[RO] ANPC-CNA Protocol

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On 12 February 2008, the *Consiliul Naţional al Audiovizualului* (National Council for Electronic Media – CNA) signed a co-operation protocol with the *Autoritatea Naţională pentru Protecţia Consmatorilor* (Consumer Protection Authority – ANPC) in order to better guarantee compliance with Act No. 363/2007 on combating unfair commercial practices for consumers and harmonising provisions with European consumer protection legislation.

The protocol is designed to improve the mutual exchange of information about known unfair commercial practices in the audiovisual sector and to warn consumers about such practices via available electronic media.

Art. 13 para. 1 letter c of Act No. 363/2007, on which the protocol is primarily based, provides that the ANPC in Romania, if it identifies an illegal advertisement in the electronic media which harms various interests, particularly those of the general public, shall immediately request from the CNA the contact details of the natural or legal person responsible for the advertisement concerned and provide it with a copy of the advertisement. This applies even if there is no evidence of any losses actually incurred. "Immediately" means within five working days of receiving information about the broadcast of an advertisement based on unfair commercial practices.

If the ANPC submits such a request to the CNA under Art. 13 para. 1 letter c, the CNA agrees, under the terms of the protocol, to analyse the request at its next public meeting in order to investigate the natural or legal persons responsible for the alleged unfair advertisement as quickly as possible. If it is impossible for objective reasons for the CNA to reach a decision within five working days of receiving the information, it shall continue to consider the matter for as long as is appropriate and necessary .

If the ANPC informs the CNA about audiovisual advertising or teleshopping which may be linked to unfair commercial practices, the CNA will examine this information at a public meeting and issue a decision in accordance with its jurisdiction as described in the *Legea Audiovizualului în România* (Romanian Audiovisual Act). The CNA will then immediately inform the Consumer Protection Authority of its decisions.

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The protocol signed by the ANPC and the CNA on 12 February 2008 is initially valid for one year and will be automatically extended annually, unless one of the parties declares no later than 30 days before its expiry date that it no longer wishes to be bound by it.

Protocolul de colaborare ANPC-CNA

http://www.cna.ro/Protocol-de-colaborare-A-N-P-C-C-N.html

ANPC-CNA co-operation protocol

Legea Nr. 363/2007 privind combaterea practicilor incorecte ale comercianţilor în relaţia cu consumatorii şi armonizarea reglementărilor cu legislaţia europeană privind protecţia consumatorilor, Monitorul Oficial al României Partea I Nr. 899 din 28/12/2007

Act No. 363/2007 on combating unfair commercial practices for consumers and harmonising provisions with European consumer protection legislation, Monitorul Oficial al României Partea I Nr. 899 din 28/12/2007

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