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Working Party No. 2 on Competition and Regulation

**Market Studies and other Market Analysis Tools for Competition Authorities – Note by
Romania**

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This document reproduces a written contribution from Romania submitted for Item 4 of the 80th meeting of Working Party 2 on 3 December 2025.

More documentation related to this discussion can be found at: oe.cd/msmat.

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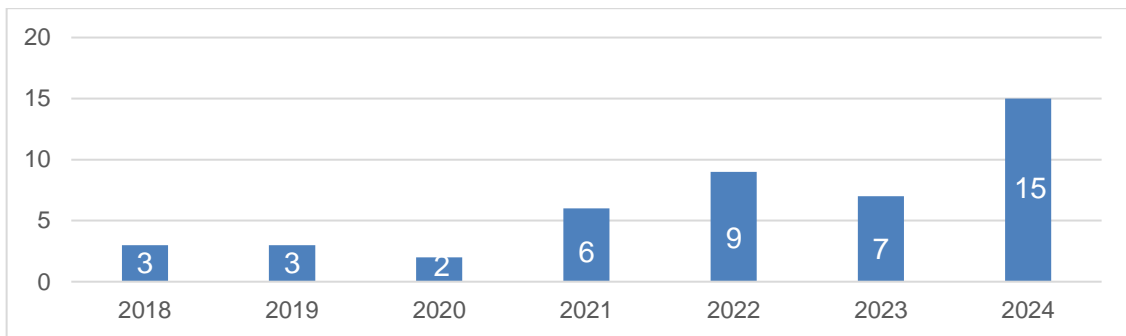
Romania

1. Objectives and use of market studies

1. The Romanian Competition Council undertakes market studies to gain a detailed understanding of market conditions and competitive dynamics in key sectors. These interventions are typically initiated *ex-officio* when early symptoms of market malfunctioning arise. For example, price rigidity inconsistent with cost developments, barriers to switching suppliers, excessive concentration or potential foreclosure concerns may indicate structural issues requiring deeper analysis. The RCC also responds to requests from governmental and regulatory authorities seeking economic evidence for policy decisions.

2. Market studies conducted by the Romanian Competition Council are typically **multi-annual exercises** that require substantial analytical resources due to the complexity of the sectors examined. In the chart below, the number of studies ongoing at the end of each year (2018–2024) can be observed.

Figure 1. Number of ongoing studies at the end of the year (2018–2024)

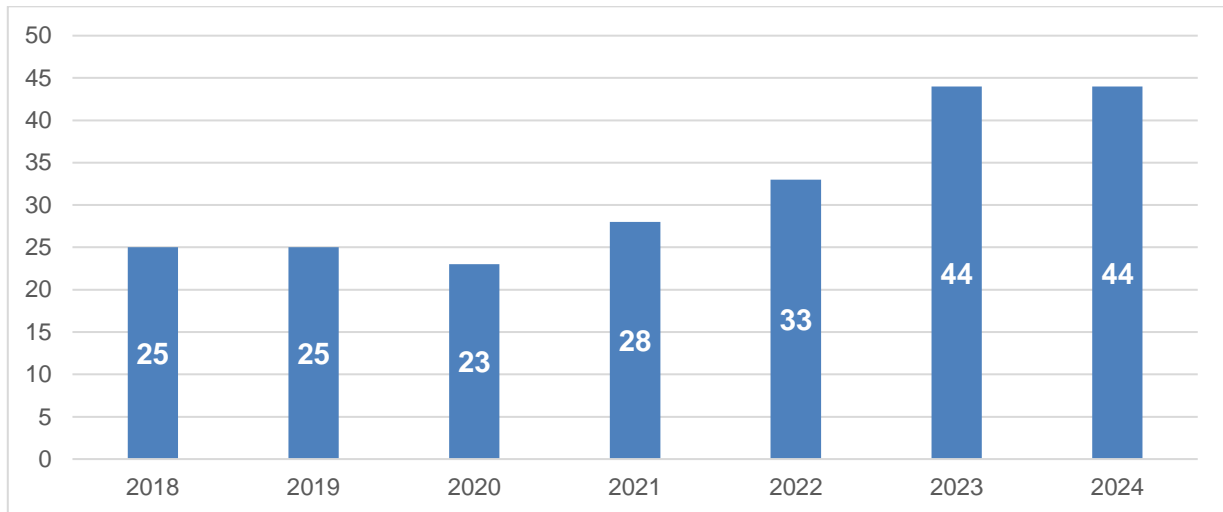


Source: RCC Annual report

3. As indicated in recent annual report¹, the RCC usually has between 11 and 15 market studies ongoing at any given moment, reflecting a dynamic but long-term pipeline of structural assessments. Their average duration extends over several years, as the authority gathers data, consults stakeholders, and assesses the competitive conditions thoroughly. Each year, new studies are launched - for example, 13 new studies were initiated in 2024 - while others reach completion once their objectives have been achieved. Through this approach, market studies complement enforcement tools by addressing broader market functioning issues, including structural barriers, regulatory shortcomings, and information asymmetries that may not be captured solely through infringement investigations. They also support advocacy efforts by informing public decision makers and proposing measures that enhance competition and consumer welfare over time.

