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Directorate for Financial and Enterprise Affairs
COMPETITION COMMITTEE

Annual Report on Competition Policy Developments in Romania

-- 2024 --

This report is submitted by Romania to the Competition Committee FOR INFORMATION.

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Romania

1. Executive Summary

1. In 2024, Romania experienced a period of economic stagnation. In the last quarter, according to the National Institute of Statistics (INS), Romania recorded an economic growth rate of 0,7%. 2024 was characterized by economic stagnation and inflation above the EU average. We are currently going through an economic phase marked by multiple pressures and uncertainties generated by factors such as decisions in terms of fiscal measures that could be implemented with a view to budgetary consolidation or price developments, especially with regard to energy, given the difficult geopolitical context.
2. In addition, the year 2024 was marked by significant economic and political challenges, as well as weak economic growth and still high inflation in Romania, which generated an intense activity within RCC, with an increased level of complexity.
3. The number of mergers approved was a record for the last 21 years: 104. The largest transaction on the retail market in Romania, the takeover of the Profi store network by Mega Image, involved an extensive analysis, completed with commitments regarding suppliers, measures unprecedented at national level, inspired by European practice.
4. At the same time, RCC completed 18 investigations, most of the last seven years, and imposed fines totaling almost 365 million lei, a record of the last three years. Important cases concluded with sanctions include those in the cement and pharmaceutical markets. Furthermore, in 2024, RCC completed the highest number of investigations conducted under TFEU of all the competition authorities of the EU Member States.
5. The investigations focused on areas of interest for the economy, such as public procurement in the field of information and communication technology or the automotive sector, but also with a direct impact on consumers, as is the case related to dental or archiving services, closely linked to the issuance of documents necessary for the recalculation of pensions. The dawn raids carried out at the companies' offices helped RCC teams obtain the necessary documents to analyse the cases. RCC investigative teams also collaborated with competition authorities from other countries, as was the case with the investigation on the IT&C equipment market in Romania, where RCC cooperated with the Dutch authority.
6. RCC's results in court kept in line with the trend of recent years, 94% of the decisions of the High Court of Cassation and Justice being favourable to RCC. At the same time, the appeal court maintained 96% of the value of the contested fines.
7. In terms of international cooperation, RCC is involved in technical assistance projects for competition authorities in the region - Ukraine, Moldova.
8. The year 2025 brings new economic and geopolitical challenges, and at national level RCC plans to focus on the processes of re-liberalization of markets. Moreover, RCC aims to complete a series of investigations in the banking sector, in the agri-food industry or on the labour market, but also to analyze transactions on important markets, such as telecommunications.
9. In terms of legislation, RCC will continue to work with the authorities to amend the civil auto liability insurance related legislation so that the market operates on a competitive basis after the expiry of the tariff cap, but also to define and implement the

most appropriate measures after the expiry of the electricity and natural gas price cap scheme and return to the functioning competitive market.

10. It is worth mentioning the success of the legislative approach to liberalize inter-county passenger transport, following the decision of the Constitutional Court, a process that RCC will support by amending the secondary normative framework.

11. Against the background of fiscal consolidation and the economic downturn at European level, the competitiveness of the national economy and the process of re-liberalisation of markets could therefore be affected. In this context, RCC will work with all actors involved to identify the best solutions to continue to ensure well-functioning markets while respecting competition principles for the benefit of the economy and consumers.

2. Enforcement of competition laws and policies

2.1. Actions against anticompetitive practices, including agreements and abuses of dominant positions

2.1.1. Summary of activities

Opened investigations

12. In 2024, RCC launched 14 investigations into possible infringements of competition law, of which 12 were launched ex officio and 2 following complaints.

Figure 2.1. Investigations initiated in 2024

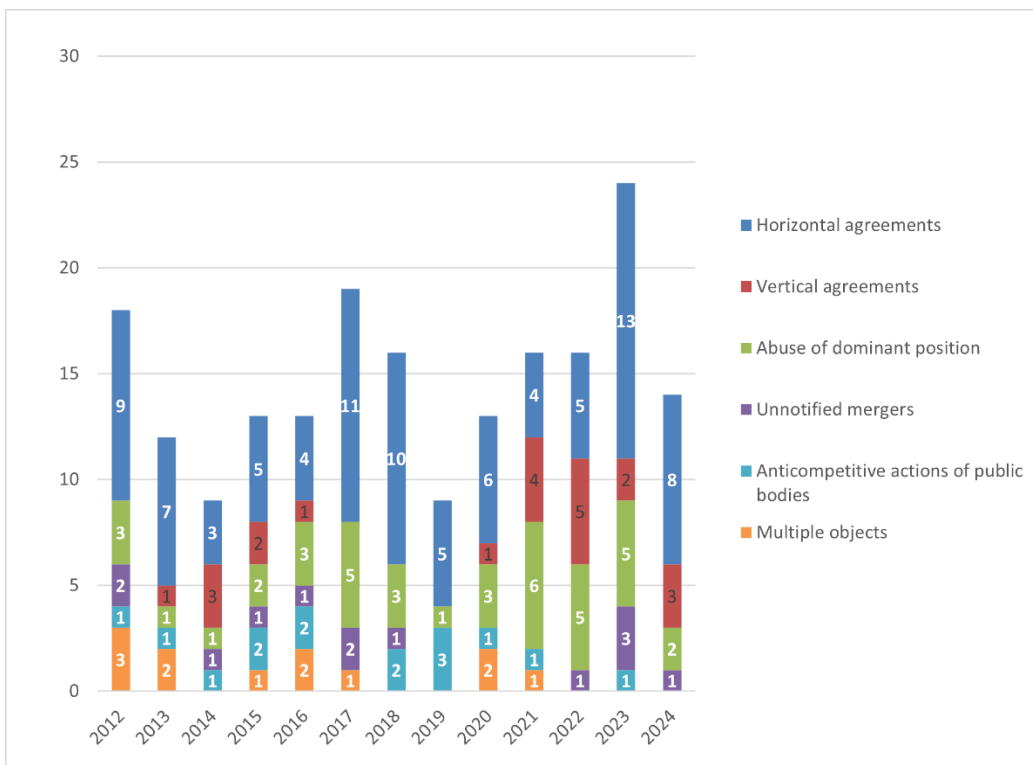
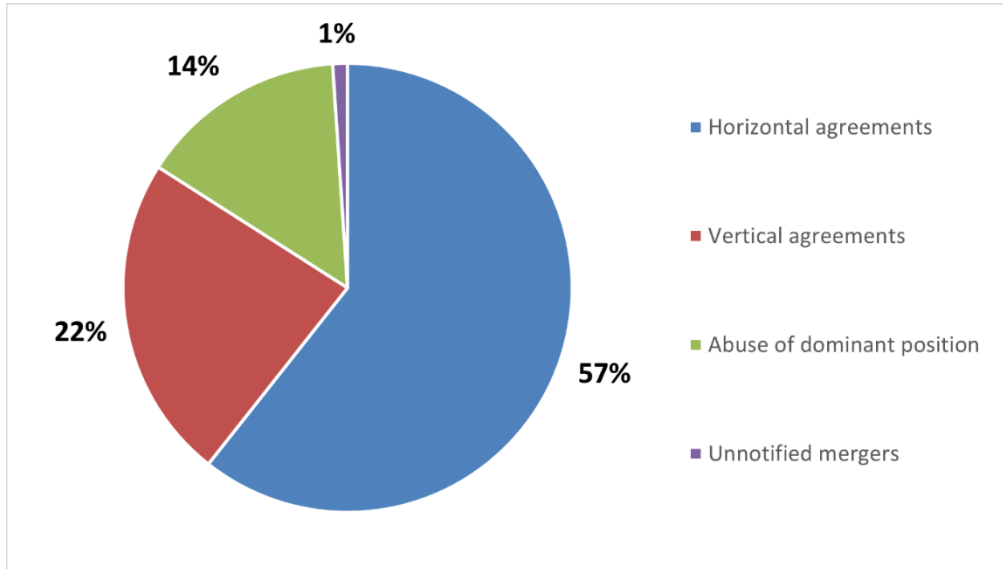


