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Amendments to Government Emergency Ordinance No 77/2009 on the organisation and operation of gambling and to Government Emergency Ordinance No 20/2013 on the establishment, organisation and operation of the National Gambling Office and amending and supplementing Government Emergency Ordinance No 77/2009

The GEO 82/2023 introduced a number of amendments to the legislation on the organizing and operation of gambling, mainly aiming that all gambling operators (including online) should be located on Romanian territory, this being a condition for licensing and authorization.

Government Emergency Ordinance no. 82/2023 amending the legislation on the organizing and operation of gambling

On 6 October 2023, in the Official Gazette of Romania, Part 1, was published the Government Emergency Ordinance no. 82/2023 amending the Government Emergency Ordinance no. 77/2009 on the organizing and operation of gambling and the Government Emergency Ordinance no. 20/2013 on the establishment, organizing and operating of the National Gambling Office and for amending and supplementing the Government Emergency Ordinance no. 77/2009 ("GEO 82/2023").

The GEO 82/2023 introduced a number of amendments to Emergency Ordinance 77/2009 on the organizing and operation of gambling, mainly aiming that all gambling operators (including online) should be located on Romanian territory, this being a condition for licensing and authorization.

Main changes introduced by GEO 82/2023

1. Persons eligible to organise and operate gambling:

Licenses for organizing gambling may only be granted to the following entities:

- a. companies registered in Romania; or
- b. legal entities incorporated in EU or EEA Member States or in the Swiss Confederation, which have registered a permanent establishment in Romania, at which level the revenues from the organization and operation of the gambling activity are fully recognized.

The provision applies to the organisation of all types of gambling activities, including remote or online gambling.

In addition, GEO 82/2023 amends the regime applicable to the joint organisation of gambling. More specifically, unlike the former framework which permitted carrying out gambling activities, jointly or not, by a gambling organiser and one or more companies or natural persons, the GEO 82/2023 aims for joint organization of gambling to be carried out only by licensed gambling organisers or legal entities under common control with those.

Companies holding licenses issued by the Romanian National Gambling Office („RNGO”) but which do not meet the newly introduced eligibility conditions, will have a 6-month deadline for compliance, having at their disposal the following mechanisms:

- a. request that the RNGO approves the transfer of the license and authorization to operate gambling to an existing or newly registered company that meets the localization requirement (including as a result of a spin-off, merger or business transfer);
- b. register a permanent establishment in Romania and request that the RNGO allocates the existing license and authorization to the permanent establishment;
- c. obtain a new license.

2. Other changes

Other changes brought by GEO 82/2023 with impact for gambling organizers in Romania include:

- prohibition of outdoor advertising exceeding the size of 35 m² / billboard / advertising material, and the establishment of a fine between RON 50.000 and 100.000 for non-compliance with this provision;
- establishing a special tax, due in addition to the taxes already in place, which would partly finance RNGO’s activities aimed at promoting compliance with the principles and measures of socially responsible gambling. By way of example, the amount of the fee for Class I license holders for remote (including online) gambling is amounting to EUR 500.000;
- increase of the annual fees due by each gambling organiser and the guarantee due for the risk of default, including by removing value thresholds from 2025 onwards.

The entry into force of the GEO 82/2023 will have a significant impact on non-resident Class I licence holders, both from an operational and tax perspective. They will need to identify the right ways to transfer business in order to continue operations.

For further questions regarding the aspects mentioned in this alert, please contact us.



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