

# International cooperation in competition law enforcement

**RCC's experience**

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# RCC – a young competition authority?

- 22 years since its creation
- 12 years as member of ECN
- Member of ICN since 2001
- Member of OECD Competition Committee in 2014

# International cooperation – general remarks

- As competition authority of a candidate country (1997-2007), RCC:
  - signed MoUs with many NCA from EU
  - benefited from EU support through Twinning (4 projects) and Taiex

# RCC – member of ECN

In 2007, Romania joined the EU;

- Competition Council was already applying the EU acquis
- Use of dawn-raids during investigations
  
- In 2011 established a Cartel Unit
- Department dealing only with Bid rigging cases has been created

# Cooperation with the EC

In 2016 and 2017

## **2 Un-announced inspections of DG Comp to Romanian companies in:**

(art. 20 of Reg.1/2003)

- natural gas sector
- pharmaceutical products

## **Close cooperation with the EC TEAM:**

We selected the best placed case-handlers based on;

- their previous experience in carrying out dawn-raids,
- knowledge of EN language,
- easy adaptation to new rules and communication skills

# Cooperation with the EC

## **Lessons learnt:**

- we need to reconsider our IT investment strategy
  - forensic on-the-spot tools or
  - update of the actual IT forensic system,
- training of staff on using the new technologies of companies inspected

# Cooperation with other competition authorities

- Reg 1/2003 sets out the legal basis for cross-border cooperation between competition authorities
- It may include raids at the offices or even private homes of individuals that are suspected of hosting relevant evidence.
- Inspections are decided by the RCC, although the procedural law governing the collection of evidence will be that of the host state.

## Two examples

Cooperation with other competition authorities  
**case 1 Aviation insurance market**

**The Romanian Competition Council never rings twice.  
Not even when abroad – online news in 2017**

In 2017, RCC conducted an investigation:

- **information was collected** from companies based in UK,
- **with the support of the CMA.**



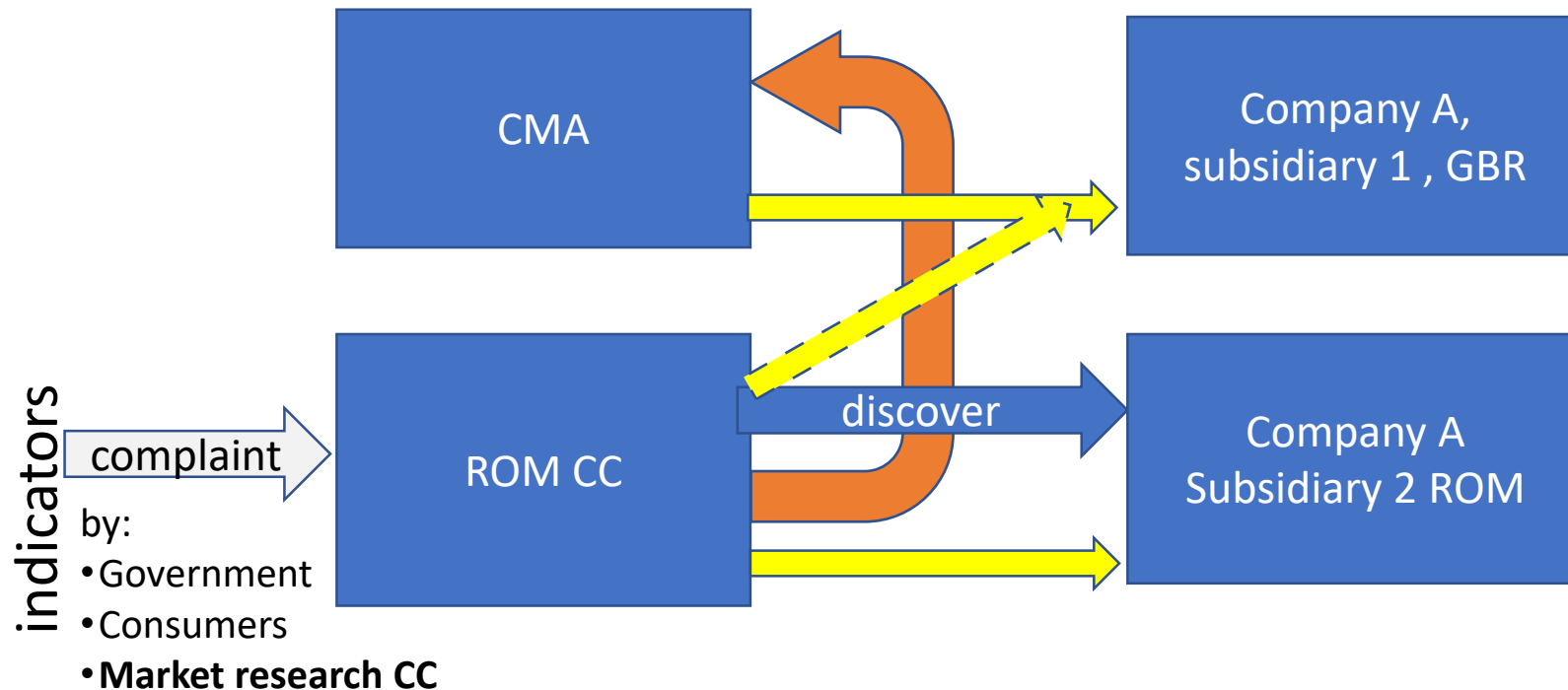
# Insurance Aviation Market

The indicators:

- Complaint
- Research

Follows doubts -> judicial approval

Follows investigation:



