

The National Office for Gambling - new structure to coordinate activities in the field of gambling in Romania

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***Abstract:** For the first time in the national legislation of Romania, when the coming into force of the Government Emergency Ordinance no. 20/2013, licensing, monitoring and control gambling are coordinated by a single institution - the National Office for Gambling. This institution is under the General Secretariat of the Romanian Government, which will allow a better management of the real problems of legal organizers, and a better involvement of the state in the activity of protecting minors and other vulnerable groups from the point of socially and economically, to prevent their gambling addiction.*

***Keyword:** gambling; National Office for Gambling; bingo television; Supervisory Committee; controlling gambling.*

Introduction

With the entry into force of the Government Emergency Ordinance no. 20 of 27 March 2013 on the establishment, organization and functioning of the National Office for Gambling, and amending and supplementing Government Emergency Ordinance no. 77/2009 on the organization and operation of gambling, was set up in Romania ***The National Office for Gambling (O.N.J.N.)***. This office is constituted as a specialized body of the central public administration, subordinated to the General Secretariat of the Romanian Government with legal personality, responsible for supervising gambling activities with the exercise control and monitoring of gambling online.

The main purpose of setting up of this Office was given by the need for uniform application of specific legislation, in the context of changing gambling, thereby following institutional model successfully implemented by other EU countries.

Setting up of the National Office for Gambling, allows the:

- a. increase revenues of the state budget, in particular by preventing and combating unauthorized gambling and designing the necessary authorization gambling operators online;
- b. improving the coordination, collaboration and exchange of information between institutions with competences in the field of gambling, respectively to reduce tax evasion in the reference area;
- c. better coordination and management of surveillance and control in gambling;

It's the first time in Romania, when the licensing activities, monitoring and control gambling are coordinated by a single institution - the National Office for Gambling. This fact is likely to allow a better management of the real problems of legal organizers, and a better state involvement in child protection activity and other vulnerable groups in social and economic terms a view to avoiding their dependency of the gambling.

The main objective of the National Office for Gambling, is the unitary, correct and non-discriminatory application to the legal provisions in force in the field of gambling, and prevent possible intromissions in the sporting results to protect the sport movement. In this respect, according to OUG no. 20/2013, the National Office for Gambling will perform the following tasks:

- a. coordinate the unitary, correct and non-discriminatory implementation a legal provisions in force in the field of gambling;
- b. analyzes and solves the requests of filed by operators who wish to conduct gambling, according to the legal provisions in force;
- c. supervises gambling activities, directly or in conjunction with other institutions of the state, under the law;
- d. controls the application of specific legislation, ensuring his uniform application, the finding minor offenses and apply the sanctions provided by law or notifies competent authorities;
- e. analyzes complaints received, verifies issues reported and solves them or notify competent authorities;
- f. resolves prior complaints formulated by gambling operators, about measures arranged in the exercise of the tasks, under according the competences and legal provisions in force;
- g. analyzes and resolves requests from the other authorities, operators and other stakeholders, under according to the competences and provisions of the law governing gambling;

1. The composition and the management structure of National Office for Gambling (O.N.J.N.)

The Supervisory Committee is the leading body of ONJN, as deliberative and decision-making structure, and is consisting of nine members, of which two executive and seven non-executive directors, as follows:

1. President - Executive Member;
2. Vice President - Executive Member, appointed on the proposal of the Minister of Public Finance;
3. Member - non-executive member, called the proposal the President of the National Office for Prevention and Control of Money Laundering;
4. Member - non-executive member, called the proposal of the Minister of Internal Affairs;
5. Member - non-executive member, called the proposal of the Minister of Youth and Sports;
6. Member - non-executive member, named the proposal the National Agency for Fiscal Administration;
7. Member - non-executive member, called the proposal the Secretary General of the Government;
8. Member - non-executive member, called the proposal of the Minister of Culture (joint organizers of gambling in Romania);
9. Member - non-executive member, called the proposal of the chief of the chancellery of Prime Minister;

All members of the Supervisory Committee of O.N.J.N. are appointed by decision of the Prime Minister.

