



COMPETITION
COUNCIL

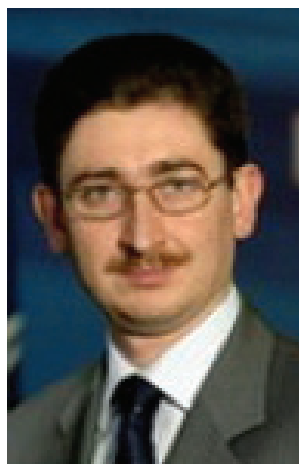
2012 ANNUAL REPORT

CONTENTS

FOREWORD	3
THE ROLE OF THE COMPETITION COUNCIL	5
THE PLENUM OF THE COMPETITION COUNCIL	6
EXECUTIVE SUMMARY	7
CHAPTER 1. ENFORCEMENT OF THE COMPETITION RULES	12
New investigations	13
Finalised investigations	15
Investigations in progress	18
Dawn raids	19
Economic concentrations	19
Fines	20
Decisions	21
Finalised cases	21
Fighting and preventing bid rigging	25
CHAPTER 2. CASES SOLVED IN COURTS	29
Sanitation services in the Municipality of Bucharest	30
The protection of the communications between the undertaking under investigation and its lawyer	33
CHAPTER 3. ADAPTING THE LEGAL FRAMEWORK TO THE COMPETITION RULES	34
The tender for frequencies in the telecommunication sector	35
Commercialization of products and market services	37
Setting up of super/hypermarkets	38
Eliminating excessive conditions in the area of evaluation of goods	39
Legislation on auto instructors	40
CHAPTER 4. STATE AID	41
State aids authorised by the European Commission	42
Trends in State aid granting	45
CHAPTER 5. COMBATING UNFAIR COMPETITION	48
CHAPTER 6. RAILWAY SUPERVISION COUNCIL (RSC)	51
Amendment of the relevant legislation	52

Meetings of RSC	53
Participation at national conferences and at reunions organised at the European level.....	53
CHAPTER 7. INTERNATIONAL ACTIVITY	55
ECN and European affairs	56
Bilateral relations	57
OECD and ICN	57
Competition Council – provider of technical assistance	58
CHAPTER 8. PROMOTING THE COMPETITION RULES	61
Cooperation with other institutions	62
Public consultation	62
Relation with the mass-media	62
The Centre for studies on the competition law	64
Survey on the competition field	64
Presentation of the 2011 Annual Report of the Competition Council	64
Launching the Annual Report on Competition	65
CHAPTER 9. ORGANISATION AND RESOURCES OF THE COMPETITION COUNCIL	67
Organisation	68
Budget and budgetary execution	69
The projects carried out by the institution	71
Human resources	75
CHAPTER 10. PRIORITIES FOR 2013	79
CHAPTER 11. STATISTICS	82
I. Normative acts of the Competition Council entered into force in 2012	83
II. Enforcement of the competition legislation	84
III. Binding opinions, points of view, opinions and interventions concerning the issue/ amendment of normative acts	88
IV. Statistics on the Competition Council's court dossiers	94
V. Formal opinions in the State aid field issued by the Competition Council in 2012.....	97
VI. Promoting actions	98
VII. Financial and human resources of the Competition Council	101

FOREWORD



The year 2012 marked the intensification of the activity of the Competition Council. We have fully used all the instruments offered by the Competition Law for improving the competitive environment and for increasing the competition on the market.

The aim of the competition authority's intervention is to generate a better efficiency of the Romanian economy, thereby contributing to the increase of consumer welfare.

During 2012 we have succeeded in finalising a record number of investigations, namely 24, by 8% more than in 2011 and by 17 % more compared to 2010. The concluded investigations have envisaged important economic sectors, such as the telecommunications, the road infrastructure or the energy. In this context it is worth mentioning that for the first time we have finalised a bid rigging case initiated at the intimation of the Directorate for Investigating Organized Crime and Terrorism, and this procedure has been concluded in a short term.

Most cases have had as object cartel agreements, including within public procurement procedures. Following these investigations we have applied fines, but we have also accepted commitments, which is a procedure by which the competitive environment is restored more rapidly and efficiently than it would be achieved by imposing fines and/or corrective measures.

The institutional cooperation has been essential for achieving our objectives. An example is the collaboration with the National Authority for the Administration and Regulation in Communications within the frequencies tender in the telecommunications sector.

As national contact authority on State aid, the Competition Council has contributed to the favourable finalisation of several cases under the analysis of the European Commission. The authorisation of the State aids in the air transportation field and for closing unproductive mines are just some examples.

As regards the Railway Supervision Council, all the requirements for the decisional and operation independence of this body have been met by its functioning within the Competition Council and by amending the specific legal framework. As a result, the legal action of the European Commission concerning the implementation of the first railway package has been closed.

In the international field it is worth mentioning the role played by the Competition Council in the process of granting specialised assistance on competition, State aid and for strengthening the

administrative capacity of the National Authority for the Protection of Competition of the Republic of Moldova. In this respect, as project manager, as well as supplier of technical assistance together with the competition authorities of Austria and Latvia, the Competition Council has ensured the fulfilment of all the objectives proposed during the 18 months of the implementation. The success of the project has been recognized by the officials of the Republic of Moldova, as well as by the EU Ambassador to Chișinău.

In 2012 was started the implementation of the project “Improving the efficiency of competition policy enforcement in conjunction with sectoral policies”, where the Competition Council benefits from the specific consultancy provided by the World Bank. At the present time, we are collaborating with the experts of the international institution within the four components of the project: reviewing and adapting the legal framework on the market competition, consolidating the competition advocacy activity in relation with the governmental and public bodies, implementing a new business architecture at the level of the Competition Council and increasing the human resources capacity, the project following to be concluded next year.

In the first part of 2013 we shall finalise the investigation on the possible agreements between traders and suppliers on setting the resale prices in the food retail field, the investigation in the banking field, as well as the one in the electronic waste management. Also for the first semester of 2013, we intend to conclude the sector inquiries on electricity and on the bank cards (the fees charged by the banks to the retailers which have installed POS'es), and for the second part of the year the investigations on the energy traders and on the tenders for the rehabilitation and modernisation of roads.

At the same time, we shall continue monitoring the functioning of the markets and assessing the competitive climate of the sensitive economic sectors. From the legislative perspective, a priority for 2013 is to promote the legal framework on the unfair competition.

We shall continue to collaborate with the IMF, the EU and the World Bank within the restructuring process and for preparing the privatisation of certain State companies so as to ensure the observance of the State aid legislation.

In 2013 we shall intensify our efforts so as to face the economic challenges existing at the Community level, but also to support the business environment for the final objective of satisfying consumers' interests.

Alongside the authorities of the other EU Member States, the Competition Council is involved in the process initiated by the European Commission for modernising the State aid rules (State Aid Modernisation). The main objectives of this process is the amendment of the legislation, the simplification of the State aid rules and making the Member States more responsible in respect to the State aid monitoring. In addition, together with the other governmental authorities, we are participating in preparing the necessary conditions for accessing the Structural Funds within the new budgetary cycle.

**President of the Competition Council,
Bogdan M. Chirițoiu**

THE ROLE OF THE COMPETITION COUNCIL

The Competition Council is an autonomous administrative authority entrusted for this scope by the Competition Law¹. The national competition authority enforces and ensures the observance of the **national² and Community³ provisions on competition**. At the same time, the Competition Council has the role of **national contact authority on State aid⁴** between the European Commission, on one side, and the public institutions, the State aid suppliers and beneficiaries, on the other side.

Starting with 2011, the Competition Council is also administrating the **Law on unfair competition⁵**. Starting with the same year, the **Railway Supervision Council⁶** is functioning within the Competition Council.

The role of the Romanian competition authority is to guarantee the normal and fair functioning of the markets by enforcing efficiently the competition rules with the final goal of promoting consumers' interests.

The mission of the competition authority is to apply efficient measures for maintaining a functional competitive environment.

The vision: an efficient and dynamic market economy, based on recognising and respecting the competition values and principles, as factor of progress, durable development and welfare.

The values on which we ground our actions and which we promote are: independence, responsibility, professionalism, efficiency, and integrity.

The decisions of the authority are made by **the Plenum of the Competition Council**, a collegial body, made up of seven members, as follows: a President, two Vice-Presidents and four Competition Councillors. They are appointed by the President of Romania at the proposal of the Consultative College⁷. The members of the Competition Council's Plenum do not represent the authority that appointed them and are independent in their decision-making.

¹ Competition Law no.21/1996, republished, with the subsequent amendments and completions.

² Provided by the Competition Law.

³ Art.101 and 102 of the Treaty on the Functioning of the European Union.

⁴ According to the Competition Law and to the Government Emergency Ordinance no.117/2006 on the national procedures on the State aid field, approved with amendments and completions by Law no.137/2007.

⁵ Law no.11/1991 on combating unfair competition, with the subsequent amendments and completions.

⁶ Government Emergency Ordinance no.21/2011 on certain measures for the organisation and functioning of the Railway Supervision Council, approved by Law no.188 of 30.10.2012.

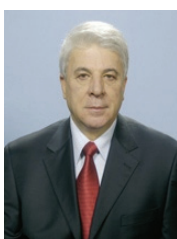
⁷ The Consultative College is a non-permanent body made up of representatives of academic and business environment and consumer protection associations or other high reputation individuals activating within the economic, legal or competition fields.

THE PLENUM OF THE COMPETITION COUNCIL



Bogdan M. Chirițoiu - President

The President of the Competition Council has a Ph.D. in economics and he is professor at the Bucharest University. Mr Bogdan Marius Chirițoiu was State councillor within the Presidential Administration, the Departments of "Planning and political analysis" and "Economic and Social Policies", he was consultant on social policies at the United Nations Programme for Human Development, Bucharest, as well as consultant on European integration for the Romanian Government at the European Institute.



Otilian Neagoe - Vice-President

Mr Otilian Neagoe, Ph. D candidate in political and administrative sciences, was senator, Prefect of Brașov County, as well as Vice-President of Brașov County Council.



Valentin Mircea - Vice-President

Mr Valentin Mircea graduated in 1996 the Bucharest Law University and the Sorbona University (Pantheon – Assas); this year he will finalise a Ph. D. thesis on competition law at the Bucharest University. He is a member of the Plenum of the Competition Council from May 2009, and during 2009-2011 he focused on amending and completing, the legislation on competition. Mr Mircea is one of the coordinators of the Centre of studies on the competition law within the Law Faculty of the Bucharest University and it is the author of several papers and articles on competition, energy and telecommunications published in Romania and outside the country.



Dan Ionescu - Competition Councillor

Mr Dan Ionescu, licensed in economics, was the head of the Competition Office (function assimilated to State Secretary), director within the Ministry of Public Finance.



László Gyerkó - Competition Councillor

Mr László Gyerkó was Vice-President of the Authority for State Assets Recovery and senator. He has a Bachelor's Degree in law and in economics, a master diploma in the business law and he graduated the National Defence University (specialisation - security and good governance).



Bujor-Bogdan Teodoru - Competition Councillor

He graduated the Academy of Economic Studies, in Bucharest. He was programmer analyst in the national defence field and, for several years, he was scientific researcher in a Romanian research institute in the field of industrial development. He held several other public positions: Deputy (Romanian Parliament), Minister of Research and Technology, State Secretary (part of the Prime Minister's organisational structure and within the Ministry of Finances), Presidential Advisor for Economic Development. For 20 years he was the head of a non-for-profit organization focused on developing the SMEs sector. He was President of the Private Property Fund IV – Muntenia (the prior Financial Investments Company Muntenia). As a Deputy, in 1993 he had a personal parliamentary initiative (the "Law on the Protection of Competition"), which was the first draft law on competition after 1989.

EXECUTIVE SUMMARY

2012 was the year of challenges for Romania, which has succeeded in recording a slight economic recovery. The market functioning conditions have modified thereby leading inevitably to changes in the behaviour of undertakings. In this context, the efforts of the Competition Council have been focused on monitoring the key economic sectors and on protecting the competitive environment so as to increase the productivity and the efficiency of the economy. The competition authority has intensified its activity and has used all the legal tools for better satisfying consumers' interests, which must benefit from qualitative products and services at competitive prices.

New investigations

In 2012, the Competition Council **initiated 22 investigations**, out of which 18 investigations are concerning possible infringements of the Competition Law, one is for the analysis of an economic concentration and 3 investigations are envisaging certain economic sectors (sector inquiries).

The number of the investigations initiated in 2012 has diminished by 19% compared to 2011 and by 15% compared to 2010. This development indicates that the competition authority focused its efforts on completing on-going cases.

Out of the **18 investigations concerning possible competition law infringements** initiated in 2012, around 72 % have been opened *ex-officio* following the analysis of the competition authority.

Most investigations envisage the road construction sector (28%), followed by the transport of persons (11%).

The 3 sector inquiries initiated in 2012 are envisaging:

- the film distribution to Romanian cinemas;
- the natural gases in Romania;
- the sanitation services at the national level.

Finalised investigations

24 investigations have been concluded in 2012. Out of these, 22 investigations have envisaged possible infringements of the competition legislation, one has been for the analysis of an economic concentration and one was a sector inquiry.

The number of the finalised investigations in the last three years has had an increasing trend. Therefore, in 2012 more finalised investigations were recorded compared to 2011 and 2012, by 9%, respectively by 20%.

Out of the total investigations on the possible infringement of the competition rules, 4 investigations have been completed by imposing **fines**: 3 investigations have envisaged horizontal anticompetitive agreements, and one the implementation of an economic concentration prior to a decision of the Competition Council.

Other 5 investigations have been finalised by accepting commitments, and the rest of 13 investigations were closed because the evidences identified were insufficient for proving an infringement of the law, so as to justify the imposition of fines or of certain measures.

The telecommunications have been the economic sector subject of the most investigations on the possible infringement of the competition legislation (14% of the investigations).

The average duration of the cases on infringement of competition rules concluded in 2012 has been of 2 and half years, smaller by 16% compared to 2011 and by 42% compared to 2010.

Investigations in progress

69 investigations on the possible infringement of competition law, out of which 20 investigations older than 3 years, and **9 sector inquiries** were in progress at the end of 2012.

Dawn raids

During 2012, 121 headquarters/working points owned by 116 undertakings were inspected within 15 investigations.

Economic concentrations

In 2012, the number of economic concentrations increased by 16.7% compared to 2011, amounting at 42. All the economic concentrations were authorised without conducting an investigation.

The average duration of the economic concentration cases concluded in 2012 has been of around 2.6 months, being at the same level of 2010 and registering a slight decrease compared to 2011.

Fines and authorisation taxes

The value of the fines applied by the Competition Council in 2012 **has been of RON 30,216,850 (EUR 6,781,160)**. 9 undertakings and one professional body have been sanctioned for anticompetitive practices; 4 undertakings for failing to supply information and one undertaking for implementing an economic concentration prior to its notification and authorisation by the Competition Council.

The amount of **authorisation taxes was of RON 2,525,737.45.**

The fines and the authorization taxes brought to the State budget a plus of RON 32,742,587 (EUR 7,357,884.7).

Cases solved in courts

The percentage of irrevocable decisions, favourable to the Competition Council, as well as the final ones have reached the level of 94%. The fines maintained irrevocably represented 52%, while those maintained definitively represented 81% of the total fines imposed.

Binding opinions

In 2012, the Competition Council has issued 16 binding opinions on draft regulations, of which 8 favourable and 8 favourable provided that certain conditions are met. In general, **the conditions imposed by the Competition Council have been met** when draft regulations were approved. Also, the competition authority has formulated 16 points of view and has made 18 interventions (including submission of opinions and recommendations) to amend existing legislation or draft legislation with anti-competitive effect. In some cases informal guidance has also been prepared and submitted.

In this sense, it is worth mentioning the binding opinions concerning the Energy Law and the Gas Law, the commercialisation of the products and market services, the amendment of the legislation on auto instructors and those concerning the normative acts regulating the competitive selection procedure for granting the right to use the radio frequencies in the 800 MHz, 900 MHz, 1800 MHz and 2600 MHz bands (government decision drafts regulating the release of new frequency spectrums, the minimum level of taxes that would be paid by the winners of the tender for the award of spectrum blocks and the payment method of these amounts).

State aid

The activity in the State aid field of the Romanian competition authority in 2012 can be presented synthetically as follows:

- specialised consultancy granted through 174 working meetings with the State aid suppliers, 60 written opinions concerning draft normative/administrative acts and other 211 written opinions/clarifications;
- 11 formal opinions concerning State aid notifications/information sheets on State aids exempted from the notification obligation;
- four official notification of State aid measures;
- organisation and participation in one meeting of the Inter-Ministerial Council for the Application of the State aid Policy;
- elaboration of the State aid Inventory and of the State aid Scoreboard, which was submitted to the European Commission;
- elaboration of the Annual report on the State aid field;
- 83 answers/positions at the request of European Commission (on-going investigations and informal cases);

- participation at 16 consultations with the European Commission.

As national contact authority on State aid, the Competition Council has contributed to the favourable finalisation of several cases under the analysis of the European Commission:

- The closure of uncompetitive coal mines owned by the National Coal Company Petroșani (hereinafter CNH);
- The support scheme on the free title transitory allocation of greenhouse gas emission certificates in the benefit of energy producers;
- Oltchim;
- The prolongation of the State aid scheme for regional development by stimulating investments;
- The establishment of new airline destinations departing from Cluj-Napoca international airport and Craiova international airport.

Unfair competition

Consiliul Concurenței a instrumentat un număr de 92 sesizări privind concurența neloială. Pentru 24 dintre acestea s-au efectuat cercetări aprofundate. Din cele 92 de cazuri analizate, 83 au fost soluționate, fiind aplicate 3 sancțiuni. La sfârșitul anului 2012, rămăseseră în analiză 9 sesizări, pentru 5 dintre acestea efectuându-se cercetare aprofundată.

The Railway Supervision Council (RSC)

The regulation on the organisation and functioning of RSC in the sense of appointing the members of this body only from the Competition Council. As a result, the new members of the RSC were appointed. The **law approving and amending** the regulatory act of 2011, which made the RSC part of the Competition Council structure, was also adopted. The changes brought by this act create the necessary legal framework for the RSC to be fully independent from the regulated entities and to make use of the necessary tools for an efficient and credible intervention in relation to them.

International relations

The main field of activity of the Competition Council at the international level were:

- ECN (European Competition Network) and European Affairs;
- Bilateral relations and actions in cooperation with international organizations;
- Providing technical assistance to the National Authority for the Protection of Competition of the Republic of Moldova.

Relation with mass-media

The number of the postings in the press on the activity of the Competition Council was of 3,900, by 20% less compared to 2011, but with 17% more than in 2010. Out of the total, 2,754 appearances, respectively 70% have been published and broadcasted in the central press, radio and TV.

Survey on the competition field

In order to assess the degree of knowledge on competition, in 2012, the Competition Council conducted a survey among population, authorities and the business environment.

76% of people appreciate the importance of the Competition Council and 45% appreciate its efficiency. 57% of the surveyed authorities expressed their confidence in the Romanian competition authority (similar to 2011) and 66% mentioned that they have an interest in the competition issues. Meanwhile, the Competition Council's visibility among the public authorities has increased significantly from 27% in 2011 to 42%. Among businesses, 37% of the surveyed companies expressed confidence in the Romanian competition authority, 52% indicated that they are interested in the competition issues, 62% appreciates the importance of the Competition Council and 39% appreciates its efficiency.

Priorities for 2013

In the field of competition, the Competition Council plans to:

- increase the efforts for identifying and sanctioning the infringements of the competition rules: certain investigations and sector inquiries in essential fields will be finalised:
 - consumer goods (food retail);
 - energy;
 - construction of national roads and motorways;
 - banking.
- use intensively the economic analysis in investigating the competition cases;
- continue monitoring the functioning of markets and assessing the competitive environment by undertaking studies on:
 - the drug distribution sector;
 - the electronic communication services under the form of services packages (*multiplay*) and the services of access to the telecommunications infrastructure in Bucharest;
 - the services provided by the insolvency practitioners;
 - the medical assistance services in Romania and their related activities.

On State aid, the priorities of the competition authority for 2013 are mainly envisaging:

- the continuation of the cooperation with the International Monetary Fund, the European Union and the World Bank in order to ensure the observance of the legislation in the field in the restructuring and privatisation process of certain State-owned companies, such as the Romanian National Post, CFR Marfă (the National Freight Company), Oltchim etc.;
- the preparation of the necessary conditions for accessing the Structural Funds in the next budgetary cycle by ensuring the conformity of the operational programmes with the State aid rules;
- the active participation alongside the other EU Member States at the modernisation of the State aid rules, a process initiated by the European Commission.

From the legislative perspective, an important role will be played by the ***promotion of the legal framework on the unfair competition***, so as to make it compatible with the European specific regulations.



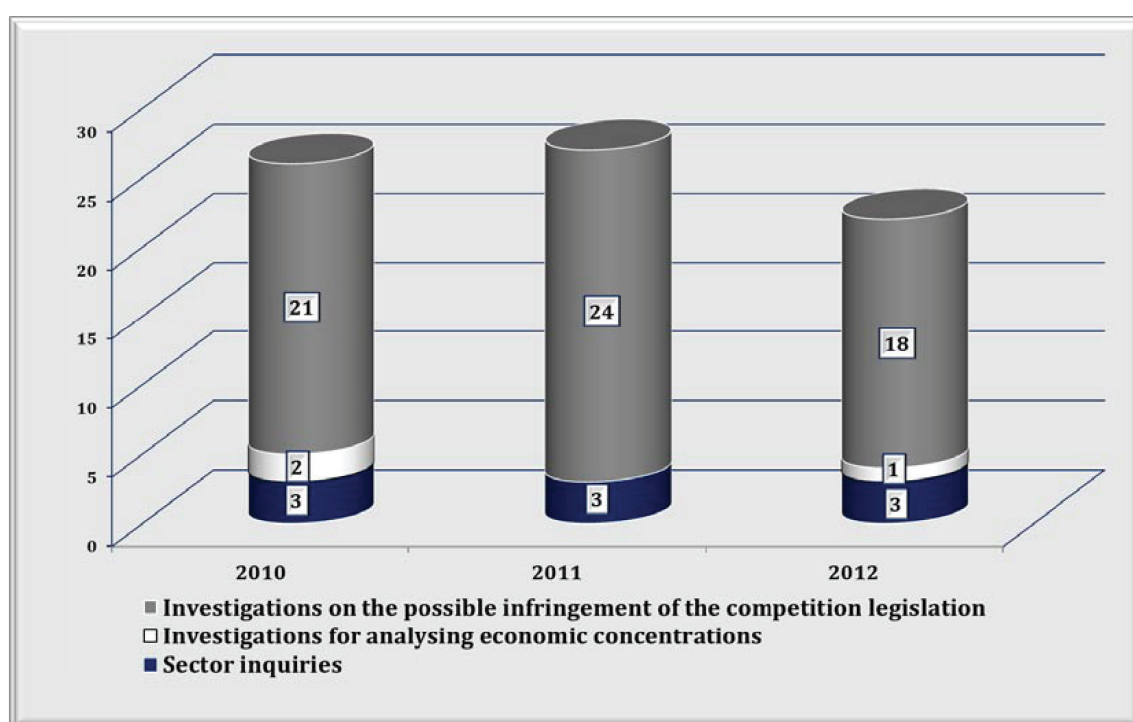
CHAPTER 1

ENFORCEMENT OF THE COMPETITION RULES

New investigations

In 2012, the Competition Council initiated **22 investigations**, out of which 18 investigations are concerning possible infringements of the Competition Law, one is for the analysis of an economic concentration and 3 are envisaging certain economic sectors (sector inquiries).

Graph no.1. New investigations 2010-2012 (no.)



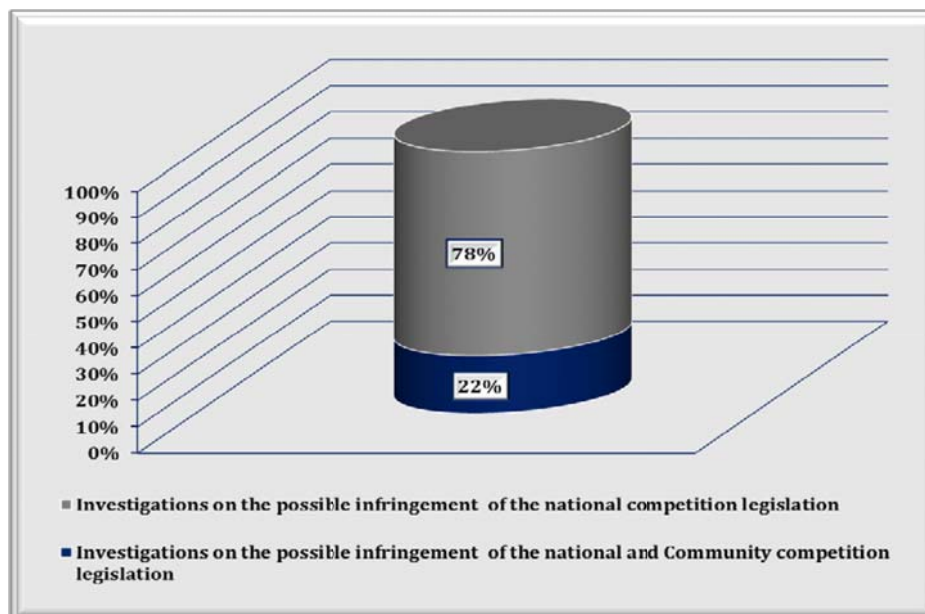
As a result, the number of the investigations initiated in 2012 has diminished by 19% compared to 2011 and by 15% compared to 2010. This development indicates that the competition authority focused its efforts on completing on-going cases.

Out of the **18 investigations concerning possible competition law infringements** initiated in 2012, around 72 % have been opened ex-officio following the analysis of the competition authority.

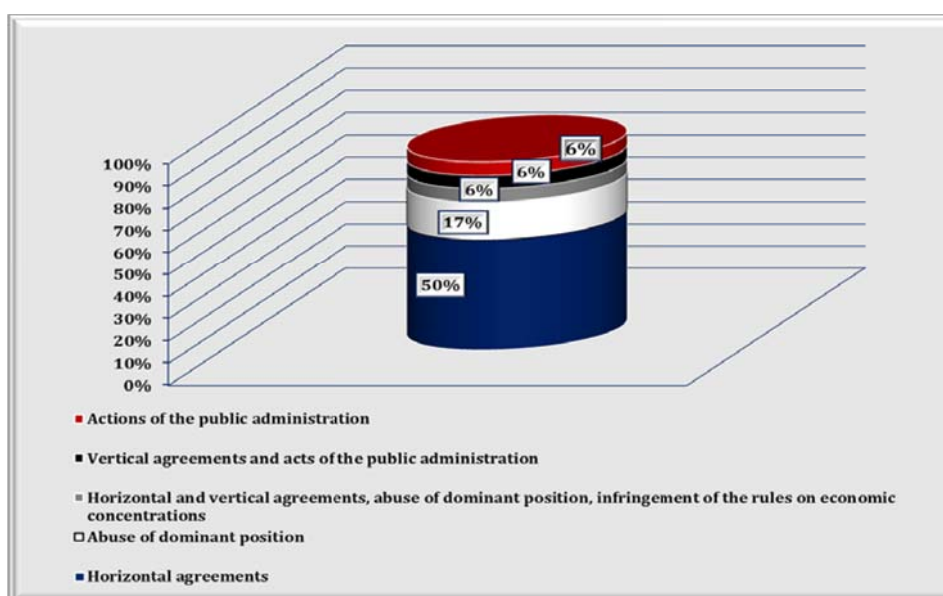
Most investigations envisage the road construction sector (28%), followed by the transport of persons (11%).

The structure of these investigations, based on the incident competition legislation and on the investigated practice, is presented by the following graphs:

Graph no.2. The structure of the investigations depending on the incident legislation (%)



Graph no.3. The structure of the investigations depending on the investigated practice (%)



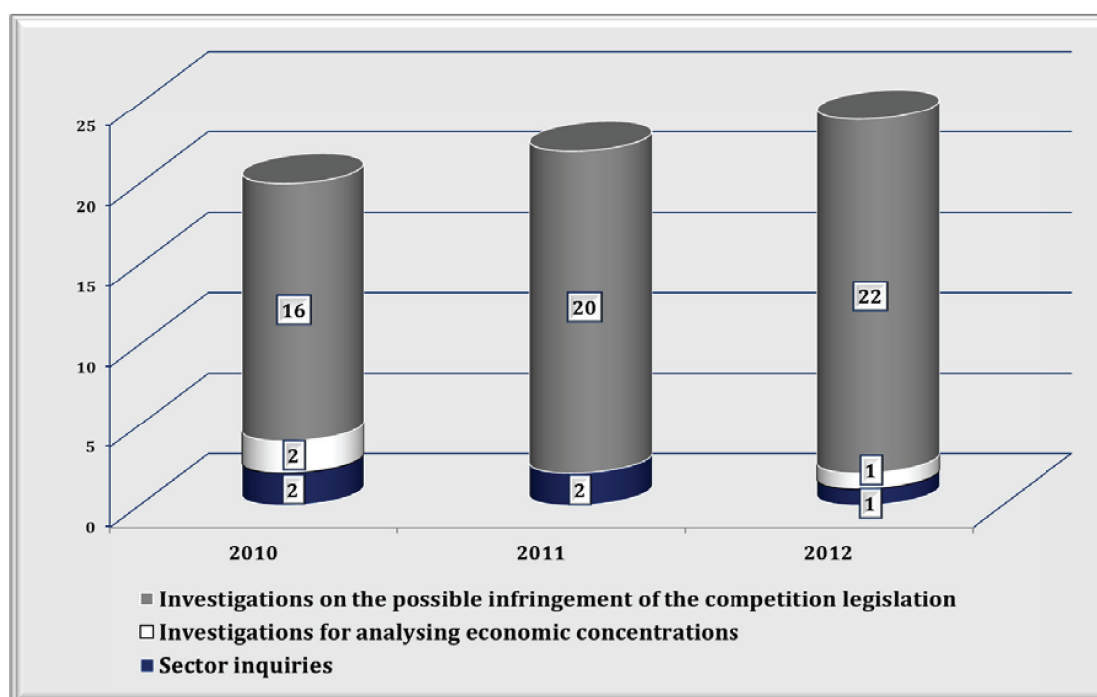
The **3 sector inquiries** initiated in 2012 are envisaging:

- the film distribution to Romanian cinemas;
- the natural gases in Romania;
- the sanitation services at the national level.

Finalised investigations

24 investigations have been concluded in 2012. Out of these, 22 investigations have envisaged possible infringements of the competition legislation, one has been for the analysis of an economic concentration and one was a sector inquiry.

