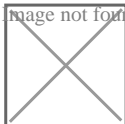


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The abusive behaviour of dominant firms is prohibited by article 6 of the Romanian Competition Law No. 21/1996 (RCL) and article 102 of the Treaty on the Functioning of the European Union (TFEU). Article 6 expressly prohibits the abuse of a dominant position held by one or more undertakings on the Romanian market or on a substantial part of it.

Romanian legislature states as primary objectives of the antitrust law the protection and growth of competition on the market and the support of consumers' welfare. The RCC's practice showed an increased focus on consumers. Sustaining the market position of small and medium-sized businesses, although not specifically reiterated under article 6 of the RCL, could be considered as an objective to be protected within the context of control on abuse of a dominant position.

Network industries such as telecommunications, postal services, energy, and railway transport are regulated by specific rules to facilitate market liberalisation and ensure a competitive environment. These specific rules are directly applied by the relevant sector regulatory bodies. Nevertheless, topics concerning access to infrastructure or other anti-competitive practices of the incumbent operators in the specific sectors could also be dealt with by the RCC under the general rules on abuse of dominant position.

The RCL is primarily enforced by the RCC. Its decision-making structure consists of seven members appointed by the President of Romania at the government's proposal, who are assisted in their activity by competition inspectors who are public officials with specific attributions. The RCC may initiate an investigation on abuse of dominant position ex officio or upon complaint.

To read the entire article, please download the .pdf attached.