[RO] Rejection of Liberalisation of Alcohol Advertisment Rules

IRIS 2014-1:1/36

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On 12 November 2013, the Chamber of Deputies (Lower Chamber of the Romanian Parliament) with large majority rejected the Draft Law for the modification of Article 13 of the Legea nr.148/2000, privind publicitatea, cu modificările şi completările ulterioare (Law no. 148/2000 on the advertising, with further modifications and completions). The decision of the Deputies is final. The Draft Law had been rejected by the Senate (Upper Chamber) on 4 June 2013 (see also IRIS 2006-6/33).

The Draft Law intended to modify Article 13 (1) by extending the legal permission of advertisements for alcoholic beverages previously allowed under strict conditions in print media, radio and television. New possibilities would have included outdoor advertisement such as video displays on streets, in public transportation vehicles, and in any other public place. The Draft Law also intended to introduce a new paragraph (3) to Article 13 stipulating that advertisement for alcoholic beverages through outdoor TV displays will be allowed only between 10 p.m. and 6 a.m for reasons of minor protection. The legislative initiator considered that outdoor TV advertisement can be easily controlled and allows producers of smaller beverages to advertise their products at affordable prices due to the fact that classical TV advertisement is too expensive.

The Legislative Council had issued a positive opinion on the Draft Law considering that the liberalisation allows an open competition between the producers of alcoholic beverages producers and that the document is in line with the rules on the European Single Market, the Common Agricultural Policy and the Policy on Consumers' Protection.

On the other hand, the Government issued a negative opinion on the Draft Law. The Government considered the alcohol consumption as a real public health problem in Romania, which has a high rate of mortality due to diseases triggered by alcohol consumption. Accordingly, any new advertising platform for alcoholic beverages was found deeply unfavourable for the public health and against the actions taken in the field by the European Union and the World Health Organisation.

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Propunere legislativă pentru modificarea art.13 din Legea nr.148/2000, privind publicitatea - forma iniţiatorului

http://www.cdep.ro/proiecte/2013/100/90/4/pl358.pdf

Draft Law for the modification of art.13 of the Law no. 148/2000 on the advertising - as initially submitted

Avizul Consiliului Legislativ

http://www.cdep.ro/proiecte/2013/100/90/4/cl358.pdf

Opinion of the Legislative Council

Punctul de vedere al Guvernului

http://www.cdep.ro/proiecte/2013/100/90/4/pvg358.pdf

Opinion of the Government

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