Graph no.4. Concluded investigations 2010- 2012 (no.)

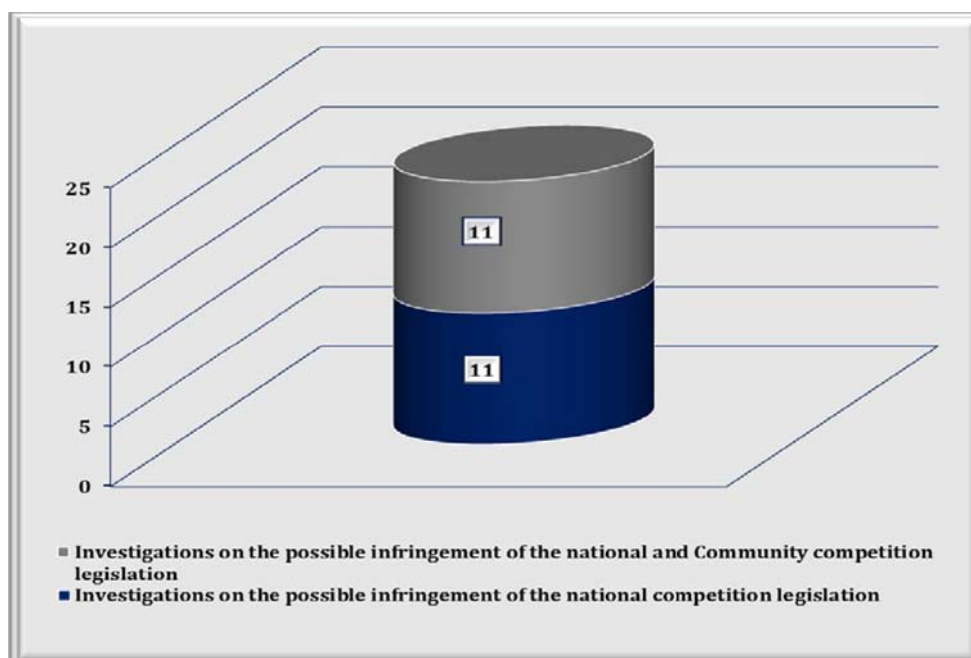


The number of the finalised investigations in the last three years has had an increasing trend. Therefore, in 2012 more finalised investigations were recorded compared to 2011 and 2010, by 9%, respectively by 20%.

The ascendant evolution has remained the same in the case of the investigations on the possible infringement of the competition legislation: by 10% more compared to 2011 and by 38% more compared to 2010. This demonstrates that during the analysed period the Competition Council focused its resources mainly on the completion of the competition law infringement cases.

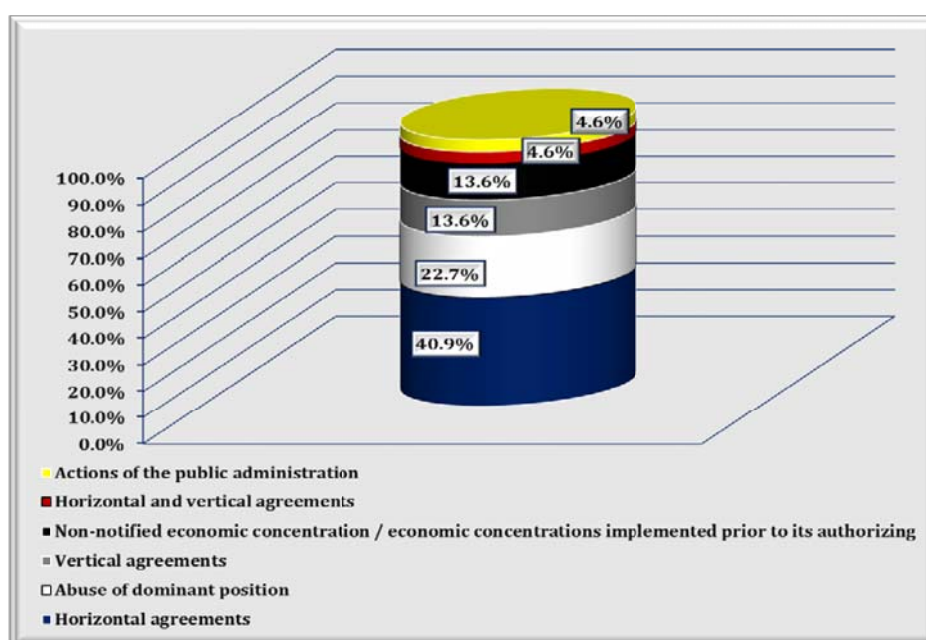
The situation of the investigations on the possible infringement of the competition law completed in 2012, depending on the incident competition legislation and on the investigated practice, is presented below:

Graph no.5. The structure of the investigations depending on the incident legislation (no.)



50% of the completed investigations concerning possible infringements of the competition rules have targeted both the national and the Community legislation.

Graph no.6. The structure of the investigations, depending on the investigated practice (%)



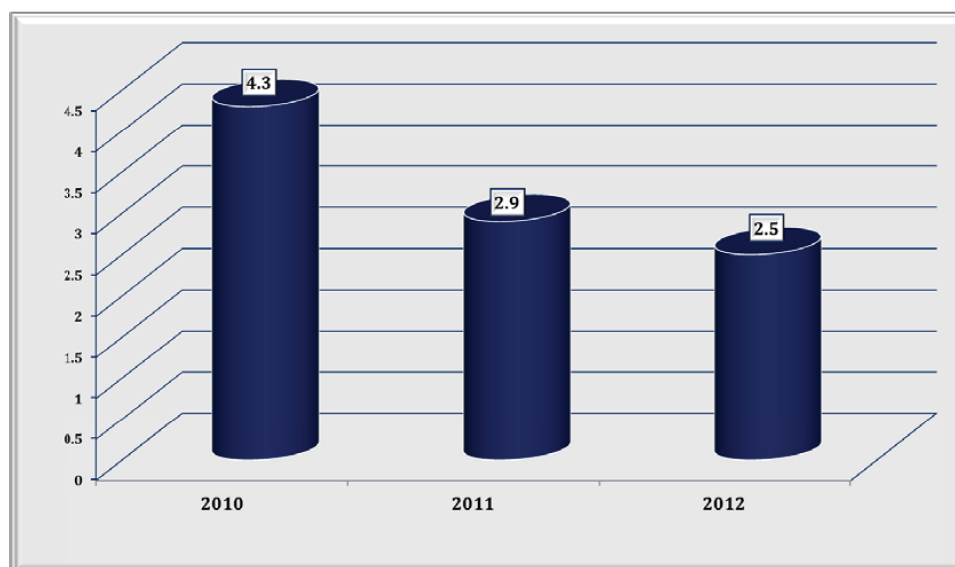
Out of the total investigations on the possible infringement of the competition rules, 4 investigations have been completed by imposing **fines**: 3 investigations have envisaged horizontal anticompetitive agreements, and one the implementation of an economic concentration prior to a decision of the Competition Council.

Other 5 investigations (23% of the total number) have been finalised by accepting commitments, and the rest of 13 investigations (59%) were closed because the evidences identified were insufficient for proving an infringement of the law, so as to justify the imposition of fines or of certain measures.

The telecommunications have been the economic sector subject of the most investigations on the possible infringement of the competition legislation (14% of the investigations).

The average duration of the cases on infringement of competition rules concluded in 2012 has been of 2 and half years. Compared to 2010 and 2011, the situation is presented by the following graph.

Graph no.7. The average duration of the concluded investigations on possible infringement of competition legislation 2010-2012 (years)



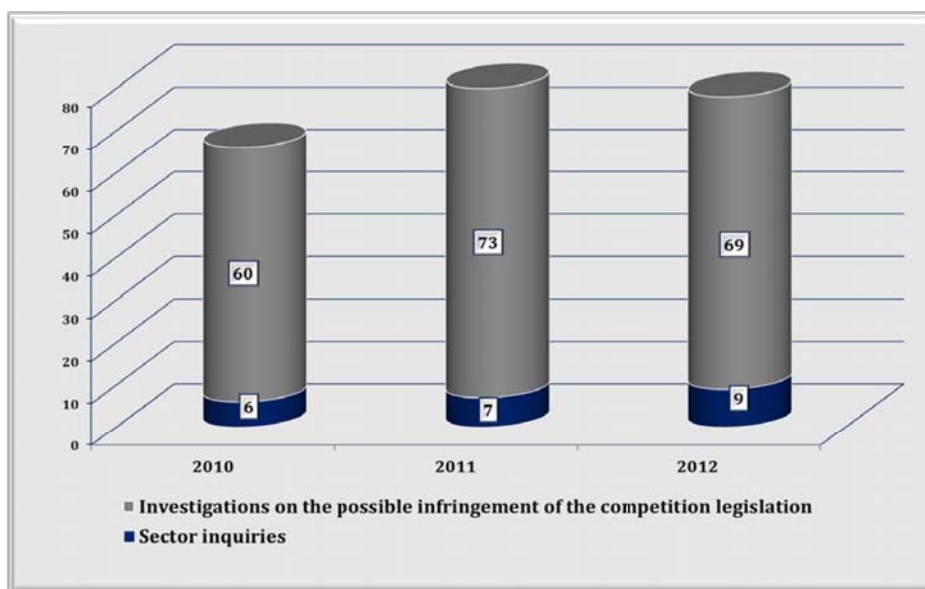
In 2012, the average period for finalising the cases on the possible infringement of the competition rules has reduced by 16% compared to 2011, and by 42% compared to 2010, which shows that the Romanian competition authority has focused significantly its efforts in this sense. Based on the nature of the anticompetitive practice, the average duration of the investigations completed in 2012 has varied as follows: 3.2 years – vertical agreements, 3 years – abuse of dominant position, 2.2 years – horizontal agreements, and 1.9 years – notification failure/ implementation of an economic concentration prior to its notification.

As regards the investigation on horizontal and vertical agreements, its duration has been of 2.6 years, and the one envisaging actions of the public administration has been finalised in 1.4 years. The sector inquiry has been completed in 3.8 years.

Investigations in progress

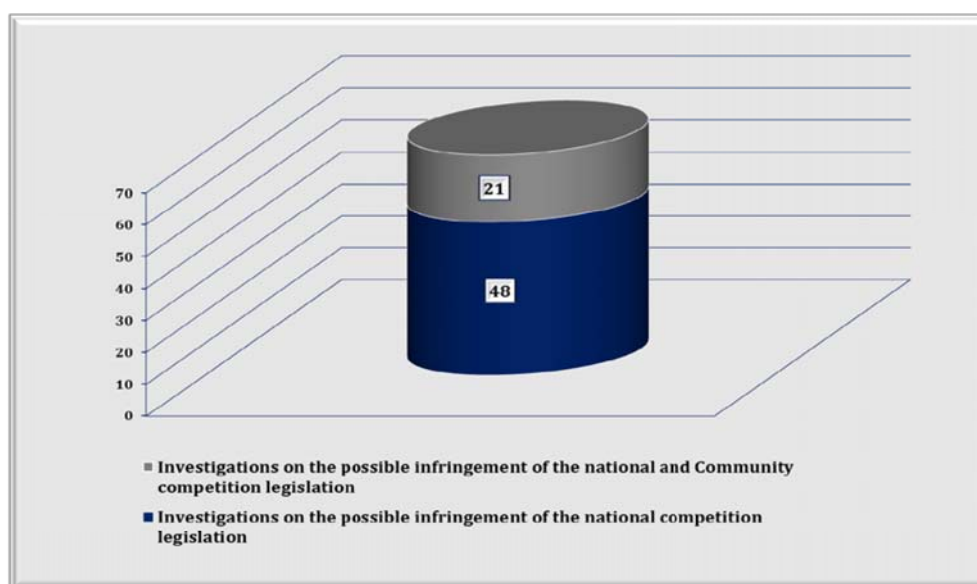
69 investigations on the possible infringement of competition law, out of which 20 investigations older than 3 years, and **9 sector inquiries** were in progress at the end of 2012.

Graph no.8. The investigations in progress at the end of the year 2010-2012 (no.)

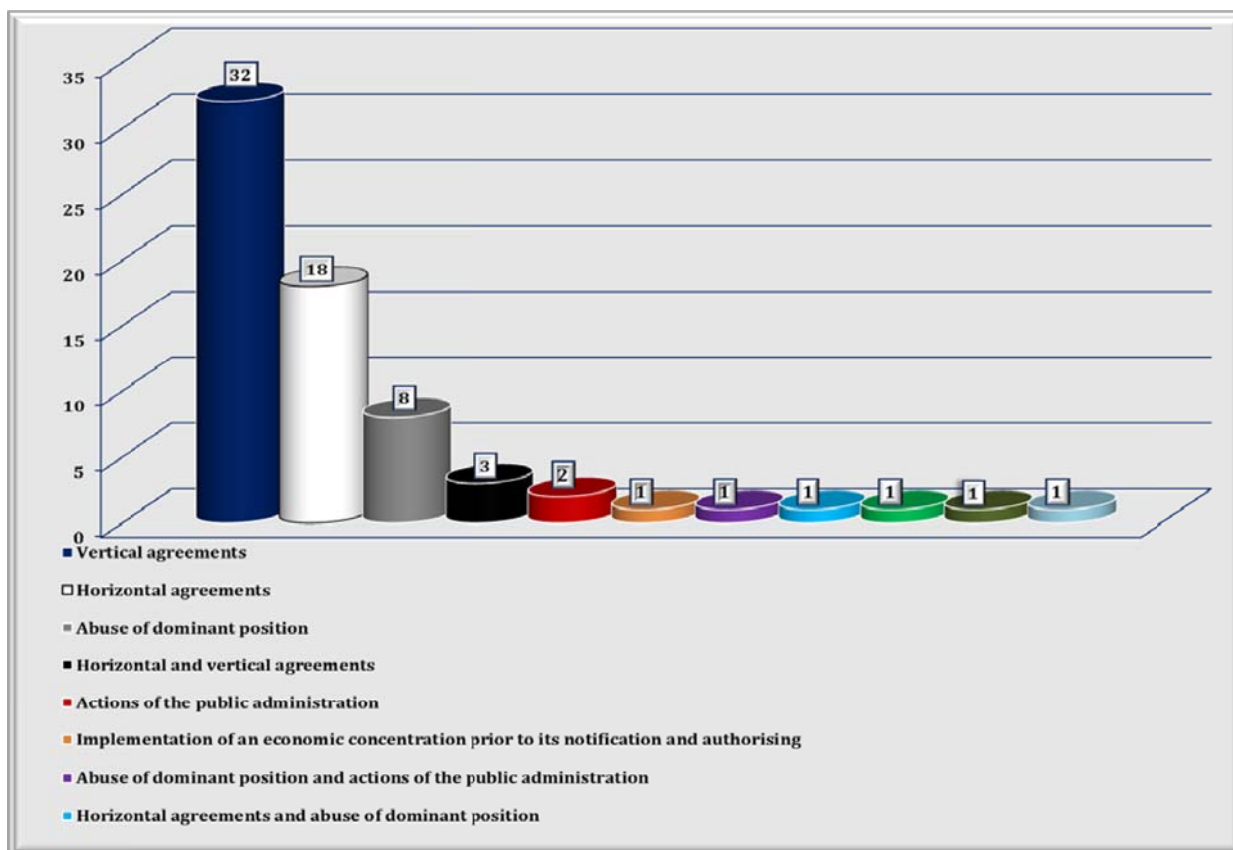


The situation of the investigations on the possible infringement of the competition legislation in progress at the end of 2012, according to the incident legislation and to the investigated practice, is presented by the following two graphs.

Graph no.9. The investigations at the end of 2012, according to the incident legislation (no.)



Graph. no.10. The investigations at the end of 2012,
according to the investigated practice (no.)



Dawn raids

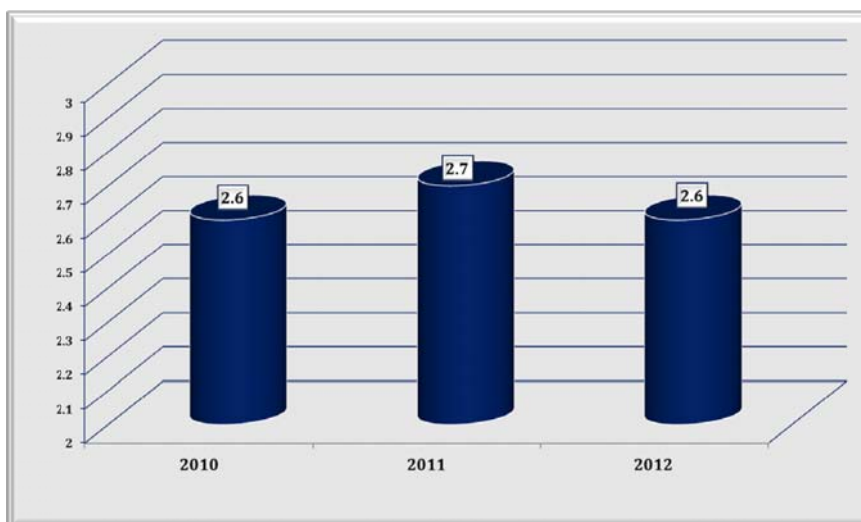
During 2012, 121 headquarters/working points owned by 116 undertakings were inspected within 15 investigations.

Economic concentrations

During 2012, 42 economic concentrations were approved, the amount of **authorisation taxes being of RON 2,525,737.45**. All the economic concentrations were authorised without conducting an investigation.

The average duration of the economic concentration cases concluded in 2012 has been of around 2.6 months, being at the same level of 2010 and registering a slight decrease compared to 2011.

Graph. no.11. The average duration of the economic concentration cases without investigation (no. months)



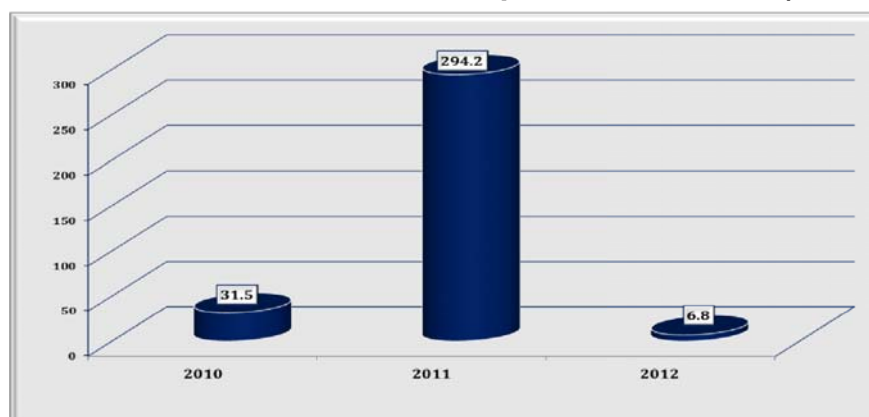
We mention that in 2012, 33% of the economic concentration cases have been analysed by the **simplified procedure**.

Fines

The value of the fines applied by the Competition Council in 2012 **has been of RON 30,216,850 (EUR 6,781,160)**. 9 undertakings and one professional body have been sanctioned for anticompetitive practices; 4 undertakings for failing to supply information and one undertaking for implementing and an economic concentration prior to its notification and authorisation by the Competition Council.

Compared to 2010 and 2011, the value of the sanctions has diminished significantly. The main raison is that during 2010-2011, the Competition Council has finalised with fines cases involving firms with very large turnovers, as was the fuel cartel, the abuses of dominant position of the Romanian National Post Company, Orange and Vodafone.

Graficul nr. 12. Valoarea amenzilor aplicate, 2010-2012 (mil. euro)

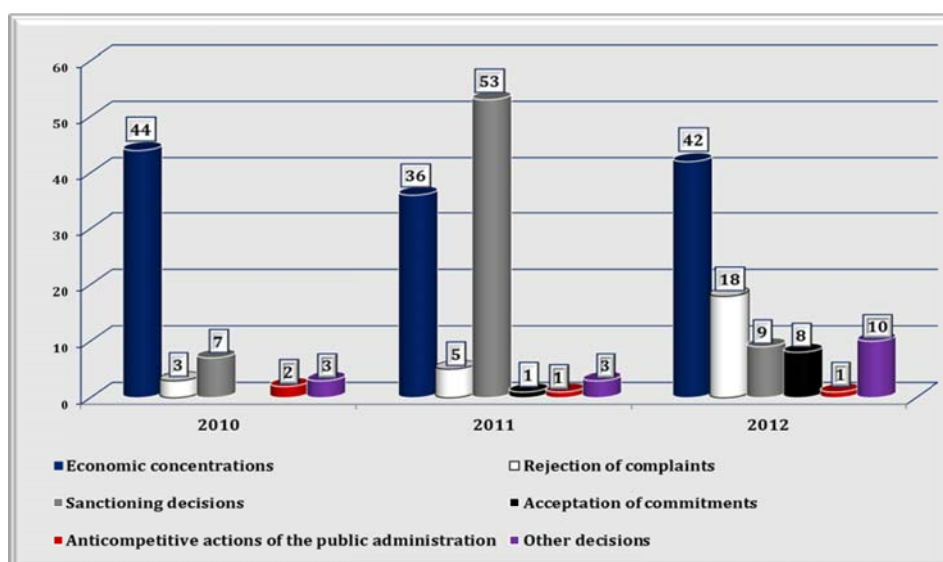


According to the type of the law infringement, 96.2 % of the total sanctions were applied for horizontal agreements, 3.5% for implementing an economic concentration prior to its notification and authorisation by the Competition Council, and 0.3% for failing to supply information/ supplying incomplete information.

Decisions

The number of the decisions issued by the Competition Council in 2012 was of **88**. The majority were for authorising economic concentrations (48%) and for rejecting certain complaints on anticompetitive practices (20%). The evolution of the number of the decisions issued by the Competition Council during 2010-2012, based on their type, is presented by the following graph:

Graph no.13. Type of the issued decisions, 2010-2012



In 2012, the number of the decisions on economic concentrations has increased by 17% compared to 2011, but it was under the level of 2010. A significant increase has been registered by the decisions for rejecting the complaints (by 3.6 more compared to 2011 and by 5 times compared to 2010) and those for accepting commitments (by 8 times compared to 2011). At the same time, the number of the sanctioning decisions has decreased by almost 6 times compared to 2011, but it was by almost one third larger compared to the one recorded in 2010.

Detailed information on the implementation of the competition legislation in 2012 is presented within the [Statistics](#).

Finalised cases

Forbidden agreements between competitors: *The market of the services provided by bailiffs*

The National Union of Bailiffs of Romania (hereinafter UNEJ) was sanctioned with a fine of RON 593,089 (about EUR 131,798) for the infringement of the Competition Law by creating a cartel.

During the investigation opened in 2011, it was found that UNEJ issued certain decisions that had as their object the following:

- the identification and establishment of a list of execution expenses, which involved an exchange of sensitive information between UNEJ members concerning cost elements and their value;
- the setting of a fee for entering into the profession at an excessive level (the equivalent in RON of EUR 5,000) which was applied in a discriminatory manner. The relatives and affinity-degree of 1st rank of bailiffs currently in office were exempted from the tax payment. Moreover, a discriminatory regime has been set up for the continuous professional training programme, with consequences for staying in the marketplace.

The first decision has been applied starting with February 2007, therefore being in effect at the time the Competition Council's investigation was finalized (October 2012), while the second decision during the period October 2010 - May 2011.

The practices that had as object to restrict the access of new bailiffs to the market and to influence the market behavior in terms of prices of the current UNEJ members have affected both domestic market as well as the trade between Member States.

By Decision no.58/2012, the Competition Council stated that the Competition Law was infringed and imposed a total fine of about RON 593,000 (around EUR 132,000). The value of these penalties accounted for 6% and 5.4% respectively of UNEJ's previous year revenues, combined with total revenues corresponding to the professional body's 15 regional branches recorded in the same year. UNEJ was also given a period of three months to eliminate the anticompetitive provisions from its statute, to publish the repealing decision in the Official Gazette of Romania and to inform the Competition Council about this fact.

According to Competition Law, regardless of these penalties, individuals and/or companies that have been harmed by the anticompetitive practices have the right to take legal action for damages.

When available, the decision will be found at: www.consiliulconcurenței.ro/en/official-documents/competition/decisions.html.

Competition harm generated by public administration actions: The bottled LPG market

This investigation started in 2011 by the consolidation of three opened investigations that followed certain complaints submitted by several undertakings. They had reported possible anticompetitive practices of the Ministry of Economy, Commerce and Business Environment (hereinafter MECMA) and of the State Inspection for the Control of Boilers, Pressure Vessels and Hoisting (hereinafter ISCIR) through technical regulations issued in the gas cylinders area. Following the investigation, it was found that the two authorities have infringed the Competition Law by introducing within a technical prescription some requirements that imposed restrictions to operators on the Romanian market for distribution and sale of 'stove' type LPG, bottled in

containers of up to 26 liters. Basically, the operators authorized to fill and sell this type of product were required to have written permission from the operators that owned customized containers in order to have the right to fill and sell the cylinders. The existence of such an arrangement would have involved the returning of the containers to the owner operator. Failing to comply with this condition would have led to the withdrawal of the operating license of the operators authorized for the activity of filling and selling cylinders.

The effects on the competitive environment depended on the economic operators' size. Large economic operators, who held large stocks of cylinders, have been able to maintain a steady flow. Therefore, they were not forced to use cylinders owned by other operators and, as consequence, they did not have to ask for permission. At the same time, on their own cylinders, large operators have not given written permission to other operators to fill and sell them. On the other hand, the small operators acting locally and holding low stock levels of containers were forced to temporarily stop the work, as they have not received written permission from the major economic operators to fill and sell their cylinders.

By Decision 62/2012, the Competition Council stated the infringement of Competition Law by MECMA and ISCIR as the legislative amendment imposed restrictions to economic operators for both filling and distributing the 'stove' type bottled LPG, restricting the competition on the Romanian market. It was also decided the elimination of the anticompetitive provisions from the technical prescription and the submission of the amended document for approval by the Competition Council.

When available, the decision will be found at: www.consiliulconcurenței.ro/en/official-documents/competition/decisions.html.

Infringement of merger control rules: *The market of construction works of roads and motorways*

In March 2012, the Competition Council started an ex officio investigation regarding the possible infringement of Competition Law by DO-FI South-East Holding GmbH, through implementing a merger without notifying it and prior to a decision issued by the Competition Council.

In 2010, DO-FI acquired more than 99% of the entire share capital of SC CCCF Drumuri și Poduri Timișoara, thus gaining control over it. The operation is a merger within the meaning of the Competition Law and therefore DO-FI had the obligation to notify it to the Competition Council before its implementation.

The notification of the merger was sent on 24.05.2012, and, after analysing the operation, the Competition Council issued the non-objection Decision no.47/2012 where it was stated that even if the merger falls under the scope of the Competition Law, there are no serious doubts concerning compatibility with a normal competitive environment. The analysis of the information and the documents submitted has shown that DO-FI took a series of decisions corresponding to a merger implementation before the notification and before the issue of the non-objection decision of the Competition Council. This constitutes an infringement of Competition Law.

Therefore, by Decision no. 86/20.12.2012, DO-FI was sanctioned with a fine of almost RON 1.1 million (about EUR 240,000), representing 0.46% of the company's total turnover corresponding to the year prior to the sanction. When setting the fine, the offense recognition by the company was taken into account, which led to a 30% decrease in the penalty base level (the settlement procedure).

When available, the decision will be found at: www.consiliulconcurentei.ro/en/official-documents/competition/decisions.html

The sector inquiry on the automotive spare parts market

This sector inquiry started in 2009 and was aimed at identifying the market mechanisms, in order to find and correct any competition bottlenecks.

To achieve this objective, a market research was carried out in this sector, at national level: vehicle manufacturers, parts dealers, automobile dealers and service units. In addition, insurance companies were surveyed. Another activity was the identification and the analysis of the sector's specific legal framework. During the investigation a survey among consumers was also conducted.

The sector inquiry reached the following conclusions:

- The spare parts market is a low concentrated market, in which thousands of firms activate. In a particular case, given the segmentation of the spare parts (original and non-original parts, as well as their sub segmentation according to the car brand) and given that a replacement part is in itself a distinct market, not being interchangeable with another, the market shares can differ significantly (e.g. if parts have visible⁸ origin, for which legal protection is granted under the patents law on models and drawings, monopolies can exist).
- In order to open to competition the visible spare parts market it is necessary to amend the national legislation with respect to the design protection by introducing a 'repair clause'⁹. The repair clause protects the technical and visual designs for the components of auto manufacturers (on the primary market) and fully supports for their core business – production and selling of new cars. Extending the protection on parts that replace the original ones, for repairing purposes, results in unjustified monopoly of car manufacturers on the secondary spare parts market. As a consequence, a car owner whose visible spare parts are protected is forced to accept exclusively the use of spare parts provided by the car manufacturer.
- The sale of counterfeit products utilized on automobiles should be considered felony and not contravention. The provisions of the actual legislation should be correlated in order to reduce the counterfeit spare parts market, whose share is perceived by the industry to be about 27% from the total, far beyond the European value (10%).

⁸ Integrated visible parts (car body panels: bumpers, doors, wing, hood), lighting units (beacon, stop), car windows (glass side windshield, rear window, mirror).

⁹ The repair clause stipulates that protection is not provided for a drawing or for a model which is one piece of a product used in the process of repairing a complex product in order to restore its original appearance.

- The conditioned parts should be covered by regulation because the companies that sell remanufactured parts do not have to go through the procedure of approval/certification in order to market them, unlike those who sell new parts. Thus, this category of auto spare part dealers enjoys an advantage in the marketing of the parts (because they are exempted from the steps of approval/certification and tax payment). Furthermore, the possible negative effect of unapproved/uncertified pieces on end users should be taken into account.
- The approval/certification procedure should be simplified and made more accessible. The importers of spare parts argue that the procedure is heavy, complex and ambiguous and request its improvement and clarification.
- The control of selling spare parts resulted from dismantling and counterfeit parts should be intensified. The companies that have participated in the market research conducted by the Competition Council consider that the marketing of spare parts resulting from dismantling, as well as the counterfeit ones constitute source of tax evasion.
- There are abuses regarding warranties. There are some auto dealers that impose to the buyer, by the contract, to make all his or hers repairs exclusively at their car dealership, otherwise he or she would lose the warranty. Nearly three quarters of the surveyed consumers said they had been forced to accept the use of manufacturer's own parts in service operations not subject to warranty.

The report of the sector inquiry was publicly debated and it was concluded that it is necessary for the legislation to be modified by the competent institutions so as to remedy the identified issues.

Steps were taken towards institutions whose involvement can lead to a better functioning of the market. The National Authority for Consumer Protection was notified about possible warranty abuses and the Romanian Auto Registry was asked to intensify the control of spare parts resulted from dismantling and counterfeit parts.

