

## QUESTIONS FOR WRITTEN ANSWER AND ADDRESSED FOR OTHER INSTITUTIONS

### The contribution of the Ministry of Justice and of the other consulted relevant institutions

11. (In writing only) Can you list measures taken for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy and various types of construction)?

#### **Ministry of Energy**

The measures taken by the competent authorities to prevent corruption in connection with the issuance of official authorizations:

At the level of the Ministry of Energy, the *Corruption Risk Register at the level of the Ministry of Energy* was approved in 2024. This register includes information related to the field of activity in which the corruption risk occurs, risk description, causes, probability, impact, exposure, intervention measures, responsibility for implementation, timeframe/duration of implementation. This register is also applicable to authorization/construction acts that are approved by the management of the Ministry

Also, in 2024, the Minister of Energy signed the *Declaration on Adherence to the Fundamental Values, Principles, Objectives and Monitoring Mechanism of the National Anti-Corruption Strategy 2021-2025*, whereby he undertakes to fulfil specific anti-corruption measures that fall within the exclusive competence of the Ministry.

#### **Ministry of Environment, Waters and Forests (MEWF)**

The MEWF informed us, via email, on the 7<sup>th</sup> of April 2025, that there are no additional elements compared to the previous contribution of this institution sent via email by the Ministry of Justice to the European Commission on the 6<sup>th</sup> of February 2025. Please, find below the information sent via email by the Ministry of Justice to the European Commission on the 6<sup>th</sup> of February 2025:

In Romania, the prevention of corruption in the context of issuing official permits related to environmental matters has been an area of focus for the government. Key measures have been put in place to ensure transparency, integrity, and accountability in the permitting process. Below are some of the primary measures:

These mechanisms not only foster trust between citizens and authorities but also promote effective governance and sustainable environmental management. Below are key aspects of how transparency and public access to information on the environment are ensured in Romania:

#### **1. Legal Framework and Institutional Oversight**

- **Environmental Protection Agency (EPA):** The National Agency for Environmental (EPA) Protection is responsible for overseeing environmental permits. The agency is committed to transparency and public access to information about environmental decisions, including permits. ANPM ensures that environmental information is made accessible to the public in a transparent and timely manner. The agency's website provides detailed reports on environmental quality, ongoing projects, and public consultations, as well as responses to requests for information.
- **The Environmental Law (Law No. 265/2006):** This law contains provisions that regulate environmental protection and establishes the conditions under which environmental permits can be granted, ensuring accountability in the decision-making process.
- **Law No. 544/2001 on Free Access to Information of Public Interest:** This law grants the public the right to access any information held by public authorities, including information on environmental matters. It guarantees the right of citizens to request and receive information from government agencies, including those responsible for environmental protection, such as the Ministry of Environment, the National Environmental Protection Agency (ANPM), and local environmental authorities.
- **Law No. 195/2005 on Environmental Protection:** This law emphasizes the importance of access to environmental information, aligning with European Union directives and international conventions on transparency. It ensures public access to environmental documents and promotes public participation in environmental decision-making processes.
- **The Romanian Forestry Code** regulates the management, protection, and use of forests in Romania, includes several provisions aimed at preventing corruption within the forestry sector. Given the high stakes involved in forest management — such as illegal logging, mismanagement of resources, and the potential for bribery — the Forestry Code and associated legal frameworks have been designed to promote transparency, accountability, and fair management of forest resources.
- Below are the key aspects of the Romanian Forestry Code 2024 based on recent changes and ongoing efforts in forest governance:

#### **Stronger Measures to Combat Illegal Logging**

- **SUMAL System 2.0:** One of the most significant developments is the continued use and improvement of the **SUMAL** (System for Monitoring and Tracking the Movement of Wood), which has been modernized into **SUMAL 2.0**. This updated version of the system provides real-time monitoring of timber harvesting, transportation, and storage, increasing transparency and reducing opportunities for illegal logging.