1. Complaint -> research
2. Discover
3. Inform & plan
4. Strike (Raid) by mixed team(s)

# Cooperation with other competition authorities

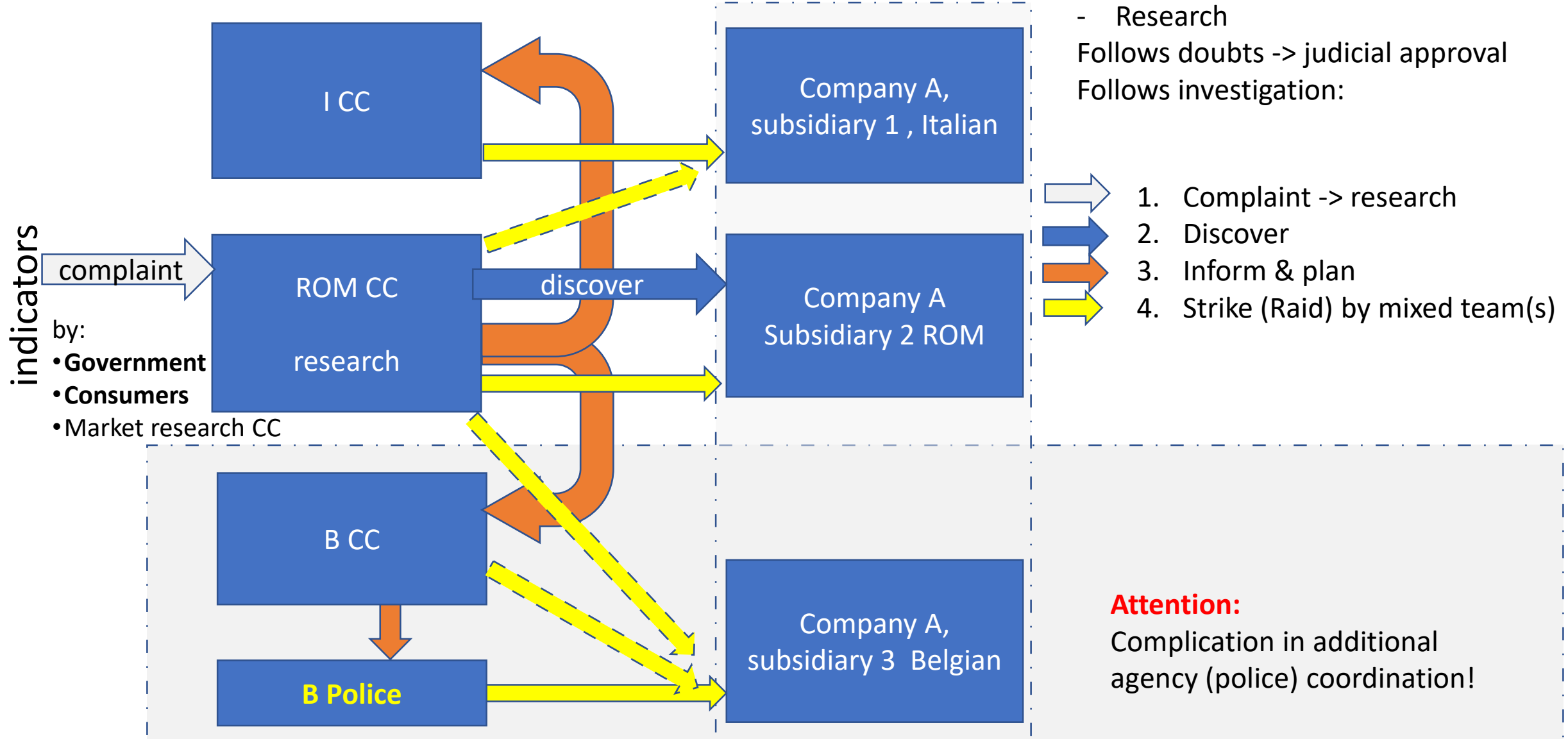
## case 2 Immunoglobulin market

**The Romanian Competition Council never rings twice. Not even when abroad**

**In 2018** RCC teams carried out unannounced inspections

- RCC was accompanied by
  - Italian Competition Authority,
  - Belgian Competition Authority and Belgian Police
- All inspections were simultaneously conducted

# Immunoglobulin



# EU mergers, example:

- **ArcelorMittal** notified the EC about its intention to acquire the Italian steelmaker **Ilva**
- The company is present in many EU countries, including Romania
- The EC approved the merger with conditions: disposal of assets in Italy, Romania, Macedonia, Czech Republic, Luxembourg and Belgium
- In this case, RCC and other EU competition authorities applied Reg. 139/2004 on merger control

# International mergers, example:

- Single control of **Chimcomplex SA Borzești** over assets of **Oltchim SA Râmnicu Vâlcea** (major producer in the chemical industry).
- Was notified to competition authorities of Romania, Moldova and Macedonia
- Since the other 2 countries are not in the EU, the ICN practical guide to international enforcement cooperation in mergers was applied
- RCC's decision was communicated to these authorities
- Information sharing consistent with the confidential obligation

# Cooperation within the ECN

- The cross-border interaction is likely to increase
- The ECN+ Directive, seeks to further empower the national competition authorities, aims to further facilitate cross-border investigations, including mutual assistance in dawn raids.
- *The deadline for transposing the ECN+ Directive is 2021*
- The Romanian draft law provides for: *cooperation with other competition authorities within the ECN, in order to ensure an effective and uniform application of the Treaty (Articles 101 and 102)*

Thank you for your attention!