The sector inquiry report as well as the conclusions reached after the public consultation can be found at: www.consiliulconcurenței.ro/en/publications/latest.html.

Fighting and preventing bid rigging

Fighting and preventing bid rigging represented an important component of the Competition Council's activity throughout 2012.

Bid rigging (or collusive tendering) is an agreement between competing undertakings in order to raise prices or lower the quality of goods or services for those customers who wish to purchase products or services through a tender. The competitive process can achieve lower prices or better quality and innovation only when companies genuinely compete (i.e., set their terms and conditions honestly and independently).

In 2012, the Division of the Competition Council specialized in bid rigging, opened **four bid rigging investigations** on some public procurement procedures (representing 22% of the total number of investigations on the possible infringement of the competition law).

During the same period, **three investigations were completed** (representing 14% of the total number of investigations on the possible infringement of the competition law): two of these investigations were completed by imposing fines, whereas, for the third one, the evidences identified were insufficient for proving an infringement of the law, so as to justify the imposition of fines or of certain measures. 9 undertakings were sanctioned with a total of RON 28.5 million (EUR 6.4 million), representing 94% of the total amount of fines imposed by the Competition Council in 2012. The average length of completed bid rigging investigations in 2012 was 1.4 years.

The Bid Rigging Module (BRM)

The activity of the Bid Rigging Module, coordinated by the Competition Council, was strengthened in 2012 by involving the Anti-Fraud Department. Since the establishment of the Module, in 2010, to date, cooperation agreements have been signed with the National Authority for Regulating and Monitoring Public Procurement (ANRMAP), the Unit for Coordination and Verification of Public Procurement (UCVAP), the National Council for Solving Complaints (CNSC), the Control Body of the Prime Minister and the Court of Auditors, the Public Ministry - Prosecutor of the High Court of Cassation and Justice.

The aim of the module is to ensure a normal competitive environment on the public procurement market through institutional cooperation as a rapid information exchange, expert-wise, in order to identify bid riggings.

In 2012, the main actions of BRM were focused on three major directions.

a) Detection of bid rigging:

- Following the assessment of the control reports of ANRMAP, the Competition Council initiated two investigations on the possible participation with rigged bids in some public procurement procedures organized by Ilfov County Council and Teleorman County Council;
- The control reports submitted by the Control Department of the Prime Minister, ANRMAP, and CNSC were assessed so as to identify the possible anticompetitive practices manifested during certain public procurement procedures organized by the contracting authorities.

b) Review of the legal framework:

- Following the discussions with ANRMAP, the Competition Council endorsed the draft Government Emergency Ordinance amending the legislation on the award of public procurement contracts, public works concession contracts and services concession contracts submitted by ANRMAP;
- The Competition Council has expressed its view on the public authorities wording of

technical specifications related to cartridges/toners (consumables for office equipment) in public procurement procedures organized by them.

c) Organizing/attending specific seminars:

- Organizing the "*Fighting cartels in public procurement process*" national seminar, at the Information Centre of the Commission's Representation in Romania, attended by contracting authorities and public institutions in Romania. During the seminar, the "*Bid Rigging - offense against competition*" Guide was distributed, which is a very useful tool in the activity of the contracting authorities for signalling bid rigging;
- Organizing the "*Addressing auctions in terms of the competition rules*" seminar, part of the project "*Improving the efficiency of competition policy enforcement in conjunction with sectoral policies*" implemented by the Competition Council in partnership with the General Secretariat of the Government;
- Attending the conference "*Transparency, effectiveness and credibility of the public procurement process*", organized by the Public Policy Institute of Bucharest.

Relevant cases:

Bid rigging in the case of the award of certain contracts of TRANSGAZ SA and ROMGAZ SA

The investigation of the possible bid rigging of the tenders organized by SNTGN TRANSGAZ SA Mediaș and SNGN ROMGAZ SA Mediaș throughout 2009-2011, for the award of contracts for gas fittings, modernization and maintenance of related facilities works was finalized in 2012. The case was opened in late 2011, upon the intimation of the Directorate for Investigating Organized Crime and Terrorism within the Prosecutor's Office attached to the High Court of Cassation and Justice.

During the investigation, two tenders organized by TRANSGAZ were proved to have been colluded by SC CONDMAG SA and SC INSPET SA, respectively by SC MOLDOCOR SA and SC TMUCB SA.

As a result, SC CONDMAG S.A. and SC INSPET S.A. were fined with RON 4,548,658 (EUR 1 million), respectively RON 7,296,204 (EUR 1.6 million) for having been part of an agreement on the participation with rigged bids in the public procurement procedure of "Butimanu-Brazi connection gas for the alimentation of Brazi gas cogeneration plant tree" organized in 2009. In this case, the bid rigging consisted in the exchange of confidential sensitive information, which allowed S.C. INSPET S.A. to win the auction, following a prior agreement.

S.C. MOLDOCOR S.A. was fined with RON 2,235,028 (EUR 500,000), whereas S.C. T.M.U.C.B. S.A. was fined with RON 11,384,975 (EUR 2.5 million) for having been part of an agreement on the participation with rigged bids in the public procurement procedure of "Gas transmission line 20'Giurgiu - Ruse" organized in 2011. In this case, bid rigging was done by correlating the bids of two competing bidders: S.C. T.M.U.C.B. S.A. submitted confidential information comprised in its financial bid to SC MOLDOCOR S.A.

For each of the four companies, the fine represented 4% of overall annual turnover of the previous year to the sanction.

When available, the decisions will be found at: www.consiliulconcurenței.ro/en/official-documents/competition/decisions.html.

Bid rigging for road markings

The investigation, which was opened in 2011, on a possible bid rigging of a tender organized by the Romanian National Company of Motorways and National Roads for awarding the road marking works on the national roads in Romania (Lot 2 - Craiova and Lot 6 - Iași) was finalized with a fine totalling RON 3,010,705 (approximately EUR 663,326).

Five companies participated in the tender as part of the following associations: Plastidrum Association (SC PLASTIDRUM S.R.L, S.C. Signature Semnalizare S.R.L.) and Swarco Association (S.C. Swarco Romania S.R.L., Swarco Heoscont Strassenmarkierung GmbH - Austria, Eleftherios Kokkinakis LTD - Greece).

During the investigation, it was proved that the two associations have made an understanding regarding a joint plan aimed at increasing the tendered prices and at allocating the market.

The collusive element of the tender consisted of coordinating the way of action in the public procurement procedure, as follows:

- by presenting formal offers, the Swarco Association provided the minimum number of two participants required for the open tendering procedure;
- after winning the tender, the Plastidrum Association assigned to the Swarco Association the public procurement contracts which, due to the collusive tendering, were awarded at higher prices non-justified economically.

By Decision no.82/2012, the Competition Council found a breach of the Competition Law and sanctioned the involved companies with 5% of overall annual turnover for the previous year to the sanction, as follows:

- Plastidrum with RON 1,564,619.35 (about EUR 351,000);
- Signature Semnalizare with RON 11,573.35 (about EUR 2,600);
- Swarco România with RON 33,012.00 (about EUR 7,400);
- Swarco Heoscont Strassenmarkierung (Austria) with RON 1,192,167.46 (about EUR 267,542);
- Eleftherios Kokkinakis (Greece) with RON 209,333.45 (about EUR 47,000).

When available, the decision will be found at: www.consiliulconcurenței.ro/en/official-documents/competition/decisions.html.

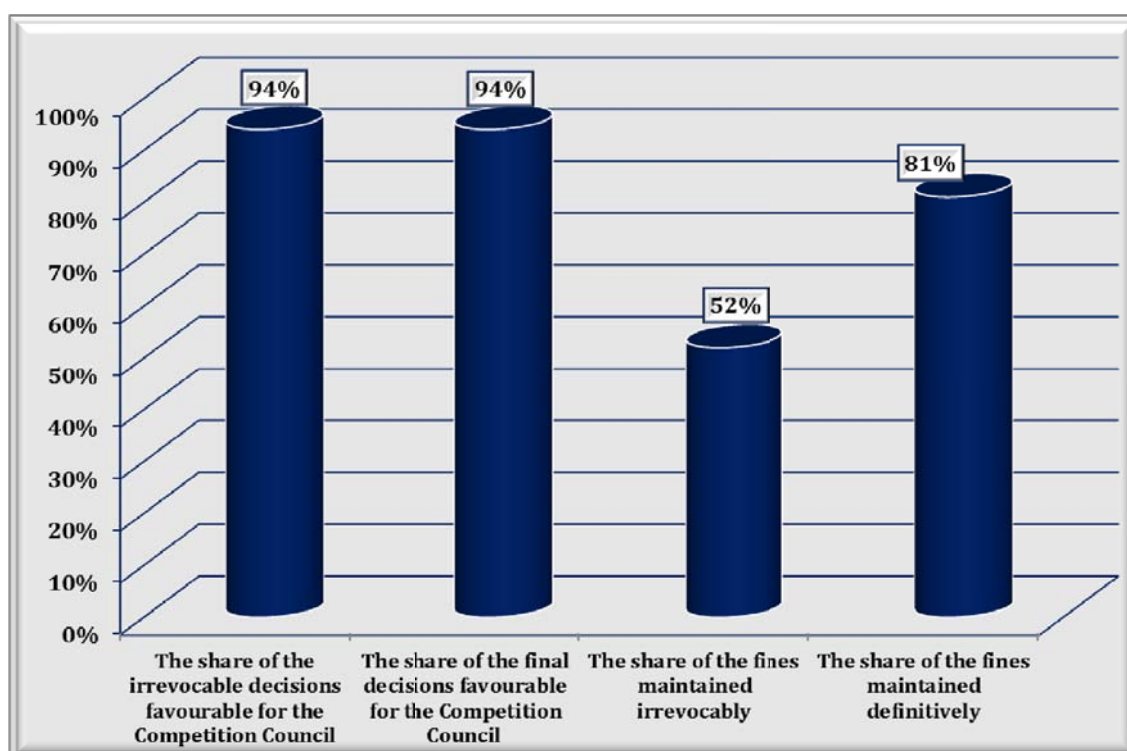


CHAPTER 2

CASES SOLVED IN COURTS

The percentage of irrevocable decisions, favourable to the Competition Council, as well as the final ones have reached the level of 94%. The fines maintained irrevocably represented 52%, while those maintained definitively represented 81% of the total fines imposed.

Graph no. 14. Indicators regarding the results of activity in court, 2012



Information regarding Competition Council's files in court can be found in the [Statistics](#) section.

In what follows, we will briefly present issues which have been retained by the courts in cases solved during 2012: the case regarding the sanitation services in Bucharest and the case regarding the protection of the communication between the undertaking under investigation and its lawyer.

Sanitation services in the Municipality of Bucharest

By Decision no.58/13.11.20999, the Competition Council has found a violation of art. 9, paragraph (1) of the Competition Law¹⁰ by the General Council of Bucharest Municipality, the Mayor of Bucharest, the local councils of sectors 2, 3, 4 and 6, as well as by the mayors of these sectors,

by extending the validity period of the delegation contracts for the public sanitation service, without organizing a tender. At the same time, the decision has found a violation of the Competition Law by the Local Council of Sector 1 and the Mayor of Sector 1, by signing in 2008 a contract for the delegation of the management of sanitation service, for 25 years, without a clear identification of the concrete investments which the private operator needs to undertake. As a result, the entry on this market has been blocked for an unreasonably long period of time.

The decision has noted that the interventions of the contracting authorities have impeded the competition on the market of the specific activities for the public sanitation service in the Municipality of Bucharest. To remedy this situation, it was considered that the delegation of the sanitation service must be made by organizing tenders and without favoring certain operators by the automatic extension of the public contracts. At the same time, the period for which the contract is concluded shall be determined so as not to limit the free competition beyond what is necessary to ensure the return on investment and a reasonable profit.

By the same decision, the Competition Council has ordered to the public administration authorities in Bucharest the aforementioned restoration measures of the competitive environment. At the same time, it was stipulated that, if the local public administration bodies do not comply with the decision, the Competition Council will bring the case to the Bucharest Court of Appeal.

Actions formulated against the Competition Council's decision

Competition Council's decision was challenged with action for annulment before the Bucharest Court of Appeal (trial court) by the local councils of sectors 2 and 3 and the mayors of these sectors, by S.C. RER Ecologic Service București (Rebu) S.A.¹¹ and by S.C. Supercom S.A.¹² (Supercom).

The actions have been resolved in favour of the Competition Council by the trial court, and three of the sentences have been maintained by the High Court of Cassation and Justice (the appeal court). A fourth case is still pending before it.

¹⁰ Art.9 of the Competition Law stipulates:

(1) It is forbidden to the authorities and public administration institutions, either central or local, or to the entities to whom they have delegated powers, to undertake any action or to refrain from action in order to limit, restrict or distort competition, such as: a) by limiting the freedom of trade or the autonomy of the enterprises, exercised in compliance with legal regulations; b) by establishing discriminatory conditions for enterprises.

(2) If the authorities or public administration institutions, either central or local, or the entities to whom they have delegated powers do not comply, within the time prescribed, to the measures ordered by decision of the Competition Council, which aim to restore the competitive environment, the Competition Council may bring the case in contentious administrative before the Bucharest Court of Appeal, asking the court for the annulment, in whole or in part, of the act which led to the prevention, restriction or the distortion of the competition, order the authority or institution concerned to issue an administrative act or to perform a certain administrative operation.

(3) The Competition Council may bring the case before the court under par. (2) within 6 months from the expiry date set out in the decision, time in which the authority or the public administration institution, either central or local, was required to comply with the measures aiming to restore a normal competitive environment.

¹¹ Which performs the public sanitation service in Sector 4 of Bucharest.

¹² Which performs the public sanitation service in Sector 2 of Bucharest.

In the context of actions brought by local councils of sectors 2 and 3 and the mayors of these sectors, the trial court has held that the decision of local public authorities to extend the original contract for waste removal services for an additional 5 years period without organizing a new tender, had the effect of restricting competition and benefited the society which already had the contract. The court has also found that the decision to extend the initial contract by addendum conflicts with Competition Law.

Supercom's action against the decision of the Competition Council was dismissed by the Bucharest Court of Appeal on the grounds of devoid of interest, and the solution was also maintained by the High Court of Cassation and Justice.

Rebu's action was dismissed by the trial court, which held that the company was not harmed in any of its rights or legitimate interests by the Competition Council's decision, as there is no right to indefinitely extend a contract. Rebu has further challenged the judgment of the first instance, and the appeal is currently before the High Court of Cassation and Justice.

Action formulated by the Competition Council

Since the local authorities of Bucharest have not followed the Competition Council's Decision no.58/2009, the Competition Council has filed a suit before the Bucharest Court of Appeal, in which it asked the court to order the authorities to take measures for restoring the competitive environment. The Competition Council has also asked for the introduction in the case, as defendants, of the companies which took part in the sanitation services contracts for each sector.

Competition Council's action was upheld by the Bucharest Court of Appeal, which has accordingly ordered the termination of the framework contracts for delegation of management for the public sanitation service and the organization of a tender for the delegation of these services, so as to ensure the manifestation of the free competition. The court held, inter alia, that:

- The argument that the competition authority does not have the authority to examine the legality of a sanitation services contract, as other regulatory authorities have such powers, cannot be retained because the institution monitors the compliance with the competition rules and, according to the specific competencies, the requirement to perform a tender procedure ensures the existence of competition on the market;
- The duration of the contract may constitute a factor which may distort competition, by unjustifiably limiting the access of potential competitors on this market;
- Defendants' claim that the special law in the sanitation area would have allowed an even greater duration of contracts is flawed because the determination of a specific term of the contract, within the maximum period of 49 years, depends on the proportionality between the duration of the contract and the time required to recover the investment of the selected operator;

- The action brought by the Competition Council under the provisions of art. 9(3) of the Competition Law is not self-reliant, but is subsequent to the issuance of the decision by which, on the one hand, the breach of competition rules by central or local government authorities is found, and on the other hand, these authorities have to undertake measures to restore the competitive environment, measures which were not taken by the deadline set by the Competition Council.

The defendants have appealed against the judgment of the first instance, and the case is now before the High Court of Cassation and Justice.

The protection of the communications between the undertaking under investigation and its lawyer

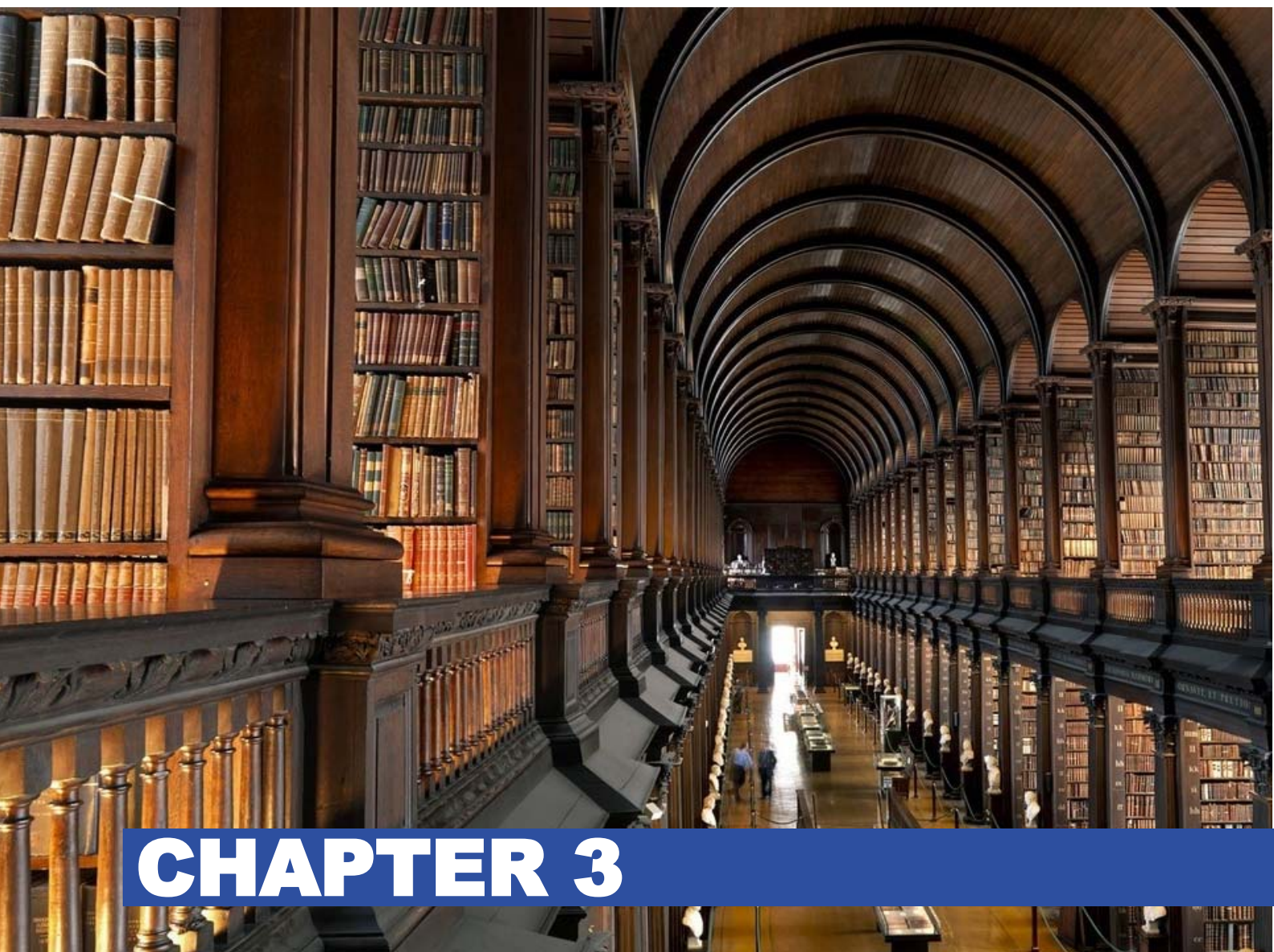
By Decision no.39/2012, the President of the Competition Council has rejected the protected nature of a document sealed during an unannounced inspection carried out at SC Alpiq Romindustries SRL (Alpiq). Alpiq has invoked the legal protection of the communications between the company and his lawyer, according to the provisions of the Competition Law.

Alpiq has filed action for annulment before the Bucharest Court of Appeal against the decision of the President of the Competition Council, and the action was dismissed as ungrounded by the court.

To pronounce this solution, the trial court has considered it necessary first to clarify the limits of the defence right and then the character of the sealed document in question.

The court has noted that a distinction must be made between the concept of "professional secrecy" provided by the law on the legal profession and the concept of "protected communication" of the Competition Law. Consequently, the concept of "professional secrecy" cannot be applied as such in the competition area, as in the investigation apply the provisions of the Competition Law. The decision to classify a document as protected is adopted given these provisions.

Analysing the sealed document, the court has found that it is not a correspondence between the enterprise and its lawyer regarding the exercise of the right of defence of the company but it stems from the need of the company to protect as effectively as possible its commercial interests involved in the contractual relationship with a third party.



CHAPTER 3

ADAPTING THE LEGAL FRAMEWORK TO THE COMPETITION RULES

The adoption and implementation of regulations that maintain or develop barriers to the free competition on the market or which favour the anticompetitive behaviour of undertakings have an adverse effect on the economic development and consumer welfare.

For these reasons, the Competition Council acts to improve the compatibility between the legal framework and the competition rules by:

- issuing binding opinions and points of view on the draft legislation with potentially anticompetitive effect;
- intervening, on its own initiative, to change the anticompetitive provisions in existing regulation or regulations that are still in draft.

In 2012, the Competition Council has issued 16 binding opinions on draft regulations, of which 8 favourable and 8 favourable provided that certain conditions are met.

In general, the conditions imposed by the Competition Council have been met when draft regulations were approved.

Also, the competition authority has formulated 16 points of view and has made 18 interventions (including submission of opinions and recommendations) to amend existing legislation or draft legislation with anti-competitive effect. In some cases informal guidance has also been prepared and submitted.

The list of these actions, as well as the known stage of the legislation, is presented in section [Statistics](#).

In what follows, we present some results of the Competition Council in this area of activity.

The tender for frequencies in the telecommunication sector

The mobile communication industry is very important to consumers - which must receive the best service at the lowest possible prices - as well as to economic sectors for which electronic communications are an essential input. In this regard, the Competition Council argues that the granting of rights to use the radio frequency spectrum should not be based mainly on short-term financial reasons – collecting license fees to the State budget – but rather on the evolution of the whole mobile communication industry during the validity of the licenses.

The Competition Council considers that the management of radio frequency spectrum should be based on the following general principles:

- avoiding the acquisition or concentration of frequency bands by a company (operator) or a group of companies which has the purpose or effect of removing either the possibility of

market entry for new competing operators or the possibility to develop of incumbent operators (avoiding the "frequency spectrum hoarding");

- the objective necessity principle, technically justified, to obtain frequency bands to provide new electronic communications networks and services – including broadband – of better quality and at lower prices for end users;
- the principle of technological neutrality and the principle of service neutrality – the use of radio frequency bands should not be restricted to the provision of a particular type of network or service by employing a particular technology, when this is suitable for providing multiple types of networks and electronic communications services, including broadband, by employing some efficient technologies.

In 2012, the National Authority for Management and Regulation in Communications (ANCOM) has requested the support of the Competition Council to issue binding opinions on the normative acts regulating the competitive selection procedure for granting the right to use the radio frequencies in the 800 MHz, 900 MHz, 1800 MHz and 2600 MHz bands (government decision drafts regulating the release of new frequency spectrums, the minimum level of taxes that would be paid by the winners of the tender for the award of spectrum blocks and the payment method of these amounts). The competition authority has also transmitted its points of view on certain administrative measures that were to be taken to regulate the selection procedure.

In addition, mobile operators have addressed the Competition Council, requesting its intervention on certain provisions contained in the proposed documentation by ANCOM, which, in their opinion, were likely to have an anti-competitive impact.

As a result of the collaboration with ANCOM, the observations of the competition authority were taken into consideration, to a large extent, and have generated the following **positive results**, after the tender:

- Overall, the amount of spectrum available for mobile communications has grown by 77%, each of the four virtual mobile operators already on the market has the necessary spectrum resources to develop new and innovative services for mobile broadband electronic communication, including the introduction of 4G technology;
- The distribution of the 900 MHz band has become more efficient, as 4 operators are now present;
- Three of the winning operators have committed to host mobile virtual network operators;
- 676 villages, currently not covered by broadband mobile communication networks, will receive priority with HSPA, HSPA + or LTE coverage, and their allocation procedure will follow the mechanism recommended by the Competition Council.

Commercialization of products and market services

One of the areas of interest for the Competition Council is the commercialization of products and market services. In 2012, the competition authority has submitted an opinion on the proposal to amend the Government Ordinance no.99/2000, initiated by the European Affairs Commission of the Senate. It was sent to the Senate, the General Secretariat of the Government and the Department for Relations with the Parliament.

The draft law essentially stipulated an obligation imposed to super/hypermarkets to sell at least 80% Romanian products and to relocate stores over 400 sqm outside the cities. Competition Council's opinion was not a favourable one.

a) The obligation to sell at least 80% Romanian products

This provision may constitute a **discrimination against the other sales structures**, on which this measure will not apply. The proposed action may fall under the provisions of the Treaty on the Functioning of the European Union. This provides that the internal market comprises an area without internal frontiers, in which the free movement of goods, persons, services and capital is ensured. Quantitative restrictions on imports and all measures which may have equivalent effect are prohibited among Member States. Moreover, the legislative proposal may fall under the European Directive on services in the internal market.

b) Relocation of stores outside the cities

As a pro-competitive argument, the action to limit the size of a shop in the centre of a city may lead, on the long-term, to some positive effects given that the higher number of independent shops will increase the competition on the retail market. On the other hand, the Competition Council draws attention to possible negative effects of the proposed measure.

Consumer choice will be limited to small sales establishments (less than 400 sqm), for example small neighborhood shops, kiosks, small specialized shops.

The study commissioned by the Competition Council in 2009 has shown that, in general, the most frequently visited store is at a distance of 1 km or less from home (63.8% of consumers). Positioning stores outside the cities would result in the need to change consumption habits for certain categories of customers, at least for those living far away from the shops.

Relocating the shops outside the cities would lead to **an increase in transportation costs** and the likelihood of traffic jams, since relocation will be made along the roads going out of the city.

Due to limited resources, retailers **will face difficulties** in obtaining land for new store opening. The merchants who already have a fairly important position in the retail market in Romania **will have a competitive advantage** compared to small retailers. The competition in the retail market will be affected this way, meaning that the final consumer will be affected. The ability of a retailer to compete is measured also by the economies of scale recorded, i.e. the sales per square meter. If a retailer cannot position itself in a location that can offer economies of scale, it will not

be in a position to compete effectively. At the same time, those retailers who are already positioned in high-density areas will have a competitive advantage.

Other countries, which have implemented this system since the 1980s, have later found **negative effects on retail, on consumers and also on the cities' capacity to develop**. In the UK, studies have shown that development outside the cities has affected traditional shopping centers, consumers migrate to the suburbs to shop at mega-stores and city centers lost due to lack of consumer traffic. In Norway, in 1999, after the adoption of a national policy on the location of shopping centers outside the cities, it was found that urban centers were deprived of income from retail, other services were gradually moved outside the cities, and the population has gradually become dependent on personal car for shopping. Other adverse effects were the increased demand for large areas of land, for the public transportation, both of which could not be covered.

In conclusion, the Competition Council has considered that the consumers can benefit from having access to as many and varied retail structures as possible, and the competitive relations between the two forms of trade, the modern and the traditional, should carry on unhindered and with minimized interference by state authorities.

The legislative proposal was rejected, meaning that the opinion of the Competition Council was taken into consideration.

Setting up of super/hypermarkets

The Competition Council has issued a favorable opinion on the Emergency Ordinance which abrogated the *Government Decision no.1454/2004 for the approval of criteria for implantation of large retail structures and definition of the typology of sales structures*.

The annulment of the normative act was necessary in view of the requirements of the *Emergency Ordinance no. 49/2009 on freedom of establishment of service providers and the freedom to provide services in Romania and the European Directive on services in the internal market* ("Directive"). Provisions of the normative act required the approval of the implantation of the large sales structures by a committee established within the county councils. This committee should have contained a representative of businesses in the immediate vicinity of the sales structure which was to be implanted.

The approval had to take into account certain **criteria** such as: the favorable effect on the level of retail prices, the impact on existing trade, the number and size of competitors, protecting existing sales structures, avoiding malfunctioning of the competitive environment etc.

The authorization schemes are one of the most common formalities applied to service providers in Member States and constitutes a **restriction on freedom of establishment**, as has been constantly recognized by the European Court of Justice (ECJ)¹³. The directive sets out a list of requirements which cannot be imposed by Member States to access to a service activity or the exercise thereof.

¹³ Decision of 22 of January 2002, Canal Satellite, cause C-390/99.

The Directive requires Member States to abolish the national legislation requirements which **apply economic tests** on a case by case basis. Member States will have to verify if national legislation stipulates that granting certain licenses is conditional on proving the existence of an economic need or market demand, an assessment of the economic effects on competitors, or an assessment of the activity in relation to the economic planning objectives set by the authority. If such provisions are in place, they will need to be removed.

Furthermore, the Directive requires Member States to eliminate from their legal system the requirements which stipulate the **intervention of competing enterprises** in the individual decisions of the competent authorities.

Following an analysis, the Competition Council has recommended to the General Secretariat of the Government the amendment/repeal of the Government Decision no. 454/2004, given that it could have had negative effects on free trade and competition.

In 2012, the normative act approved by the Competition Council has been approved (Government Emergency Ordinance no. 22), **thus abolishing** Government Decision no. 1454/2004.

Eliminating excessive conditions in the area of evaluation of goods

The recommendations of the Competition Council on eliminating certain excessive conditions in the area of goods evaluation were taken in corresponding legislation.

During 2012, the Competition Council has formulated recommendations on certain excessive provisions with anticompetitive impact of the Government Ordinance no. 24/2011 on certain measures in the area of goods evaluation in order for these provisions to be changed and/or removed.

Specifically, to become a corporative member, the legal entity shall meet several conditions, including the following two:

- 1) The majority of the shareholders or associates need to be authorized evaluators and to hold the majority of shares;
- 2) The board of directors of the company to be elected mainly from the shareholders or associates which are authorized evaluators.

At that time, the draft law approving this emergency ordinance was in parliamentary debate in the Chamber of Deputies. Subsequently, the law was passed by Parliament taking into account the recommendations of the Competition Council. The first condition has been eliminated and the second was rephrased as "at least one member of the board of directors or the sole director of the company regulated by Law no. 31/1990, republished, with subsequent amendments, should be an authorized evaluator".

