests, as well as during the validity of the registration.

(2) In addition, a lobbying company:

- a) will communicate to its client an estimate of the expected fee that must be received for the lobbying activity and will inform the client without delay about an eventual exceeding of the initial fee.
- b) will inform its client about the associated registration obligations of the lobbying activity if the client does not have information in this regard.
- c) will not support the existence of an order or consulting report with a public representative, in contact with the beneficiaries and the clients

Art.5

Lobbyists, internal lobbyists and representatives of interest associations have the following obligations:

- a) to present their mission at the first contact with a public representative, as well as the identity and specific concerns of the beneficiary or client, respectively of the association of interests
- b) not to obtain information in an illegal way and form
- c) to communicate the information held for the exercise of their activity with respect for the truth
- d) to be informed about the activity restrictions and incompatibility rules adopted for public representatives and comply with the respective restrictions
- e) not to exert any form of illegal or inadequate pressure on the public representatives, this does not exclude taking legal actions within the meaning of the civil law provisions, to ensure the necessary effects for an intervention.

Art. 6.

(1) The lobbying activity carried out by the lobbying companies and the companies that employ internal lobbyists is performed on the basis of a Code of Conduct.

(2) Lobbying companies and companies with internal lobbyists have the obligation to publish the Code of Conduct on their own web page, as well as to make it available to any interested person.

Art. 7.

(1) During the term of office or while he holds an official position, the public representative cannot carry out activity of lobbyist, within the meaning of the present law.

(2) Conflicts of interests and incompatibilities for the persons subject to Law no. 161/2003 regarding certain measures to ensure transparency in the exercise of public dignities, public functions and in the

business environment, the prevention and sanctioning of corruption, with subsequent amendments and completions, in relation to the commercial companies, is applied exactly in relation to the lobbying companies and with companies that employ internal lobbyists.

Chapter III

Registration obligations

Art. 8

(1) The lobby register is established, administered by the Trade Register Office, in which it will be registered the following:

- a) lobbying companies (section A1), as well as their attributions (section A2)
- b) companies that employ internal lobbyists (section B)
- c) interest groups (section C)

(2) The organization and functioning of the Register of lobby and representation of interests shall be approved by Government Decision, initiated by the Ministry of Justice.

(3) Registration of the entities mentioned in par. (1) in the Register of lobbying and representation of interests shall be made at their request, accompanied by the data provided by this law, by Order of the Minister of Justice. In the event that the data transmitted do not comply with the provisions of this law or the registration is not allowed, the request will be rejected.

(4) The contracting parties in the framework of a lobbying activity and the public representatives with whom a lobbyist has contacted may consult the data provided in section A2.

(5) In order to ensure the confidentiality of the registered data, the consultation of the data provided in par. (4) by other natural or legal persons can be realized only under the conditions of justifying a priority legal interest within the meaning of the provisions of art.8 par. (2) of the European Convention on Human Rights.

(6) The entities mentioned in par. (1) have the obligation to communicate to the Lobby Registry and to represent the interests of any modification of the registered data or that are the object of the registration obligation, within 15 days after the production, paragraph. (3) applying properly.

(7) The records in sections A1, B and C will be made available to the public free of charge, in electronic format.

Art. 9.

(1) Lobbying companies have the obligation to communicate the following information to the lobby register and the representation of interests, for section A1, for registration purposes:

- a) the name (company), the registration number at the Trade Register, the relevant business address and address for communications, as well as the beginning of the financial year
- b) a brief description of the professional or commercial activities

- c) Code of conduct
- d) the web page
- e) the names and birth dates of the lobbyists of the company

f) during a period of 9 months from the end of the financial year, for the previous financial year, the turnover obtained from the lobbying activities.

(2) The lobbying companies have the obligation to communicate the following information in the section A2, for the purpose of registration, to the lobby register and representation of interests:

- name (company), registration number with the Trade Register, the registered office and business address relevant for communicates.
- the contractual provisions.

Art. 10.

The companies that employ internal lobbyists have the obligation to communicate the following information to the Lobby Registry and the representation of interests, for section B, for registration purposes:

- a) the name (company), the registration number at the Trade Register, the place of business and the relevant business address for communications, as well as the beginning of the financial year.
- b) a brief description of the professional or commercial activities
- c) Code of conduct
- d) the web page
- e) the names and birth dates of the internal lobbyists, before starting their activity.
- f) during a period of 9 months from the end of the financial year, for the previous financial year, the turnover obtained from the lobbying activities, if the expenses incurred with the lobbying activities exceed the sum of 100,000 euros.