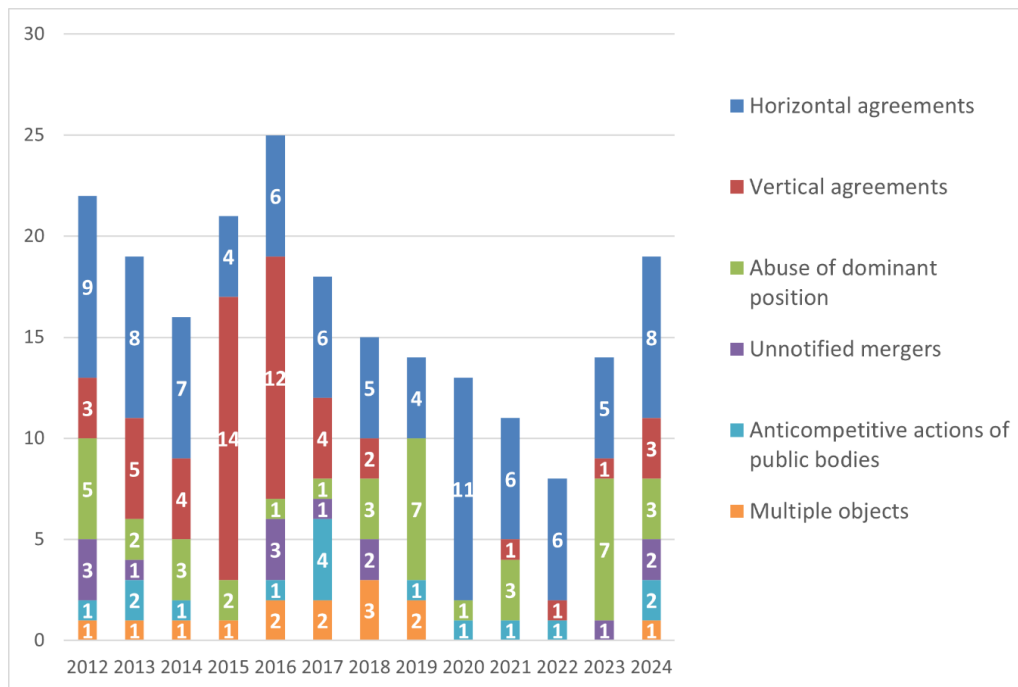
Figure 2.2. Structure of investigations initiated in 2024 depending on the anti-competitive practice concerned (%)



13. Of the 14 investigations launched in 2024, the majority target possible anti-competitive agreements (horizontal and vertical). From the perspective of the competition legislation concerned, half of investigations initiated in 2024 are focused on the possible infringement of national and Community competition law, and the other half are related to the possible infringement of the relevant national rules.

Completed investigations

Figure 2.3. Completed investigations by investigated practice



14. In 2024, 18 investigations were completed, a record of the last seven years, out of which 3 concerned abuses of dominant position, 8 investigations on horizontal agreements, 3 investigations on vertical agreements, 2 investigations on anticompetitive actions of public bodies and 2 mergers implemented without notifying RCC.

Impact of RCC enforcement

15. In order to assess the impact of the actions of the competition authority on consumer welfare, the cases finalised during 2024 were analysed using the methodology developed by the European Commission.

16. Determining the impact on consumers at the level of a market is obtained by estimating the costs avoided by consumers as a result of the intervention of the competition authority. It is important to note that this impact assessment does not capture the entire activity of the competition authority over the past year, due to the following factors:

15.1. Only cases suitable for the application of such a methodology, i.e. six anti-competitive agreements and an abuse of a dominant position, have been examined in the following markets:

the market for the production and marketing of cement in Romania;

pharmaceutical segment - the market of the molecule tiotropium;

the peripheral equipment and consumables market in Romania;

the market for archiving services;

the market for the supply of dendrological material locally;

the market for the supply of mobile IT equipment for school use;

the market for the supply of food products in Argeş County.

15.2. Only first-round effects were taken into account. Thus, account was taken of price increases corresponding to the undertakings participating in the anti-competitive practice, the affected market concerned being assessed by their turnover or by part of their turnover, according to the percentage of products or services relating to the anti-competitive practice. The side effects of the practices under consideration could be that other undertakings on the market could align their prices with those charged by the parties to the anti-competitive conduct.

15.3. The indirect effects of the interventions of the RCC, such as the deterrent effect of sanctions for other undertakings in the investigated market or in other markets or the effects of the activity of promoting the competition principles, were not taken into account.

17. The 3 benchmarks for determining benefits are: the size of the affected market (estimated by reference to the historical turnover of the parties to the cartel and the percentage related to the goods/services related to the infringement), the counterfactual scenario regarding the period of continuation of the infringement in the absence of intervention by the competition authority and the level of overcharge generated by the cartel (the assumptions for the latter two elements are provided by the methodology used).

18. Thus, the methodology used by the European Commission provides for a period between 1 and 6 years for the continuity of the facts, depending on the estimated stability of the cartel at the time of detection. Under this methodology, cartels are considered ‘unsustainable’ (lifetime of 1 year), ‘fairly durable’ (lifetime of 3 years) or ‘highly durable’ (lifetime of 6 years). At the same time, where there is insufficient data or detail on the effect

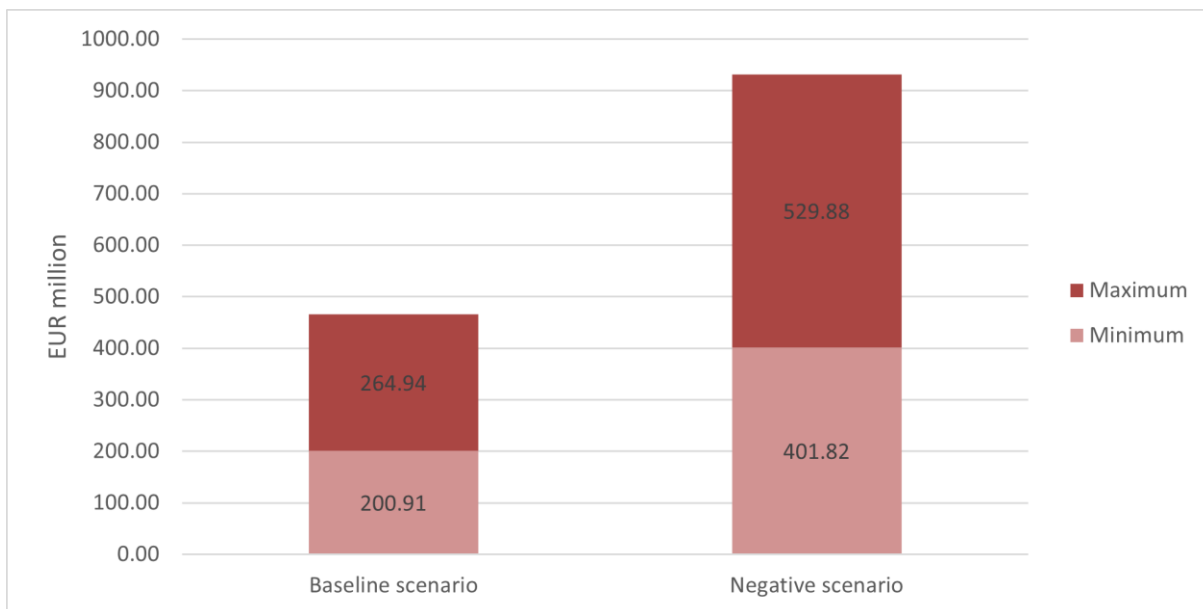
of the practice on price, a surcharge by those implementing the anti-competitive practice of between 10% and 15% shall be taken into account.