Legislation on auto instructors

Government Emergency Ordinance no.109/2005 on road transportation provided that the activity of the independent auto instructors cannot be run freely, in direct relationship with customers seeking practical training for taking the driving examination, but only through driving schools, with whom instructors had to conclude service contracts.

Consequently, the competition authority has recommended the Ministry of Transportation and Infrastructure to amend the provisions of the regulation. Thus, in September 2011, the act was repealed and replaced by Government Ordinance no.27/2011 on road transportation, time at which the provisions with anti-competitive impact were removed from the new regulation.

In order to prepare the implementation rules of the new regulation, during 2012, the representatives of the competition authority have attended several meetings of the working group established at the Ministry of Transportation and Infrastructure, during which it was agreed that the **recommendations of the Competition Council to be included in the implementation rules.**

The implementation took place during 2013.



CHAPTER 4

STATE AID

As contact authority on State aid in the relation with the European Commission, the Competition Council ensures the application and the observance of the State aid rules by the public authorities and private environment, as well as an efficient communication with the Community body.

In 2012, the activity in the State aid field of the Romanian competition authority can be presented synthetically as follows:

- specialised consultancy granted through 174 working meetings with the State aid suppliers, 60 written opinions concerning draft normative/administrative acts and other 211 written opinions/clarifications;
- 11 formal opinions concerning State aid notifications/information sheets on State aids exempted from the notification obligation;
- four official notification of State aid measures;
- organisation and participation in one meeting of the Inter-Ministerial Council for the Application of the State aid Policy;
- elaboration of the State aid Inventory and of the State aid Scoreboard, which was submitted to the European Commission;
- elaboration of the Annual report on the State aid field;
- 83 answers/positions at the request of European Commission (on-going investigations and informal cases);
- participation at 16 consultations with the European Commission.

The Lists of the formal opinions is presented within the [Statistics](#) section.

State aids authorised by the European Commission

During 2012, the European Commission issued six decisions on State aid measures notified by Romania in the following cases:

The Oltchim case

The support measures for Oltchim have been notified by the Romanian authorities in July 2009 and have consisted in:

- *converting the debt towards the public authority* (The Authority for State Assets Recovery – hereinafter AVAS, in this case) into shares, the debt reaching RON 538 million (about EUR 128 million);
- granting a State guarantee covering 80% of a Euro 424 million commercial loan.

The notification aimed to obtain legal certainty on the fact that the concerned measures are not State aid.

In April 2008, prior to the notification, PCC SE (minority shareholder of Oltchim) submitted an official complaint to the European Commission stating that the debt to shares conversion implies

State aid incompatible with the internal market. As a result of this complaint, the European Commission started a formal investigation procedure.

In June 2011, after negotiating with the EU Executive, Romanian authorities redrew the notification regarding the State guarantee for the commercial loan while keeping the analysis of the EU body the notification regarding the debt to shares conversion. Moreover, Romanian authorities made their commitment regarding Oltchim privatization known, a commitment that was also outlined in the letter of intent addressed to the International Monetary Fund, the European Commission and the World Bank. Also, in September 2011, Romanian authorities informed the European Commission that they will charge interest on the debt towards AVAS based on a convention-agreement by which the company will accept the owed interest and the amount representing this interest (RON 511 million) will be added to the Euro 538 million debt. In the notification to the European Commission, the Romanian authorities argued that the measure regarding the conversion into shares of the debt towards AVAS along with the accrued interest between 1 January 2007 and December 31st 2011 is not State aid because it complies with the market and therefore does not confer an advantage to Oltchim.

By its decision issued on 6 March 2012, the European Commission decided the following:

- closing the investigation procedure;
- the fact that conversion of debt towards AVAS along with the corresponding interest into shares (RON 538 million and RON 511 million) is not State aid.

The closure of uncompetitive coal mines owned by the National Coal Company Petroșani (hereinafter CNH)

In February 2012, The European Commission authorized Romania to grant from public funds a State aid of RON 1.169 million (about EUR 270 million) in order to facilitate the closure of the uncompetitive coal mines from 3 CNH establishments.

In 2011, CNH had the following in operation: 7 underground mines, a mining for coal preparation and a central mine rescue station. An analysis was conducted at company level in order to establish a hierarchy of the mines enabling the selection of production units which were to be permanently closed. Thus, it was decided to keep 4 potentially viable mines in use (Livezeni, Vulcan, Lonea and Lupeni) and to permanently close 3 others (Petroșeni, Petrila and Uricani) by accessing State aid.

The closure plan for these 3 mines includes two distinct categories of State aid, namely: State aid for the closure and State aid for extraordinary costs. The funding for the support measures is from the State budget. The closure plan has been prepared in compliance with EU conditions on State aid for facilitating the closure of uncompetitive coal mines.

The support scheme on the free title transitory allocation of greenhouse gas emission certificates in the benefit of energy producers

By its decision of December 2012, the European Commission stated that the support scheme on the free title transitory allocation of the greenhouse gas emission certificates in the benefit of the producers of electricity is compatible with the internal market.

By the specific EU legislation, a trading system was set-up for the greenhouse gas emission certificates within the European Union in order to fight climate changes and promote renewable energy sources and the production of energy with low carbon dioxide emissions.

The value of the certificates allotted for free will be used to make investments to re-technologize and modernize the infrastructure, to make investments in eco-technologies and in diversifying the energetic mix and the supply sources, investments that are enclosed in the National Investment Plan.

The National Investment Plan will lead to an annual reduction of the CO₂ emissions of approx. 15.6 billion tons. It encloses 37 installations for the production of electricity which were functioning until 31.12.2008, as well as 2 installations for the production of electricity for which the investment process started on the same date. Out of them, only 29 investments will be made by operators receiving free certificates.

The National Investment Plan will be approved by Government Decision. The maximum estimated number of beneficiaries is 29.

The scheme is valid through 2013-2019, the total planned budget being RON 5,214,786.5 (EUR 1,245,848).

Prolongation of the State aid scheme for regional development by stimulating investments

In December 2012, the European Commission approved the prolongation of the State aid scheme for regional development by stimulating investments, scheme that was approved by the European Executive in 2008.

The facilities established by this State aid scheme are granted to large companies that cumulatively meet certain conditions. The overall budget is EUR 575 million (equivalent of RON 2,070 million) and the maximum estimated number of beneficiary companies is 20. Scheme duration is 5 years, from 2008 to 2012.

The Romanian authorities have notified their intention to prolong application of the scheme until 31 December 2013, without changing the conditions for granting the State aid or the scheme budget.

The possibility of prolongation was stipulated in the original text of the scheme, conditioned by the notification of this prolongation to the European Commission and by obtaining its approval before the expiry date of the initial State aid scheme.

Establishment of new airline destinations departing from Cluj-Napoca International Airport and Craiova International Airport

The main objective of these two State aid schemes is to facilitate the opening of new routes and/or airline operating frequencies connecting Cluj-Napoca and Craiova international airports to other EU airports. This will improve access to air transport services with fundamental importance for the development of Cluj and Dolj counties.

Both schemes, which will run between 2012 and 2016, will contribute to the development of these regions by:

- improving the accessibility for the region inhabitants and for the regional businesses by developing strong links with other European markets;
- encouraging the development of new air links to the rest of Europe;
- encouraging foreign investments and the domestic tourism.

Both schemes have been approved by the European Commission in June and December 2012, respectively.

The European Commission's decisions on State aid relevant for Romania can be found at: [www.stateaid.ro/decisions/decisions of the European Commission](http://www.stateaid.ro/decisions/decisions_of_the_European_Commission) of the European Commission.

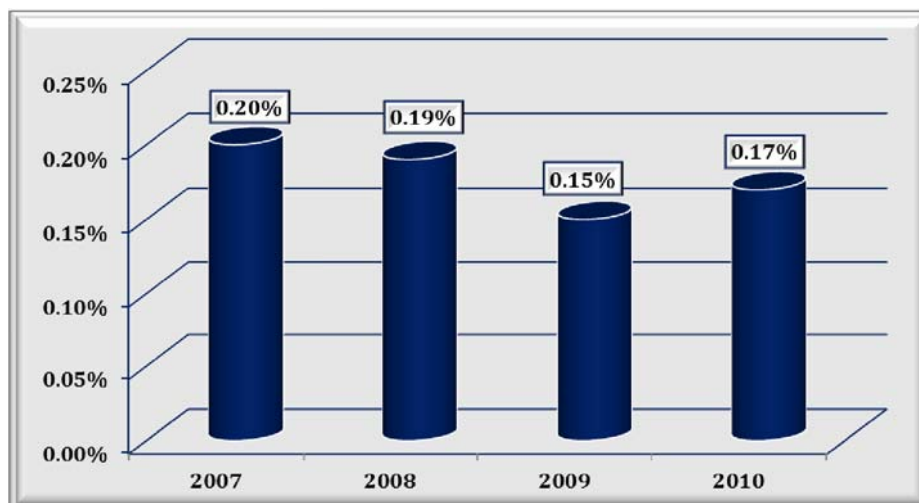
Trends in State aid granting

In May 2012, the Competition Council published the **Annual report on the State aids granted in Romania**. The document presents the level, structure and the trends in granting State aids in our country during 2008-2010, based on the data and information submitted by all State aid grantors, local and central authorities, as well as by the organizations managing the State's and local communities' resources.

The total State aid amount (less agriculture, fisheries, transport, services of general economic interest and de minimis aid) expressed in 2007 current prices shows a **general downward trend**, from RON 850.50 million in 2007 to 698.42 million in 2010.

In terms of the share in the GDP (gross domestic product), the evolution is shown by the graph below.

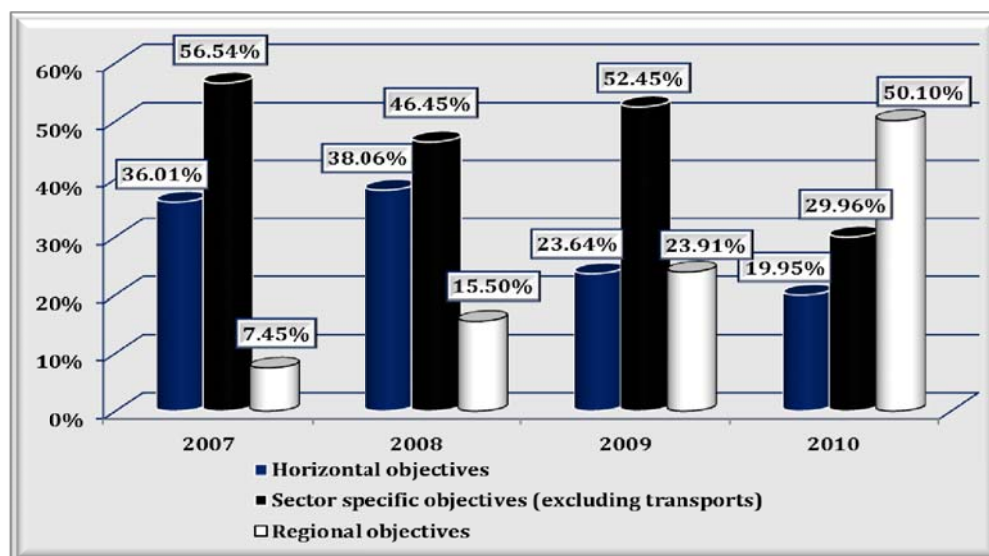
Graph no.15. The State aid share in the GDP (%), 2007-2010



There is a continuing declining trend of the State aid granted at the national level, its share in GDP being below 1%.

In terms of the percentage in the GDP recorded by different State aid objectives, the report highlighted the following development:

Graph no.16. The structure of the State aid depending on the objectives (%), 2007-2010

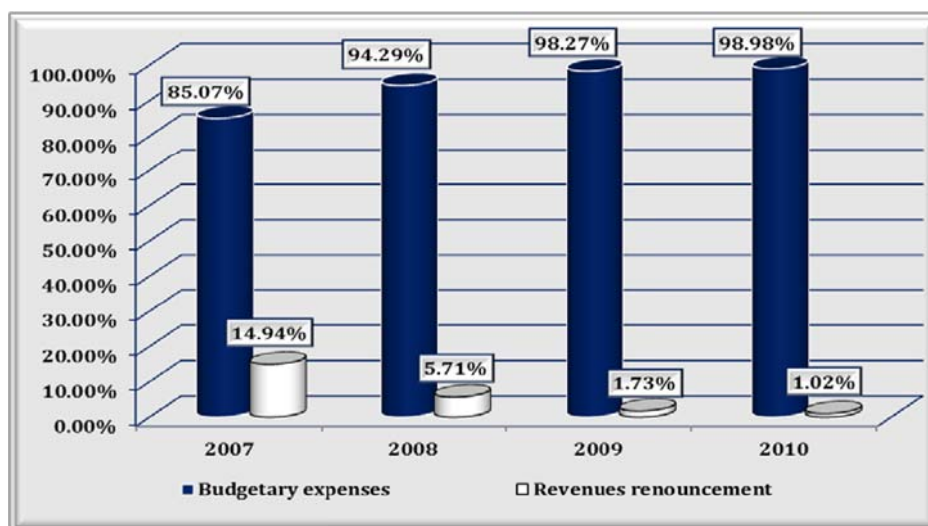


In 2010 has been registered, for the first time, an increase in the share of the State aids having the regional development as main objective in the National State aid (increase of over 50%). This growth was mainly explained by the fact that, after 2007, the Romanian authorities had promoted a large number of State aid schemes with the main objective the regional development.

Although the State aids for horizontal objectives are considered less harmful for the competitive environment, in Romania they have had a share in the total State aid of only 19.95% in 2010, compared to 38.06% in 2008 and 36.01% in 2007. This was mainly explained by the low number of the State aids granted for environment protection, for restructuring the firms in difficulty, for job creation and for training.

The share of State aids for sector specific objectives in the total granted State aids has diminished in 2010 to 29.96% compared to the share of this category of State aid in 2007 - 56.54%. The still high level was maintained by the State aids granted by the Ministry of Economy, Commerce and Business Environment to the National Coal Company Petroșani, and by those aids granted by the National Center of Cinematography for the production of movies

Graph no.17. The structure of the State aid, depending on the financial instruments used (%), 2007-2010



In 2010, the increasing trend of the share of State aid of the nature of “budgetary expenses” in the total State aid has continued, in the detriment of the State aid of nature of “revenues renouncement”. This is explained especially by the high level of the State aids under the form of subsidies, grants, allocations, bonuses, subsidized loans, and other non-reimbursable sums granted by the State aid suppliers.

This is consistent with the requirements of the European Commission to reduce fiscal State aids and it reflects the correct application of the *acquis communautaire*, Romania **being in line with the European State aid Policy**.

The Report can be accessed at [www.stateaid.ro/State aid reports](http://www.stateaid.ro/State%20aid%20reports).



CHAPTER 5

COMBATING UNFAIR COMPETITION

In 2012, the Competition Council investigated a total of 92 complaints. For 24 of these in-depth research were conducted. Out of the 92 analysed cases, 83 were completed, and in 3 of them sanctions were applied. At the end of 2012, 9 complaints were still being under analysis, for 5 of them a thorough research was being carried out.

In-depth research during 2012 was conducted for:

- 8 possible deeds on deflecting the clients of a merchant by using links established with the customers during a position previously held by the merchant;
- 6 possible deeds on communicating or publicly spreading by a merchant of statements about his own company or its activities, designed to mislead and to create a favourable situation to the detriment of competitors, as well as spreading false statements about a competitor, its goods or services;
- 4 possible deeds on the dismissal or the attraction of the employees of a merchant with the sole purpose of setting up a competing company to capture the customers of that merchant or the inveiglement of a merchant employees with the sole purpose of disorganizing its activity;
- 3 possible deeds on the disclosure, acquisition or use of a commercial secret by a merchant or its employees, without the consent of the legitimate owner of that commercial secret;
- 3 possible deeds on providing services by an employee of a merchant to a competitor merchant or acceptance of such offers.

Below, there are presented a few case studies that deal with two types of anticompetitive practices which have been investigated throughout the thorough researches conducted by the competition authority in 2012.

Deflecting the clients of a merchant

A company complained to the Competition Council about a possible unfair competition behavior committed by a competing undertaking operating on the transportation brokerage services market in Bucharest and by three natural persons.

The three natural persons held until the end of July 2012 the positions of administrator, commercial director and transportation agent within the complaining company. In exercising their duties, the three individuals have gathered information about the customers of the undertaking and have established firm links with them.

While these individuals were employees of the applicant company, they became associated with the defendant company. Since August 2012, the latter began to work in the same field as the applicant undertaking, having business relations with 24 customers. Out of these, 19 were

also clients of the applicant company in the same time as the three individuals were employed therein.

The information provided by the customers to the Competition Council has revealed that the natural persons were mostly claimed contacts, both within the complaining company and the defendant company. They have contacted the customers and sent cooperation offers from the defendant undertaking claiming that the company will continue to provide the best transportation solutions.

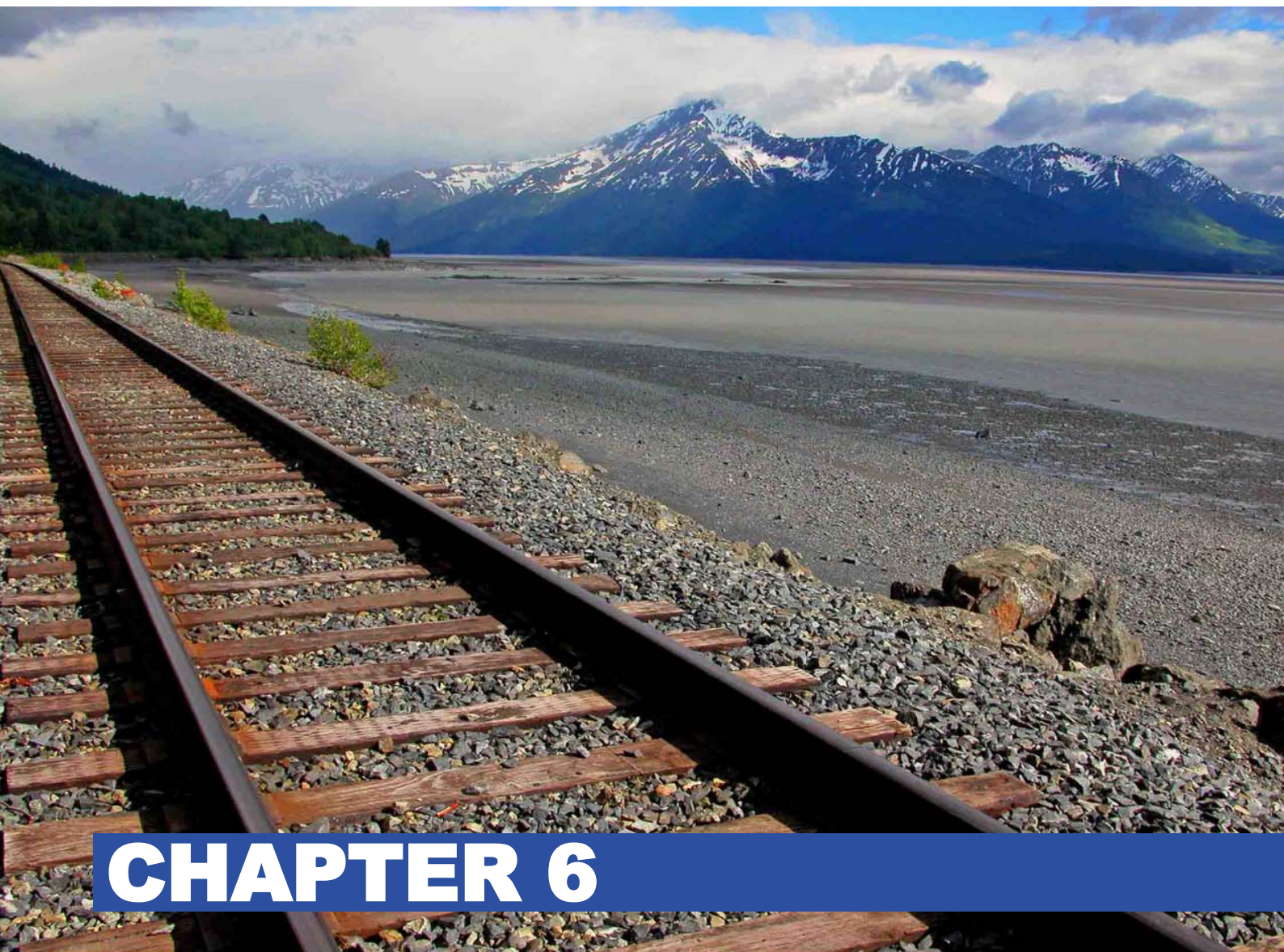
The 19 customers have worked with the complaining company until the defendant company has started its activity. As a result, the applicant company has seen a 43% reduction in turnover. The Competition Council found that the three natural persons have diverted customers from the complaining company by using the already established links with those customers while in the previously held positions and fined the defendant company.

The use of a commercial secret without the consent of the legitimate owner

A company submitted a complaint to the Competition Council regarding a possible unfair competition deed committed by 5 competing undertakings on the gambling and betting market. The complaining undertaking concluded in 2010 a joint venture agreement with one of the defendant companies, having as the main shareholder the natural person RS. Based on this contract, the applicant company made available the software application for managing and collecting sports betting to its partner, granting exclusive rights to operate the software application to RS. Although the joint venture agreement ended with the tacit agreement of the parties, the collaboration between the applicant company and RS continued.

RS, the main shareholder in 4 of the defendant undertakings, provided the complaining company the premises to conduct gambling under sublease contracts. Subsequently, RS has divested the shares held at the four companies to constitute his own company, which had the same activity and the same point of working with the complaining company sublet. Following this, the complaining company was notified of the termination of the sublease agreements concluded with the 4 companies previously owned by RS.

Obtaining relevant information about the activity of gambling and betting by collaborating through the joint venture agreement with the complaining company, along with the transfer of shares from the four companies that have signed sublease contracts with the complaining company, as well as setting up his own business with the same activity object is an offense under the form of the use of commercial secrets without the consent of their legitimate owner. RS was the responsible of the incriminating act and he was sanctioned by fine.



CHAPTER 6

RAILWAY SUPERVISION COUNCIL (RSC)

Amendment of the relevant legislation

To fully fulfill the functional independence and decision-making requirements of the RSC¹⁴, **the Regulation of organization and functioning of the RSC was amended by Government decision¹⁵**. The amendment consisted of designating members of this body only from within the Competition Council. Thus, through the [Order of the President of the Competition Council no.1057 of 30.10.2012](#), a new structure of the Railway Supervision Council was established.

The **law approving and amending** the regulatory act of 2011¹⁶, which made the RSC part of the Competition Council structure, was also adopted. The changes brought by this act create the necessary legal framework for the RSC to be fully independent from the regulated entities and to make use of the necessary tools for an efficient and credible intervention in relation to them.

The main changes brought by the regulatory act are:

- the elimination of the Government decision approving the Regulation of organization and functioning of the RSC;
- ensuring that the RSC members are not in conflict of interest in relation to the regulated entities;
- providing for deterrent penalties that may be applied by RSC;
- introducing the possibility for the regulatory body to act on its own;
- the reduction of the RSC members from 7 to 5.

As a result of the legislative changes, **a new Regulation regarding the organization and functioning of RSC** was necessary to be adopted providing for procedural rules on the practical way the RSC is organized and exercises its responsibilities as a part of the Competition Council. The Regulation was approved by RSC, subject to public consultation and then forwarded to the Legislative Council, which issued a favorable opinion. The Act was published in the Official Gazette of Romanian in 2013 (Official Gazette of Romanian no.120 of 04.03.2013).

¹⁴ In the context of settlement of the infringement proceedings initiated by the European Commission against Romania – Cause 2008/2108 with respect to the implementation of the directives of the first railway package.

¹⁵ H.G. no. 1012/17.10.2012 amending the Government Decision no. 812/2005 regarding the Regulation for organization and functioning and responsibilities and funding of the Railway Supervision Council.

¹⁶ Law no. 188 of 30.10.2012 approving Government Emergency Ordinance 21/2011 on certain measures regarding the organization and functioning of the Supervision Council.

Meetings of RSC

In 2012, RSC continued the monthly meetings and the analyses with representatives of public and private operators from the railway industry, in order to comprehend the issues facing these companies and to find appropriate solutions.

In order to clarify the issues raised by railway undertakings, RSC organized debates with representatives of the railway infrastructure manager, of the Romanian Railway Authority, of the National Centre for Railway Qualification and Training and the of the Railway Association. These debates were focused in discussing how to calculate the rate of the infrastructure, how to ensure balance in the relationship between CFR and railway operators, as well as the current situation of electricity supply for traction in the railway sector. The debates were also targeted on the revising licenses frequency for the railway undertakings, respectively the opportunity to open the market in terms of professional training in the railway sector so that the traffic safety is not affected.

In September, the RSC members were involved in a study visit to the CREIR Branch from Craiova. It was an activity to inform RSC on the current and future issues of Romanian railway industry.

The RSC members drew technical and economic analyses along with CFR and monitored the negotiations between CFR, the Railway Association and the railway operators on the framework agreement regarding the railway infrastructure in 2013. The contract was concluded in early December.

Participation at national conferences and at reunions organised at the European level

Nationally, the RSC representatives attended the following events:

- the conference on *Efficient rail freight for competitive logistic services*, organized by the Railway Club; the event brought together representatives of the railway industry, logistics and forwarding houses, multi-modal platform managers, administrators and harbor operators;
- the meeting on the *Professional training in the railway sector*, organized by the National Centre for Railway Qualification and Training ;
- the *2012 Railway Days* conference, organized by the Railway Club.

Internationally, the RSC representatives attended the following events:

- the stakeholder meeting on assessing the impact of legislative proposals regarding the opening of the railway markets, organized by the European Commission;

- the meeting of the Working Group of the Railway Regulatory Bodies from Barcelona, organized by the European Commission and the Spanish regulatory body;
- the meeting of the DERC Working Group (Development of European Railway Committee), organized by the European Commission on the topic of rail freight corridors;
- the first meeting of the European Network of Railway Regulatory Bodies, organized by the European Commission.



CHAPTER 7

INTERNATIONAL ACTIVITY

The main international activities of the Competition Council were:

- ECN (European Competition Network¹⁷) and European Affairs;
- Bilateral relations and actions in cooperation with international organizations;
- Providing technical assistance to the National Authority for the Competition Protection of the Republic of Moldova.

ECN and European affairs

In 2012, the Competition Council has continued to fulfil its obligations as an ECN member, contributing along with other competition authorities of the EU Member States and the European Commission to the application of European competition rules.

Consultations were organized between the Competition Council and the European Commission on 11 antitrust cases. The Romanian competition authority has received answers to 4 requests for confidential information and to 6 requests for information. These information were used by the Competition Council for the analysis of investigated cases, for opening an investigation and for motivating viewpoints and opinions on liberal professions.

In the field of economic concentrations with EU dimension, the Competition Council has analysed 293 cases. The analysis aimed at assessing the impact of these operations on the Romanian market.

For the first time, in 2012, the European Commission has sent, *ex officio*, written observations to a Romanian court in an on-going antitrust case with national and EU impact.

The Competition Council submitted its contribution to the *European Commission Project on investigative tools and decision-making powers of the competition authorities and European Commission*. The project includes detailed national/EU investigative procedures and decision structures in the field. Also, the Romanian competition authority was appointed *leader of the ECN Project on sanctions for non-compliance with inspections and requests for information* along with the European Commission and the Polish competition authority.

The Competition Council has presented its position paper on reviewing the *Leniency Model Program at EU level* and on the competition protection measures in agricultural sector.

¹⁷ ECN is the mechanism of cooperation between the competition authorities of the EU Member States and the European Commission designed to ensure the uniform application of the Community provisions on competition. Moreover, it is the framework for elaborating common position papers, for exchanging information or for coordinating the investigations initiated under the Treaty on the Functioning of the European Union.

At the request of the European Commission, the Competition Council submitted in 2012 a total of 10 papers that were published in *ECN Brief Newsletter* on topics such as: sanctioned bid rigging, the findings on the sector inquiry on auto spare parts market, the application of competition rules in liberal professions field, promoting competition rules, the consultancy project concluded with the World Bank and events with international participation organized by the Competition Council. We also mention the role of editor of the Romanian competition authority in publishing internal ECN Newsletter.

During 2012, the Competition Council submitted its contribution to the EU's common position paper on the negotiation chapter "Competition" in the context of Iceland's accession process to the European Union, and a viewpoint on the Agreement between the EU and the Swiss Confederation concerning cooperation on the application of their competition laws. This agreement is important because allows the exchange of confidential information among parties with observance of some special conditions.

Bilateral relations

The Competition Council has continued to develop its bilateral relations with the competition authorities in Europe (Serbia, Croatia, Bulgaria, Hungary, Austria, etc.), as well as with those from Russia, Azerbaijan, Armenia and Macedonia and has participated as a lecturer in a number of events hosted by these competition authorities, including TAIEX seminars. During these meetings, the Romanian competition authority presented its latest developments in telecommunications, pharmaceuticals, public acquisition, liberal professions sectors and fuel market.

In May 2012, the Competition Council has organized a "Roundtable with authorities in the Black Sea, Caspian Sea and Balkans region", which aimed at an exchange of experience between the participants on the latest developments in telecommunications sector from the perspective of competition rules. Within the event, the Competition Council and the Commission for Competition Protection of Republic of Serbia signed a cooperation agreement.

In July 2012, the Competition Council has signed a Memorandum of cooperation with the Armenian competition authority and a delegation from the authority visited the Romanian competition authority.

OECD and ICN

During 2012, the Competition Council has taken actions towards the Competition Committee structure of the Organization for Economic Cooperation and Development (OECD) and at national level (Ministry of European Affairs and Ministry of Finance) to identify funds in order to organize in 2013 an assessment exercise of the competition law and policy.

The event would be held in Bucharest, under the auspices of OECD, in order for Romania, represented by the Competition Council, to become a member of this committee. To demonstrate its ability as an active observer within the OECD, the Competition Council acted

as regional promoter of best practices and actively participated in the meetings with written contributions, interventions, etc.

Strengthening the relations with OECD - Competition Committee was achieved through the participation of a representative of the Romanian competition authority as a lecturer in a session chaired by Mr Frederic Jenny, Chairman of OECD - Competition Committee. The event took place within the International Conference on Competition Law and Policy IMEDIPA (Institute for Studies in Competition Law and Policy).

Significant results were obtained within the cooperation with OECD through the participation in the OECD Regional Centre' activities located in Budapest. Presentations and interventions were given in 4 seminars on topics such as: vertical restraints, economic analysis of cartels and the courts' analysis of antitrust cases.

