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The enforcement record of the Romanian Competition Council (RCC) has proved rather poor throughout the past year, no major “catch” being penalised since the drug distributors cartels on the insulin and dialyse markets were fined in the first quarter of 2008. The Romanian antitrust watchdog in 2008 opened investigations targeting potential cartels in the banking sector, the real estate market and the pharmaceutical distribution sector. Additionally, sector reviews in the food retail and pharmaceutical industry are on the authority’s plate at present given the concerns of high prices on such markets. Within the current economic context, when some industries are facing decreasing demand one could expect that the market players are more tempted to secretly collude or to exploit their strong market shares. Several practices such as termination of the existing contracts, renegotiations of contractual terms, increasing prices are particularly likely to occur given the circumstances of short demand or supply, input cost cutting policies, financial difficulties, and so on. Although not easy to evaluate in practice, charging excessive prices to buyers or extorting too low prices from suppliers may be qualified as an abuse of dominant position given the special “liability” attached to market power holders. Based on the complaints examined throughout the years, it seems that the RCC has a bigger appetite to investigate such exploitative behaviour than the European Commission which showed more interest in exclusionary practices.

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