LUCRĂRI ŞTIINȚIFICE, SERIA I, VOL. XIV (1)

THE IMPLEMENTATION OF EUROPEAN COMPETITION POLICY – COMPETITIVE MARKET IN ROMANIA

EXEMPLE ALE IMPLEMENTĂRII POLITICII CONCURENȚIALE EUROPENE - PIAȚA CONCURENȚIALĂ DIN ROMÂNIA

VIORINA MARIA JUDEU[1]

[1]***Agora University Oradea, Law and Economics Faculty, Oradea, Romania; viorina@univagora.ro***

Abstract: *In accordance with Articles 81 and 82 relating to antitrust policies, the majority of measures aimed cartels. The European Commission has shown kindness by offering cartels can report their illegal activities. Since 2005, the European Commission produced a Green Paper on damages caused by violation of antitrust laws actions of European, calling for strong support of the European Parliament.*

Key words: *competition policy, domestic and international retail, Lisabon Strategy, European consumers, European Commission*

Examples of implementation of European competition policy Last Annual Report on European competition policy, by reference to the date of publication of this book - says that the European market functions have improved, through this policy, the benefit of businesses and European consumers.[1]

European Commission to investigate and sanction anti-competitive behaviour of market participants and competitive market structures in key sectors of the economy, in accordance with the Lisbon Strategy.[2]

[1] **Organisation for Economic Co-operation and Development,** *Annual Report on Competition Policy Developments in the European Commission***,** Directorate for Financial and Enterprise Affairs, Competition Committee, 1st of October 2008.
[2] http://ec.europa.eu/comm/competition/index_en.html

In accordance with Articles 81 and 82 relating to antitrust policies, the majority of measures aimed cartels. The European Commission has shown kindness by offering cartels can report their illegal activities. Starting with December 2006, it entered into force a revised Notice that stimulated these cartels in their attempt to "legalize" these activities.[3] This was the third such notification to the Commission, after those of 1996 and 2002.

As a result, the Commission received 20 applications and 11 applications aimed immunity requiring only reduce fines in 2007, for example.

Since 2005, the European Commission produced a Green Paper on damages caused by violation of antitrust laws actions of European, calling for strong support of the European Parliament. Parliament asked the European Commission drafting a White Paper containing detailed proposals for reducing this damage.[4]

For the purposes of this book, the European Commission participated in consultations with representatives of the Governments national courts with judges, with representatives from industry, consumer associations, etc. On the other hand, the Commission issued eight final Decisions in 2007, which were translated into penalties for 416 companies worth 3.334 billion Euros compared with 417 companies fined, in 2006, a total of 1.846 billion Euros.

If elevators and escalators, the Commission imposed in 2007 the largest penalty for a cartel (992 million) and the highest fine for violating laws cartels (447 million). These measures were aimed ThyssenKrupp Group.

In July 2007 the European Commission adopted a decision against the Spanish operator Telefónica telecommunications for abuse of dominant position on the Spanish market. Spanish company paid a fine of EUR 151.875 million.

In October 2007 the Commission adopted a new decision on long term contracts company Distrigas in Belgium. This decision was aimed at

---

[3] **European Commission**, *Notice on immunity from fines and reduction of fines in cartel cases*, OJ C 298, 8.12.2006, p. 17.

[4] **European Parliament,** *Resolution on the Green Paper on damages actions for breach of the EC antitrust rules* (2006/2207 (INI)), *of 25th of April 2007.*

preventing a situation in which it accounts Distrigas excessive consumers more than a year until 2011.

In March 2008 the European Commission antitrust proceedings against Visa launched Europe Ltd, in connection with the company charges for transactions and international card payments made by consumers.

A statement by the EU executive stated that Visa Europe, 4600 held by banks, which issued 348 million cards, was suspected to have violated EU rules "that prohibit restrictive practices such as price fixing." Visa Europe announced in January 2009, he hoped to reach an agreement with the EU executive to keep their exchange fee applied to transactions, despite the decision taken by the Commission in December against the tax imposed by MasterCard competition. Commission, which has the authority to regulate competition in the 27 EU countries, announced that the opening of proceedings does not mean that it has evidence about possible breaches of law and that there is a deadline imposed investigation. Retailers must pay a multilateral exchange every time consumers use a credit card to make a purchase. Money is held by the bank that serves the customer and come from the bank that serves the merchant.

The "payment by all cards" requires retailers to accept all valid cards Visa brand, regardless of the issuer, the nature of the transaction or the type of card.

In 2002, the Commission cancelled multilateral exchange fee proposed by Visa International, after the company has undertaken significant reforms, gradually reducing the tax. However, the European Commission ban expired on 31 December 2007 and Visa Europe Visa International took over responsibility for ensuring that companies comply with EU law rules. Concentration of economic power in the hands of a single bidder or manufacturer of a particular field may have long term negative effects, the possibility of influence which it can manifest in the market.

Community citizens have serious reason to disagree with this kind of abuses that are likely to allow the practice of high prices, limiting the supply of goods and services and use of unfair commercial practices.

Romania ranked in the top 68 of most free economies in the world in 2010, conducted by American Research Institute the Heritage Foundation, a place to fall with top made for 2007. Romania is presented as a free country

with an economy rate of 61.5%, representing an increase of 0.2 percentage points from last year.