19. Based on the methodology of the European Commission, in order to estimate the benefits of competition policy, 2 scenarios were used (baseline scenario and negative scenario), the impact of the anticompetitive agreements on the price, for the affected market, at the level of each scenario being between 10% and 15%.

- The baseline scenario is a situation where the cartel is relatively durable; without the intervention of the RCC, it would have lasted another 3 years;
- The negative scenario is a situation where the cartel is very stable; in the absence of the intervention of the RCC, it would have lasted another 6 years.

20. In all the cases analysed by the RCC, the approach was conservative in relation to the scales and indicators proposed by the methodology used.

Figure 2.4. The impact of the competition policy – first-round benefits

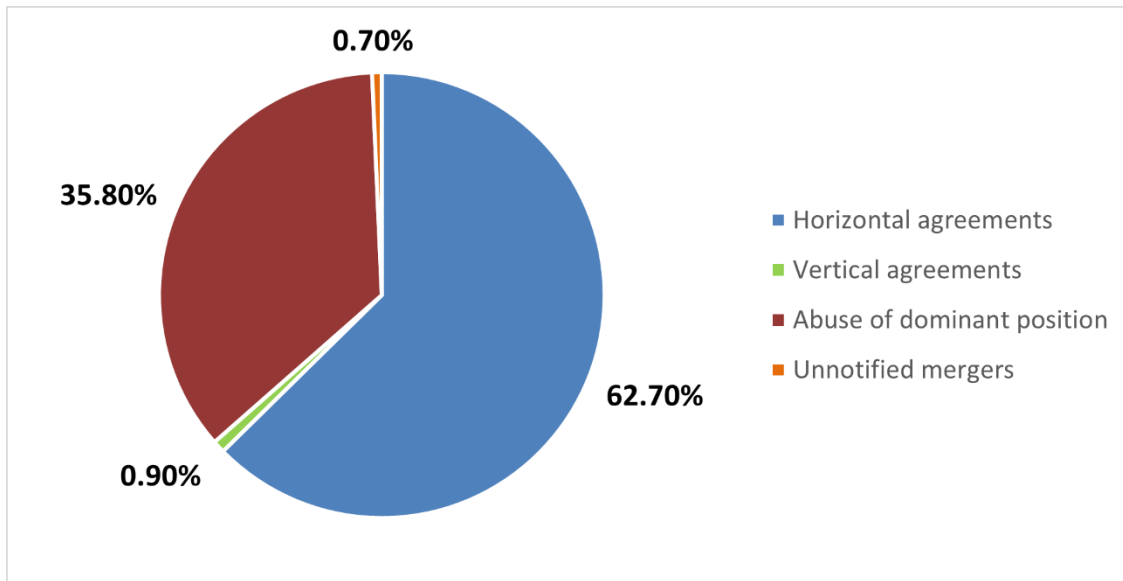


21. It is noted that the estimated impact of the RCC's interventions in 2024 on consumers, in terms of avoided negative price effects on the 7 markets analysed, reaches up to 1,3 billion lei (€ 264,94 mil) in the baseline scenario and up to 2,6 billion lei (€ 529,88 mil) in the negative scenario.

Fines

22. The fines imposed in 2024 amounted to € 73.316.371,93. The largest share of the fines imposed in 2024 was applied in horizontal agreements accounting for 62,7% of the total fines imposed. RCC also imposed fines for vertical agreements, abuse of dominant position, unnotified mergers.

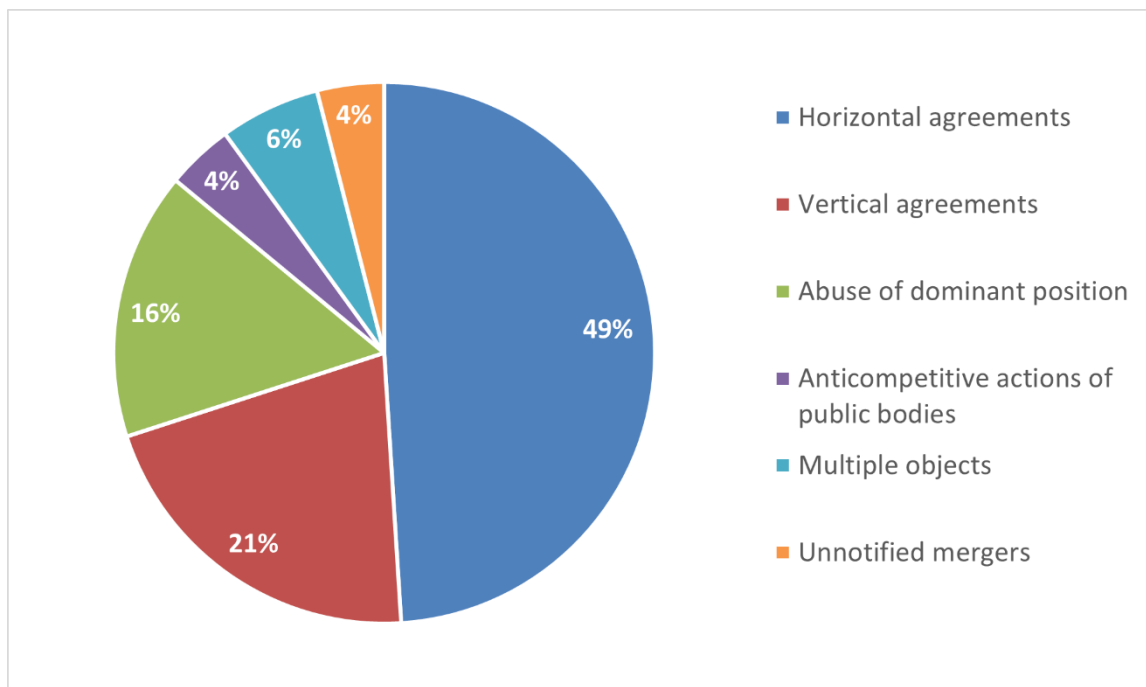
Figure 2.5. Fines imposed in 2024, depending on the type of offence sanctioned (%)



Ongoing investigations

23. At the end of 2024, RCC had 49 ongoing investigations on possible infringements of competition law

Figure 2.6. Fines applied in 2024 according to infringement (%)



Dawn raids

24. In 2024, 8 dawn raids were carried out in the framework of investigation procedures and 38 premises belonging to 36 companies were visited.

Sector inquiries /Studies/Analyses

25. Sector inquiries involve deepening research on certain markets for which RCC has concerns about the level of competition.

26. In 2024, such an analysis was initiated on the market for the production of television programmes, the market for retransmission services of television channels and the market for television advertising.

27. During 2024, two sector inquiries concerning retail banking services and the natural gas sector in Romania were completed in the context of the liberalisation of the supply of natural gas to household customers. Six sector inquiries were ongoing at 31 December 2024.

