

CERHA HEMPEL CEE NEWSLETTER *Romania*

Competition Aspects and COVID-19

From a competition law perspective, companies should take specific justified measures to prevent the spread of the coronavirus. However, such measures may not lead to serious restrictions of competition. In this respect, following the recommendations of the Common Policy, adopted by the European Commission on the application of competition rules during the coronavirus crisis, the Romanian Competition Council (RCC) implements (i) measures to maintain the market balance and (ii) means of electronic communication with the RCC.

Companies should implement measures to ensure efficient management and market balance. For instance, (i) traders may limit the quantities of essential products purchased by a single person or in a single order and can change their operating schedule to reduce the risk of speculation and allow more consumers to stock up, (ii) companies may coordinate both transport and home deliveries for consumers at high risk and also increase the efficiency of the supply of products for basic needs and ensure a balanced distribution, and (iii) manufacturers may set maximum prices for their products, which could limit the unjustified increase in prices at the distribution level, etc.

Measures to Maintain Market Balance

Online trading platforms will monitor price changes for essential products and adopt a policy to limit unjustified price increases or suspend the sale of certain products if there is a suspicion of abuse.

The RCC points out that the crisis should not be used to (i) increase prices without objective justification, (ii) exchange sensitive information (on

prices, trade policy, etc.), (iii) exclude competitors from the market, (iv) abuse a dominant position, (v) reach or conclude anti-competitive agreements (to eliminate the marketing of a certain product or service, pricing, or customer and territory sharing).

In case of doubt with respect to the above, companies can contact the RCC by sending an email to presedinte@consiliulconcurentei.ro.

Electronic Correspondence with the RCC

As per GEO no. 38/2020 on the use of documents in electronic form at the level of public authorities and institutions, documents (i.e. requests, complaints, notifications or any other documents) may be sent to the RCC, the Naval Supervisory Council, the National Railway Supervisory Council via (i) the portal of the RCC, available at <https://portal.consiliulconcurentei.ro/solicitari/documente-semnate-electronic>, or by (ii) email to office@consiliulconcurentei.ro. A registration number will be issued in both cases. Electronic documents are transmitted in observance of the rules regarding the extended electronic signature. The RCC, the Naval Supervisory Council and the National Railway Supervisory Council will be able to respond to documents submitted in electronic format only by using the electronic signature, as required by law.

Interested parties may submit requests, complaints, notifications or other documents in hard copy or in electronic format without an extended electronic signature by sending them to office@consiliulconcurentei.ro, via the external portal available at <https://portal.consiliulconcurentei.ro/solicitari>, as well as via the competition platform available at <https://report.whistleb.com/ro/consiliulconcurentei>, in accordance



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with the procedural norms applied by the above mentioned authorities.

For more information

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