Hungary ranks 43 in the rankings, Romania being surpassed by Albania, which was placed on position 56 and Bulgaria, which ranked 59 in the ranking.

But Romania has surpassed countries like Greece (80), Poland (83) and Russia (134), the lower ranking is dominated by countries in Africa, South America, Middle East and Central Asia.

Honk Kong was in 2010, leading the league for the 14th consecutive year, but Singapore, occupying the second place, came quickly, according to the classification.

Ireland took third place, being the freest market for business and work. Western European countries dominated the top positions, occupying a majority of seats in the 20 states. The study took into account a number of 157 countries.

Following the liberalization of competition, the Romanian corporate bankruptcies increased significantly. In 2010, the Romanian risky sector was trade, accounting for 41.4% of all bankruptcies. The Romanian economy is in the economic slippage, there are serious concerns or signs of economic crisis.

The figures show that small traders manage increasingly difficult to cope with major retailers who are expanding their networks more and more every year. Only in 2007, for example, 152 stores were opened, the number of hypermarkets increased by 29 centres, by opening new branches Carrefour, Real, Auchan, Kaufland and Pic domestic network.

In 2010, domestic and international retail officers opened 56 supermarkets, 29 hypermarkets, two cash & carry stores and 77 discount stores. Within walking distance as wholesale and retail agriculture and food stands, which are closely related. Agricultural production in 2010 decreased by 16.7% compared to that recorded in 2007 and production plant had a significant decrease of 24.7% over 2009, which is because of cultivated arable land of about 8.5 million ha in 2010; over 65% was affected by environmental factors in a proportion ranging from 30-100%. Thus, failing agriculture entailed and food, because it felt the lack of raw materials.

In the study conducted bankruptcies, fourth position is occupied by the construction sector, which although had a spectacular growth in recent years, with the best growth rate among all European countries, 35%, is still

one of the most risky of Romania. So the "European Competition Policy in the field of competition must deal with the globalization challenges as a result of actions sphere growing of the multinational companies and of interdependence economic growth among the states of the world"[5]

The economic criminality represents the most dangerous component of the subterranean activities, coming in various shapes: regarding companies, the Register of Commerce, loyal competition, smuggling, corruption, in the activities regarding assurance companies and the surveillance of these activities, fight against the evasion, drugs production, distribution and consumption, trade with weapons, radioactive material, car thefts, prostitution, traffic with human beings, activities in the financial and banking field[6].

BIBLIOGRAPHY

1. BEUGELSDIJK M., EIJFFINGER S., The Effectiveness of Structural Policy in the European Union: An Empirical Analysis for the E.U.15 During the Period 1995-2001, CEPR Discussion Paper 3879, London, 2003.
2. BIRKLER J., RUSHWORTH D., CHIESA J., PUNG H., ARENA M. V., SCHANK J. F., Differences Between Military and Commercial Shipbuilding: Implications for the United Kingdom's Ministry of Defence*, MG-236-MOD, 2005.*
3. GABRIELA BOLOGA, Uniunea Economică şi Monetară, Editura Universităţii AGORA, Oradea, 2011
4. DG TREN, European Energy and Transport, Trends to 2030, Brussels, 2007.

[5] Gabriela Bologa, Uniunea Economica si Monetara, Editura Universita□i AGORA, Oradea, 2011,p.56

[6] Popoviciu L. R., *Similar aspects regarding the infractions within the regime that is established for certain economic activities,,* Analele Universităţii Oradea. Seria Ştiinţe Economice, TOM XVII, Vol. II – Economy and business administration, p. 383

5. EPURE DANUȚ TIBERIUS, Componeța fiscal-bugetară şi expansiunea economică în contextul globalizării şi al integrării României în U.E., Editura Cartea Universitară, Bucureşti, 2006.
6. EPURE DANUȚ TIBERIUS, European coordinates concerning the companies and the business environment, Editura Libertatea, Panciova - Novi Sad, Serbia, 2007.
7. IONESCU ROMEO, Dezvoltare regională, Editura Didactică şi Pedagogică, Bucureşti, 2008.
8. MARCHIS G., Impactul extinderii Uniunii Europene asupra strategiilor şi politicilor regionale. Rolul Fondurilor Structurale, Teză de doctorat, A.S.E. Bucureşti, 2008.
9. POPOVICIU L. R., Similar aspects regarding the infractions within the regime that is established for certain economic activities,, Analele Universității Oradea. Seria Ştiințe Economice, TOM XVII, Vol. II – Economy and business administration
10. *** Organisation for Economic Co-operation and Development, Annual Report on Competition Policy Developments in the European Commission, Directorate for Financial and Enterprise Affairs, Competition Committee, 1st of October 2008.
11. *** http://ec.europa.eu/comm/competition/index_en.html
12. *** European Commission, Notice on immunity from fines and reduction of fines in cartel cases, OJ C 298, 8.12.2006, p. 17.
13. *** European Parliament, Resolution on the Green Paper on damages actions for breach of the EC antitrust rules (2006/2207 (INI)), of 25th of April 2007.