28. In 2024, 13 studies were initiated, and four studies were completed with the following topics:

- medical services provided under the telemedicine regime;
- economic interest groups (EIG/EIEIG);
- the competitive advantages of the circular economy in the construction sector and its impact in achieving the climate objectives of the European Union;
- ex-post analysis of the impact of implementing the ‘Start-up Nation’ minimis aid scheme, approved by Order No 692/2017 of the Minister for the Business Environment, Trade and Entrepreneurship.

29. On 31 December 2024, the RCC had 15 ongoing studies. A brief presentation of the study on the circular economy in the construction sector can be found below:

Box 2.1. Study - circular economy in the construction sector

The main objectives of the study, initiated in 2022, were to analyse the impact of the circular economy on competition policies, the effects and barriers of the transition from the linear to the circular economic model, developments in the construction sector with regard to the management of construction waste streams and the use of resources, best practices on the circular economy implemented in construction in the European Union, ways in which competition policy can stimulate the development of the circular economy, as well as support measures for the transition to the circular economy.

The circular economy is a production and consumption model based on the principles of reducing natural resources used, prolonging the life cycle of products and minimising the generation of waste, by reusing, repairing, renovating and recycling existing materials and products for as long as possible. The circular economy can make a

decisive contribution to achieving the EU's climate goals, reduce pressure on natural resources, create sustainable growth and jobs, while ensuring the EU's long-term competitiveness.

Romania performs poorly, below the European average, on most of the relevant circular economy monitoring indicators, which provide an assessment of the state of the transition to a circular economy.

Regarding the reuse, recycling and recovery of materials, in Romania, the recovery rate of construction and demolition waste (CDW) increased significantly in the 2014-2020 period, from 65% to 88%, approaching the European average (89% in 2020). The figures show that landfilling is the dominant form of waste management in Romania.

The circular economy contribution imposed on waste generators, for those destined to be disposed of by landfilling, seeks to incentivise recycling. Even if the value of the contribution has been doubled since 2024 (to RON 160/tonne), its level remains relatively low and does not stimulate waste generators to recycle. One solution identified by the competition authority would be to set the level of contribution above the cost of recycling.

Although the construction sector generates a large amount of hazardous waste with a significant impact on the environment, landfilling is the main form of waste management, as there are currently no technological rules allowing the use of recycled materials in new construction. As a result, the competition authority recommended updating national standards and rules in the field, as well as regulating the procedure for the certification of CDW so that they can be reused in road construction activities.

The study can be found [here](#).

Mergers

30. During 2024, RCC authorised a record number of economic concentration operations in the last 21 years, namely 104.

31. Of these 104 operations, the takeover of Profi Rom Food SRL by Delhaize 'The Lion' Nederland B.V. (Mega Image) implied the acceptance of commitments.

32. The breakdown of merger decisions according to the adoption of commitments and the analysis procedure used can be found in the figures below.

Figure 2.7. Number of authorised merger decisions (2015-2024)



Figure 2.8. Number of authorisation decisions, full procedure (2015-2024)

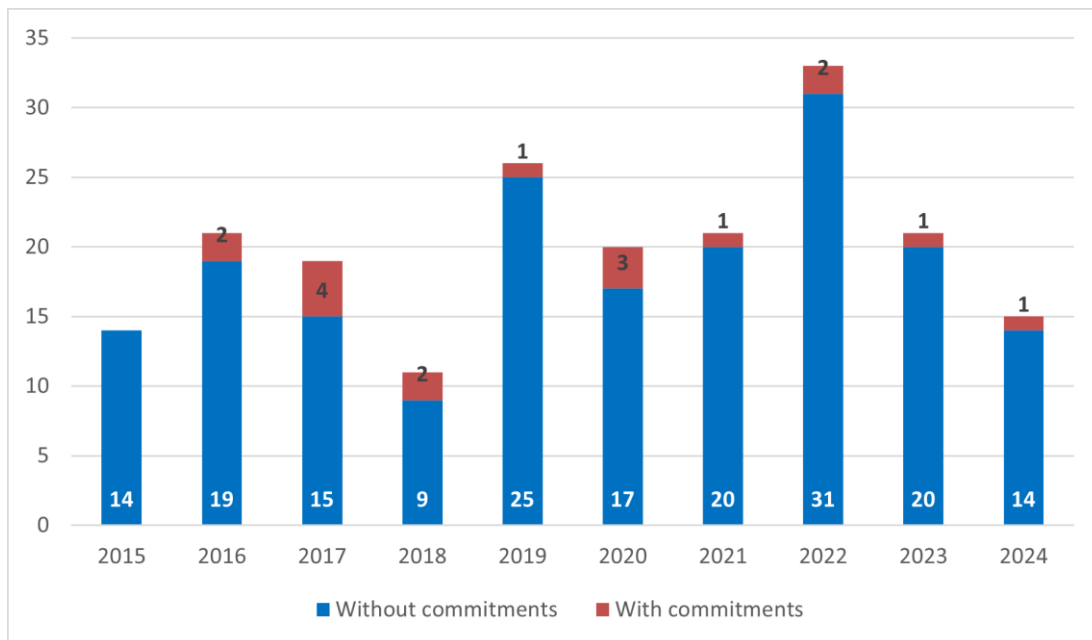
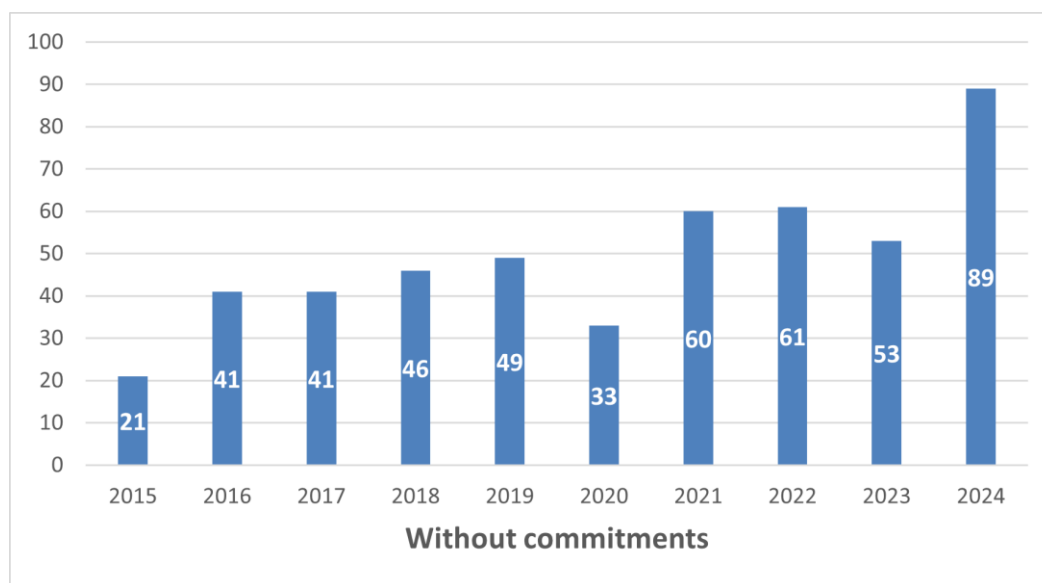


Figure 2.9. Number of authorisation decisions, simplified procedure (2015-2024)



Whistleblowing Platform

33. The Competition Whistleblower Platform is a tool aiming to diversify the methods of identifying possible anti-competitive practices, by collecting information provided voluntarily by individuals who are aware of the existence of such practices. By using this means of communication, the persons concerned remain anonymous, unless they wish to communicate their identification data. The Competition Whistleblower Platform is active and accessible to interested persons on the RCC's website¹ since the end of January 2015.

