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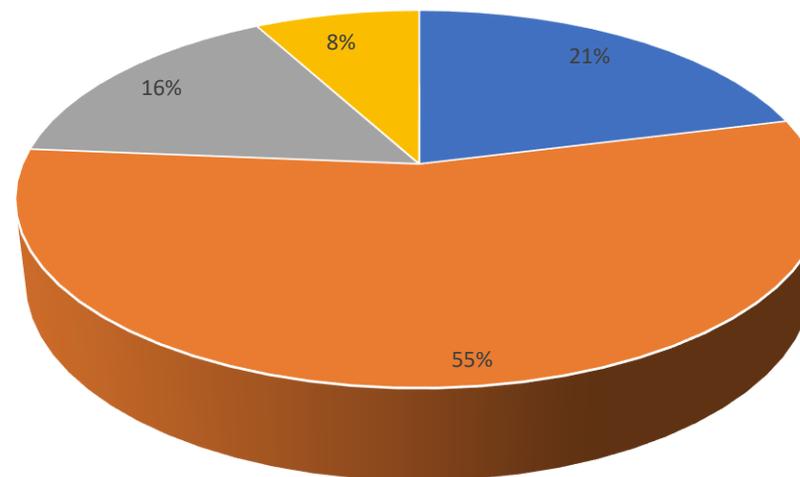
# **Enforcement of Regulation 1/2003 & Enhanced Cooperation in ECN**

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# Enforcement of Regulation 1/2003 in Romania

- January 1<sup>st</sup>, 2007 – the date of Romania's adherence to the EU
- Enabled Romania, through the RCC, to apply both the EU and the national competition law, in compliance with Regulation 1/2003, in 105 investigations
- Out of the 105 investigations conducted, 67 were finalized and 38 are ongoing
- The ongoing investigations mainly regard horizontal agreements (21), followed by abuse of dominance (8), vertical agreements (6) and 3 possible interventions on public administration (source of data: Annual Report, 2021)

Type of practices targeted by the RCC's on-going investigations at the end of 2021, based on EU & national law, 2021



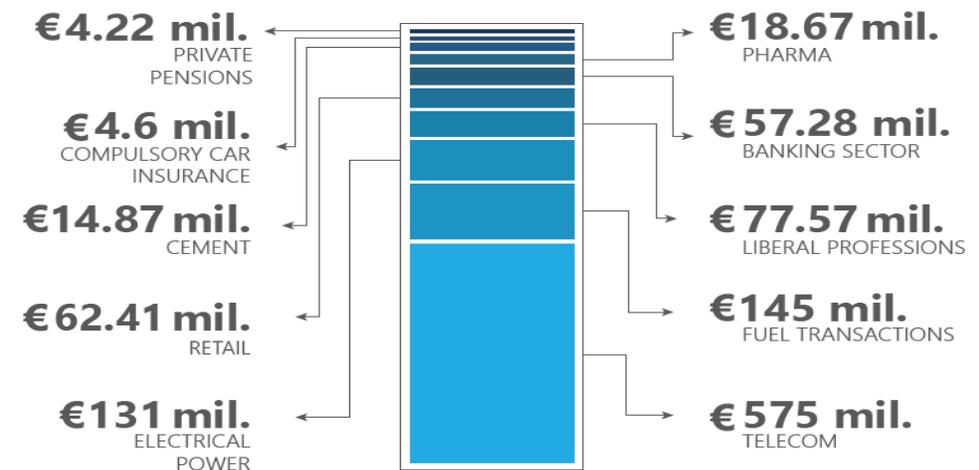
- Abuse of dominance
- Horizontal agreements/concerted practices
- Vertical agreements/concerted practices
- Measures taken by public administration that might harm competition

# Consumer benefits deriving from antitrust enforcement on the key economic sectors in Romania

Antitrust enforcement in different economic sectors, such as energy and gas, IT&C, wholesale and retail fuel, public procurement, pharma, food, telecom, production and distribution of industrial equipment, insurance & tourism

**€1 BILLION -**

generated savings for the consumer as a result of the Competition Council's intervention in 10 key sectors



Source: Bucharest Academy of Economic Studies, Study on the assessment of competition policy's impact, 2017

# ECN Cooperation

General approach – soft law (ECN recommendations on a due fair investigation process)

Mechanism of cooperation – Regulation 1/2003, enhanced by Directive ECN Plus

# Mutual cooperation enforcing Regulation 1/2003

The entry into force of Regulation (EC) no. 1/2003 set up a system of parallel competences, through ECN, setting up the framework for an effective and coherent cooperation between the Commission and NCAs, by:

- informing each other and coordinating investigations;
- assisting each other within investigations;
- exchanging information; and
- discussing issues of common interest.

## Case Practice

Simultaneously dawn raids on the immunoglobulin pharmaceutical market - RCC jointly with the Italian and Belgian competition authorities conducted dawn raids at the premises of the undertakings on the defined territories of these three Member States, 25 – 29 June, 2018. According to its prohibition decision with fines (approx. Eur 71 Mil) adopted later on, in 2021, RCC found that Baxalta (Shire), Behring, Biotest, Kedrion, Octapharma and the association of the plasma protein therapy (PPTA) coordinated their anticompetitive behaviour on the Romanian market of normal human immunoglobulins. Output limitation is by its nature a practice that restricts competition. The lack of access to immunoglobulins, as essential medicines for the treatment of many serious illnesses, endangered the lives of patients. It led the authorities to take certain crisis measures designed to protect the population in case of natural disasters by triggering the European Civil Protection Mechanism, which indicates, implicitly, the magnitude of the effects generated on the national market. The analysed practice, consisting, in essence, in the coordination of trading of immunoglobulins was likely to significantly change the structure of trade between the EU Member States.

# Areas for further reflection

- Investigation tools adjusted to the context of the digital business reality
- Interference between data protection rules and investigative powers
- Enhanced coordination in ECN between the Commission and NCAs in digital cases

**Thank you for your attention!**