- **Increased Fines and Penalties:** The new code strengthens penalties for illegal logging, timber transport without proper documentation, and forest exploitation that violates legal limits. Penalties are now higher and apply not only to individuals but also to entities involved in illegal logging, aiming to ensure greater accountability for forest-related crimes.
- **Strengthened Forest Guard:** The National Forest Guard (Garda Forestiera) has been further empowered to enforce regulations. It has increased capacity for inspections and can impose fines and seize timber in cases of violations. The Forest Guard is also involved in monitoring and reporting on forest health, biodiversity, and illegal activities.
- **Transparency in Forest Concessions:** The allocation of logging rights and forest concessions is subject to more transparent, competitive procedures. Public bidding processes are mandatory, and there are stricter rules governing how concessions are awarded, ensuring that they are granted based on objective criteria rather than political influence or corruption.

## 2. Environmental Impact Assessments (EIAs) and Public Consultation

- **Public Consultation Requirements:** In Romania, public consultation is a mandatory part of the process for issuing many environmental permits, particularly for projects that could have significant environmental impacts. The public is invited to comment on Environmental Impact Assessments (EIAs) before any permit is issued for such projects. This consultation process allows citizens and organizations to express their concerns, provide input, and participate in the decision-making process.
- **Publication of EIA Reports:** Environmental Impact Assessments, which assess the potential effects of projects on the environment, are made publicly available. These reports must be accessible to the public in a manner that is understandable and comprehensive.
- **Public Hearings:** When significant projects are being assessed, public hearings may be organized to discuss the potential environmental impacts. These hearings allow the public, NGOs, and other stakeholders to interact with project developers and decision-makers directly.

## 3. International Conventions and EU Compliance

- Romania, as a member of the European Union, adheres to international conventions such as the Aarhus Convention (on access to information, public participation in decision-making, and access to justice in environmental matters). These regulations require Romania to ensure transparency in environmental governance, making it a legal obligation for the country to provide public access to environmental information and allow public participation in environmental decision-making processes.

- **Environmental Reporting Obligations:** Romania is also obliged to report regularly on environmental performance to the EU and other international bodies. These reports include a wealth of environmental data that is made publicly available to ensure transparency and accountability.

The Romanian government, in collaboration with civil society, international organizations, and other stakeholders, has taken significant steps to prevent corruption in the issuance of environmental permits. These measures focus on transparency, accountability, clear procedures, and the enforcement of anti-corruption laws, all of which work together to create a more robust and less corrupt permitting process in the environmental sector.

*12. (In writing only) Can you report on the use of digital technologies to enhance transparency and oversight in public procurement?*

**The National Agency for Public Procurement** (the following information was sent in January 2025 in the initial national contribution - section *Reporting on the use of digital technologies to enhance transparency and oversight in public procurement*)

I. The digital technologies play an essential role in reducing costs and bureaucracy, promoting transparency, efficiency and innovation in Romania's public procurement system.

The primary electronic tool for managing public procurement at the national level is the Electronic Public Procurement System (EPPS), operated by the Authority for the Digitalization of Romania (ADR).

EPPS ensures transparency and efficiency in Romania's public procurement process through technical functionalities that enable: publishing procurement notices and award announcements, submitting/evaluating bids exclusively through electronic means, conducting e-auctions, implementing the dynamic public procurement system, publishing the electronic catalogue, and performing direct purchases.

The interventions under the Reform of the national public procurement system, as part of the National Recovery and Resilience Plan (NRRP) - Milestone 172 - Component C7 - Digital transformation: Investment 7 - Implementing electronic forms e-Forms, Milestone 437 - EPPS interconnected and interoperable and Milestone 438 - Operational electronic system within Component C14 - Good Governance, Reform 8: Reform of the national public procurement system) aim to automate/digitalize the public procurement process. These reforms are carried out by the National Agency for Public Procurement (NAPP) with technical support from ADR.