In 2012, as a member of the International Competition Network (ICN), the Competition Council has participated in ICN working groups concerning the cartels, economic concentrations, unilateral behaviour of dominant firms, the effectiveness of a competition authorities and promoting competition policy.

Among the results of the Competition Council within ICN in 2012, it is worth mentioning:

- the participation of the Competition Council's representatives in two working sessions of the ICN Annual Conference;
- the contribution to the *Project on the collaborations with the courts and the judges* whose findings are going to be presented within the 2013 ICN Annual Conference. Also, the viewpoints were sent for issuing a document on the international cooperation on the application of the competition rules, which is a project of the ICN in collaboration with OECD;
- the participation of the Competition Council's inspectors in 6 ICN conferences and tele-seminars.

Another achievement at the international level is the nomination of the Competition Council as host of the 2013 Annual Conference of the Heads of the European competition authorities, event of the European Competition Authorities Network (ECA).

Competition Council – provider of technical assistance

Since March 2011, the Competition Council in cooperation with the competition authorities of Austria and Latvia have provided technical assistance to the National Agency for Competition Protection of the Republic of Moldova (ANPC) for a period of 18 months within the Twinning¹⁸ Project *Support to implementation and enforcement of competition and State aid policy*.

¹⁸ The Twinning Project is the classical way of providing technical assistance to improve the capacity of young competition authorities to function at European standards.

This was the first project to which the Competition Council has provided technical assistance. The implementation of the project included technical assistance activities, lobby for supporting the competition authority of Moldova in front of the national decision-makers and ensuring specific management of European funds projects.

The Competition Council held the leader project position being responsible for the achievement of one of the three project components, namely the State aid component.

The technical assistance in the State aid field has concretized in more than 40 missions in Moldova and Romania. The goal was to create the State aid legal framework and to improve the awareness of the State aid rules at the level of ANPC and of the other stakeholders (grantors and beneficiaries of State aid, regional development agencies, judges, associations, NGOs, the Parliament). The main results were concretized in:

- the adoption of the State Aid Law which establishes the authorization, monitoring and the reporting mechanism and the setting-up of the State aid Department within ANPC;
- the elaboration of 9 regulations on State aid, under public consultation;
- the elaboration of first Report on State aid in Moldova;
- the improvement of the capacity of ANPC and of the State aid beneficiaries to enforce the legislation through training sessions;
- informing the public administration of the obligations according to the State aid Law;
- the elaboration of documents promoting the specific law and the role of ANPC.

The technical assistance in the competition field has concretized in:

- the adoption of the new Competition Law which includes mainly the following updates: the individualization of sanctions, the leniency policy, the reorganization of the authority, the increase of the number of personal according to authority's responsibilities (in this regard, lobby has been undertaken at the level of the European Commission);
- the adoption by the Government of a special wage increase law following the lobby made at the level of the EU Delegation, of Moldavia's Prime Minister, of the Minister of Economy and of the Parliament;
- raising the awareness of the Moldavian judges on the new legislative provisions.

As regards the administrative capacity component, we mention the following results:

- the adoption of the 2012-2014 ANPC Strategy;
- the adoption of regulations and internal procedures on the organization of NACP, including in the State aid field;

- the drafting of the IT Strategy;
- the organization of workshops for professional training on the State aid field;
- the organization of round table for judges;
- the development of Forensic IT;
- the professional training on State aid cases.

As project leader, the Competition Council has ensured the necessary conditions for the implementation, monitoring and reporting of the project for Romania as well as for the Austrian and the Latvian partners. These activities required a close cooperation with the EU Delegation - the contracting authority, the Ministry of Finances - the financial manager of the project, and with the financial responsible of the partners, as well as with ANPC.

On the occasion of Closing Conference of the Twinning Project, the EU Ambassador to Chișinău and the representatives of the Government and Parliament of Moldova have considered that all objectives have been achieved and it was the most successful Project out of all of the 17 projects from which the Republic of Moldavia has benefited from.



CHAPTER 8

PROMOTING THE COMPETITION RULES

Promoting the competition rules refers, mainly, to strengthen the cooperation with other institutions and to increase the confidence of all stakeholders in the competition benefits (ministries and State institutions, undertakings, magistrates, professional organizations and trade unions, NGOs, consumers, etc.). The promotion of the competition rules is achieved by attending and by lecturing meetings with specific target groups, organized both in Bucharest and at local level: the business environment, the local public administration, the regulators of certain markets or other competition authorities in the region.

Cooperation with other institutions

In 2012, the Competition Council concluded a cooperation protocol with the Ministry of Administration and Interior. The objectives of the Protocol aims at the following:

- providing assistance to the competition inspectors during dawn raids;
- establishing the procedures for monitoring the undertaking's behaviour on the market in order to detect infringements of the competition rules and to protect market and general interests of citizens;
- Information exchange during the investigations/actions undertaken by the parties in accordance with their competences.

Another cooperation agreement was signed with the Anti-Fraud Department in the context of Bid Rigging Module.

Public consultation

In 2012, the Competition Council has launched for the public consultation on its website the Report on sector inquiry on auto spare parts market.

After the completion of the consultation, the competition authority has presented the findings and discussed them with stakeholders.

Relation with the mass-media

The number of the postings in the press on the activity of the Competition Council was of 3,900, by 20% less compared to 2011, but with 17% more than in 2010. Out of the total, 2,754 appearances, respectively 70% have been published and broadcasted in the central press, radio and TV.

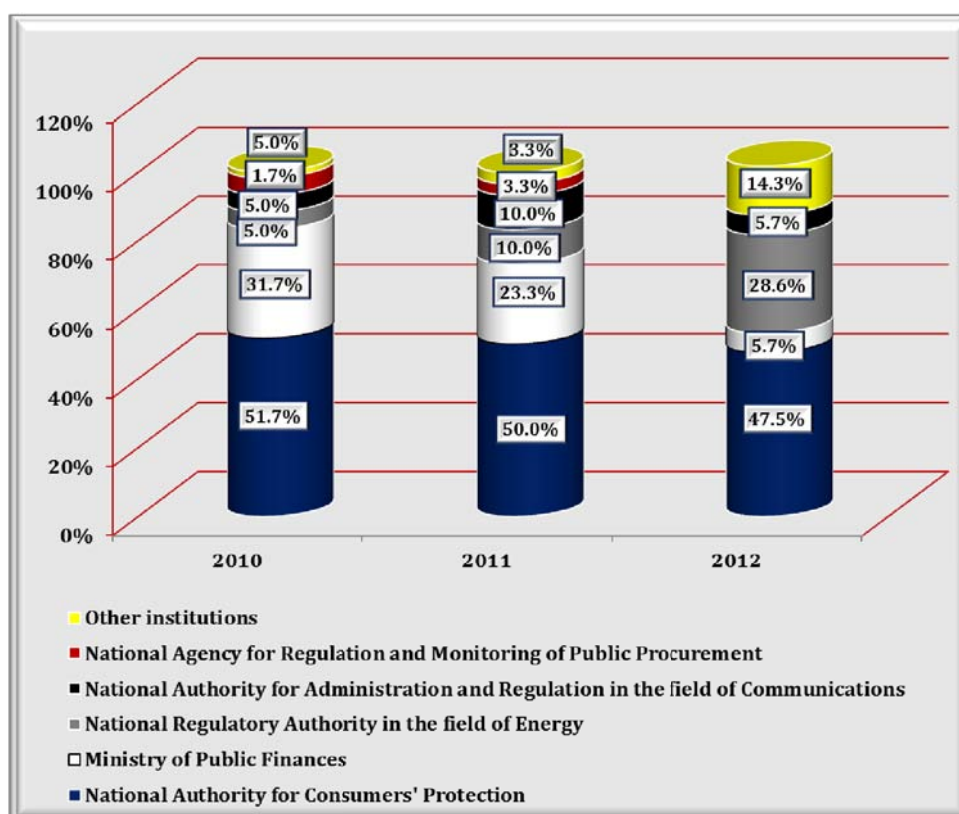
In 2012, the number of unfavourable references decreased by 39% compared to 2011, the rest being favourable or neutral.

There were organized 15 press events, 55 interviews in written and audio-video press and have been sent 40 press releases.

The transparency of the Competition Council has improved as a result of the effective communication with the public. This is proved by the decrease of requests for public information by 5% compared to 2011 and by 41.2% compared to 2010.

The number of the complaints that have been diverted to other institutions and authorities because they were not of Competition Council's competences have increased by 17% compared to 2011, but it is less by 39% compared to 2010. The evolution of these documents structure depending on the competent institution / authority in the period 2010-2012 is presented in the chart below.

Graph no.18. The structure of the petitions forwarded to other institutions based on the competent institution (% of the total number of petitions)



In 2012, the Competition Council continued to publish its quarterly newsletter. The official website of the institution (www.competition.ro) was accessed 118,884 times by 47,943 people, 39% of them accessing the site for the first time. The page of State Aid Network (www.stateaid.ro) contributed to the accomplishment of its role as national contact point in the State aid field. It has been accessed 13,605 times by 9088 people. Website dedicated to Leniency Module (www.clementa.ro) was accessed 2,763 times by 2,045 people, 71% of them visiting the site for the first time. The special page dedicated to the Railway Supervision Council (www.consiliulferoviar.ro) has been accessed 1,510 times by 979 people, 61% of them visiting the site for the first time.

The evolution of media appearances, press releases, press conferences, the number of requests for information of public interest and the petitions / applications submitted to competent institutions are presented in the [Statistics](#) section.

The Centre for studies on the competition law

[The Centre of studies on the competition law](#) is a research unit, unincorporated, within the Faculty of Law, University of Bucharest.

The centre was set up in 2011 according to an agreement concluded between the Competition Council and the Law Faculty, within the University of Bucharest, and it aims to promote research in the field of competition law analysing key aspects of law and enforcement in this technical part of law, essential for economy.

In this regard, the centre organizes seminars, debates, conferences and symposiums for the Romanian and foreign specialists as well as for students. In 2012, the topics discussed within the meetings were the following: "The Role of Intellectual Property Rights to strengthen market power in the IT sector" and the "Private enforcement in antitrust law." The Centre also organized *International Conference IMEDIPA* (the Institute for Studies in Competition Law and Policy). The conference approached issues of national and EU law and policies in order to facilitate discussions on regional experience between authorities, academics and international experts.

Survey on the competition field

In order to assess the degree of knowledge on competition, in 2012, the Competition Council conducted a survey among population (1,042 people), authorities (125 subjects), and the business environment (300 companies, out of which 50% had previously interacted with the competition authority).

The result was the following: 76% of people appreciate the importance of the Competition Council and 45% appreciate its efficiency. 57% of the surveyed authorities expressed their confidence in the Romanian competition authority (similar to 2011) and 66% mentioned that they have an interest in the competition issues. Meanwhile, the Competition Council's visibility among the public authorities has increased significantly from 27% in 2011 to 42%. Among businesses, 37% of the surveyed companies expressed confidence in the Romanian competition authority, 52% indicated that they are interested in the competition issues, 62% appreciates the importance of the Competition Council and 39% appreciates its efficiency.

Presentation of the 2011 Annual Report of the Competition Council

Within the event organized on 25 May 2012, the **2011 Annual Report** of the Competition Council was launched and, at the same time, 15 years of enforcement of competition rules in Romania were celebrated.



The report was presented by Mr. Bogdan M. Chirițoiu, the President of the Competition Council. In the event have participated as lecturers: Mr Paul Csiszar, Director of Industry and Agriculture Unit, DG COMP, European Commission, Mr Liviu Voinea, State Secretary, Ministry of Finances, Mrs Arabela Aprahamian, World Bank, Financial and Private Sector Development in Romania, Mr András Tóth, Vice-President of the Hungarian Competition Authority, Ms Élisabeth Flury-Herard, Vice President of the French competition authority, Mr Russell Pittman, Director of Economic Analysis, Antitrust Division of the U.S. Department of Justice, Prof. Ioannis Lianos, London University College, Mr Gheorghe Oprescu, Professor, Polytechnic University of Bucharest, Mr Radu Soviani, economic journalist.

The workshop entitled "The role of competition policy at national and international levels" has facilitated the dialogue among stakeholders in order to identify solutions for improving the legal framework and for increasing the level of competition.



The Report can be accessed at the address: www.competition.ro/publications/annual-reports.

Launching of the Annual Report on Competition

On the 1st of November 2012, the Competition Council has launched for public consultation the Report **Competition Developments in the key sectors**.

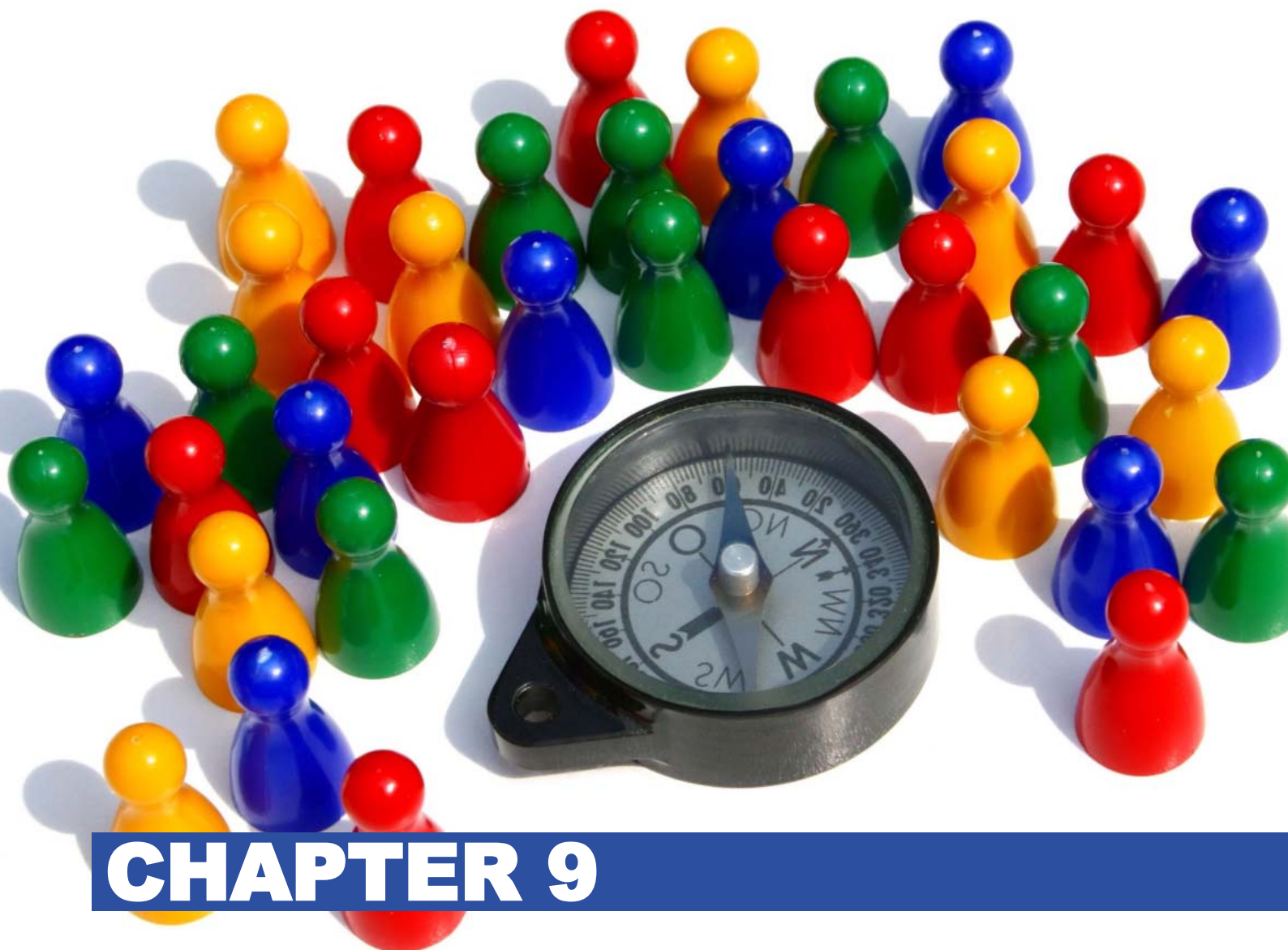
The Report was presented by Mr Bogdan M. Chirițoiu, the President of the Competition Council. In the event have participated as lecturers: Mr Bogdan Olteanu, Deputy Governor of the National Bank of Romania, Mr Francois Rantrua, Country manager in Romania, World Bank, Mr Dan Nica, Minister of Communications and Information Society, Mr Catalin Marinescu, President of the National Authority for Management and Regulation in Communications, Mr Mircea Vasile Popescu, Vice-President of the Court of Accounts, Mr Steven van Groningen, the President of the Foreign Investors Council in Romania, the representative of the German competition authority, Mr Fabian Pape and from the Competition Council, Mr Valentin Mircea - Vice President and Mr Dan Ionescu - Competition Councillor.



Among the sectors that have been subject to the report, "Competition policy in the telecommunications sector" was chosen for debates as it was of great interest for the conference target groups.



The Report can be accessed at the address: www.competition.ro/publications/latestpublications.



CHAPTER 9

ORGANISATION AND RESOURCES OF THE COMPETITION COUNCIL

Organisation

In 2012, the Competition Council has adopted a new *Regulation on the organisation, functioning and procedure*, intended to ensure a better functioning of the institutions, by adjusting its organisation according to the new attributions acquired in 2011. In addition, the aim was to **make the institution more flexible**, to be capable to focus rapidly its resources on solving priority issues.

Taking into account the importance of detecting, investigating and sanctioning, a specialised service was established at the level of the institution. As a result, the Competition Council has allocated part of its resources on fighting the most harmful infringements of the Competition Law.

A service focused on **promoting the competition rules** was also established within the Competition Council. Its aim is to maintain a permanent connection with the Romanian Parliament and Government so as to ensure a legal framework in line with the competition rules, but also with other relevant institutions, as the sector regulators.

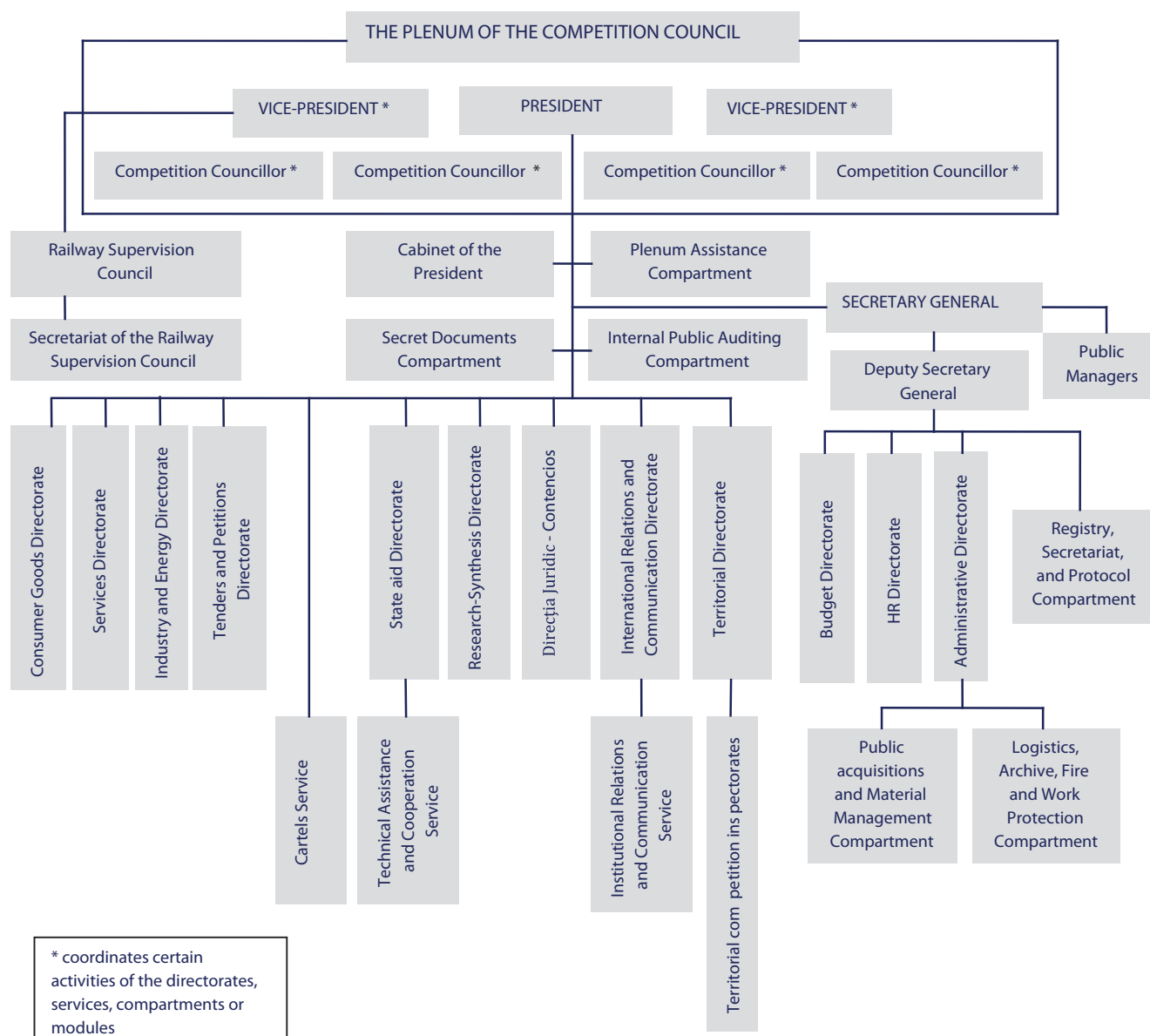
A **single State aid directorate** resulted by merging two previous existing directorates, and it is fulfilling all the specific attributions of the Competition Council in this field. This directorate includes a service specialized in granting specific assistance in the field, and in providing support in managing the cooperation on State aid, in particular with the European Commission.

The functioning of the **Railway Supervision Council** with the competition authority was reflected in the new organisation of the institution, including by the establishment of the secretariat of this body.

At the level of the General Secretariat, **the human resources activity** was separated from the budget matters, and this underlines the importance given to the management of the personnel issues, as well as the intention to modernize the management instruments in this field.

According to the new *Regulation on the organisation, functioning and procedure* **working modules** focused on certain activities can be established. If they will become unnecessary, they can be disbanded or replaced with other ones.

The new organisational chart is the following one:



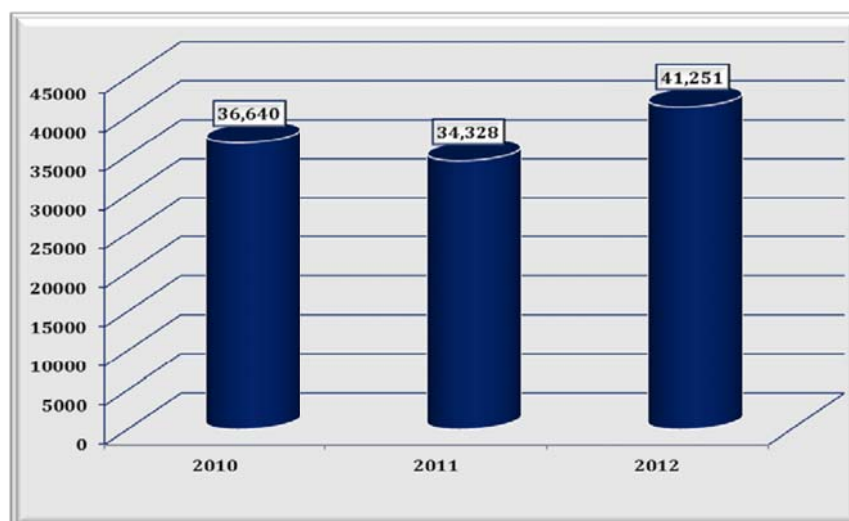
The new Regulation on the organisation, functioning and procedure has been elaborated so as to cover the new attributions acquired through the 2011 amendment of the Competition Law.

The list of the secondary regulations which entered into force in 2012 can be found within the [Statistics](#) section.

Budget and budgetary execution

In 2012, the budget of the Competition Council was of RON 41,251 thousands. The comparative situation with 2010 and 2011 is presented in the graph below.

Graph no.19 Granted budget (thousand RON), 2010-2012

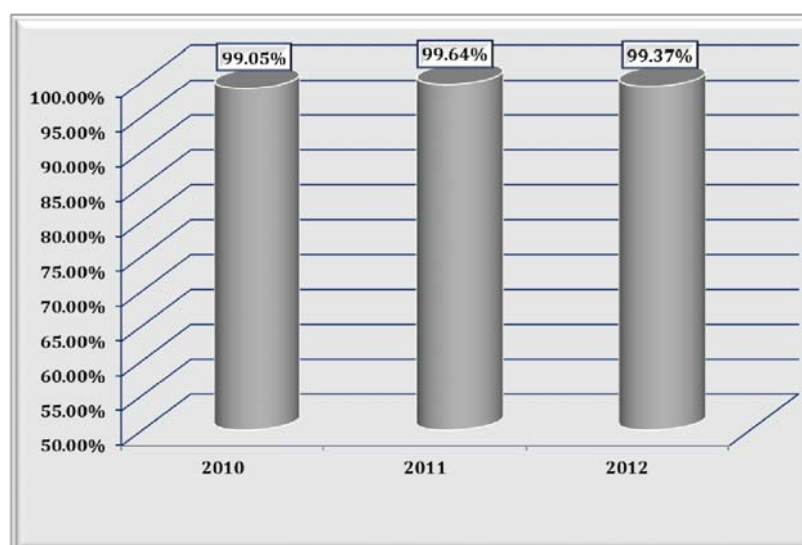


The budget was by 20% higher than in 2011, respectively by 13% then in 2010. We mention that most of this increase is a result of the budgetary funds granted for the two projects with external financing. The two projects represented 15% of the total budget granted to the Competition Council in 2012, respectively RON 6,186 thousands.

Considering the above mentioned, the budgetary execution in 2012 was 99.37%, without taking into account the projects with non-refundable external financing.

For the project Interoperable integrated IT system with database of central administration for ensuring the monitoring of the competitive environment, was granted a budget credit of RON 2,032 thousands, but it was not used because the financing contract with Ministry of Communication and Information Society was not signed by the end of 2012.

Graph no. 20. The budgetary execution (%), 2010-2012



Considering the amount granted for the non-refundable external financing projects, the budgetary execution in 2012 for the whole budget of the Competition Council was of 91.62%.

Table no.1. Level of budgetary execution (%), 2010-2012

Level of budgetary execution	2010	2011	2012
Total	99.05	99.64	99.37
Personnel expenses	99.74	99.57	99.77
Goods and services	97.11	99.98	99.59
Other transfers	-	99.90	99.93
Non-financial assets	95.79	99.72	76.08

In 2012 Competition Council has had budgetary grants from European non-refundable funds in amount of RON 6,186 thousands, performing 47.74% from the amount.

The Competition Council carried out 304 procurement procedures during 2012, in amount of RON 3,383,544.4. Five of this total number of procedures were carried out by exception from the specific legislation in the field, namely GEO no.34/2006 envisaging the contracting of utilities, of the mandatory motor vehicle insurances, postal services etc.

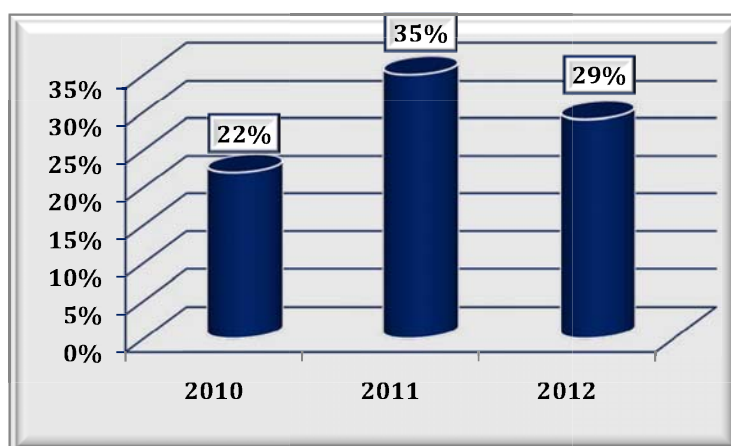
Compared with 2011, the number of public procurement procedures decreased, as a result of the boost in the activity of grouping procurement by similar functions, resulting in a higher value for every procurement made.

Excluding all procurement of services which could not be conducted by SEAP (Public Acquisitions Electronic System), the percentage of procurement conducted through this system was of 63.9%.

The projects carried out by the institution

In 2012, the Competition Council organized a part of its activity based on 13 projects. The budget spend in this regard was of RON 10,822.4 thousand, representing around 10% of the institution budget.

Graph no. 21. The share of the budget allocated for the projects in the total budget of the institution (%), 2010-2012

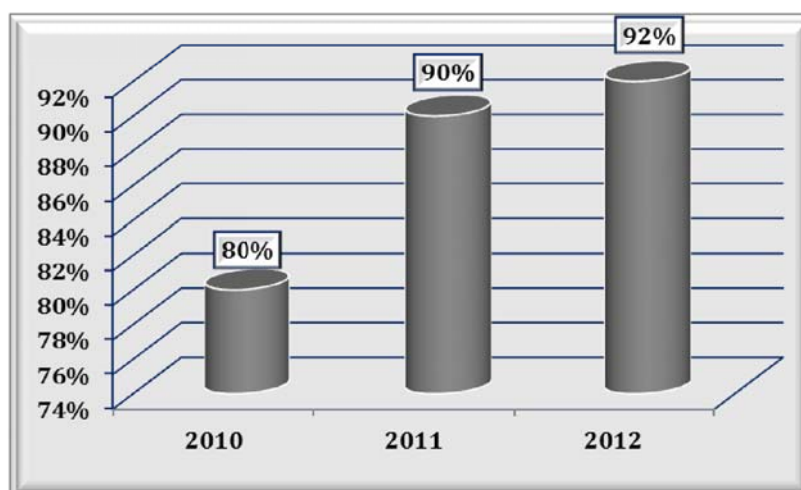


The percentage of the total budget of the Competition Council allocated for the projects decreased by 6 percentage points compared to 2011, but increased by 7 percentage points compared to 2010, reaching the level of 29%. The diminishing of the percentage allocated for the projects in 2012 compared to 2011 is due to the implication of the institution as a partner in the projects financed by European funds.

The distribution of the resources allocated for the running of the projects determined the move of the accent from the projects financed from the national budget to the others financed by European funds. From the point of view of the value, in 2012, the budget for to these projects was lower by 10% compared with 2011, but higher by 34% compared with 2010.

Regarding the accomplishment level of this projects (budgetary execution and the achievement of the qualitative indicators), in 2012 it achieved the level of 92%, higher by 2 percentage points compared to 2011, and by 12 percentage points compared with 2010.

