

Tax & Legal Weekly Alert

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Legal Updates

New requirements for protecting children involved in non-profit and profit-making activities

On February 13, 2015 Government Decision no. 75/2015 ("**HG 75/2015**") entered into force, regulating the provision of profit-making activities by children in the cultural, artistic, sports, advertising and modelling fields. The document was published in the Romanian Official Gazette, First Part, no. 115 dated February 13, 2015.

HG 75/2015 establishes the necessary conditions for providing remunerated activities by children in the cultural, artistic, sports, advertising and modeling areas on the basis of agreements concluded with the organizers, regardless of whether their provision is remunerated or not. The Decision also introduces the requirement to give prior notification of these activities to the social public assistance service and establishes obligations for organizers and parents/legal representatives of the children related to the provision of activities.



New requirements for protecting children involved in nonprofit and profit-making activities

On February 13, 2015 Government Decision no. 75/2015 ("HG 75/2015") on regulating the provision of remunerated activities by children in the cultural, artistic, sports, advertising and modelling fields entered into force. The normative act has been adopted in order to ensure efficient means for adequately protecting children involved in profit-making activities.

HG 75/2015 establishes the **necessary conditions for the provision of remunerated activities by children in the cultural, artistic, sports, advertising and modeling fields on the basis of agreements concluded with the organizers**, regardless of whether the activities are profit-making or not and the requirement for giving prior notification to public social assistance services. Under HG 75/2015, the organizer is defined as the physical or legal person who has established in the Statute, as activity, the organization and carrying out of professional activities in the areas mentioned above or the occasional organization of events in these areas.

Prior information of public social service

One of the biggest changes brought by HG 75/2015 in connection with providing these activities is the requirement to give prior notification to public social assistance services, by filing an information note before the activity begins. Furthermore, after concluding the contract, the parent or the legal representative of the minor is required to send the public social assistance service a certified copy "certified with the original" of the contract from the child's home within 10 working days from the effective start of the activity.. The same procedure applies in the case of any subsequent changes thereof.

The Decision also regulates the obligation of parents to respect the destination of the amounts resulting from these contracts for the purpose of protecting the interests of the child.

Activities covered by HG 75/2015

The activities regulated by HG 75/2015 mainly include activities like contests and scenography activities, films, recordings, radio or TV broadcasts, modeling or sports performance. In addition, the quality of the child within the framework of these activities is mentioned, such as:

- actor, extra, singer, musician, dancer, acrobat in cultural, educational or artistic events, such as: theatre, opera, ballet, circus, dance, music and interpretation contests, as well as any other contests or stage activities;
- actor, extra, singer, musician, dancer, acrobat or model for feature films, video recordings or live shows for radio and television, with or without advertising;
- extra or model at photo shoots, with or without advertising;
- extra or model at fashion shows;
- professional athlete in sports performance.

Conditions and obligations for carrying out activities by children in cultural, artistic, sports, advertising and modeling areas

HG 75/2015 imposes conditions and obligations to carry out these activities in different manners, such as the obligation of the organizer to provide sufficient information concerning the nature of the activity, conditions of implementation or any item that involves their responsibility.

Furthermore, specific conditions have been imposed relating to the effective activity, such as schedules being differentiated depending on the age of the child, the danger of the activity, the duration of daily and weekly activities, maximum time an activity can continue, breaks' duration etc.

Escorting the child by an adult for the duration of the activities

On the duration of the activities covered by HG 75/2015, the child is accompanied by an adult. The companion may be:

- one of the parents/legal representative of the child;
- a person appointed by the parents/legal representative of the child, with whom the child has developed a close relationship;
- a person appointed and approved by the organizer in agreement with the parents/ legal representative, as well as with the child according to age and degree of maturity.

If during the activity the child or group of children cannot be accompanied by parents, legal representative or a person appointed by him, the organizer of the activities is required to ensure a companion. HG 75/2015 sets the maximum number of children that can be simultaneously in the care of a companion, as well as the conditions of age, studies, medical, moral guarantees and the necessary experience to be able to be a companion.

Sanctions

Failure to comply with the obligations imposed for the organizers, companions and parents or legal representatives shall constitute offense and shall be punished with a fine between RON 1,000 and RON 8,000. The provisions relating to offenses apply within 90 days from the date HG75/2015 comes into force.

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