34. The whistleblower platform, a tool used by both the RCC and the European Commission, protects the anonymity of whistleblowers through a specially designed encrypted messaging system that allows two-way communication.

35. The system guarantees the confidentiality of those who use it. Whistleblowers – persons wishing to transmit information to the RCC – log onto the https – SSL system, an encrypted connection to the internet, via the internet, in order to ensure that no one using the system can collect the data transmitted through that platform, other than authorised persons, without the latter being able to trace the user's IP or detect its identity.

36. On 22 December 2022, Law No 361/2022 on the protection of whistleblowers entered into force with a view to transposing Directive 1937/2019, which establishes the general framework for the protection of persons who report breaches of the law, which have occurred or are likely to occur within certain legal entities, while regulating matters such as the content of reports or the procedure for their transmission and management.

37. During 2024, 76 messages were received, signaling issues covering various areas, such as the market of information and communication technology equipment, the market for communication services, alternative transport and taxi services, the automotive sector, public utilities, e-commerce, the functioning of online platforms and others. Certain referrals received through the whistleblower platform have led to dialogue (correspondence/exchange of messages) between the authority and whistleblowers, while maintaining their anonymity.

¹ <https://report.whistleb.com/en/consiliulconcurrentei>

38. In 2024, RCC received 34 complaints covered by the Competition Law, 2 complaints on matters falling within the scope of the Law on unfair B2B commercial practices in the agricultural and food supply chain, and one complaint on matters falling within the scope of the Law on combating unfair competition.

39. It should be noted that the investigation launched in 2024 on the market of information and communication technology equipment in Romania had as starting point the information provided through the Platform.

Bid rigging/monitoring public procurement

40. In the field of public procurement, the competition authority is mainly responsible for investigating possible horizontal anti-competitive agreements (cartels) between tenderers in public procurement procedures with the aim of distorting competition. 75% of the total number of investigations into possible horizontal agreements initiated in 2024 concerned public procurement procedures.

41. In 2010, in order to enhance governmental cooperation in public procurement, several public Romanian authorities established the Bid Rigging Module (MLT).

42. The aim of the Bid Rigging Module (hereinafter referred to as the MLT²) is to ensure a normal competitive environment on the public procurement market, through institutional cooperation and rapid exchange of information, at expert level, in order to identify bid rigging.

43. The main actions carried out under the MLT in 2024 were the following:

- application of competition rules in public procurement:
 - point of view requested by ANAP on the third reporting exercise on public procurement in accordance with Directives 2014/23/EU, 2014/24/EU, 2014/25/EU;
 - point of view requested by ANAP and the Ministry of Defence on the draft Government Ordinance amending Article 20(3) of Government Emergency Order No 114/2011 on the award of certain public contracts in the field of defence and security;
 - questionnaire requested by ANAP on competition in public procurement and strategic procurement;
 - notifying ANAP of the conduct of an undertaking in a public procurement procedure;
 - notifying the BCC on the behaviour of the Romanian state regarding the management of social services;
- the organisation by the RCC, in partnership with the American Chamber of Commerce in Romania (AmCham), on April 29, 2024, of the Conference ‘*Competition in Public Procurement – Competition Risks and Practical Remedies*’, which was attended by MLT institutions;

² The following state institutions are part of this module: RCC, the National Public Procurement Authority (ANAP), the National Council for the Resolution of Complaints (CNSC), the Prime Minister’s Control Corps, the Romanian Court of Accounts (CCA), the Public Prosecutor’s Office in the High Court of Cassation and Justice, the Anti-Fraud Department (DLAF), the Romanian Digital Agenda Agency (AADR) and the National Anti-Corruption Directorate (DNA).

- participation in events promoting competition culture in Oradea, Miercurea Ciuc and Focșani, with the theme *'Protecting a competitive environment in public procurement'*;
 - participation in the round table organised by the Romanian Academic Society on April 26, 2024 on *expanding cooperation between civil society and public authorities to combat corruption more effectively in the field of public procurement*;
 - continuing the collaboration of the RCC with ANAP on the Joint Opinion issued by the two institutions;
 - five referrals received within the MLT from ANAP and CCA.
44. RCC issued advisory opinions/points of view/opinions on draft legislative acts relevant to the area of public procurement, as follows:
- point of view requested by the Ministry of Finance - National Office for Centralised Procurement on the draft Government Emergency Ordinance amending and supplementing Government Emergency Order No 46/2018 on the establishment, organisation and functioning of the National Office for Centralised Procurement;
 - point of view requested by the Ministry of National Defence on the draft Law for the implementation of the operational air defence capability provided in the Concept for implementation of the operational air defence capability with 5th generation multirole aircraft within the endowment programme: F-35 5th generation multirole aircraft, Phase I and some measures regarding the performance of Government-to-Government contracts specific to the *Foreign Military Sales Programme*;
 - point of view requested by the Ministry of National Defence on the draft Law supplementing Article 1 of Law No 222/2017 on the implementation of ground-based air defence capability for the essential endowment programme: High-range surface-to-air missile system (HSAM);
 - point of view requested by the Romanian Senate on the draft Law approving Government Emergency Order No 83/2024 supplementing Law No 29/2000 on Romania's national decoration system – public procurement procedures for the execution of orders and medals;
 - point of view requested by the Romanian Senate on the legislative proposal amending Law No 367/2022 on social dialogue (b503/02.10.2024);
 - point of view requested by the General Secretariat of the Government on the draft Government Emergency Ordinance supplementing Law No 29/2000 on the national decoration system of Romania;
 - point of view requested by the Ministry of Environment, Waters and Forests on the draft Government Decision approving the National Green Procurement Plan 2024-2027;
 - point of view requested by the Ministry of Environment, Waters and Forests on the draft Government Emergency Ordinance on the development of version 3.0 of the Integrated Wood Tracking Information System, as well as on the amendment of some normative acts - NRRPs;

- point of view requested by the Ministry of Education and Research on the draft government decision on the establishment of the National Programme - Healthy Meals;
 - point of view requested by the Ministry of Investments and European Projects on the draft Government Emergency Ordinance amending and supplementing Government Emergency Order No 15/2013 regulating certain fiscal and budgetary measures to bear from the state budget the amounts related to percentage reductions and financial corrections applied for deviations from compliance with public procurement legislation for the Sectoral Operational Programme Environment 2007-2013 and the Large Infrastructure Operational Programme 2014-2020.
45. RCC issued 35 points of view regarding plausible indications of exclusion of some tenderers from the public procurement procedure, requested by the contracting authorities/entities. Following the analysis of the public procurement procedures, **five investigations concerning the infringement of competition law were launched.**

2.1.2. Examples of enforcement cases

Box 2.2. The Cement cartel case

Launched ex officio in 2018, the investigation concerned the possible infringement of national and Community competition rules by HOLCIM (ROMANIA) SA, CRH CEMENT (ROMANIA) SA and HEIDELBERGCEMENT ROMANIA SA on the cement production and trading market in Romania.

The anti-competitive practice was achieved through an exchange of sensitive commercial information (information on future prices, discounts, payment conditions, payment terms, quantities, volumes, etc.).

The anti-competitive behaviour of the three undertakings consisted in accessing, through customers, information on competitors' prices and other payment conditions, which was not public in nature and which was used to establish commercial strategies with regard to price policy.