Graph no. 22. The fulfilment level of the projects (%), 2010-2012



Below are described the main objectives of the projects carried out by the Competition Council in 2012:

Core business

In this category were included projects that aim the following areas: State aid, competition, European affairs, enforcement of the competition legislation, supervision in the railway field.

Concerning the **State aid**, the project aimed the following:

- the elaboration of an impact study on the State aids granted for the industrial parks;
- the increase of the knowledge of the State aid issues and optimizing the State aid regulatory process;
- the consolidation of the relation between the Competition Council and the European Commission.

Regarding the **competition** field, the priorities were the following:

- the assessment of the competition on regional markets, price evaluation for certain products and creating a database for the main economic agents that activate on important markets;
- the increase of the analysis performance concerning the anticompetitive practices at the regional level.

For **improving the enforcement of the competition legislation**, the objectives focused on the following:

- the organisation of round tables targeted on judges, so as to improve their knowledge on the application of the competition rules and for a better grounding of the courts' decisions in the competition field;
- the improvement of the knowledge on the Community competition law by attending training programmes organised by the Academy of European Law in Trier.

Concerning the field of **European affairs and international relations**, the aim was to facilitate the exchanges of experience on specific issues and to manage the participation of the Competition Council at:

- the meetings organized within the European Competition Network;
- the external events relevant for fulfilling the role of national contact authority on State aid;
- the reunions for coordinating the European Affairs, organized by the Ministry of Foreign Affairs.

Regarding the **efficient management of the supervision activity in the railway field**, the aim was to organise meetings/round tables with public and private operators working in the railway passenger transport and/or the railway freight transport, with operators that perform railway manoeuvre and with other players in the Romanian railway market.

Strategic

The aim of the projects within this category was to improve the performance of the employees, the modernisation of the archiving systems and resource management, by:

- increasing the training and the expertise level of the Competition Council personnel;
- completing and recovering the results of the evaluation projects;
- conducting a survey within the institution, which would indicate the personnel perception regarding the strengths and also the challenges that the institution faces in its activity;
- finalising the IT archiving project of the institution.

Logistic

For consolidating the administrative capacity of the institution a project was implemented targeting the acquisition of equipment and licenses for a better running of the institution.

Visibility

The project envisaged to promote the competition legislation, the institution's results and to increase its visibility within and outside the national borders (organising conferences, publishing reports).

World Bank assistance

The Competition Council is partner of the General Secretariat of the Government, as beneficiaries of a financing contract for the project *"Improving the Efficiency of Competition Policy Enforcement in Conjunction with Sector Specific Policies"* through the Operational Programme "Development of the Administrative Capacity" (OP DAC).

The project is financed from the European Social Fund and from the State budget. The project is going to be implemented during 24 months from the signing of the financing contract, namely from May 2012 until May 2014.

The **general objective** of the project is to support the partnership between the General Secretariat of the Government and the Competition Council in order to promote the competition principles in the Romanian administration. The project responds to the general objective of the OP DAC as to help the development of the public administration in the social and economic benefit of the Romanian society.

Specific objectives:

- improving the national regulation framework and increasing the level of the convergence with the UE legislation;
- increasing the role of the Competition Council in developing the competition policies and principles;
- increasing the knowledgebase related to the best European practices in the competition field;
- supporting the business process and working procedures through the ITC instruments;
- strengthening the administrative capacity of the Romanian competition authority.

The aim of the project is to obtain structural and process improvements in the public policy management within the central public administration.

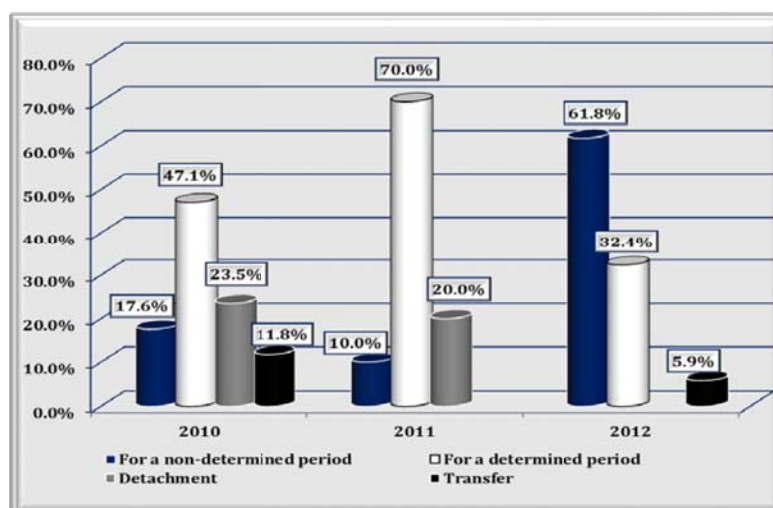
The implementation of this project shall ensure the coordination in real time of the sector specific policies and of the competition policies. According to an agreement signed in 2012, the World Bank provides technical assistance to the Competition Council in implementing the project OP DAC with activities grouped on four components, as follows:

- Component 1: Review of the legal and regulatory framework governing the market competition;
- Component 2: Strengthening the advocacy activities in the field of competition in public and governmental bodies;
- Component 3: Implement a new business architecture of the Romanian Competition Council;
- Component 4: Human resources capacity building.

Human resources

In 2012, the personnel of the Romanian competition authority was made up from 292 employees, increasing by 2% compared to 2011, but lower by 1% compared to 2010.

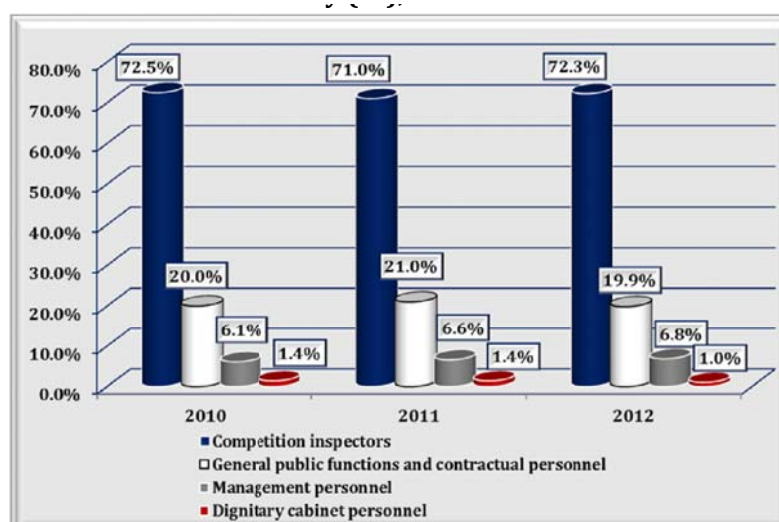
Graph no. 23. Recruitments based on the manner used (%), 2010-2012



Considering the type of activities performed, the Competition Council personnel is structured in four categories: competition inspectors, personnel with general public functions and contractual personnel, dignitary cabinet personnel and management personnel.

From the point of view of the share of the personnel categories, the first place is occupied by the competition inspectors, representing over 72% of the total personnel. The evolution of the share of the personnel during 2010-2012 is presented in the graph below.

Graph no. 24. The structure of the personnel based on the nature of the carried out activity (%), 2010-2012

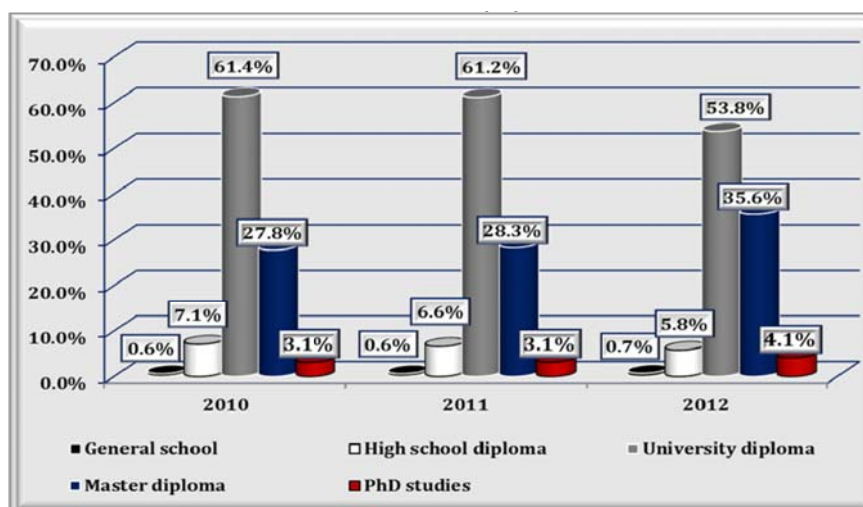


As regards the age of the employees, the most of the competition inspectors are in the category 30-40 years old, representing 43.6%.

Within the Competition Council, in 2012, the women represented 57.9% of the total number of employees, similar to 2010-2011.

The majority of the Competition Council employees (around 54%) have at least one university diploma, being followed by those which graduated master courses (around 36%).

Graph no. 25. The structure of the personnel based on the level of education (%), 2010-2012



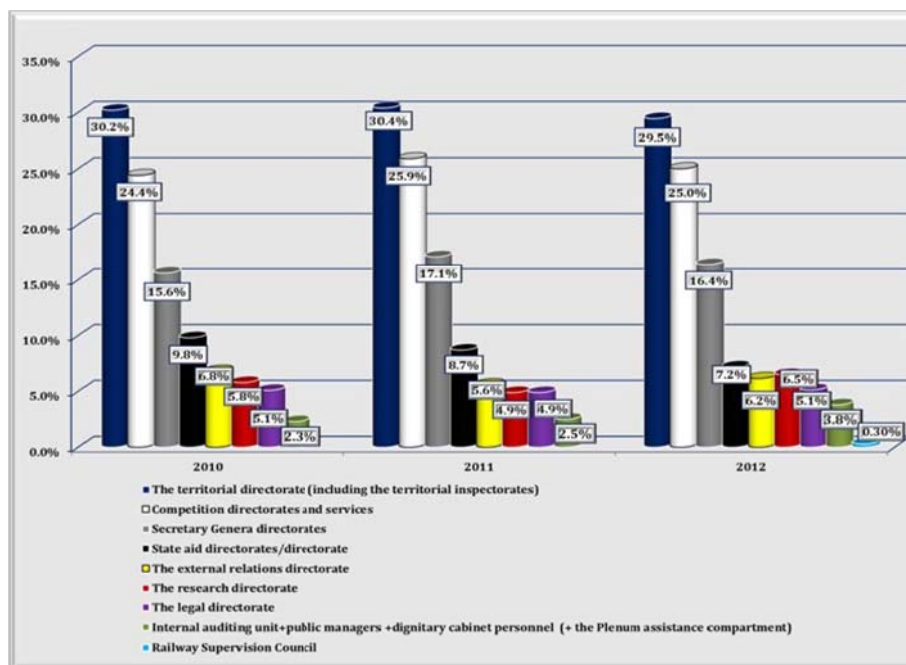
In respect to the professional areas of expertise, the majority of the employees are economists, followed by the ones with legal studies. The evolution of this structure during 2010-2012 is represented in the table below.

Table no. 2. Professional specialisation of the personnel (%), 2010-2012

Professional training	The weight in the total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
Economists	60.7	66.4	39.0	75.0	61.1
Jurists	15.6	19.2	1.7	-	22.2
Economists and jurists	1	1.4	-	-	-
Economists and other specialization	1.4	1.9	-	-	-
Jurists and other specialization	1	0.9	1.7	-	-
Another professional specialization	12.5	10.2	18.6	25.0	16.7
Medium and general studies	7.8	-	39.0	-	-
2011					
Economists	59.4	65.5	43.3	75.0	52.6
Jurists	16.4	19.2	3.4	-	31.6
Economists and jurists	1.0	1.5	-	-	-
Economists and other specialization	1.4	2.0	-	-	-
Jurists and other specialization	0.8	1.0	-	-	-
Another professional specialization	13.6	10.8	18.3	25.0	15.8
Medium and general studies	7.4	-	35	-	-
2012					
Economists	58.6	62.1	48.3	66.7	50.0
Jurists	15.8	18.0	3.4	-	30.0
Economists and jurists	2.1	2.8	-	-	-
Economists and other specialization	0.7	0.9	-	-	-
Jurists and other specialization	1.4	1.9	-	-	-
Another professional specialization	15.1	14.2	15.5	33.3	20.0
Medium and general studies	6.5	-	32.8	-	-

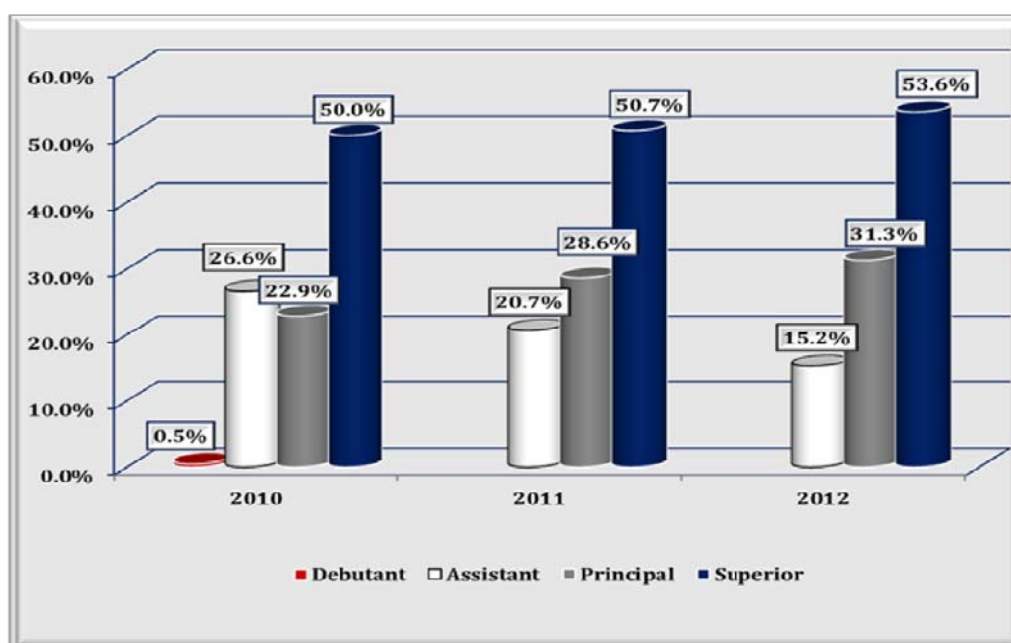
Most of the competition inspectors have the professional grade of superior.

Graph no. 27. The repartition of the competition inspectors based on the professional grade (%), 2010-2012



In the case of the employees with general public functions, the dominant category is also represented by the one with the professional grade of superior, but the share of this category decreased during 2010-2012.

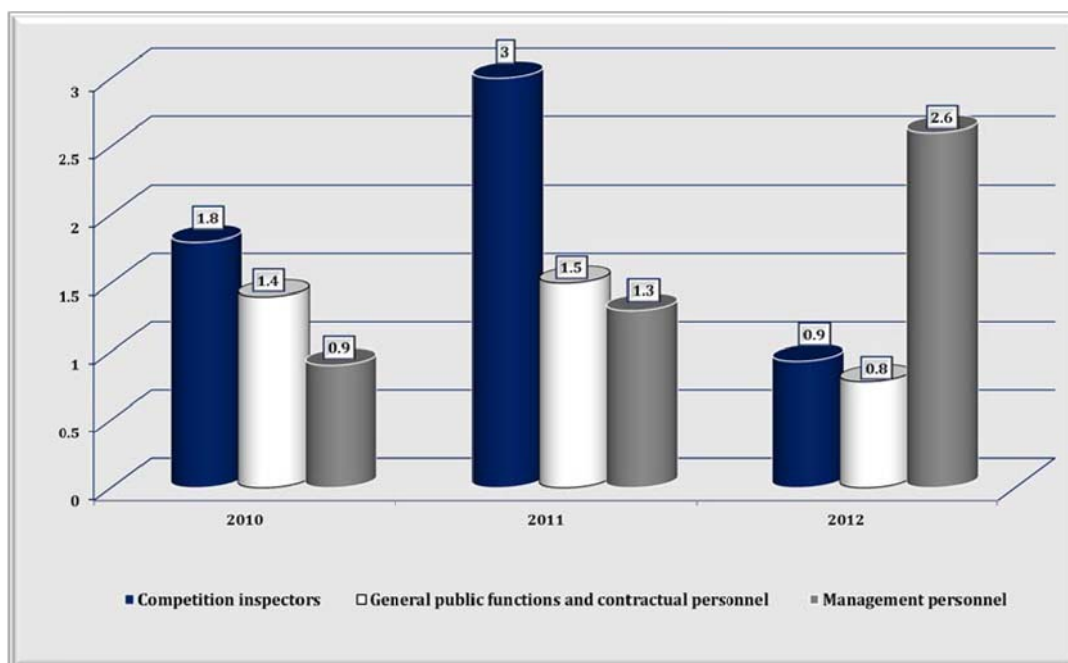
Graph no. 28. The repartition of the personnel holding general public functions based on the professional grade (%), 2010-2012



Regarding the professional training, in 2012, the personnel of the Competition Council graduated 16 training courses, of around RON 98,637.37, in areas such as: performance management and development of the presentation skills, new issues regarding public institution accounting and payroll systems, the Public Acquisitions Electronic System – SEAP.

Around 29% of the competition authority's personnel benefited from these courses, decreasing by 22 percentage points compared to 2010 and 2011. The evolution of the average number of the professional training days, during 2010-2012 is presented in the graph below.

Graph no. 29. The average number of the professional training days for each category of personnel, 2010-2012



Detailed information on the human and financial resources of the Competition Council is resented in the [Statistics](#) section.



CHAPTER 10

PRIORITIES FOR 2013

According to the 2010-2014 strategy of the institution, the Competition Council has fixed for 2013 a series of priorities which are taking into account the characteristics of the Romanian market and its trends.

In the field of competition, the main priority is to obtain performances at the level of the other EU competition authorities. This will be achieved by:

- increasing the efforts for identifying and sanctioning the infringements of the competition rules: certain investigations and sector inquiries in essential fields will be finalised:
 - consumer goods (food retail);
 - energy;
 - construction of national roads and motorways;
 - banking.
- using intensively the economic analysis in investigating the competition cases;
- continuing to monitor the functioning of markets and assessing the competitive environment by undertaking studies on:
 - the drug distribution sector;
 - the electronic communication services under the form of services packages (*multiplay*) and the services of access to the telecommunications infrastructure in Bucharest;
 - the services provided by the insolvency practitioners;
 - the medical assistance services in Romania and their related activities.

On State aid, the priorities of the competition authority for 2013 are mainly envisaging the observance of the obligations of Romania as EU Member State, as well as:

- the continuation of the cooperation with the International Monetary Fund, the European Union and the World Bank in order to ensure the observance of the legislation in the field in the restructuring and privatisation process of certain State-owned companies, such as the Romanian National Post, CFR Marfă (the National Freight Company), Oltchim etc.;
- the preparation of the necessary conditions for accessing the Structural Funds in the next budgetary cycle by ensuring the conformity of the operational programmes with the State aid rules;
- the active participation alongside the other EU Member States at the modernisation of the State aid rules, a process initiated by the European Commission.

From the legislative perspective, an important role will be played by the ***promotion of the legal framework on the unfair competition***, so as to make it compatible with the European specific regulations.

The observance of the Competition Council's attributions ***on issuing binding opinions on normative acts*** will be another priority in the 2013 activity of the authority, concretised in:

- developing the "competition and State aid filter" in the regulation impact analysis;
- increasing the level of observance of the binding opinions, points of view and of interventions of the Competition Council;

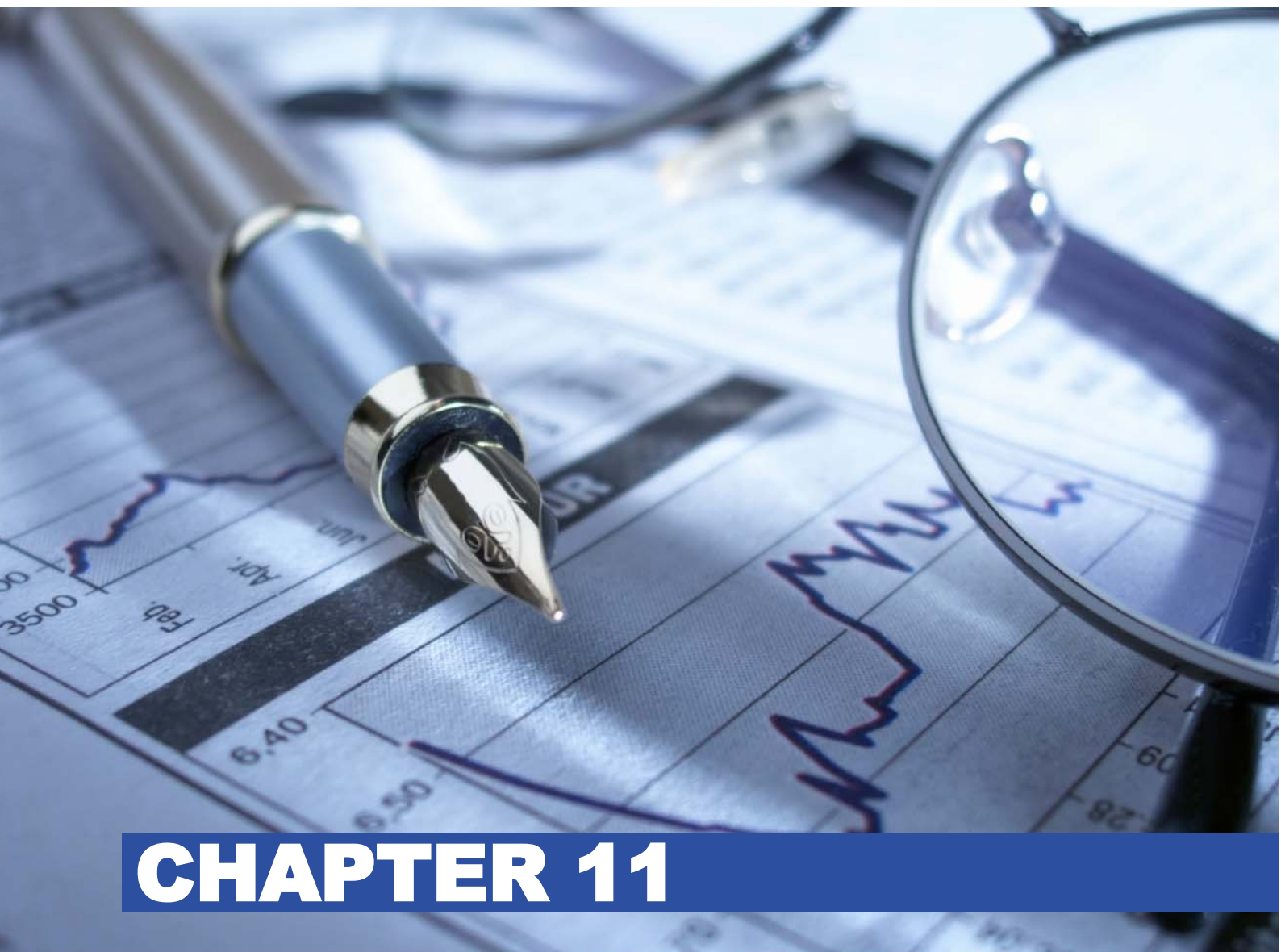
- advocacy actions for ensuring the observance of the binding opinions issued for the amendment of the anticompetitive normative acts in force.

As concerns the promotion of the competition culture, the activity of the competition Council will be focused in 2013 mainly on:

- increasing the notoriety on the national level by organising meetings with the representatives of the mass-media on competition and State aid issues, as well as by determining the perception over the activity by using the survey technique;
- presenting for public debate the result of the sector inquiries;
- formulating and publishing recommendations to the decision making factors concerning the issues identified on the analysed markets;
- increasing the awareness on the importance of the competition rules by promoting the competition culture within the target groups, as well as by editing specific publications.

Moreover, 2003 will mark the start of the implementation of the Project *An integrated IT system interoperable with databases of the central public administration that ensures monitoring of the competitive environment*, financed through the 2007-2013 Sectoral Operational Programme "Increasing Economic Competitiveness". It involves the development of a high performance hardware structure supporting an integrated IT system for the interoperability of the ITC systems of Competition Council with the ITC systems of the National Trade Register Office, of the National Agency for Fiscal Administration, of the National Authority for Regulating and Monitoring Public Procurement, the Ministry of Communications and Information Society/Electronic System for Public Procurement.

At the same time, an internal portal will be developed and the existing on-line services portal available for citizens/ business environment/public administration will be extended extending. At the same time an intelligent reporting system will be created in order to support the decision making process within the Competition Council.



CHAPTER 11

STATISTICS

I. Normative acts of the Competition Council entered into force in 2012

- Regulation of 22.12.2011 amending the Regulation on establishing and collecting the fees for the procedures and the services provided by Competition Law no.21/1996 and the regulations issued for its application, published in the Official Gazette of Romania no.10/5.01.2012;
- Regulation of 22.12.2011 amending and completing the Merger Regulation, published in the Official Gazette of Romania no.23/11.01.2012;
- Regulation of 02.02.2012 on the organisation, functioning and procedure of the Competition Council, published in the Official Gazette of Romania no.113/14.02.2012;
- Regulation of 13.11.2012 on the procedure of identifying and sanctioning the unfair competition deeds, published in the Official Gazette of Romania no.818/05.12.2012;
- Instructions of 28.11.2012 amending and completing the Instructions on the conditions, the deadlines and the procedure for accepting and assessing commitments in the case of the anticompetitive practices, published in the Official Gazette of Romania no.860/19.12.2012.

II. Enforcement of the competition legislation

Table no.3. Investigations on the possible infringement of the competition legislation initiated in 2012

No.	Manner of initiation	Type of anticompetitive practice	Incident competition legislation	Relevant market
1	<i>ex-officio</i>	horizontal agreement	national	works of "Maintenance and administration of certain streets from Bucharest for 4 years" awarded by the Bucharest General Council – the Street Administration through public tender
2		horizontal agreement	national	taxi transportation of persons and the related services in Rm. Vâlcea and the neighbouring areas
3		horizontal agreement	national	the award of certain road rehabilitation works, organised by the Teleorman County Council through public tender
4		horizontal agreement	national	extraction, processing and commercialisation of pit ballast mineral on a radius of about 50 km around Lugoj from the Timiș County
5		horizontal agreement	national	public acquisition for awarding certain modernisation works of the roads from the Ilfov County
6		horizontal agreement	national	multiannual road maintenance works and services supplied during the winter and summer of 2008-2011
7		horizontal agreement	national	taxi transportation of persons in Bucharest and in Ilfov County
8		horizontal agreement	national and Community	Commercialisation of the media services in Romania
9		vertical and horizontal agreement	national	the competitive segment of the market of production and commercialisation of electricity and the supply market of electricity
10		vertical agreement and acts of the public administration	national	lotto games
11		abuse of dominant position	national	planning and execution works of the natural gas installations from Otopeni, Ilfov County
12		failing to observe the rules on authorising the economic concentrations	national	civil engineering
13		failing to observe the rules on authorising the economic concentrations	national	construction works of roads and motorways
14	complaints	abuse of dominant position, horizontal agreement, vertical agreement failing to observe the rules on authorising the economic concentrations	national	pilotage and hauling services
15		abuse of dominant position	national and Community	commercialisation of the consumables for the Hewlett-Packard printing equipment in relation to the corporate clients and the related services
16		abuse of dominant position	national and Community	ground handling services
17		acts of the public administration	national	retransmitting services of audio-visual programmes
18	request	horizontal agreement	national and Community	sell of the rights to transmit football events

Table no.4. Investigations for analysing economic concentrations initiated in 2012

No.	Manner of initiation	Incident competition legislation	Relevant market
1	notification	national	exploitation of cinemas through the projection of movies

Table no.5. Sector inquiries initiated in 2012

Nr crt.	Sector
1	film distribution to Romanian cinemas
2	the natural gases in Romania
3	sanitation services at the national level

Table no.6. Investigations on the possible infringement of the competition legislation finalised in 2012

No.	Year of initiation	Manner of initiation e	Type of anticompetitive practice	Incident competition legislation	Relevant market	Manner of conclusion
1	2007	ex-officio	horizontal agreement	national and Community	administration of the mandatory pension funds (2 nd Pillow)	No sufficient evidences were discovered concerning the infringement of the Competition Law.
2	2008		vertical agreement	national	non-alimentary lacquers and paints	No sufficient evidences were discovered concerning the infringement of the Competition Law.
3	2008		horizontal agreement	national and Community	distribution of pharmaceutical products	The investigation did not determine the existence of an anticompetitive deed of the members of the Association of the Drug Distributors and Importers (ADIM) and of the Association of the Romanian Drug Distributors (ADMR). Certain recommendations were transmitted ¹⁹ .
4	2009		vertical and horizontal agreement	national and Community	commercialisation of prepaid mobile telephony	The commitments of Orange, Vodafone, Cosmote and of their distributors were accepted and the investigation was closed.
5	2009		horizontal agreement	national and Community	transmission of pay TV channels, the television rights of the football matches, retransmission services of audio-visual programmes	No sufficient evidences were discovered concerning the infringement of the Competition Law.
6	2009		notification failure of an economic concentration	national	transmission of pay TV channels, advertising services through TV transmissions and the rights of transmission of sport competitions	No sufficient evidences were discovered concerning the infringement of the Competition Law.
7	2010		horizontal agreement	national	training services of the farmers holding semi-subsistence farms awarded through public tender by the de Ministry of Agriculture and Rural Development together with the Agency of Payments for Rural Development and Fishing	No sufficient evidences were discovered concerning the infringement of the Competition Law.
8	2010		abuse of dominant position	national	design and execution works of the gas installations in the commune Brebu and Telega, Prahova County and in the commune Berceni, Ilfov County	The commitments of Progaz P&D were accepted and the investigation was closed.
9	2010		vertical agreement	national	production and commercialisation of the pastry and bread products	The commitments of Fornetti Romania and of the beneficiaries of its franchise were accepted and the investigation was closed.

¹⁹ Recommendation to the members of ADIM and ADMR underlying to them that the economic operators which are competitors on the same markets must operate within professional associations in accordance with the rules on competition. Another recommendation was made to the Ministry of Health and to the National Health Insurance House informing them that no public authority can act outside a well determined framework by the applicable legal norms and also by principles such as the non-affectation of the activity of the economic operators with which it interacts.