In our opinion, the representative appointed by the Minister of Internal Affairs shall be an operative officer within the Fraud Investigation Directorate, the proposal of the General Inspectorate of Romanian Police, who to have at least 3 years experience in the field of gambling.

Also, I consider that is useful that appointment of members of the Supervisory Committee for a clear mandate established, for a period of 4 years, that would allow better coordination of activities in the field of gambling.

The Chairman of the Supervisory Committee represents O.N.J.N. in relations with other authorities and public institutions, with the natural or legal persons romanian or foreign, as well in justice, and in his duties may issue orders, decisions and instructions.

Vice President is the legal substitute and which coordinate the inspection and control in gambling.

Supervisory Committee members participate in meetings organized by the Office, when convened by the President. The Committee meetings are bimonthly and are remunerated only non-executive members, with 20% of the salary the President, for each meeting. The allowance is paid from the state budget through the budget of the Office. The President may convene Extraordinary meetings whenever necessary, they are not paid.

In exercising its attributions, Supervisory Committee issue administrative acts in the form of decisions, that may be contested in the law. Committee takes decisions in the presence of at least 7 members. In exercising its duties, the Committee shall take decisions by a majority vote of the members present. Where the one member can not attend the meetings of the Committee, it shall delegate in writing skills, one of the other members.

Duties of the Supervisory Committee, conferred by legal norms in force are:

- a. granting of the right of organization and functioning, of the opinions and / or approvals necessary for the organization and operation of gambling in Romania, according to the legal provisions in force;
- b. cancellation, revocation, suspension of the documents on the right to organize and operation in the gambling and decisions issued under the law in force;
- c. prior complaint handling (complaints or appeals) formulated by the organizers of gambling against decisions of the Supervisory Committee;
- d. the framing in terms of gambling legislation, of the activity carried out or proposed to be undertaken by an operator, in the categories of gaming provided by law or outside their, as appropriate, as a result its own findings, or of the complaints or applications received;

In my view, consider that would have been useful to include in the legal norm and designation of the Office representatives, which to participate to the supervisory commissions to gambling, as well as the Office representatives which to supervise gambling in the casino, after the French model.

The Supervisory Committee members must meet on the time of appointment, all the following conditions:

- a. to have the quality of licentiate of a higher education institution, with the duration set by law, accredited, with an age of at least 10 years in higher studies in the case of the President and Vice President, and at least 5 years in higher studies in the case of other members;
- b. to be resident in Romania;
- c. to have Romanian citizenship;
- d. to have the right to exercise civil and political rights;
- e. not to have facts registered into judicial record;

In my opinion, consider that would have been useful to include in the legal norm of a requirement such as "to be activated in the field of gambling a period of minimum three years" to enable expression of relevant opinions in the activity regulating of gambling in our country.

Members of Committee are not allowed to occupy positions in the political parties structures or in the their bodies elected or appointed, as defined by their status, in the organizations to whom it applies the same

legal status as well as political parties, as well in the foundations or associations operating beside political parties.

According to the legal provisions in force, the quality of member of the Supervisory Committee shall cease in the following situations:

- a. by revoking by the Prime Minister, at the suggestion of the head the authority which named him;
- b. by resignation;
- c. through death;
- d. through the impossibility to exercise membership quality for a period exceeding 3 months;
- e. in the case a finding of incompatibility situations above provided;
- f. at the time of arrest or sent to trial for an offense in connection with / or in performing duties;
- g. at the date of a final judgment of conviction;

With regard to the provisions of paragraph (f), the my view is that would have been useful to introduce the collocation "initiation of prosecution" instead of "arrest", fact which would allow the replacement of a member against whom the criminal investigation bodies have ordered such a measure. It is known that pre-trial detention is an exceptional measure, but the prosecution, for example, for corruption facts, constitutes a due cause to suspend a member of the committee.