The cement companies tracked and anticipated the behaviour of competitors based on information about competitors' price and product policies communicated through common or potential current customers.

Each of the three producers took the risk that sensitive information about its own commercial strategy would reach competitors, which reduced the uncertainty of competition, thus making it possible to apply price changes to its own product range.

The anti-competitive practice found took place between 2017 and 2018 and represented an infringement of the national and Community competition rules, the undertakings being sanctioned with fines totalling RON 217.966.541,82 (approximately € 43,7 million).

Once published, Decision No 273/2024 will be available [here](#).

Box 2.3. The Bookster cartel case

Launched in September 2021, following a complaint by the Education for All Children Association, as owner of the Bookster library, the investigation concerned possible cartel agreements on the Romanian book supply market.

During the investigation, it was found that, between 2017 and 2020, the companies CURTEA VECHE PUBLISHING SRL., NEMIRA PUBLISHING HOUSE SRL, HUMANITAS SA, PUBLICA COM SRL, DIRECT CLIENT SERVICES SRL (Carturești Bookshops) and LIBRĂRIILE HUMANITAS SA, with the support of the ROMANIAN EDITORS' ASSOCIATION (AER), coordinated their commercial strategies and limited the marketing of books to the entities managing the Bookster library.

Bookster was a privately-owned public library, which, in addition to classic book lending services at the library's headquarters, offered easy access to the book fund by implementing an additional service of delivery of books to the headquarters of the company employing its clients.

Bookster customers, to whom the desired materials were lent by delivery to the office, were the beneficiaries of subscriptions supported by the employer company, offered as a salary benefit, subscriptions based on which they had access to the library's book fund without having to go to its physical headquarters.

The viability of a library's activity depends on its ability to permanently supply the book fund with new editorial products of interest to readers and in sufficient quantities to cover the requirements. In the absence of an up-to-date book fund adapted to the needs of readers, any library is at risk of losing its readers.

The anticompetitive actions of the sanctioned publishers and bookstores consisted in the coordinated refusal to sell books, actions that had a significant impact on the activity carried out by the Bookster library. The action to limit the supply of books to Bookster was a commercial policy decision, which was not based on criteria relating to the individual commercial situation of each publisher or bookstore, but was the expression of coordinated actions by competitors, which thus replaced the risks posed by competition with practical cooperation between them.

The anticompetitive practice found by RCC on the book supply market in Romania led to the sanctioning of the six companies involved and AER with total fines of RON 5,967 million (approximately € 1,2 million.)

Once published, Decision No 159/2024 will be available [here](#).

Box 2.4. Horizontal agreements and commitments

In 2020, an ex officio investigation was launched into the poultry meat production and/or trading market in Romania concerning an alleged anti-competitive practice by Transavia SA, Ave Impex SRL, Vis Agri SRL, Safir SRL, Avi- Top SA, Avicola Buzău SA, Avicola Dragoş Vodă SA, Avicod SA, Agricola International Bacău SA and Agrisol International RO SRL, with the facilitation of this practice by the Romanian Union of Poultry Breeders (UCPR).

The investigation concerned the behaviour of poultry meat producers and/or traders, as well as the association to which they belong, which allegedly participated in exchanges of sensitive information during meetings of the association, and the companies allegedly intended to limit supplies of poultry meat, which could have restricted competition on the Romanian market.

The parties under investigation have expressed their intention and readiness to engage in discussions on the proposed commitments. The commitments, formulated separately for each category to which the investigated parties belong, involve the implementation of clear competition law compliance policies, the implementation and monitoring period of which is 36 months.

The commitments proposed by UCPR and the investigated companies refer, in particular, to the anonymization and aggregation of the information that can circulate within the association, by implementing a black box system, which will receive and centralize the information submitted by the companies. In addition, the investigated companies proposed the implementation of internal procedures regarding both internal and external information flows and competition law compliance programs.

Thus, UCPR undertook to change its operating state, and will inform the members of the association about the evolution of the poultry meat market by transmitting statistical information and information on the members' activity. It will also disseminate newsletters to third parties and publish them on its website, www.avicultura.ro.

The voluntary commitments assumed by the parties under investigation prevent, or at least significantly reduce the risk of recurrence, in the future, of the situation that led to the intervention of the competition authority.

Once published, Decision No 262/2024 will be available [here](#).

Box 2.5. Vertical agreements – OKI Europe Limited

In 2021, an investigation was launched on the peripheral equipment and consumables market in Romania, concerning the possible infringement of national and EU competition rules by OKI Europe Limited and General Systems SRL. Subsequently, an extension of the investigation was ordered in respect of OKI Europe Limited Poland.

RCC found that, between October 2015 and March 2020, OKI Europe Limited, together with its subsidiary OKI Europe Limited Poland, implemented, in relation to the distributor General Systems SRL, a complex strategy of imposing the resale price, characterized by several individual acts and actions, having the same objective.

The behaviour adopted by the parties involved aimed at restricting competition, an objective that determined the coordinated line of action on trade policies in order to establish and implement in practice a minimum/fixed resale price at distributor level. In order to maintain the level of this price, exports were prohibited to protect the individual policy of each State involved.

Following the finding of the anti-competitive practice, OKI Europe Limited was sanctioned with a fine of 3.347.470 lei, General Systems SRL being granted immunity from the fine.

Decision No 42/2024 can be found [here](#).

Box 2.6. Abuse of dominant position - Boehringer

In November 2021, RCC opened an investigation into possible abusive behaviour by Boehringer Ingelheim RCV GmbH & Co KG (Austria) on the Romanian market for medicines for the treatment of chronic obstructive pulmonary disease (COPD) with tiotropium as a molecule.

Between 2017 and 2021, Boehringer Ingelheim RCV GmbH & Co KG held a dominant position on the market for the tiotropium molecule with the innovative medicine Spiriva and, in anticipation of the expiry of Spiriva's protection period, adopted a behaviour aimed at limiting the market penetration of the generics of the tiotropium molecule, through a strategy to move COPD patients from Spiriva to its newly registered product on the market, Spiolto Respimat, consisting of the combination of tiotropium and olodaterol.

The strategy adopted by Boehringer Ingelheim RCV GmbH & Co KG aimed at a behavioural change at prescriber level to address COPD, in the sense of positioning Spiolto, dual therapy, as the first treatment option and thereby stimulating the prescription of tiotropium+olodaterol dual therapy, to the detriment of tiotropium monotherapy.

RCC concluded that Boehringer Ingelheim RCV GmbH & Co KG's conduct, consisting in adopting a strategy for transferring patients from the innovative medicine - Spiriva, to a newly launched product - Spiolto Respimat, with the consequence of limiting the

prescription of tiotropium, and thus the market penetration of generic medicines containing this molecule, constitutes an abuse of a dominant position.

For breach of national and Community competition rules, RCC imposed a fine totalling 128.470.123 lei on Boehringer Ingelheim RCV GmbH & Co KG for abuse of a dominant position.

Once published, Decision No 270/2024 will be available [here](#).

Box 2.7. Unnotified merger

RCC found the infringement of national competition rules by Mr Constantin Postolache and Ubitech Construcții Ltd, respectively, by failing to notify merger operations prior to their implementation and by implementing those mergers prior to notification and before being declared compatible with a normal competitive environment by a decision adopted by the Competition Council.