No.	Year of initiation	Manner of initiation e	Type of anticompetitive practice	Incident competition legislation	Relevant market	Manner of conclusion
10	2011		horizontal agreement	national and Community	the services provided by the Romanian court officers	The National Union of Court Officers was sanctioned with RON 593,089 for exchanging sensible information among the members of the union regarding cost elements and for establishing a fee for entering the profession at an excessive level, applied in a discriminatory manner. At the same time, the union was given a three years term for eliminating the anticompetitive provisions of its status.
11	2011		horizontal agreement	national and Community	construction and montage works for implementing two projects in the natural gas field awarded by TRANSGAZ through public tender	CONDMAG and INSPET, on one hand, and MOLDOCOR and T.M.U.C.B, on the other hand, were sanctioned with a total fine of RON 25,464,865 for bid rigging two public tenders organised by TRANSGAZ
12	2011		horizontal agreement	national and Community	road marking works awarded by the National Company for Motorways National Roads through public tender	Plastidrum, Signature Semnalizare, Swarco România, Swarco Heoscont Strassenmarkierung and Eleftherios Kokkinakis were sanctioned with a total fine of RON 3,010,705 for bid rigging two tenders organized by the National Company for Motorways National Roads
13	2012		the implementation of an economic concentration prior to its notification and authorisation	national	construction works of roads and motorways	DO-Fi South-East Holding GmbH Austria was sanctioned with RON 1,064,827 for implementing an economic concentration prior to a decision of the Competition Council.
14	2006	complaints	abuse of dominant position	national	telephony services	No sufficient evidences were discovered concerning the infringement of the Competition Law.
15	2009		abuse of dominant position	national	supply of therapeutic mineral water in Băile Olănești	No sufficient evidences were discovered concerning the infringement of the Competition Law.
16	2009		abuse of dominant position	national and Community	commercialisation of the prepaid mobile telephony products	The commitments of Orange Romania and of its distributors were accepted and the investigation was closed.
17	2009		abuse of dominant position	national	harbour operation services for bulk solid merchandise	No sufficient evidences were discovered concerning the infringement of the Competition Law.
18	2009		failing to observe the rules on authorising the economic concentrations	national	harbour operation services for bulk solid merchandise	No sufficient evidences were discovered concerning the infringement of the Competition Law.
19	2011		horizontal agreement	national and Community	management services of electronic and electric equipment wastes	No sufficient evidences were discovered concerning the infringement of the Competition Law. Certain recommendations were formulated to the collective organisation in the field.
20	2011		abuse of dominant position	national	registry operations for the issuers of securities e	The commitments of the central Depository were accepted and the investigation was closed
21	2011		acts of the public administration	national	commercialisation of stove bottled LPG	The Ministry of Economy, Commerce and Business Environment and the State Inspection for the Control of Boilers, Recipients under Pressure and Lifting Installations were requested to change the legislation adopted by these institutions imposing restrictions to the economic operators activating in the field of LPG filling and distribution in recipients for cooking machines.
22	2012	request	horizontal agreement	national and Community	sell of the rights to transmit football events	The modified commitments of the Romanian Football Federation were accepted and the investigation was closed..

Table no.7. Investigations for analysing economic concentrations concluded in 2012

No.	Year of initiation	Manner of initiation e	Type of anticompetitive practice	Incident competition legislation	Relevant market
1	2012	notification	national	exploitation of cinemas through the projection of movies	The notification was redrawn and therefore the notification remained without object.

Table no.8 Sector inquiries concluded in 2012

No.	Sector
1	Automotive spare parts

The decisions concluding the investigations on the possible infringement of the competition legislation, as well as the reports of the sector inquiries of the Competition Council can be accessed on the website of the institution, www.competition.ro.

Table no.9. Decisions issued by the Competition Council in 2012

Type of decision	Total
Decisions issued, out of which:	88
A. Non-objection decisions concerning economic concentrations	42
B. Rejection of complaints, out of which:	18
- abuse of dominant position	11
- actions of the public administration	3
- anticompetitive agreements and abuse of dominant position	2
- horizontal agreements	1
- economic concentration	1
C. Sanctioning decisions, out of which:	9
- anticompetitive agreements	4
- failing to supply information/supply of incomplete information	4
- the implementation of an economic concentration prior to a decision issued by the Competition Council	1
D. Acceptance of commitments	8
E. Anticompetitive actions of the public administration	1
F. Other decisions, out of which:	10
- rejection of the confidential nature of certain documents picked up during dawn raids	3
- mandate to monitor the commitments	4
- straightening material errors	3

The decisions of the Competition Council can be accessed on the institution's site, at: <http://www.consiliulconcurenței.ro/en/official-documents/competition/decisions.html>.

III. Binding opinions, points of view, opinions and interventions concerning the issue/amendment of normative acts

- **Binding opinion concerning the draft *Government Ordinance amending and completing certain normative acts in the field of credit institutions*** – favourable, with conditions, that were taken into account; the draft normative act was approved as G.O. no.1/2012;
- **Binding opinion concerning the draft Law amending and completing *Law no.36/1995 of the public notaries***, requested by the Ministry of Justice - favourable, with conditions, that were partially taken into account; the normative act was approved as Law no.77/2012;
- **Binding opinion on the draft *Government Decision establishing the level of the licence fee for prolonging the validity of the licence for using the radio frequencies 463-467.6 MHz/453-457.5 MHz*** – favourable, without conditions, the draft normative act was approved as GD HG no.187/2012;
- **Binding opinion on the draft *Government Decision establishing the minimum values of the licence fees for using the radio frequencies 790-862 MHz, 880-915 MHz/925-960 MHz, 1710-1785 MHz/1805-1880 MHz and 2500-2690 MHz*** - favourable, without conditions, the normative acts was approved as GD no.605/2012;
- **Binding opinion concerning the draft *Government Emergency Ordinance repealing certain positions of the annex of the Government Emergency Ordinance no.36/2001 on the regime of the regulated prices and tariffs, established with the binding opinion of the Competition Office*** - favourable, with conditions, that were taken into account by inserting certain articles in Law no.4/2012;
- **2 binding opinions concerning the draft *Government Decision amending and completing Government Decision no. 761/2012 on the Privatisation Strategy of the Romanian National Poste Company*** - favourable, with conditions, that were taken into account, the normative act was approved and the strategy is used for the privatisation of the company;
- **Binding opinion on the draft *Government Decision approving the transition from the analogue terrestrial television to the digital terrestrial television and the implementation at the national level of the digital multimedia services*** - favourable, without conditions; the binding opinion included certain recommendations concerning certain measures and the possible involvement of the State aid; the draft normative act is not finalised (the strategy is still not implemented);
- **Binding opinion on the draft *Government Emergency Ordinance amending and completing the Audio-visual Law no.504/2002*** - favourable, with conditions, the draft normative act was not approved;

- **Binding opinion on the draft Government Decision modifying GD no.1454/2004 approving the criteria for implanting large retail structures and defining the typology of selling structures** - favourable, without conditions;
- **Binding opinion on the draft Government Emergency Ordinance amending and completing GO no.99/2000 on the commercialisation of the market products and services and repelling GD no.1454/2004 approving the criteria for implanting large retail structures and defining the typology of selling structures** - favourable, with one condition, which was taken into account;
- **Binding opinion on the draft Government Decision on the recognition of the organisations of producers of milk and of dairy products, as well as on establishing the contractual relations from the milk and dairy products' sector** - favourable, with conditions; the draft GD became draft law, the remaining observations of the Competition Council being accepted in this normative act;
- **Binding opinion on the draft GD approving the National Anticorruption Strategy 2012-2015** - favourable, without conditions, the normative act was approved as GD no.215/2012;
- **Binding opinion on the draft normative act amending the Government Emergency Ordinance no.34/2006 on awarding the public acquisition contracts, of the concession contracts of public works and of the concession contracts of services** - favourable, without conditions;
- **Binding opinion on the draft Gas law** - favourable, without conditions, the act was approved as Law no.123/2012;
- **Binding opinion on the draft Electricity Law** - favourable, without conditions, the act was approved as Law no.123/2012;
- **Point of view concerning the anticompetitive aspects provided by Law no.36/1995 of the public notaries and of the notary activity** - favourable, with amending proposals that were partially accepted;
- **Point of view regarding the draft Government Emergency Ordinance on the release of the radio frequencies 830-862 MHz, 1747.5-1785 MHz, 1842.5-1880 MHz and 2500-2690 MHz** - with amending proposals that were partially accepted;
- **Point of view concerning an article from the draft Decision on the organisation of the selection procedure for granting the rights of using the radio frequencies in respect to the interdiction to participate to the competitive selection for granting the rights of using the radio frequencies for the persons belonging to the same group of undertakings** – without amendment proposals;

- **Point of view on the draft Government Emergency Ordinance regarding certain measures for reducing public expenses and for strengthening the financial discipline and for amending and completing certain normative acts** - without amendment proposals;
- **Point of view on the draft Government Emergency Ordinance on establishing the minimum values of the license fees for granting the rights to use radio frequencies 790-862 MHz** - without amendment proposals;
- **Point of view concerning the draft *Law on electronic communications*** – the provisions of the normative act have no relevance from the perspective of the Competition Council's attributions and competences;
- **Point of view regarding the draft *Law amending the Law on the mandatory housing insurances*** – with amendment proposals;
- **Point of view concerning the proposal to amend *Government Ordinance no.27/2011 on the road transports*** - with amendment proposals; the normative act was not adopted until now;
- **Point of view concerning Government Emergency Ordinance no.110/2011 amending and completing *GEO no.77/2011 on establishing a contribution for financing certain expenses in the health field*** – with amendment proposals that were partially adopted;
- **Point of view regarding the draft *Law amending GEO no.82/2011 on certain measures for organising the activity of land improving activities*** - with amendment proposals that were accepted;
- **Point of view on the legal proposal *GO no.124/1998 on the organisation and functioning of the doctor's practices*** - with amendment proposals that were accepted; the draft law was rejected by the two Parliament Chambers;
- **Point of view concerning the draft law for organising and functioning of the Romanian health system**, with amendment proposals; the draft law is in course of elaboration;
- **Point of view concerning the request of SC Spicul SA concerning the establishment of a mandatory minimum price for the bread products, so as to discourage those practicing very low prices for low quality products and who explicitly do not pay taxes** – the observations of the Competition Council were accepted;
- **Point of view on the draft *Gas law*** - with amendment proposals that were accepted;
- **Point of view Binding opinion on the draft *Electricity Law*** - with amendment proposals that were accepted;

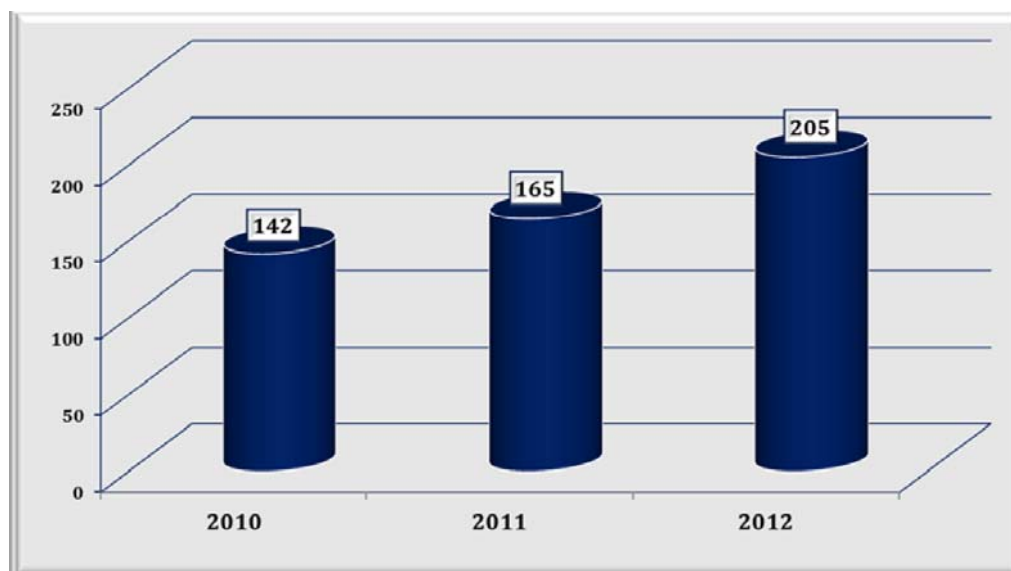
- Point of view concerning the draft **Government Emergency Ordinance** forbidding the acquisition of the ferrous and non-ferrous metals and theirs alloys used in the field of irrigations and tiling - without amendment proposals;
- Intervention concerning the Order of the President of the National Sanitary Veterinary And Food Safety Authority no.17/2011 – the proposals were accepted;
- Intervention on the Memoranda “**Draft pilot programme concerning the fees practiced by the public notaries**” - the proposals were accepted, this memoranda is following to be implemented;
- Intervention following the repeal of the **Government Emergency Ordinance no.109/2005** on the road transports and implicitly of the provisions concerning the conditioning of the driving instructors to close a contract of services with a driving school in order to operate on the market of practical driving training for obtaining a driving license – the Competition Council was involved in elaborating the norms for the application of the new regulation;
- Intervention regarding the draft **Law approving the Government ordinance no. 24/2011 on certain measures in the field of the evaluation of goods** - the proposals were accepted, and the anticompetitive provisions were eliminated/amended; the law was adopted;
- Intervention on the draft Law amending and completing **Law no.38/2003 regarding the transport in a taxi regime and in rental regime** – the draft law is still under Parliamentary debate;
- Recommendation to modify and complete certain provisions of Government Emergency Ordinance no.23/2009, approved by **Law no.312/2009, with the subsequent amendments and completions** – the draft law was not adopted;
- Intervention concerning Order of the Minister of the Public Works, Transports and Housing no.447/23.03.2003 approving the Instructions on the medical and psychological examination of the personnel in the transport field with responsibilities in traffic and navigation safety, as well as in organising, functioning and members of the medical and psychological commissions in the field of traffic safety, in respect to the infringement of the European specific regulations – the request of the Competition Council is not applied yet;
- Intervention over the documentation of the competitive selection procedure for granting rights to use the radio frequencies 800 MHz, 900 MHz, 1800MHz and 2600 MHz – a large part of the recommendations were taken into account in the organisation of the spectrum tender;

- **Recommendation to the Ministry of Communications and Information Society concerning the *Strategy on the transition from the analogue terrestrial television to the digital terrestrial television and the implementation at the national level of the digital multimedia services*** – the project is not finalised (the strategy is not implemented yet);
- **Recommendation to the National Authority for Regulation in Communications and Information Technology concerning the adoption of measures facilitating the development of the market of the information services on subscribers as well as of the competition on this market** – the recommendations will be integrated in the future measures of the National Authority for Regulation in Communications and Information Technology related to the reorganisation of the National Numbering Plan and in the measures concerning value added services;
- **Opinion on the draft law completing *Government Ordinance no.99/2000 on the commercialisation of the market products and services*** – the draft law was not approved;
- **Opinion on the legislative proposal on the amendment and completing *GEO no.77/2011 on the establishment of a contribution for financing certain expenses in the health field*** - the draft law was not approved;
- **Opinion concerning the legislative proposal for completing *GO nr.99/2000 on the commercialisation of the market products and services*** – the draft law was not approved;
- **Opinion on the legislative proposals and of the pharmaceutical industry for the amendment and completion of *GEO no. 77/2011 on the establishment of a contribution for financing certain expenses in the health field*** - the proposals were partially accepted;
- **Recommendation on the amendment of the Orders of the Minister of Environment and Forests, of the Minister of Economy, Commerce and Business Environment and of the Minister of Administration and Interior no. 2742/3190/305 of 21.11.2011** – the recommendation was not accepted;
- **Recommendation concerning the elimination of the demographic criterion from *Pharmacy Law no.266/2008*, as a result of the complaint of SC Herba Pharm SRL** – the recommendation was not accepted;
- **Recommendation to the Ministry of Transports and Infrastructure concerning the regulation of the training for obtaining a driving license** – the recommendation was accepted;

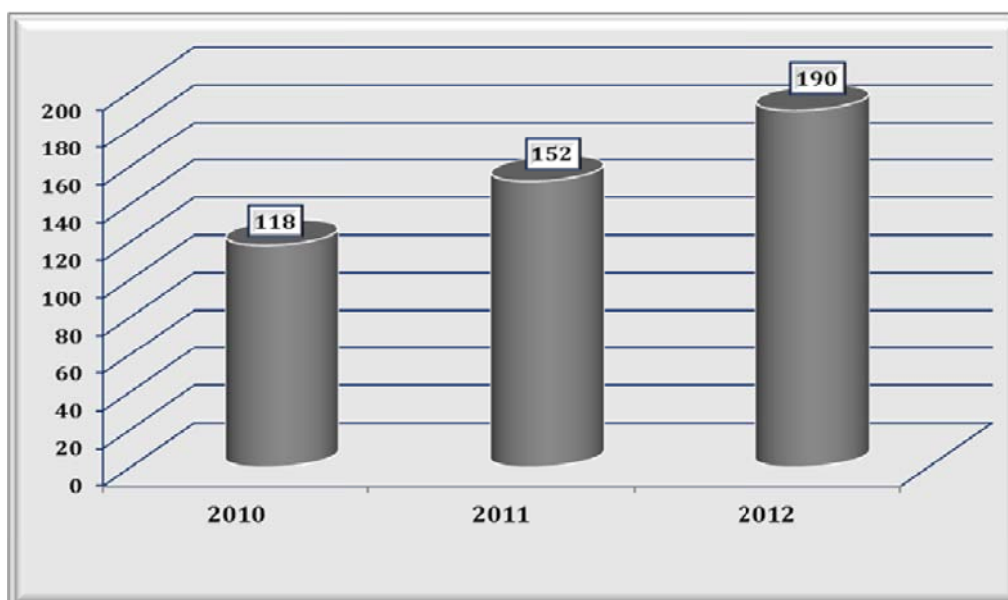
- **Recommendation to the National Agency for Regulation and Monitoring of Public Procurement concerning the elaboration of the secondary legislation of a procedure regarding the recognition of the confidentiality nature for certain information provided by bidders within public procurement procedures** – the procedure is in course of elaboration;
- Informal guidelines: document transmitted to the National Romanian Bank clarifying the manner of application of certain provision of GEO no. 99/2006 from the Competition Law perspective concerning the matter of bridge bank – until now, the Competition Council was not inform on the existence of situations requiring the use of these guidelines.

IV. Statistics on the Competition Council's court dossiers

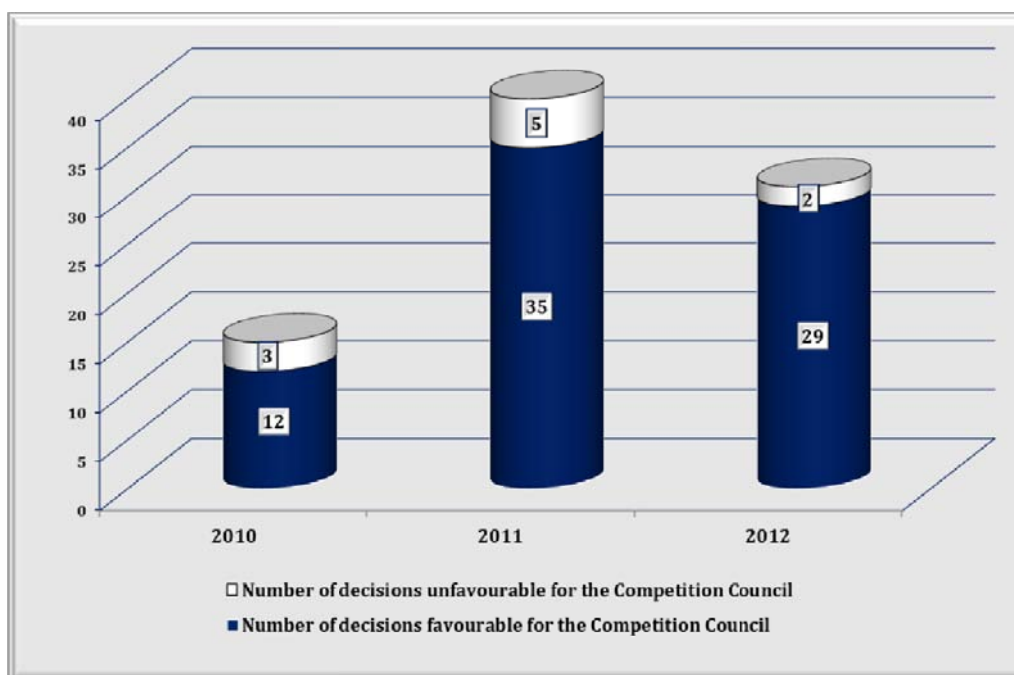
Graph no.30. Number of dossiers involving the Competition Council, 2010-2012



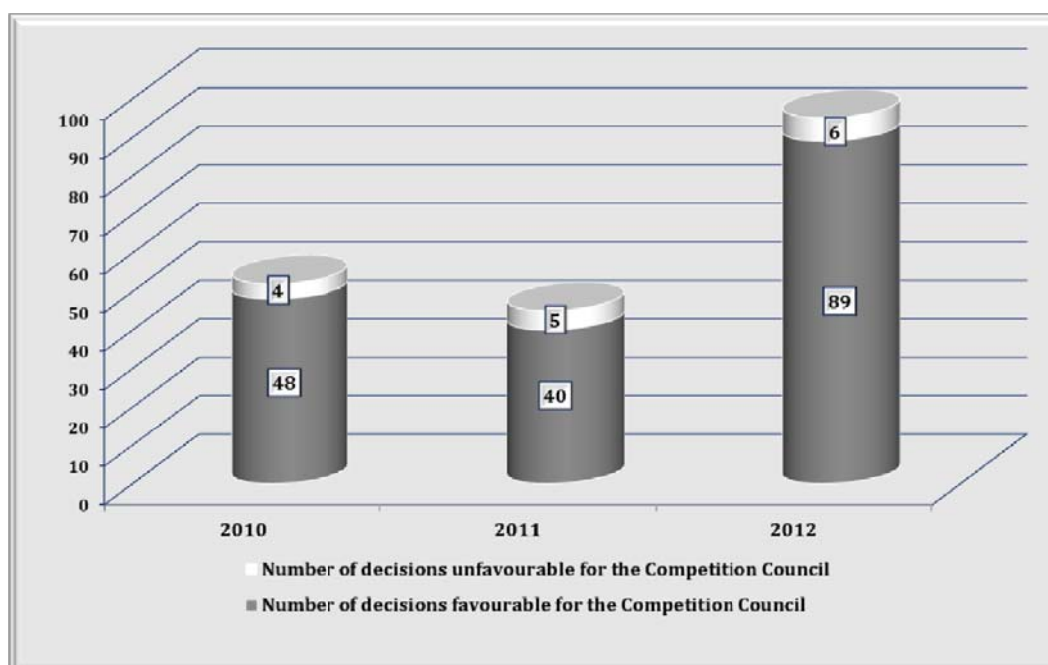
Graph no.31. Number of dossiers on competition, 2010-2012



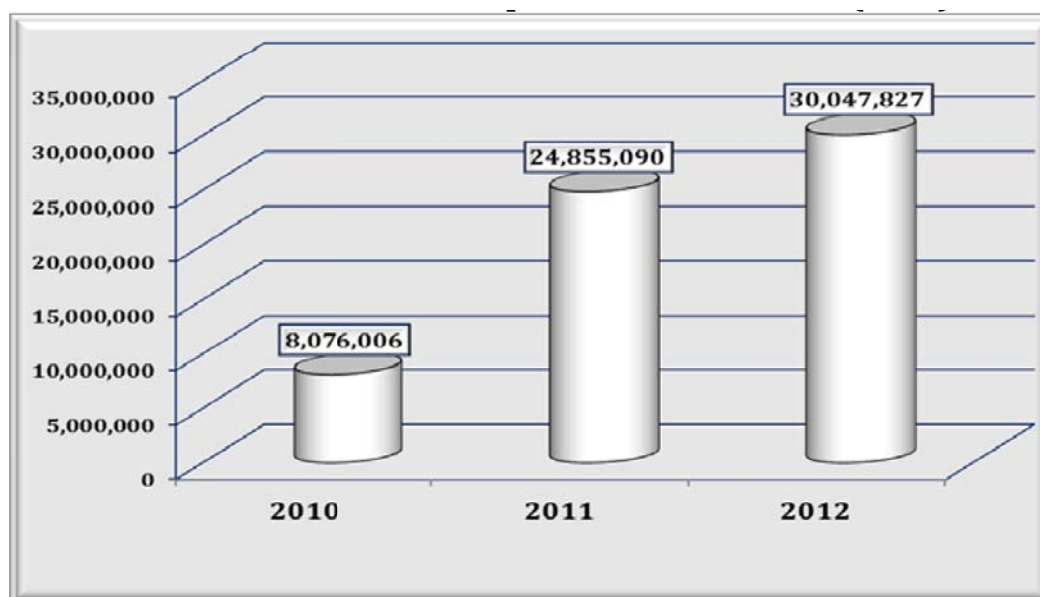
Graph no.32. The structure of the irrevocable decisions of the courts in dossiers on competition, 2010-2012



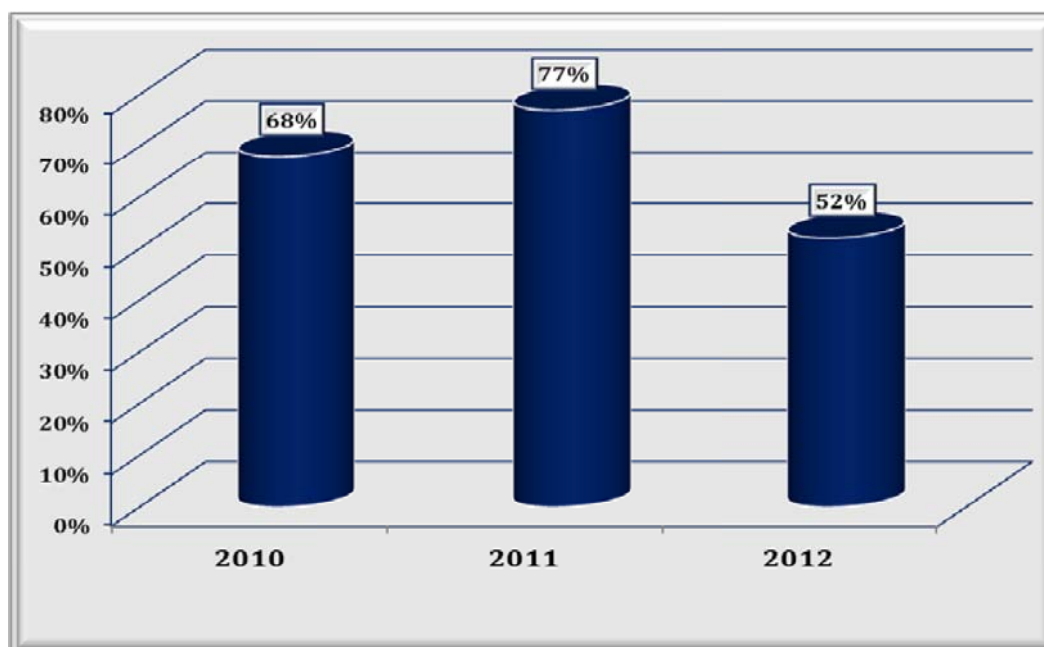
Graph no.33. The structure of the final decisions of the courts in dossiers on competition, 2010-2012



Graph no.34. The value of the fines maintained through irrevocable decisions of the courts in dossiers on competition, 2010-2012 (RON)



Graph no.35. The quantum of the fines maintained irrevocably by court decisions in dossiers on competition, 2010-2012 (%)

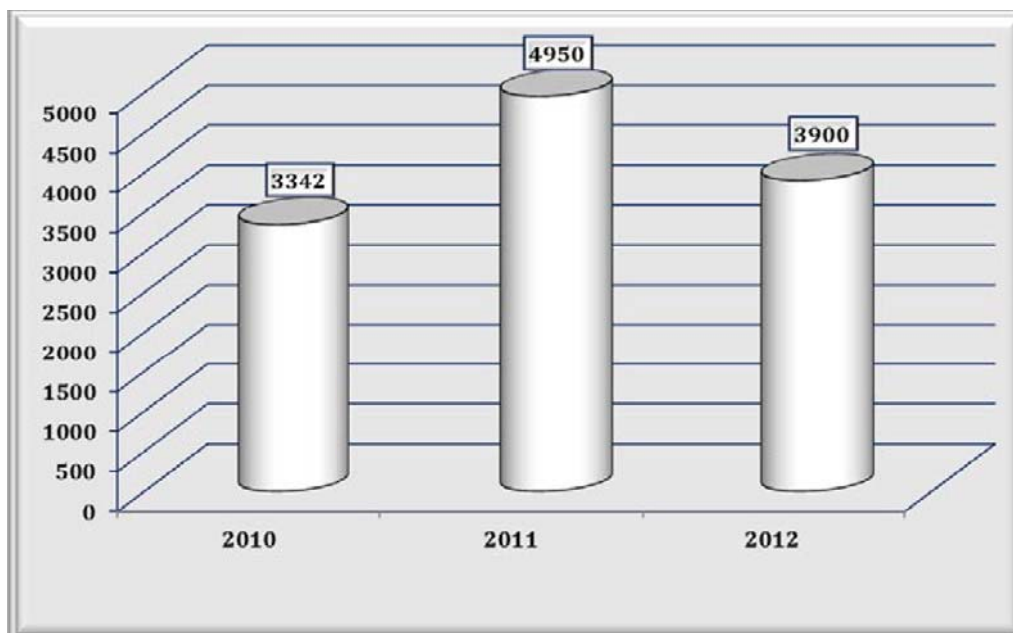


V. Formal opinions in the State aid field issued by the Competition Council in 2012

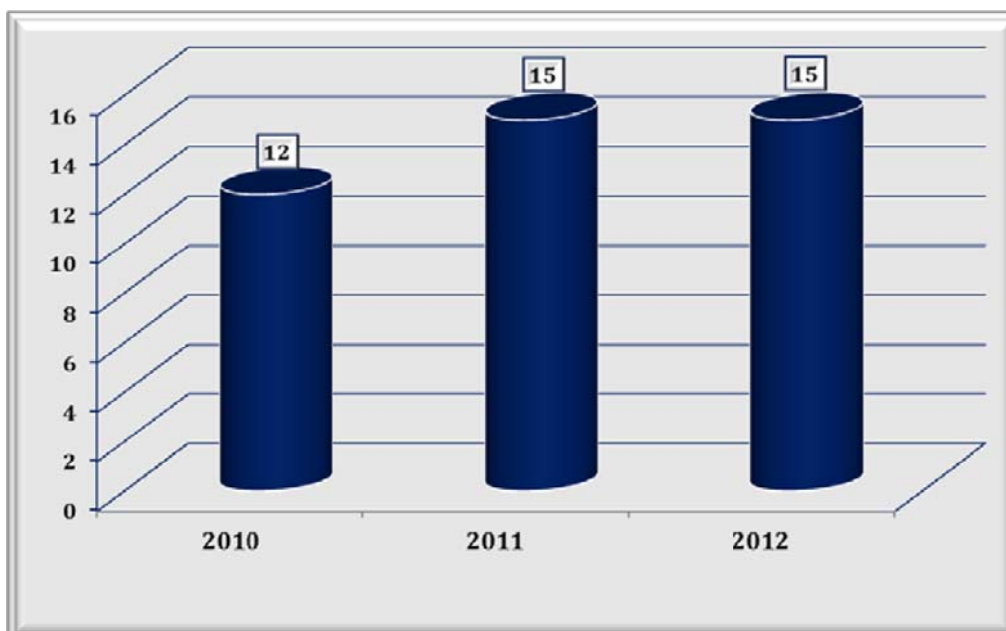
- Formal opinion on the State aid scheme for the start-up of new air routes with departure from the International Cluj-Napoca Airport;
- Formal opinion on the State aid scheme concerning the start-up of new routes departing from Craiova International Airport;
- Formal opinion on the Information sheet regarding the State aid scheme “Development of the support structures for the business of national and international interest – Competitiveness Poles”;
- Formal opinion on the Information sheet regarding the State aid for large investment projects granted to SC ROMCAB SA within the State aid scheme for ensuring a lasting economic development, implemented by the GD no.1680/2008;
- Formal opinion on the Information sheet regarding the State aid for large investment projects granted to SC ROBERT BOSCH SRL within the State aid scheme for ensuring a lasting economic development, implemented by the GD no.1680/2008;
- Formal opinion on the amendment of the regional State aid scheme on the capitalization of the renewable energy resources, set up by the Government Decision no.750/2008;
- Formal opinion on the Support scheme on the free transitory allocation of the greenhouse gas emissions certificates in the benefit of the producers of electricity;
- Formal opinion on the amendment of the State aid scheme enforced through the Government Decision no. 753/2008 for the setup of a regional development State aid scheme for the promotion of investments;
- Formal opinion on the Information on the State aid scheme “Financing RDI projects in accordance with the Research, Development and Innovation Programme – Spatial Technology and Advanced Research – STAR”;
- Formal opinion on the Information on the State aid scheme for implementing the operation “Support for the integration of the enterprises within the suppliers’ chains or in clusters”;
- Formal opinion on the regional State aid scheme on the support of the investments promoting regional development by using new technologies and creating new jobs.

