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Written by: **Raluca Vasilache and Anca Jurcovan**
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The Competition Council, Romania's anti-trust regulatory authority, introduced a leniency policy in 2004. The Competition Council published its Guidelines on Leniency (Leniency Guidelines) on 13 May 2004. These were inspired by the European Commission's 2002 Notice on immunity from fines and reduction of fines in cartel cases (OJ 2002 C45/03) (Leniency Notice).

The Leniency Guidelines apply to the most serious (horizontal) agreements or practices restricting competition, that is, cartels involved in (Chapter 1, Leniency Guidelines):

- Price-fixing.
- Fixing the level of production.
- Sales quotas.
- Market or client sharing.
- Bid-rigging.
- Import-export restrictions.

The Leniency Guidelines do not expressly exclude vertical agreements and the Competition Council has not made a clear statement as to which vertical agreements are eligible for leniency. However, given the restrictive definition of cartel, it is likely that the Competition Council will follow the European Commission's practice and generally not award leniency to vertical agreements (especially those that require notification in Romania for an individual exemption).

Circumstances. Leniency or immunity from criminal prosecution is not available for individuals. Under the Competition Law, it is possible for individuals who participated, deliberately and with fraudulent intent, to plan, organise, implement and participate in prohibited practices, to be prosecuted. To date, companies are not subject to criminal prosecution for anti-competitive behaviour. Only the Prosecutor can bring criminal actions before a court. The Competition Council notifies the case to the Prosecutor but does not prosecute the individuals concerned.

Proceedings against individuals. Leniency or immunity from criminal proceedings is not applicable. However, it would be contradictory for the Competition Council to bring a case before the Prosecutor against an individual after granting leniency to an undertaking in which that individual is a manager or employee.

Employees' interests. Not applicable.

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