In case of liberation of a place of member in the Supervisory Committee, the head of the competent authority shall designate the appointment of a new person, but no later than 10 days from the date of the liberation of the post.

2. Powers conferred by the law in force of National Office for Gambling (O.N.J.N.)

The main tasks conferred by the law in force, of National Office for Gambling (O.N.J.N.), are following:

- a) coordinate the unitary, correct and non-discriminatory application of legal provisions in force in gambling;
- b) analyzes and deal with requests submitted by operators who wish to conduct activities gambling, according to the legal provisions in force;
- c) supervises gambling activities directly or in conjunction with other state institutions, under the law;
- d) exercises the technical control, monitoring and supervision for gambling of type: *online betting*, organized through communication systems such as internet, mobile and fixed telephone systems, *bingo games* organized through internet type communication systems, fixed or mobile telephone systems, *online gambling* organized through communication systems such as internet, mobile or fixed telephone systems, as the these activities are regulated by Government Emergency Ordinance no.77/2009 on the organization and operation of games gambling, as amended and supplemented;
- e) controls application of specific legislation, ensuring its uniform application, finds minor offenses and apply the penalties provided by law or notifies the competent bodies, as appropriate;
- f) analyzes the complaints received, verifies issues raised and resolve or notifies competent bodies, as appropriate;
- g) resolves prior complaints (contestations) formulated by operators on measures ordered in the exercise of the tasks, according to the powers and provisions of the law;

- h) analyzes and resolves requests made by other authorities, operators and other stakeholders in accordance with the powers and legal provisions governing gambling;
- i) emits the acts administrative provisions afferent of work carried out and leading the evidence of the documents necessary to grant the right of organization and functioning and decisions issued;
- j) ensures database management related activities and ensures publish information at own website;
- k) carry out risk analysis for conducting action to verify and control in gambling field, for each license holder and permit, and establishing the risk associated with each one;
- l) ensure the archiving of the documentation afferent activities to work, according to law;
- m) can participate in activities specialized international bodies and may be their membership, based on the mandate received from the Government of Romania;
- n) ensures the collaborating, sharing information and representation in gambling field. In the exercise of his duties the Office may conclude cooperation agreements or partnerships with similar institutions, profile associations or with other authorities and institutions;
- o) concludes contracts for monitoring gambling;

For more efficient activity of National Office for Gambling I consider that is useful and opportune to introduce the following tasks: "paragraph: p) participates through representatives of the Office in supervisory commissions gambling, and paragraph: q) designate official representatives for oversee gambling in the casino (after the French model)".

Conclusion

The new body created, the National Office for Gambling, will need to make all efforts to restart gambling activity in our country. Economic and financial crime, specifics of the gambling, is manifested in an activity sector where for several years been a continuous dynamic, characterized by decreasing certain types of gambling and growth, sometimes explosive, other genres. Thus, although the number bingo game operators relatively well regulated and controlled, the declined, has grown the number of permits for betting and other forms of gambling, less traditional, summary regulated and therefore difficult to monitor and control, as and that one of the casinos. However, in last years is has been found an increase in the number of licenses the assigning devices gains.

Must mentioned the insistence of some economic agents to obtain, for the first time, license to organize gambling online. It can be appreciated that their appearance, in this moment, allowed explicitly in the new normative acts, was rejected in the past by the authorization for ambiguity and lack of guarantees of fairness and game security regulations set "Endorsement Commission of the Games Gambling" because it is thought that they may have a negative impact on crime in this area and a decline in the share of traditional gambling, more controllable and more well regulated.

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3. Government Emergency Ordinance no. 77 of 24 June 2009 on the organization and operation of gambling and Government Decision no. 870 of 29 July 2009 approving the Methodological Norms for the application of Government Emergency Ordinance no. 77 of 2009 on the organization and operation of gambling, both as amended in force;