

Competition - Romania

More guidance, less bureaucracy: amendments signal preventive approach

Contributed by **Musat & Asociatii**

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The recent amendments to the Competition Law, introduced by Emergency Ordinance 75/2010, extend the list of penalties to which an economic agent exposes itself when it contravenes the law (for further details please see "[Internal shake-up at Competition Council will sharpen enforcement](#)"). However, the measures also allow for more direct contact between the authorities and market participants for guidance purposes, and adapt secondary legislation and regulatory practice to the economic climate. These changes will almost certainly result in more effective regulatory action to prevent unlawful behaviour, but antitrust experts hope that they will ultimately lead to a more competitive commercial environment, rather than higher numbers of criminal and civil penalties.

The penalties and investigative tools that the ordinance makes available to the Competition Council will play a significant role in its attempts to enforce competition law; such powers are an acknowledgment of the seriousness of competition law infringements and the damaging effects of anti-competitive conduct on consumer welfare and market operations. However, updates to secondary legislation in the coming months will encourage economic agents to self-assess their actions before entering into a potentially prohibited agreement. The revised legislation, which is being reviewed by the council, will take account of the expectations of economic agents by reducing bureaucratic burdens and ensuring that lines of communication with the regulator remain open.

Amendments already in force have removed the obligation to notify the council and obtain its prior approval in respect of certain types of agreement concluded between competitors or non-competitors with market shares of 30% or less. Moreover, the authorisation fee for transactions that amount to economic concentrations has been reduced from 1% of the value of the transaction to 0.4%. These measures are good news for companies, which will no longer be forced to put their transactions on hold because of administrative formalities.

For further information on this topic please contact [Anca Buta Muşat](#) at [Muşat & Asociatii](#) by telephone (+40 21 202 5900), fax (+40 21 223 3957) or email (ancam@musat.ro). The [Muşat & Asociatii](#) website can be accessed at www.musat.ro.

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Author

Anca Buta Muşat

