

**LEGAL AND TAX ALERT, February 17th, 2015****FINES FOR BREACHING THE RIGHTS OF CHILDREN IN ADVERTISING**

On February 13<sup>th</sup> 2015, the Government Decision no. 75/2015<sup>1</sup> providing a series of conditions necessary for the performance of remunerated activities by children in the fields of culture, art, sports, advertising and modelling entered into force. The remunerated activities must be performed by the child on the basis of a services contract concluded by the organizer<sup>2</sup> with the child's parents / legal representative (if the child has not reached the age of 14) or directly with the child, provided that the parents'/ legal representative's prior approval has been obtained (if the child has reached the age of 14). If the child has reached the minimum age for employment (16 years old or 15 years old, in the latter case based on parents' consent), organizers may conclude an employment agreement with him.

The Decision sets forth certain strict conditions on the duration and type of activities which may be performed by children. These activities should not constitute dangerous labor. Moreover, the decision establishes certain periods and time intervals for such activities to be performed by children, depending on the age of the child, observing also specific break periods. During the performance of the remunerated activities, the child must be accompanied by an adult. If the child cannot be accompanied by his parents/ legal representative or a person nominated by the aforementioned persons during the performance of remunerated activities, the organizer is obliged to ensure the presence of an accompanying adult. If the child is younger than 1 year old, than the presence of its parents/ legal representative is mandatory.

Prior to the commencement of the activities, the child's parents/ legal representative are obliged to inform the local social assistance service competent for the place where the child is domiciled (LSAS), and within 10 working days from the activities commencement date to transmit to LSAS a certified copy of the Contract.

The Decision sets also the following obligations for the organizer: (i) the obligation to provide the child's parents/ legal representative with sufficient information regarding the nature and type of the activity to be performed by the child and regarding any issues involving their responsibility, (ii) the obligation to ensure access to specialized pediatric care, (iii) ensuring access to cabins, changing rooms, sanitary facilities, recreational and rest facilities, (iv) maintaining regular contact with the child's parents/ legal representative.

Any breach of the main obligations imposed by the Decision constitutes an administrative offence<sup>3</sup> and can be sanctioned by fine varying between RON 1,000 and RON 8,000, depending on the actual breach.

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<sup>1</sup> Published in the Official Gazette no. 115 / 13.02.2015, Part I.

<sup>2</sup> According to the Decision, an "Organiser" means a natural or legal person who carries out and has, as line of business, the planning and carrying out of professional activities in the cultural, artistic, sports, modelling or advertising industry or who organizes events in the aforementioned areas occasionally.

<sup>3</sup> The administrative offences will be investigated and punished by the representatives of the social assistance service competent in the county where the activity is being performed.

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