¹ <https://www.consiliulconcurentei.ro/en/official-documents/reports/annual-reports/>

Figure 2. Number of ongoing infringements investigations at the end of the year (2018–2024)



Source: RCC Annual report

4. Source: In recent years, RCC has examined the **fuel retail sector**, a market where the presence of several large operators and observable uniformity in price movements raised concerns about limited competition. The associated market study focused on price formation mechanisms, regional variations, and the availability of information for consumers. A key outcome was the creation of the Fuel Price Monitor, a nationwide transparency platform covering almost 2,000 fuel stations, enabling consumers to access price information in real time. By increasing visibility of local price differences, this tool has supported more informed switching and contributed to enhanced competitive pressure at the retail level.

5. As part of its sector inquiry into the **automotive industry**, the Romanian Competition Council (RCC) analyzed 38 car brands, representing 96% of the national passenger car fleet as of 31 December 2021. The analysis examined the requirements imposed by vehicle manufacturers for access to and retention within their selective distribution systems, as well as the warranty conditions applied to consumers. Two potential theories of harm were assessed: the first concerning possible exit barriers from the distribution system that could hinder multi-brand activities, which was not confirmed, and the second concerning possible entry barriers in the vehicle repair and maintenance services market, potentially restricting consumers' freedom of choice, which was confirmed. Following this finding, the RCC launched six investigations into the markets for vehicle maintenance and repair services and the distribution of automotive spare parts in Romania. These probes target possible agreements between each importer and members of their authorized dealer and repair networks aimed at restricting competitors' access — specifically independent repair workshops and distributors of equivalent-quality spare parts — to customers in their respective markets.

6. RCC also conducted a detailed analysis of the **cement production market**, where structural risks were more significant due to high concentration. The three main producers control over 70% of domestic production capacity, with distribution largely dependent on regional logistics input. The study evaluated pricing trends, vertical relationships, and conditions affecting market entry. Evidence from this sector inquiry subsequently supported the opening of an antitrust investigation, illustrating the ability of market studies

to shift the authority's response from advocacy to enforcement when indications of reduced competition emerge.

7. In the **banking and financial services area**, the authority examined card payment markets, focusing on the effects of interchange fee levels on competition and merchant acceptance. The RCC supported adjustments to the regulatory framework that contributed to reductions in the cost borne by retailers for card transactions. This, in turn, facilitated broader acceptance of electronic payment instruments and strengthened incentives for banks to provide more competitive services, supporting efficiency and financial inclusion objectives.

8. Another study addressed the **circular economy in the construction sector**, evaluating how reuse and recycling practices could influence market dynamics and impact cost structures within the industry. The analysis highlighted opportunities for promoting competition through increased material recovery and more efficient use of resources, while supporting broader policy objectives related to sustainability and environmental protection.

9. In the **motor third-party liability (MTPL) insurance sector**, the Competition Council is conducting a study amid the price cap mechanism applied to MTPL premiums in Romania from April 2023 to June 2025. The study aims to monitor and assess the tariffs applied to individuals and legal entities. Upon its completion, the authority will propose measures to address any distortions identified in the MTPL market following the expiration of the price cap.

10. To ensure systematic and proactive oversight, RCC also publishes the annual report "**Competition in Key Sectors of Romanian Economy**", which presents updated economic assessments across the most relevant markets. This recurring analysis enables the authority to follow long-term evolutions in market structure, concentration, pricing and consumer behavior. It also guides strategic prioritization: areas flagged repeatedly as high-risk candidates for competition issues can be escalated to targeted studies or, where justified, enforcement action.

11. Market studies are therefore used to **bridge the gap between enforcement and public policy**. They allow the authority to detect structural barriers early, propose legislative or regulatory changes, promote transparency initiatives that empower consumers, and stimulate a more dynamic competitive environment. Through this dual role, market studies serve as an important complement to the infringement-focused toolkit traditionally available to competition authorities.

2. Methodologies and challenges in conducting market studies

12. Market studies conducted by the Romanian Competition Council rely on data-driven methods, combining qualitative and quantitative approaches. RCC uses formal information requests, market surveys, stakeholder interviews, detailed analysis of cost structures and price formation mechanisms and international benchmarking to assess whether markets operate competitively.