More specifically, Mr Constantin Postolache acquired direct sole control over Strade Bauunternehmung SRL, while Ubitech Construcții SRL acquired sole control over Copraag Entrepreneur SRL, these operations being subject to the control of the RCC. Both Mr Constantin Postolache and Ubitech Construcții SRL were required to notify their concentrations before their implementation and after the conclusion of the agreement, the announcement of the public bid or the acquisition of a controlling interest.

Mr Constantin Postolache and Ubitech Construcții SRL were sanctioned with total fines of 1.047.054 lei and 1.048.799 lei respectively for the two investigated facts. Both Mr Constantin Postolache and Ubitech Construcții SRL fully acknowledged the two facts, thus benefiting from reductions in the amounts of the fines.

Once published, Decisions No 288/2024 and 289/2024 will be available [here](#).

2.2. Judicial review of RCC's decisions in 2024

Box 2.8. Court proceedings – TRANSGAZ SA case

By Decision No 43/2020, RCC found the infringement of national and Community competition law by Societatea Națională de Transport Gaze Naturale 'TRANSGAZ' SA, in its capacity as facilitator of the single and continuous cartel and/or concerted practice of partitioning the market for pipeline construction works for the transport of natural gas and related works in Romania, established by Decision No 75/2018, by distorting the competitive process in eight public procurement procedures organised in 2011.

TRANSGAZ was sanctioned with a fine totalling RON 34.166.615, 90.

The evidence administered by RCC to demonstrate the agreement and/or concerted practice of market sharing consisted of analyses and evidence collected according to the

authority's attributions, as well as evidence provided by the criminal investigation bodies (including minutes of playback of intercepted telephone conversations of persons directly involved in the conduct of public procurement procedures).

TRANSGAZ sought the annulment of Decision No 43/2020, the Court of Appeal rejecting the applicant company's arguments in 2021, while upholding the RCC decision in its entirety. The solution of the court of first instance was confirmed in 2024 by the High Court of Cassation and Justice, which validated the reasoning of the court of first instance, including the use of those minutes to prove the anticompetitive act.

Box 2.9. Court proceedings – Roche Romania SRL case

By RCC Decision No 92/2019, Roche Romania SRL (hereinafter referred to as ROCHE) was found to have abused its dominant position by applying a commercial strategy aimed at ensuring that the company was awarded the first position in the ranking of public procurement procedures for medicinal products with the active substances rituximab and trastuzumab, in order to eliminate the risk of opening the market in favour of biosimilars (the first infringement). Also, Roche participated in public procurement procedures for medicinal products with the active substances rituximab, trastuzumab and bevacizumab with a margin squeeze pricing strategy in relation to partner distributors, subject to an obligation to provide imposed by law (the second infringement). The fines imposed on ROCHE amounted to RON 29.445.403 and RON 14.722.702.

ROCHE sought the annulment of Decision No 92/2019, the Court of Appeal rejecting the applicant company's arguments in 2022, while upholding the RCC decision in its entirety. The first instance solution was confirmed by the High Court of Cassation and Justice in 2024.

Box 2.10. Court proceedings – Hidroelectrica case

By Decision No 82/2015 (the Hidroelectrica case), RCC found that ENERGY FINANCING TEAM AG (SWITZERLAND), hereinafter referred to as EFT, participated in a single and continuous anti-competitive agreement prohibited by the Competition Law, by limiting the trading of electricity to other electricity suppliers and/or other eligible consumers in Romania, as well as by limiting other producers to market to Hidroelectrica's contractual partners, as part of a system of vertical agreements that had the ability to affect competition on the market for the production and trading of electricity. The fine imposed on EFT amounted to RON 71.374.435,86.

EFT sought the annulment of Decision No 82/2015, the Court of Appeal rejecting the applicant company's arguments in 2022, while upholding the RCC decision in its entirety. The solution at first instance was confirmed by the High Court of Cassation and Justice in 2024, including the validation of the relevant market and the sanctioning of the system of vertical agreements that led to blocking the purchase of energy from Hidroelectrica by undertakings that were not party to that system.

Box 2.11. Court proceedings – Auchan Romania case

By Decision No 71/14.12.2018, Auchan Romania SA and its suppliers, Star Foods EM SRL, Nelson Prod and Quadrant Amroq Beverages SRL, were sanctioned for breaching national and Community competition law by concluding anti-competitive agreements and/or concerted practices. These undertakings restricted their conduct on the market and established, by common agreement, minimum or fixed levels of selling prices to final consumers. The fine imposed on Auchan was 36.563.004 lei.

Auchan's action against Decision No 71/14.12.2018 was dismissed by the Bucharest Court of Appeal in 2020.

In 2024, the High Court of Cassation and Justice dismissed Auchan's appeal against the decision of the Court of Appeal, upholding the judgment of the court of first instance also as regards the application of the principle of personal liability (according to which, if an undertaking is penalised on the basis of appropriate evidence, it cannot seek annulment of the decision of the competition authority finding the infringement against it, on the ground that other undertakings were not penalised), and as regards the alleged infringement of the principle of equal treatment alleged by the undertaking – the courts holding that the situation of another undertaking, in respect of which the investigation had been closed, could not be relevant to Auchan, even though the company had not adduced exonerating evidence of its own conduct.

46. In 2024, RCC had 247 files before Romanian courts, of which 190 court files concerned the field of competition. The percentage of decisions favourable to the RCC, handed down by the first-instance court, the Bucharest Court of Appeal, was 73%, which maintained 71% of the amount of sanctions challenged in court cases closed in 2024.

47. The share of decisions favourable to RCC, in the total number of judgments handed down on appeal by the High Court of Cassation and Justice, reached 94%. At the same time, the supreme court maintained 96 % of the amount of sanctions challenged in court cases closed in 2024.

3. The role of RCC in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies

48. In 2024, RCC had a significant role in the process of regulatory endorsement of draft public policies or draft legislative acts, and also in raising awareness and promoting competition or State aid rules among the initiating institutions.

3.1. Advisory opinions, points of view and opinions issued by RCC

49. In 2024, the Government, the Parliament and the competent institutions sent 212 draft normative acts or reworked forms of draft normative acts to the competition authority for an opinion, of which 149 projects at Government level and 63 projects developed at Parliament level. Also, 10 answers were sent to questions/interpellations received from senators/deputies.

50. The legislative acts submitted to RCC for opinion were influenced by the current economic and social context, focusing in particular on the areas affected by the energy crisis and Russia's military aggression on Ukraine. In this respect, RCC has been actively involved in the process of strengthening a fair and pro-competitive regulatory framework that ensures that both the national economy and final consumers are protected against the backlash of significant price increases.

51. RCC has therefore made a number of recommendations to improve the solutions contained in the draft legislative acts under consideration. RCC has helped define the economic support measures and other state actions aimed at limiting the negative economic effects produced in the exceptional military context, ensuring that the support measures comply with European State aid legislation.

52. In order not to distort competition and undermine the proper functioning of the market, RCC has consistently stressed the need for measures taken to combat the negative effects of price increases to be kept as low as possible and targeted, in particular, at vulnerable consumers in difficulty. The purpose of RCC's recommendations was to ensure the competitive functioning of the markets under review and to ensure that there is a regulatory framework that discourages any opportunistic behaviour by undertakings operating in these sectors of the economy.

