

ROMANIA			
COMPETITION FRAMEWORK			
Competition Law	Competition is regulated under Competition Law no. 21/1996, enacted on April 10, 1996, as subsequently amended and supplemented, and under Competition Council Regulations and Guidelines. Romanian competition legislation generally follows the provisions of that of the EU, with certain specificities. The Competition Law entered into force on February 1, 1997.		
Competition Authority	Competition Law no. 21 of 10 of April 1996 established the Competition Council. The Romanian Competition Authority started its activity on September 6, 1996 by drafting the necessary secondary legislation necessary for enforcing the Competition Law. Website: http://www.consiliulconcurentei.ro/en/about-us.html		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	No	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority be vetoed by the Ministry or the executive branch
		X	The Competition Authority has to report on an annual basis to the executive.
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities. <i>See</i> Competition Law, Chapter III, article 32 “(1) The Competition Council shall draw up an annual report on its activity, and the manner in which the undertakings and public authorities observe the rules of competition, according to this law. (2) The report shall be adopted by the plenum of the Competition Council, and shall be published.”
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review. Other obligations/comments: <i>See</i> Competition Law, Chapter III, article 27 “The Competition Council has the following duties: (h) to inform the courts on cases subject to their jurisdiction” The Competition Council’s decisions are subject to appeal, which may be filed with the Bucharest Court of Appeal within 30 days of communication. The mere challenge of the decisions of the Competition Council does not stay their enforcement. The claimant may file a separate request for such stay and the Court may dispose suspension only with the condition of paying a bail amount of 30 per cent of the fine established by the decision appealed. The decision of the Bucharest Court of Appeal may be further challenged before the High Court of Cassation and Justice. The Competition Council’s order through which the investigation was initiated can be challenged only together with the decision that finalizes the investigation.
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Law, Chapter III, article 18.	
Does the executive have powers to decide on specific cases based on public interest?	No		
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	No		
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<i>See</i> Competition Law, Chapter III, article 26(1).	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<i>See</i> Competition Law, Chapter III, article 26(3).	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	<i>See</i> Competition Law, Chapter III, article 18(1), “The plenary session of the Competition Council is a collegial body and is made up of 7 members, as follows: on president, 2 vice-presidents and 4 competition counselors.” <i>See also</i> article 21(5), “During deliberations, each member has one vote; in cases of a tie vote, the president’s vote shall prevail.” <i>And</i> Competition Law, article 24.	
Does a minister appoint the heads?	No	<i>See</i> Competition Law, Chapter III, article 18(1).	
Do representatives of more than one government	No		

branch appoint the heads?		
Is there a fixed period during which removal is prohibited?	No	<i>See</i> Competition Law, Chapter III, article 18(9).
Is the tenure of the heads renewable?	Yes	<i>See</i> Competition Law, Chapter III, article 18(2).
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> Competition Law, Chapter III, articles 18(4) and 18(5).
ARCHITECTURE		
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency	<i>See</i> Competition Law, Chapter III, article 17(1).
POLICY MAKING AGENTS -DIVERSIFICATION-		
How many agencies are responsible for competition enforcement?	One agency	
Do sector regulators have competition policy enforcement mandate?	No	
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	No	
POLICY DUTIES		
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	<input checked="" type="checkbox"/> Concurrent consumer protection mandate.
		<input checked="" type="checkbox"/> Concurrent IP mandate.
		Other mandates: Non. As national competition authority, the institution enforces and ensures the application of the national and Community rules on competition. At the same time, the Competition Council has the role of national contact authority on State aid between the European Commission, on one hand, and the public institutions State aid suppliers and beneficiaries, on the other hand. The Competition Council has also the role of representing Romania in the relation with the international institutions on competition; moreover, it is responsible for managing the relation with the institutions of the EU.
PORTFOLIO INSTRUMENTS		
Law Enforcement		
Does the Competition Authority have powers to investigate cartels?	Yes	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	
Does the Competition Authority have powers to accept leniency applications?	Yes	
Does the Competition Authority have powers to seek criminal punishment?	Yes	
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See</i> Competition Law, Chapter III, article 27. The opinions are not binding.
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	
Rulemaking		
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	<input checked="" type="checkbox"/> Guidelines on the calculation of fines.
		<input checked="" type="checkbox"/> Guidelines on merger control.
		<input checked="" type="checkbox"/> Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	<i>See</i> Competition Law, Chapter III, article 27.
Can the Competition Authority report to the legislature on the results of market studies?	No	
DECISION-MAKING FUNCTIONS		

Aggregated Functions		
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes	
Does the Competition Authority make guilty findings?	Yes	
Does the Competition Authority impose punishments?	Yes	
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes	
Can the Competition Authority's decisions be appealed to a court?	Yes	
Disaggregated Functions—Prosecutorial Model		
Are there different authorities that make the decision to investigate and to prosecute cases?	No	
Are disputes presented for decision to a separate entity/tribunal?	No	