13. Methodological flexibility is very important, as sector structures differ substantially. In the Service Auto market study, for example, RCC faced a highly fragmented market consisting of thousands of independent repair shops along with authorized service networks of automotive manufacturers. To ensure a robust and manageable process, RCC applied a carefully designed sampling strategy that allowed collection of representative data while limiting administrative burdens for the sector.

14. By contrast, the cement sector displayed a high level of market concentration and regional segmentation. The analysis revealed evidence that supported the opening of a formal antitrust investigation, illustrating how market studies can identify potential infringements and shift the authority's approach from advocacy to enforcement when necessary.

15. Data access remains a consistent challenge, especially in sectors lacking structured regulatory reporting. While RCC has strong legal powers to request information, obtaining accurate, sufficiently granular and timely data may require iterative engagement with stakeholders. In digital markets - characterized by complex business models, network effects and asymmetric access to consumer data - analytical challenges are even more significant. The authority has therefore invested in tools and capabilities for advanced data analysis and strengthened cooperation with other European institutions dealing with similar issues. However, progress in enhancing analytical capacity remains gradual and shaped by operational constraints.

16. Finally, the availability of specialized resources is crucial for ensuring that market studies are both rigorous and timely. These projects require extensive economic, sector-specific and data science expertise, at a time when competition for such profiles is increasing and public institutions face greater difficulties in attracting and retaining talent. Moreover, market studies must be prioritized in parallel with enforcement and merger-control activities, meaning that not all areas of potential concern can be explored as rapidly as desired. Despite ongoing efforts to optimize internal coordination and leverage synergies between teams, the development of advanced tools and methodologies progresses at a pace consistent with available resources and funding. These constraints do not diminish the value of market studies, but illustrate the need for careful prioritization to ensure that interventions deliver meaningful and measurable impact in the areas where they are most needed.

3. Outcomes, impact assessment and cooperation

17. Market studies have generated visible outcomes for consumers and for the Romanian economy.

18. In the energy sector, market studies were important during the liberalization of retail electricity and natural gas markets. RCC recommendations supported the simplification of switching procedures, encouraged new entry and strengthened consumer information obligations for suppliers. These interventions helped build a more competitive environment during a major market transition.

19. In the healthcare and pharmaceutical sector, RCC analyses shed light on vulnerabilities relating to parallel trade, regulated pricing and distribution bottlenecks. Close cooperation with health authorities facilitated the consideration of pro-competitive solutions designed to ensure availability of essential medicines and prevent artificial shortages.

20. Digital markets have become a growing focus area. Studies into online service platforms and evolving e-commerce ecosystems have mapped critical risk factors such as data control, preferential access to visibility, and multi-homing barriers. These analyses help prepare the enforcement agenda for future digital challenges.

21. The RCC conducts systematic monitoring of the impact of market studies and sector inquiries, tracking the implementation of recommendations and assessing whether

consumer outcomes improve over time. This internal monitoring supports accountability and informs future prioritization.

22. External validation has reinforced the value of this work. An independent assessment conducted by the Bucharest University of Economic Studies on the occasion of 20 years of competition enforcement in Romania concluded that the RCC has generated significant consumer welfare gains across multiple sectors. These included direct benefits from eliminated or reduced anticompetitive practices as well as broader efficiency improvements within the economy. Market studies played an important role in guiding many of the reforms and decisions analyzed in the academic research.

23. International cooperation is increasingly relevant as competitive challenges cross borders. RCC actively participates in OECD and ICN networks, contributes to ECN analytical efforts, and shares good practices on methodologies and digital challenges. The Romanian Competition Council has developed the Aggregate Competitive Pressure Index (IAPC), assessing relative competition intensity in more than 40 sectors. The tool has been presented to peer authorities from Moldova, Ukraine and Latvia, supporting technical dialogue and potentially laying the foundation for future coordinated studies. This growing cooperation shows that market analysis may no longer be a purely national endeavor but one that might generate from regional convergence.

4. Future work and institutional development

24. Looking ahead, RCC intends to expand the strategic use of market studies in key sectors that influence household budgets and industrial competitiveness. Digital ecosystems, agrifood supply chains, transport and logistics and financial services are priority areas where competition challenges are evolving rapidly and may require deeper structural analysis. Strengthening relationships with regulators will remain essential to ensure that recommendations translate into practical reforms benefiting consumers.

25. RCC will continue strengthening its analytical capacity by investing in the development of its human resources, including targeted training, knowledge exchange with academic partners and deeper cooperation with other authorities.

26. Through these efforts, the Romanian Competition Council will continue to strengthen a modern, proactive and evidence-based competition policy, ensuring that market studies contribute directly to efficient, innovative and consumer-friendly markets. These tools remain an integral part of safeguarding competition and supporting economic growth on a sustainable basis in Romania.