The most recent developments of the Electronic Public Procurement System implemented under the NRRP are as follows:

- Implementation of electronic forms, in accordance with Regulation (EU) 2019/1780 of 23 September 2019, which establishes standard forms for publishing public procurement notices (eForms). The transition to the new electronic forms modernizes work methods for direct users, replacing standard forms with electronic ones and improving EPPS's technical capabilities. These enhancements allow for more structured data collection regarding public procurement, increasing transparency and monitoring capacity in Romania.
- Interconnection of EPPS with various platforms:
  - *The National Integrity Agency (NIA) portal* - PREVENT aligns the Integrity Form to flexible usability requirements. The PREVENT system, launched in June 2017, aims to prevent conflicts of interest during public procurement procedures by establishing an ex-ante verification mechanism from the perspective of situations that may generate conflicts of interest within the procedures initiated through the electronic public procurement system, so that they are removed without affecting the respective procedures. Specifically, this prevention mechanism involves analysing the data and information entered in the Integrity Form by the responsible person within the contracting authority by interconnecting the PREVENT system with relevant databases (National Trade Register Office - NTRO, Directorate for the Registration of Persons and Administration of Databases - DRPAD). The PREVENT system can automatically identify presumed relationships that may exist between persons within the contracting authority and persons within economic operators who are bidders in procurement procedures initiated by a contracting authority. In the event of a possible conflict of interest being detected, NIA issues an integrity warning, and the contracting authority must take all measures to remove the possible conflict of interest issued by the PREVENT system;
  - The portal of the *National Council for the Resolution of Complaints (NCRC)* in order to inform about the submission of complaints/publication of the decision at the level of the award procedure. By interconnecting EPPS with the NCRC IT system (<http://portal.cnsr.ro>), data on the complaints submitted, related to a procurement procedure initiated by a notice of participation or other notice of initiation, are automatically transmitted to EPPS. Information will be displayed in EPPS regarding the number of complaints submitted and the number of decisions issued related to them. The decisions themselves remain the responsibility of the contracting authority/entity to be published in EPPS, according to legal provisions. This interconnection does not replace the legal channels of communication, but is intended to warn participants in an award procedure that there are complaints submitted and their decisions issued by NCRC. After issuing decisions and publishing them on the NCRC portal, data about these decisions will be automatically transmitted to EPPS, thus notifying contracting authorities/entities that decisions have been issued regarding a specific appeal;
  - *The Virtual Private Space (VPS) operated by the National Agency for Fiscal Administration (NAFA)*: Facilitates obtaining the Tax Clearance Certificate to streamline and reduce bureaucracy in public procurement. By interconnecting EPPS with the NAFA

IT system (PatrimVen - <https://epatrim.anaf.ro/>), a contracting authority may request that the document "Tax Attestation Certificate - TAC" issued by NAFA for an economic operator identified by tax identification code, which has the status of participant in an award procedure organized in EPPS by the respective contracting authority, be transmitted to EPPS;

- *MySMISS application Managed by the Ministry of Investments and European Projects (MIEP)* in order to develop and maintain a functional and efficient information system for the implementation of structural and cohesion funds;
- *an IT platform of the Ministry of Internal Affairs (MIA) for obtaining a criminal record.* The interface that has been created allows the MIA IT system (Service Hub) to transmit in EPPS, to an economic operator registered within the Public Procurement System, the document "Criminal Record Certificate (natural person)" issued by the ROCRIIS system. Upon receipt in EPPS of the Criminal Record Certificate issued by the MIA through the ROCRIIS system, the economic operator is notified in EPPS. In this context, the tenderer, in its capacity as a participant in an award procedure, will be able to transmit the Criminal Record Certificate to the contracting authority organizing the procedure, directly within EPPS;
- *NTRO application* provides quick access to registration data of economic operators participating in public procurement;
- *an IT application operated by NAPP.* In order to develop the ex-ante control of the process of awarding public procurement contracts/framework agreements, sectoral contracts/framework agreements and works and service concession contracts and, respectively, of the amendments to these contracts/framework agreements carried out by NAPP through EPPS, the IT system implemented at the Agency level queries EPPS to obtain the documentation awaiting selection and the relevant data about them, in order to carry out the sampling operation. After sampling, through the same interface, the NAPP system transmits to EPPS the list of the analysed documentation and marks for each one the documentation that was selected for sampling in order to exercise the ex-ante control and the documentation that was not selected;
- *the IT application managed by the Ministry of Justice (MJ)* which ensures the transmission within EPPS of decisions at the time of their pronouncement displayed on the PORTAL.JUST.RO portal, respectively identifies the public procurement procedures to which each decision refers and transmits the update at the time of the decision becoming final from the MJ system to the EPPS system.