Art. 11.

(1) The interest groups have the obligation to communicate the following information to the Lobby Register and the representation of interests, for section C, for registration purposes:

1. the name, address and address relevant for communications;
2. a brief description of the contractual or statutory duties;
3. internet address of the web page;
4. during a period of 9 months from the end of the financial year, for the previous financial year, the total number of persons carrying on their activity of representing interests within them.
5. during a period of 9 months from the end of the financial year, for the previous financial year, the costs for representing interests, estimated and confirmed by the accounting experts or auditor or by another control body established by statute or law.

- (2) The interest groups can fulfill their registration obligations by publishing, with their name, an electronic link on a web page, in which the data mentioned in par. (1) for the purpose of registration.
- (3) The obligations referred to in paragraphs (1) and (2) may be fulfilled for several interest groups in the form of a communication for the purpose of registration through an entity constituted for this purpose.

Chapter IV

Sanctions and other legal consequences

Art. 12.

- (1) The violation of the provisions of art.4 paragraph (1) constitutes a contravention and, insofar as the act does not fall under the scope of the criminal law, it is sanctioned with a fine of up to 100,000 lei. In the case of repeated acts, the fine is 300,000 lei.
- (2) The violation of the provisions of articles 9. and 10 constitutes a contravention and, insofar as the act does not fall under the scope of the criminal law, it is sanctioned with a fine of up to 50,000 lei. In the case of repeated acts, the fine is 100,000 lei.
- (3) Violation of the provisions of art. 14 paragraph (2) by a client of a lobbying activity, respectively by a lobbying company or by a company that employs internal lobbyists, is a contravention and is fined up to 50,000 lei. In the case of repeated acts, the fine is 100,000 lei.
- (4) Finding and sanctioning the contraventions from par. (1) – (3) are performed by specialized personnel from the Ministry of Public Finance.
- (5) The competent body mentioned in par. (3) has the obligation to inform without delay the Trade Register Office of the Bucharest Municipal Court about the sanctions applied.

Art. 13

- (1) The Minister of Justice clears from the Lobby Registry and the representation of interests a lobbying company, by order, as a result of a serious and lasting breach of the obligations of conduct or registration within the meaning of this law and if does not constitute a disproportionate infringement of the freedom to practice commercial activities. To the extent that the violation is less serious, the Minister of Justice is obliged to apply a warning.
- (2) The cancellation or warning shall be recorded in the Register of lobby and representation of interests for a term of 3 years. A new registration is allowed only after this period has expired.

Art. 14.

- (1) A contract concluded with a lobbying company that does not fulfill the conditions of art. 4 paragraph (1), is null and void.
- (2) Any clause in a lobby contract shall be null and void, provided that a successful fee is provided, insofar as the lobbying activity seeks the conclusion of contracts with the state or with an

administrative-territorial unit. The success fee stipulated in the lobby contract is made by the state budget.

(3) Any clause in a lobbying contract which provides for a successful fee is null and void, insofar as it is in a disproportionate ratio with other remuneration in the contract as well as the remuneration, which exceed the amount stated in the registered contract.

(4) In case the contracting parties of a lobby order agree a remuneration that significantly exceeds the actual value of the order, the respective amount is made to the state budget.

This draft law is considered adopted by the Senate in the initial form, under the conditions of article 75 (2) thesis III of the Constitution of Romania republished.

This text is an unofficial translation from Romanian to English of the project of Romanian Law adopted by the Senate. The final version of the law will be approved by the Deputed Chamber.

LOBBYING SERVICES

Transparent system of representation for legitimate business interests in
Romania



Public Affairs

Integrated services are the key to success, because the whole is greater than the sum of its parts.

Read more



Communication & PR

A good PR is much more than just coming up with a one-shot story, it's about assessment, review and development.

Read more



Reputation Management

Reputation management means brand awareness, visibility and reputation.

Read more



Advocacy

Advocacy represent the public support for or recommendation of a particular cause or policy

Read more

LOBBY ROMANIA

Public Affairs & Communication

ABOUT US

Privacy Policy

FAQ

