

# Kluwer Competition Law Blog

## Main Developments in Competition Law and Policy 2024 – Romania

Raluca Maxim (360Competition) · Friday, January 3rd, 2025

2024 has been a landmark year for competition law, unfair competition, and foreign direct investment (**FDI**) screening in Romania, marked by significant changes that have reshaped the regulatory landscape. The Romanian Competition Council (**RCC**) has solidified its role as a proactive authority, capable of responding swiftly when needed, launching unprecedented enforcement actions in the IT, retail, and healthcare sectors, alongside heightened scrutiny of mergers and unfair competition practices. Additionally, significant legislative amendments have strengthened the focus on the FDI screening regime, introducing harmonized sanctions for both EU and non-EU investors, along with the looming risk of nullity for notifiable investments that were not properly notified and authorized.

These developments are summarized and briefly contextualized below.

### Antitrust investigations

#### *Cisco's alleged bid-rigging practices*

Among the most notable enforcement actions of 2024 is the [RCC's investigation into Cisco's](#) activities within the IT&C sector. This case has quickly gained attention, both for its high-profile nature and its potential to set a precedent with far-reaching implications across the industry.

The RCC's investigation centres on potential anti-competitive practices in public procurement. Specifically, the authority is examining whether Cisco, directly or through its authorized distributors, facilitated the allocation of public tenders involving its equipment among selected bidders, to ensure that favoured companies emerged as winners. The RCC, acting on information from contracting authorities and its whistleblower platform, conducted one of its largest-ever dawn raids.

#### *Sporting goods: alleged market allocation*

In December 2024, the RCC launched an [investigation into Nike Europe and two of its Romanian distributors over vertical agreements potentially restricting sales](#). Specifically, the authority

suspects that Nike European Operations Netherlands B.V, as the supplier of Nike-branded products, may have interfered with the commercial policy of its distributor, limiting the customers to whom it could sell sporting goods.

The RCC, in cooperation with the Dutch Authority for Consumers & Markets (ACM), conducted dawn raids in both Romania and the Netherlands, underscoring the RCC's growing competence in cross-border enforcement.

### *Book market investigation*

In August 2024, the RCC [fined six publishing houses and bookstores and the Romanian Publishers Association \(AER\) for colluding](#) to restrict Bookster's access to books between 2017 and 2020. Bookster, a subscription service providing books to employees, was accused of operating outside legal norms, with AER arguing it circumvented copyright laws by falsely presenting itself as a public library and failing to pay proper royalties. The RCC found that the publishers, supported by AER, limited Bookster's market access, citing concerns over copyright and royalties. The case sparked a public scandal, as AER rejected the RCC's finding of an infringement, arguing their actions were part of efforts to combat piracy and protect copyright.

### *Samsung & Retailers RPM Investigation*

The RCC has imposed a [fine of approx. EUR 24.7 million fine on SEROM \(Samsung Romania\)](#) and its partners, Dante International (eMAG), Altex Romania, and Flanco Retail. The investigation revealed that the companies coordinated in fixing resale prices. The case, triggered in part by the RCC's whistleblower platform, marks a renewed focus on vertical agreements following the 2022 VBER adoption.

## **Unfair competition enforcement**

In 2022, Romania introduced amendments to its unfair competition framework, including provisions on the abuse of superior bargaining position, as well as through the transposition of the UTP Directive into Law no. 81/2022. These provisions remained largely unused until 2024, when the RCC launched three significant investigations.

Notably, the RCC launched probes into abuses of superior bargaining power in the [medical oxygen supply market](#), [auto repair shops' dealings with insurers](#), as well as targeted [alleged pressure on a supplier to cease business with a competitor](#).

A notable shift in approach emerged as the RCC suggested it may use the abuse of superior bargaining power as a backdoor for traditional abuse of dominance cases, influenced by the recent the High Court's annulment of a EUR 14 million fine against Orange Romania for restricting access to its network.

## Court-upheld investigations

In October 2024, the [High Court upheld the RCC's findings against Roche Romania](#) for abusing its dominant position in the oncology market. Roche had previously been fined EUR 9.47 million in 2019 for manipulating public tenders to delay the entry of biosimilar drugs.

Similarly, in November, the [High Court confirmed the RCC's decision against Auchan and Cora](#) for price-fixing in retail, resulting in a EUR 18.8 million fine.

## Mergers and Commitments

A significant merger cleared by the RCC in 2024 was the acquisition of Profi Rom Food by Mega Image (Delhaize “The Lion” Nederland B.V.). To address concerns about supplier listing and delisting practices, [Mega Image proposed commitments, including transparent criteria and enhanced protection for key suppliers](#). Notably, these commitments are tied to Law 81/2022, marking the first-ever application of the [UTP Directive](#) in a merger context in Romania. The RCC also [launched an investigation into unfair trading practices](#) in the agricultural and food supply chain, focusing on Profi Rom Food, further strengthening enforcement in this area.

## Foreign investment screening

Romania's FDI screening regime continued to evolve in 2024, with authorities taking a more proactive stance. While no formal prohibitions have been issued yet, the volume of filings is expected to triple by the end of 2024 compared to 2023.

Due to the broad and intentionally vague definition of sensitive sectors, including the catch-all category of “citizens’ and communities’ security,” the authorities are now examining transactions in a wide variety of unexpected industries. These include real estate development, production of business shoes for both men and women, tourism services for companies and travel agencies, soil analysis and fertilization, expansion of starch production capacity, used oil collection services, and the creation and management of customized online forms, among others.

A key update is the introduction of **harmonized gun-jumping sanctions**, applying to both EU and non-EU investors, with fines reaching up to 10% of global turnover for violations. This clears up any uncertainty around the **standstill obligation** for EU investors.

Additionally, any **contracts or agreements** related to notifiable investments implemented before clearance are now deemed **null and void**, reinforcing the importance of following the screening process.

The scope of fines has expanded, with penalties now applied for negligence and non-compliance with information requests.

Further secondary legislation is anticipated in early 2025 to clarify key details, including the computation method for the EUR 2 million threshold for mandatory notifications. In a positive step, the authorities have begun publishing some of their clearance decisions, improving

transparency and facilitating the compliance process.

## Conclusion

In conclusion, the 2024 developments underscore the RCC's growing influence as a proactive competition enforcer, not only in Romania but across the broader region. Building on last year's landmark actions against giants like Apple and Sony, the RCC has further strengthened its reputation by tackling high-profile cases in the IT, retail, and healthcare sectors.

Furthermore, Romania's FDI screening regime has emerged as one of the most active in the EU, with a more assertive approach resulting in a significant increase in filings and expanded scrutiny of transactions across diverse industries.

---

*To make sure you do not miss out on regular updates from the Kluwer Competition Law Blog, please subscribe [here](#).*

A graphic for a survey report. On the left, white text on a dark background reads "2024 Future Ready Lawyer Survey Report" and "Legal innovation: Seizing the future or falling behind?". Below this is a blue button with white text "Download your free copy →" and the Wolters Kluwer logo. On the right, a circular image shows a gavel resting on a surface with glowing digital lines and a padlock icon. In the bottom right corner of the graphic is a logo for "Future Ready LAWYER".

2024 Future Ready Lawyer Survey Report

**Legal innovation:  
Seizing the  
future or  
falling behind?**

Download your free copy →

 Wolters Kluwer



This entry was posted on Friday, January 3rd, 2025 at 10:00 am and is filed under [Competition Law 2024, Romania](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.