Also, to ensure an operational *Electronic Public Procurement System (Milestone 438)*, the National Agency for Public Procurement as reform coordinator, with the technical support of the Authority for the Digitalization of Romania, will achieve the following:

- Development and implementation of electronic forms in the bid evaluation process within public procurement procedures;
- Extension of the functionalities of the dynamic public procurement system (DPS);
- Electronic contracts, electronic invoicing, electronic payment and contract management tools (additional documents, receipt reports, payments, etc.).

By interconnecting EPPS with other IT systems operated and managed by institutions that hold data and information relevant to the conduct of the public procurement process (NTRO, NIA, NAFA, NAPP, NCRC, MIA, MJ), major benefits will be brought to the evaluation process, by ensuring direct access of contracting authorities to information that currently must be made available by economic operators, contributing to reducing the administrative burden of all actors involved.

Thus, the reform objectives targeting the procurement field represent an important contribution to the development of digital technologies to increase transparency and supervision of public procurement.

II. At the level of NAPP, the necessary activities were carried out to automate the legislative screening process in the context of exercising the regulatory function, namely the process aimed at monitoring normative acts that have an impact in the field of public procurement. The legislative screening IT application is functional, is in the testing stage and will be able to be used once the collaboration protocols are signed with the institutions that provide access to their databases. In addition, the application will facilitate the transparency of the public consultation process of draft normative acts/working tools initiated by NAPP.

III. During December 2024, NAPP facilitated the general public's access to data on public procurement in Romania by using the flexible data analysis platform Tableau Desktop<sup>1</sup>. Through this modern data exploration and visualization platform, NAPP has made a significant contribution, by moving from the classic way in which data analyses are built and run, to the modern one, where the visual capabilities and functionalities made available to all interested

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<sup>1</sup> The information regarding public procurement contracts awarded between 2021 and 2023, as well as public procurement procedures initiated between 2020 and 2023, can be accessed at the following links.  
[https://public.tableau.com/views/Contracteledeachiziiepublicatribuitenperioada2020-2023/3\\_ContracteofertantipiaaU\\_E\\_NonU\\_E\\_?language=en-US&:sid=&:redirect=auth&:display\\_count=n&:origin=viz\\_share\\_link](https://public.tableau.com/views/Contracteledeachiziiepublicatribuitenperioada2020-2023/3_ContracteofertantipiaaU_E_NonU_E_?language=en-US&:sid=&:redirect=auth&:display_count=n&:origin=viz_share_link)  
[https://public.tableau.com/views/Proceduriledetrubuireacontracteloracordurilorcadrudeachiziiepublicsectorialeiniiatenperioada2021-2023prinpublicaredeanundeparticipareanundeparticiparesimplificatinvitaiedeparticipare/1\\_NumrulproceduriloriniiatetipprocedurtipcontractCPV?language=en-US&:sid=&:redirect=auth&:display\\_count=n&:origin=viz\\_share\\_link](https://public.tableau.com/views/Proceduriledetrubuireacontracteloracordurilorcadrudeachiziiepublicsectorialeiniiatenperioada2021-2023prinpublicaredeanundeparticipareanundeparticiparesimplificatinvitaiedeparticipare/1_NumrulproceduriloriniiatetipprocedurtipcontractCPV?language=en-US&:sid=&:redirect=auth&:display_count=n&:origin=viz_share_link)

parties contribute to a better understanding of how various activities in the field of public procurement are carried out.