53. The main areas of interest that were the subject of the analysis of the RCC are presented below:

- As regards the MTPL sector, the competition authority constantly monitors the activity of economic operators operating on this market, as well as the legislative dynamics specific to this field. In 2024, the RCC was actively involved in the regulatory process of this sector, in order to identify the best legislative solutions for the adoption of immediate measures to address market failures, in particular as regards the price cap measure proposed by the Ministry of Finance, the criteria for selecting the MTPL insurer and the regression mechanism between insurers. Thus, during the reference period, the competition authority approved, with recommendations, four draft Government Decisions by which the measure freezing the premium tariffs applied by the MTPL insurers was successively extended for periods of 3 months. The RCC recommended the development of public policies aimed at improving road infrastructure (road markings, reconfigurations of intersections, etc.), as well as stimulating defensive driving in order to improve driver behaviour. The competition authority recalled the case law of the Court of Justice of the European Union according to which price cap measures must be temporary in nature and strictly respect the principles of competition and the functioning of the single market.
- With regard to the agricultural sector, 2024 was marked by a series of protests by haulers and farmers amid dissatisfaction with the cut in subsidies, the excise duty on diesel and the CAR, similar to those in France and Germany. The RCC analysed the draft emergency ordinance establishing temporary support measures for agricultural producers in order to manage the effects of the 2023 soil drought, which

allow, on the one hand, to avoid possible disputes between the parties, caused by the impossibility of contractual liability by the debtors, and, on the other hand, to postpone the payment of contractual obligations of agricultural producers affected by the soil drought. The recommendation of the competition authority was to amend the provisions of the project in order to allow the affected farmers to resort to the measure of suspending the instalments, only if the negotiations with the creditor have failed or have been extended for an unreasonable period of time. At the same time, considering that drought is an insurable risk, the RCC recommended assessing farmers from the perspective of concluding an insurance policy, so as to avoid creating, through state intervention, a competitive disadvantage for insured farmers compared to uninsured ones.

- With regard to the food market, in the context of the significant increase in food prices in recent years, as a result of a combination of direct and indirect factors, including the increase in production costs, in particular for energy and raw materials used in the food industry, the competition authority analysed a draft GEO extending for a period of 60 days the temporary measure to combat the excessive increase in prices of some agricultural and food products. The RCC pointed out a number of risks, whereby the mitigation of such risks can contribute to achieving the final goal of the draft legislative act, while stressing that limiting the mark-up practiced by importers, processors, respectively distributors and traders of food, to a maximum level, could be justified by the existence of an overriding public interest, such as the protection of the final consumer, particularly vulnerable in the current economic context.
- Changes to the legal framework in the field of energy and natural gas, in the process of transition to green energy at both European and national level, aimed at decarbonizing energy systems, reducing greenhouse gas emissions and promoting clean, renewable energy and developing a circular economy. Considering the possible impact of the legal provisions on the competitiveness of the market, the RCC formulated recommendations aimed at ensuring the competitive functioning of this market, as well as the existence of a regulatory framework to discourage any opportunistic behavior of economic operators acting on these markets.
- RCC's legislative opinion also included legislative amendments in the wood sector. The analysis revealed the existence of provisions with a possible anti-competitive impact, likely to create possible barriers to the primary wood market and to the firewood market, by aggravating imbalances in the supply-demand ratio, as well as possible barriers to the timber trade market, likely to limit the possibility for economic operators/groups of economic operators to purchase timber. The RCC has formulated recommendations to amend or eliminate the provisions that establish barriers on the markets in this sector, competitiveness having a key role in ensuring an efficient allocation of resources, stimulating innovation and the development of a sustainable sector.

Table 3.1. Advisory opinions, points of view and opinions transmitted to the Government, 2019-2024

Type	Competition	State aid	Competition and State aid	TOTAL
2019				
Points of views	—	1	1	2
Advisory Opinions	4	14	12	30
Opinions	19	38	59	116
Total responses:	23	53	72	148
2020				
Points of views	—	2	4	6
Advisory Opinions	2	17	7	26
Opinions	17	89	53	159
Total responses:	19	108	64	191
2021				
Points of views	—	—	—	—
Advisory Opinions	—	6	1	7
Opinions	22	44	51	117
Total responses:	22	50	52	124
2022				
Points of views	—	—	—	—
Advisory Opinions	1	7	5	13
Opinions	22	67	91	180
Total responses:	23	74	96	193
2023				
Points of views	—	—	—	—
Advisory Opinions	3	5	—	8
Opinions	21	50	68	139
Total responses:	24	55	68	147
2024				
Points of views	-	-	-	-
Advisory Opinions	4	3	-	7
Opinions	15	73	54	142
Total responses:	19	76	54	149

Note: ‘Formal Advisory Opinions’ adopted by the RCC Plenum in accordance with Article 7 (6) of Government Emergency Order No 77/2014.

‘Formal points of view’ adopted by the RCC Plenum in accordance with Articles 25 (1) (l) and 28 (c) of Competition Law.

RCC replies (letters) communicating its opinion on draft legislative acts submitted to RCC for analysis.

Table 3.2. Legislative endorsement and representation of RCC at Parliament level, 2019-2024

Indicator	2 0 1 9	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 3	2 0 2 4
Points of view to the specialised committees	1 5	3 2	8 8	1 7 4	1 1 1	6 3
Number of participations and interventions in specialised committees/plenary	6 0	1 8	2 8	5 2	4 3	2 8
Answers – interpellations/parliamentary questions	1	1 9	1 3	7 2	2 0	1 0

3.2. Evolution of the legislative framework

54. The most important amendments of the relevant legislative framework for the field of competition were the following:

- Competition Law No 21/1996, republished, has been amended and supplemented. In the field of sanctions, it is stipulated that, for the application of procedural sanctions, the total worldwide turnover of the infringer shall be taken into account, but not less than 1% of the revenues obtained in Romania. In addition, contraventions were introduced for the failure of the representative of the undertaking or association of undertakings to appear at the interview. Moreover, contraventions were introduced for the provision of inaccurate or misleading information during an announced inspection, for breaking the seals and in the failure to provide information or in the provision of inaccurate, incomplete or misleading information in response to a question addressed to any representative or member of the staff of the undertaking or association of undertakings regarding facts or documents related to the subject matter and purpose of the inspection, as provided for in Article 38(1)(c).
- Guidelines for amending and supplementing the Guidelines on the individualisation of penalties for infringements provided in Article 55 of Competition Law No 21/1996, implemented by Order No 1037/2019 of the President of the RCC. As a result of the latest legislative changes, for a more efficient RCC activity and in order to provide predictability to companies, it was necessary to issue guidelines regulating the way of individualizing the sanctions for the contraventions provided in Article 4 of Law no. 11/1991 on combating unfair competition. The new instructions set out the criteria for the individualisation of penalties, taking into account:
 - the seriousness and duration of the offence, respecting the principles of effectiveness, proportionality and dissuasiveness;
 - the total annual revenues of the enterprise generated on the territory of Romania, the revenues realized at the level of a working point or other types of revenues;
 - mitigating and aggravating circumstances and the ability of the undertaking to pay
 - increasing sanctions to stimulate the deterrence effect;

- reductions on periodic penalty payments for failure to comply with the measures imposed, in the event of acknowledgment of the facts and rules.

4. Resources of competition authorities

4.1. Annual budget

55. RCC's budget for 2024 was EUR 16,82 million (EUR 14,57 million from the State budget and EUR 2,25 million from its own revenues).

56. The budget expenditures for the two sources of funding in 2024 were 80,1 % of public funds and 19,9 % from own revenues. The overall budget expenditure rate was 99,08 % at the end of 2024.

4.2. Human resources

57. In 2024, the staff of the Romanian competition authority was comprised of 347 employees - civil servants, public managers and contractual staff. The non-administrative staff allocated to competition represented approximately 48 % of the total number of staff.