VI. Promoting actions

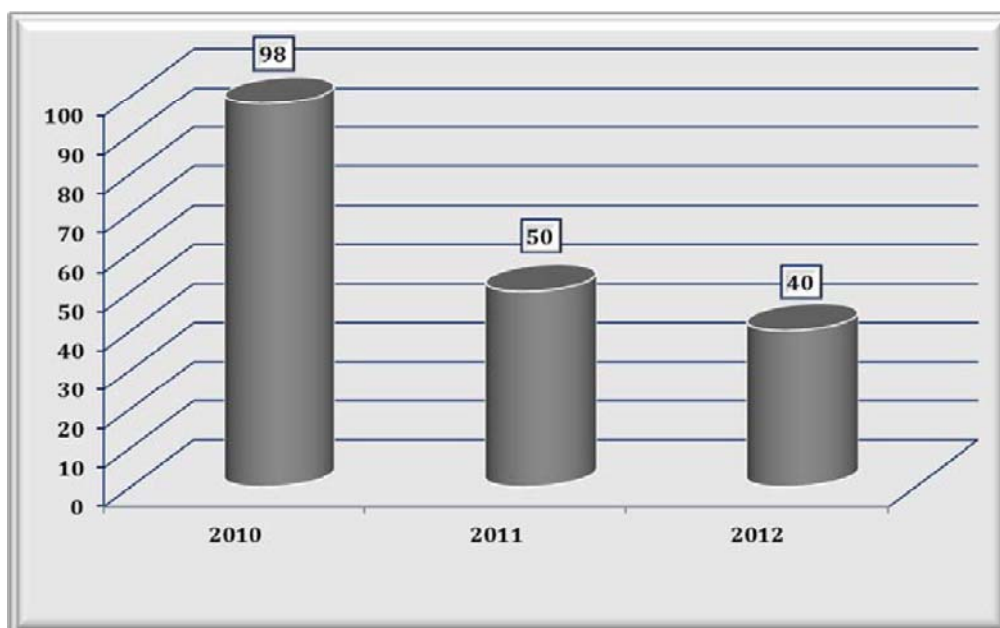
Graph no.36. Postings in the media (no.), 2010-2012



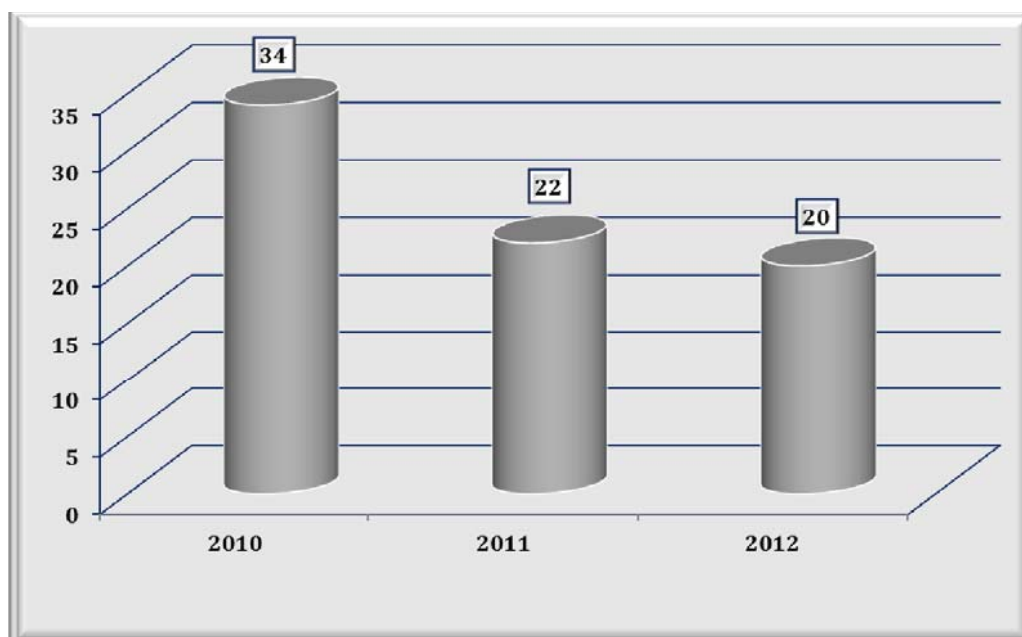
Graph no.37. Organised press events (no.), 2010-2012



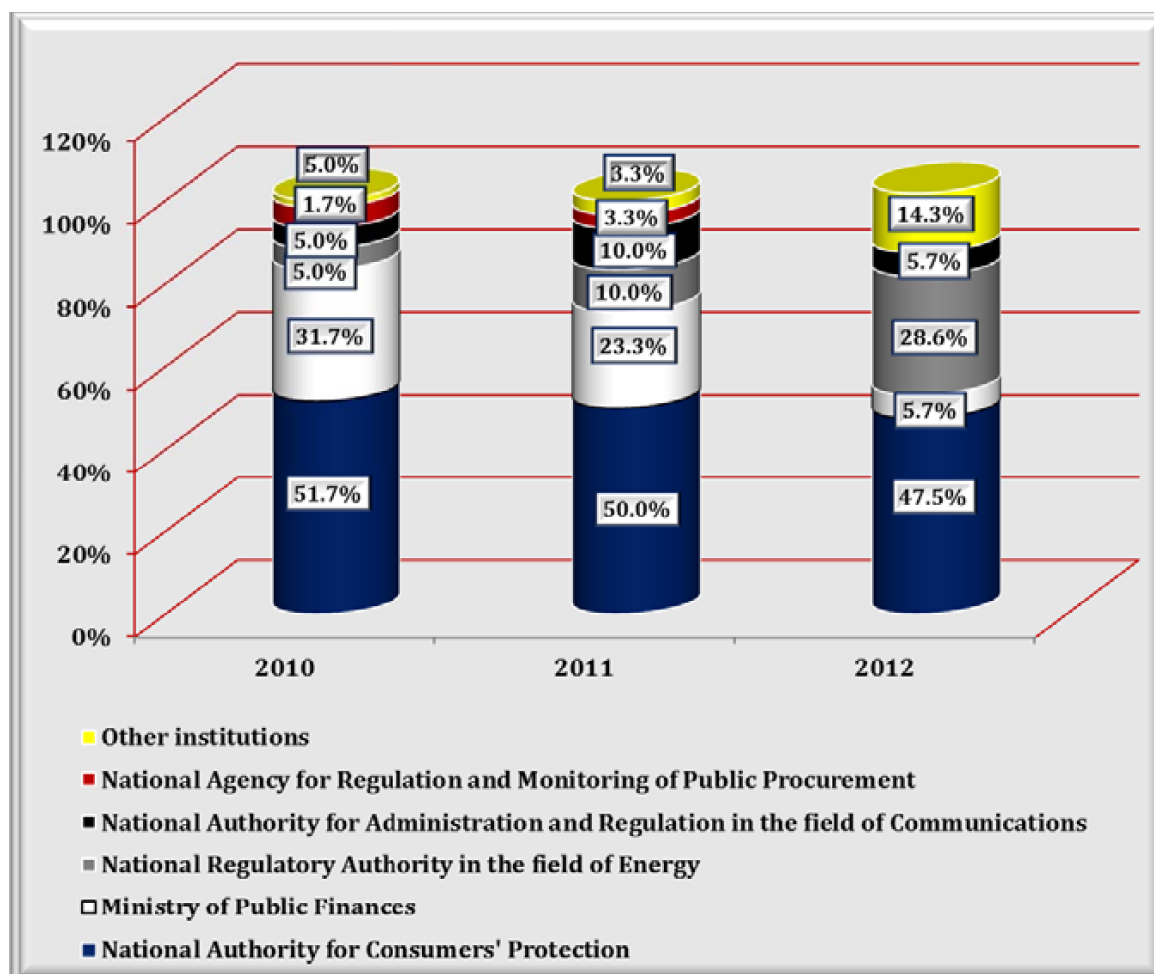
Graph no.38. Issued press releases (no.), 2010-2012



Graph no.39. Requests for information of public interest (no.), 2010-2012



Graph no.40. Petitions forwarded to other institutions (no.), 2010-2012



VII. Financial and human resources of the Competition Council

**Table no.10. The granted budget - the main allocations
(thousands RON), 2010-2012**

	Granted budget		
	2010	2011	2012
Total	36,640	34,328	41,251
Personnel expenses	31,641	28,838	30,590
Goods and services	4,260	4,555	3,853
Other transfers	-	46	48
Nonfinancial assets	739	889	574
Non-reimbursable external funds	-	-	6.186

Synthetic data on the approved budget of the Competition Council can be accessed at:
www.consiliulconcurentei.ro/en/about-us/public-information.html.

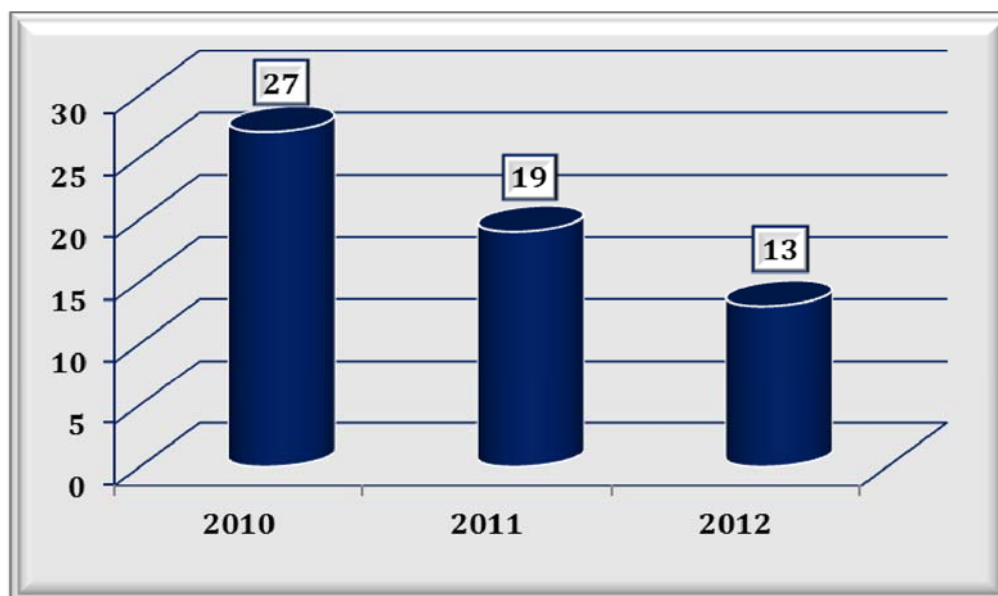
Table no.11. The share of the personnel categories (%), 2010-2012

Year	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010	72.5	20.0	1.4	6.1
2011	71.0	21.0	1.4	6.6
2012	72.3	19.9	1.0	6.8

Table no. 12. The structure of the personnel based on their category (no), 2010-2012

Year	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010	295	214	59	4
2011	286	203	60	4
2012	292	211	58	3

Graph no.41. Number of the carried out projects, 2010-2012



Graph no.42. The budget allocated for the projects (RON), 2010-2012

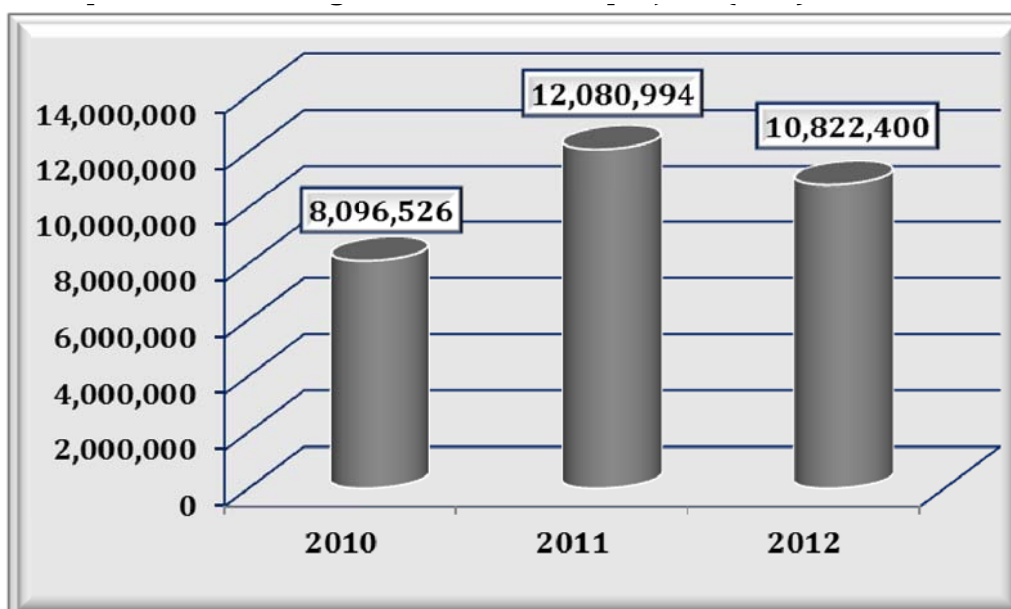


Table no.13. Recruitments based on the hiring manner (%), 2010-2012

Recruitments	Share in total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
For a non-determined period	17.6	20.0	25.0	-	-
For a determined period	47.1	80.0	-	100	-
Detachment	23.5	-	50.0	-	-
Transfer	11.8	-	25.0	-	-
2011					
For a non-determined period	10.0	16.7	-	-	-
For a determined period	70.0	83.3	33.3	100	-
Detachment	20.0	-	66.7	-	-
2012					
For a non-determined period	61.8	64.7	69.2	-	100
For a determined period	32.4	35.3	15.4	100	-
Detachment	-	-	-	-	-
Transfer	5.9	-	15.4	-	-

Table no.14. Recruitments based on the hiring manner (no), 2010-2012

Recruitments	Total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Recruitments
2010					
For a non-determined period	3	1	2	-	-
For a determined period	8	4	-	4	-
Detachment	4	-	4	-	-
Transfer	2	-	2	-	-
2011					
For a non-determined period	1	1	-	-	-
For a determined period	7	5	1	1	-
Detachment	2	-	2	-	-
2012					
For a non-determined period	21	11	9	-	1
For a determined period	11	6	2	3	-
Detachment	-	-	-	-	-
Transfer	2	-	2	-	-

Table no.15. Departures from the institution based on the leaving manner (%), 2010-2012

Departures from the institution	Share in total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
Retirement	35.3	45.5	33.3	-	-
End of the determined period	11.8	9.1	33.3	-	-
Amiable agreement to and the job rapports	52.9	45.5	33.3	100	100
2011					
Retirement	7.1	14.3	-	-	-
End of the determined period	21.4	28.6	20.0	-	-
Resignation	14.3	28.6	-	-	-
Amiable agreement to and the job rapports	42.9	28.6	60.0	-	50.0
Other reasons	14.3	-	20.0	-	50.0
2012					
Retirement	31.6	33.3	33.3	-	-
End of the determined period	21.1	25.0	-	100	-
Resignation	10.5	-	33.3	-	-
Amiable agreement to and the job rapports	36.8	41.7	33.3	-	-

Table no. 16. Departures from the institution based on the leaving manner (no), 2010-2012

Departures from the institution	Total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
Retirement	6	5	1	-	-
End of the determined period	2	1	1	-	-
Amiable agreement to and the job rapports	9	5	1	2	1
2011					
Retirement	1	1	-	-	-
End of the determined period	3	2	1	-	-
Resignation	2	2			
Amiable agreement to and the job rapports	6	2	3	-	1
Other reasons	2	-	1	-	1
2012					
Retirement	6	4	2	-	-
End of the determined period	4	3	-	1	-
Resignation	2	-	2	-	-
Amiable agreement to and the job rapports	7	5	2	-	-

Table no.17. The structure of the personnel based on the age category (%), 2010-2012

Age category	Share in total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
Up to 30 years	8.5	8.9	6.8	50.0	-
Between 30-40 years	37.6	43	23.7	25.0	22.2
Between 40-50 years	20.3	17.8	27.1	25.0	27.8
Over 50 years	33.6	30.4	42.4	-	50
2011					
Up to 30 years	5.9	7.4	3.3	-	-
Between 30-40 years	38.8	41.4	30	75.0	31.6
Between 40-50 years	21	18.2	28.3	25.0	26.3
Over 50 years	34.3	33	38.3	-	42.1
2012					
Up to 30 years	6.2	6.6	3.4	33.3	5.0
Between 30-40 years	39.7	43.6	29.3	33.3	30.0
Between 40-50 years	21.2	17.5	29.3	33.3	35.0
Over 50 years	32.9	32.2	37.9	-	30.0

Table no.18. The structure of the personnel based on the age category (no), 2010-2012

Age category	Total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
Up to 30 years	25	19	4	2	-
Between 30-40 years	111	92	14	1	4
Between 40-50 years	60	38	16	1	5
Over 50 years	99	65	25	-	9
2011					
Up to 30 years	17	15	2	-	-
Between 30-40 years	111	84	18	3	6
Between 40-50 years	60	37	17	1	5
Over 50 years	98	67	23	-	8
2012					
Up to 30 years	18	14	2	1	1
Between 30-40 years	116	92	17	1	6
Between 40-50 years	62	37	17	1	7
Over 50 years	96	68	22	-	6

Table no.19. The structure of the personnel based on the sex category (%), 2010-2012

Sex category	Share in total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
Women	56.9	56.5	57.6	75.0	55.6
Men	43.1	43.5	42.4	25.0	44.4
2011					
Women	54.9	55.2	55	50.0	52.6
Men	45.1	44.8	45	50.0	47.4
2012					
Women	57.9	58.3	55.2	100	55.0
Men	42.1	41.7	44.8	-	45.0

Table no.20. The structure of the personnel based on the sex category (no), 2010-2012

Sex category	Total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
Women	168	121	34	3	10
Men	127	93	25	1	8
2011					
Women	157	112	33	2	10
Men	129	91	27	2	9
2012					
Women	169	123	32	3	11
Men	123	88	26	-	9

Table no.21. The structure of the personnel based on the education level (%), 2010-2012

Education level	Share in total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Education level
2010					
General school	0.6	-	3.3	-	-
High school diploma	7.1	-	35.6	-	-
University diploma	61.4	66.8	47.5	75.0	38.9
Master diploma	27.8	30.4	11.9	25.0	50
PhD studies	3.1	2.8	1.7	-	11.1
2011					
General school	0.6	-	3.3	-	-
High school diploma	6.6	-	31.7	-	-
University diploma	61.2	66	50	75.0	42.1
Master diploma	28.3	31	13.3	25.0	47.4
PhD studies	3.1	3	1.7	-	10.5
2012					
General school	0.7	-	3.4	-	-
High school diploma	5.8	-	29.3	-	-
University diploma	53.8	58.8	50.0	100	5.0
Master diploma	35.6	37.0	15.5	-	85.0
PhD studies	4.1	4.3	1.7	-	10.0

Table no.22. The structure of the personnel based on the education level (no), 2010-2012

Education level	Total personal	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Education level
2010					
General school	2	-	2	-	-
High school diploma	21	-	21	-	-
University diploma	181	143	28	3	7
Master diploma	82	65	7	-	9
PhD studies	9	6	1	-	2
2011					
General school	2	-	2	-	-
High school diploma	19	-	19	-	-
University diploma	175	134	30	3	8
Master diploma	81	63	8	1	9
PhD studies	9	6	1	-	2
2012					
General school	2	-	2	-	-
High school diploma	17	-	17	-	-
University diploma	157	124	29	3	1
Master diploma	104	78	9	-	17
PhD studies	12	9	1	-	2

Table no.23. The structure of the personnel based on the type of the functional unit where it is allocated (%), 2010-2012

The type of the functional unit	Share in the total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
Competition directorates	24.4	30	6.7	-	22.2
State aid directorates	9.8	12.1	1.7	-	11.1
The territorial directorate (including the territorial inspectorates)	30.2	40.2	1.7	-	11.1
The legal directorate	5.1	6.1	1.7	-	5.6
The research directorate	5.8	6.5	1.7	-	11.1
The external relations directorate	6.8	5.1	11.9	-	11.1
Secretary Genera directorates	15.6	-	72.9	-	16.7
Internal auditing unit	0.3	-	1.7	-	-
Public managers	0.7	-	-	-	11.1
Dignitary cabinets	1.3	-	-	100	-
2011					
Competition directorates	25.9	31.5	6.6	-	31.6
State aid directorates	8.7	10.8	1.7	-	10.5
The territorial directorate (including the territorial inspectorates)	30.4	40.9	3.3	-	10.5
The legal directorate	4.9	5.4	1.7	-	10.5
The research directorate	4.9	5.9	1.7	-	5.3
The external relations directorate	5.6	5.4	6.7	-	5.3
Secretary Genera directorates	17.1	-	76.6	-	15.8
Internal auditing unit	0.3	-	1.7	-	-
Public managers	0.7	-	-	-	10.5
Dignitary cabinets	1.5	-	-	100	-
2012					
Competition directorates and services	25.0	29.9	6.9	-	31.6
The State aid directorate	7.2	8.5	1.7	-	10.5
The territorial directorate (including the territorial inspectorates)	29.5	38.4	5.2	-	10.5
The legal directorate	5.1	6.2	1.7	-	5.3
The research directorate	6.5	7.6	1.7	-	10.5
The external relations directorate	6.2	7.1	1.7	-	10.5
Railway Supervision Council	0.3	0.5	-	-	-
The Plenum assistance compartment	1.4	1.9	-	-	-
Secretary Genera directorates	16.4	-	77.6	-	10.5
Internal auditing unit	0.7	-	3.4	-	-
Public managers	0.7	-	-	-	10.5
Dignitary cabinets	1.0	-	-	100.0	-

Table no.24. The structure of the personnel based on the type of the functional unit where it is allocated (no), 2010-2012

The type of the functional unit	Total personnel	Competition inspectors	General public functions and contractual personnel	Dignitary cabinet personnel	Management personnel
2010					
Competition directorates	72	64	4	-	4
State aid directorates	29	26	1		2
The territorial directorate (including the territorial inspectorates)	89	86	1	-	2
The legal directorate	15	13	1	-	1
The research directorate	17	14	1	-	2
The external relations directorate	20	11	7	-	2
Secretary Genera directorates	46	0	43	-	3
Internal auditing unit	1	-	1	-	-
Public managers	2	-	-	-	2
Dignitary cabinets	4	-	-	4	-
2011					
Competition directorates	74	64	4	-	6
State aid directorates	25	22	1	-	2
The territorial directorate (including the territorial inspectorates)	87	83	2	-	2
The legal directorate	14	11	1	-	2
The research directorate	14	12	1	-	1
The external relations directorate)	16	11	4	-	1
Secretary Genera directorates	49	0	46	-	3
Internal auditing unit	1	-	1	-	-
Public managers	2	-	-	-	2
Dignitary cabinets	4	-	-	4	-
2012					
Competition directorates and services	73	63	4	-	6
The State aid directorate	21	18	1	-	2
The territorial directorate (including the territorial inspectorates)	86	81	3	-	2
The legal directorate	15	13	1	-	1
The research directorate	19	16	1	-	2
The external relations directorate	18	15	1	-	2
Railway Supervision Council	1	1	-	-	-
The Plenum assistance compartment	4	4	-	-	-
Secretary Genera directorates	48	0	45	-	2
Internal auditing unit	2	-	2	-	-
Public managers	2	-	-	-	2
Dignitary cabinets	3	-	-	3	-

Table no.25. The structure of the competition inspectors based on the professional grade (%), 2010-2012

The type of the functional unit	Share in the total no. of inspectors	Debutant	Assistant	Principal	Superior
2010					
Competition directorates	29.9	-	40.4	32.7	23.4
State aid directorates	12.1	-	10.5	18.4	10.3
The territorial directorate (including the territorial inspectorates)	40.2	-	19.3	26.5	57.9
The legal directorate	6.1	-	14	6.1	1.9
The research directorate	6.5	100	7	10.2	3.7
The external relations directorate	5.1	-	8.8	6.1	2.8
2011					
Competition directorates	31.5	-	38.1	39.7	24.3
State aid directorates	10.8	-	4.8	19.0	8.7
The territorial directorate (including the territorial inspectorates)	40.9	-	26.2	20.7	58.3
The legal directorate	5.4	-	11.9	6.9	1.9
The research directorate	5.9	-	9.5	6.9	3.9
The external relations directorate	5.4	-	9.5	6.9	2.9
2012					
Competition directorates and services	29.9	-	25.0	31.8	30.1
State aid directorates	8.5	-	3.1	9.1	9.7
The territorial directorate (including the territorial inspectorate)	38.4	-	25.0	25.8	49.6
The legal directorate	6.2	-	15.6	7.6	2.7
The research directorate	7.6	-	12.5	13.6	2.7
The external relations directorate	7.1	-	12.5	9.1	4.4
Railway Supervision Council	0.5	-	-	1.5	-
The Plenum assistance compartment	1.9	-	6.3	1.5	0.9

Table no.26. The structure of the competition inspectors based on the professional grade (no), 2010-2012

The type of the functional unit	Total no. of inspectors	Debutant	Assistant	Principal	Superior
2010					
Competition directorates	64	-	23	16	25
State aid directorates	26	-	6	9	11
The territorial directorate (including the territorial inspectorates)	86	-	11	13	62
The legal directorate	13	-	8	3	2
The research directorate	14	1	4	5	4
The external relations directorate	11	0	5	3	3
2011					
Competition directorates	64	-	16	23	25
State aid directorates	22	-	2	11	9
The territorial directorate (including the territorial inspectorates)	83	-	11	12	60
The legal directorate	11	-	5	4	2
The research directorate	12	-	4	4	4
The external relations directorate	11	-	4	4	3
2012					
Competition directorates and services	63	-	8	21	34
State aid directorates	18	-	1	6	11
The territorial directorate (including the territorial inspectorates)	81	-	8	17	56
The legal directorate	13	-	5	5	3
The research directorate	16	-	4	9	3
The external relations directorate	15	-	4	6	5
Railway Supervision Council	1	-	-	1	-
The Plenum assistance compartment	4	-	2	1	1

Table no.27. The structure of the personnel with general public functions based on the professional grade (%), 2010-2012

The type of the functional unit	Share in the total public servants with general functions	Assistant	Principal	Superior
2010				
Competition directorates	13	22.2	-	8.4
The external relations directorate	13	-	-	25
Secretary General	60.9	66.7	100	50
Internal auditing unit	4.3	-	-	8.3
Public managers	8.7	11.1	-	8.3
2011				
Competition directorates	13.6	25.0	-	9.1
The territorial directorate (including the territorial inspectorates)	4.5	12.5	-	-
The external relations directorate	9.1	-	-	18.2
Secretary General	59.1	50.0	100	54.5
Internal auditing unit	4.5	-	-	9.1
Public managers	9.1	12.5	-	9.1
2012				
Competition directorates and services	15.8	25.0	-	25
The territorial directorate (including the territorial inspectorates)	5.3	-	14.3	-
Secretary General	57.9	50.0	85.7	37.5
Internal auditing unit	10.5	-	-	25
Public managers	10.5	25.0	-	12.5

Table no.28. The structure of the personnel with general public functions based on the professional grade (no), 2010-2012

The type of the functional unit	Total public servants with general functions	Assistant	Principal	Superior
2010				
Competition directorates	3	2	-	1
The external relations directorate	3	-	-	3
Secretary General	14	6	2	6
Internal auditing unit	1	-	-	1
Public managers	2	1	-	1
2011				
Competition directorates	3	2	-	1
The territorial directorate (including the territorial inspectorates)	1	1	-	-
The external relations directorate	2	-	-	2
Secretary General	13	4	3	6
Internal auditing unit	1	-	-	1
Public managers	2	1	-	1
2012				
Competition directorates and services	3	1	-	2
The territorial directorate (including the territorial inspectorates)	1	-	1	-
Secretary General	11	2	6	3
Internal auditing unit	2	-	-	2
Public managers	2	1	-	1



COMPETITION COUNCIL

1ST Piața Presei Libere, sector 1, Bucharest, Postal code 013701

Phone: 021.31.81.198, 021.31.18.11.99, Fax: 021.31.84.09

www.competition.ro

E-mail: presedinte@consiliulconcurentei.ro, presa@consiliulconcurentei.ro