[RO] Request for review of the law prohibiting advertising of medicinal products and pharmacies in audiovisual media

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On 9 January 2016, the President of Romania sent a request to the Romanian Parliament for a review of the Law prohibiting the advertising of medicinal products and pharmacies in audiovisual media. The leader of the main parliamentary party, PSD (Partidul Social Democrat), had previously asked the President to request the review of the Law because of a technical error which occurred during the voting in the Senate of the mentioned draft Act. The Law had been adopted by the Chamber of Deputies (lower Chamber of the Parliament) on 13 October 2015 and by the Senate (upper Chamber) on 14 December 2015 (see IRIS 2006-6/33 and IRIS 2014-1/36).

The Draft Law on the modification and completion of Article 17 of Law No. 148/2000 on the advertisement and for the modification of Law No. 504/2002 of the audiovisual (Propunere legislativă pentru modificarea şi completarea art. 17 din Legea nr. 148/2000 privind publicitatea şi pentru modificarea Legii nr. 504/2002 a audiovizualului) proposed to prohibit advertising for medicinal products and pharmacies in audiovisual media. With regard to Law No. 148/2000 on advertisement, the draft was intended to completely ban advertisements for medicine on radio and TV and to permit this kind of advertisement only for medicine which does not require a medical prescription or the intervention of a physician for diagnosis, prescription, or treatment tracking. The draft was also intended to ban advertisements inducing the idea that a pharmacy is a model or benchmark for other pharmacies, respectively of advertising for pharmacies that are masked drugs advertising. With regard to Law No. 504/2002 of the audiovisual, the draft was intended to ban audiovisual commercial communications for medical products and medical treatment. The draft also proposed to ban the product placement of medical products and treatments.

The President of Romania considers the Act as contrary to the European Union's Directive 2001/83/CE and to Law No. 95/2006 on health reform, which transposes the Directive into national legislation and already bans audiovisual commercial communications for medical treatments and products which require a medical prescription or for medicines which contain substances considered to be narcotic or psychotropic by the international conventions. On the other hand, the President considers the Act as discriminatory, because it only bans advertisement through

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radio and TV and allows advertisements through other means. The same objection is raised with regard to pharmacies, for which advertisement is banned only through audiovisual media.

According to the Zenith Romania Advertising Expediture Forecast report, in 2014 the medicines and pharmaceutical products industry had the biggest advertisement investments in Romania, with 13% of the total advertisements expenditure, followed by food products with 12%, retail with 11.5% and telecom with 11.5%.

Cerere de reexaminare asupra Legii pentru modificarea art. 17 din Legea nr. 148/2000 privind publicitatea, precum şi a Legii audiovizualului nr. 504/2002

http://www.presidency.ro/ro/media/comunicate-de-presa/cerere-de-reexaminare-asupra-legii-pentru-modificarea-art-17-din-legea-nr-148-2000-privind-publicitatea-precum-si-a-legii-audiovizualului-nr-504-2002

Request for review the law on the modification of the Article 17 of the Law no. 148/2000 on the advertisement, as well as of the Law no. 504/2002 of the audiovisual

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