<i>Who are the public procurement review bodies?</i>
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### **The National Agency for Public Procurement**

At the national level, the resolution of complaints is carried out either through an administrative-jurisdictional way by the National Council for the Settlement of Complaints (C.N.S.C.) or through a judicial way by the courts.

In this regard, Law no. 101/2016 (which transposes Directive 89/665/EEC<sup>2</sup> and Directive 92/13/EEC<sup>3</sup>) provides the legal framework for regulating remedies, appeal procedures, and their resolution procedures, aiming to ensure, at the national level, effective, rapid, and efficient mechanisms and procedures for reporting and remedying irregularities, intended to guarantee compliance with the legal provisions regarding the awarding of contracts.

i. The National Council for the Settlement of Complaints (C.N.S.C.) is an independent body that has the competence to resolve, through specialized panels, complaints filed through the administrative-jurisdictional way regarding the procedures for awarding contracts.

Thus, the Council first rules on procedural and substantive exceptions, within the timeframes established by law, and when it finds that these exceptions are well-founded, it does not proceed with a substantive analysis of the case.

In accordance with the principle of availability, the Council analyses the contested act from the perspective of legality and merit, and it can:

- a) Issue a decision to annul the act in whole or in part;
- b) Oblige the contracting authority to issue an act/take the necessary measures to restore legality, with a clear and precise indication of the operations that the contracting authority must carry out;
- c) Annul the awarding procedure if it is not possible to remedy the contested act.

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<sup>2</sup>Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, as further amended and supplemented.

<sup>3</sup> Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors, as further amended and supplemented.



Complaints that fall outside the Council's competence to resolve are referred by the Council, through a decision, to the competent court or, if applicable, to another competent jurisdictional body.

The decisions of the Council regarding the resolution of the complaint can be challenged by the contracting authority and/or by any person harmed by the measures taken, through a complaint to the competent court, both on grounds of illegality and on grounds of merit, within the timeframes provided by law. The competent court to resolve the complaint filed against the decision issued by the Council is the Court of Appeal, the administrative and fiscal contentious section, in whose territorial jurisdiction the contracting authority's headquarters is located. Complaints are resolved by specialized panels in public procurement.

The competent court to resolve the complaint filed against the decision issued by the Council regarding the procedures for awarding services and/or works related to national transport infrastructure, as defined by the applicable legislation, is the Bucharest Court of Appeal, the Administrative and Fiscal Contentious Section.

In the event that the court accepts the complaint, it modifies the Council's decision and orders, as appropriate:

- a) The annulment of the contracting authority's act in whole or in part;
  - b) Obligation of the contracting authority to issue an act/take the necessary measures to restore legality, with a clear and precise indication of the operations that the contracting authority must carry out.
  - c) The fulfilment of an obligation by the contracting authority, including the removal of any discriminatory technical, economic, or financial specifications from the participation notice, the award documentation, or any other documents issued in connection with the award procedure;
  - d) The annulment of the awarding procedure if it is not possible to remedy the contested act.
- ii. The court is the independent body that has the competence to resolve, through specialized panels, complaints filed through the judicial way regarding the procedures for awarding contracts.

The competence to resolve complaints regarding the awarding procedures provided in Article 68 of Law no. 98/20164, Article 82 of Law no. 99/20165, or Article 50 of Law no. 100/20166

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<sup>4</sup> Law. 98 of May 19, 2016 on public procurement, as further amended and supplemented.

<sup>5</sup> Law no. 99 of May 19, 2016 regarding sectoral procurement, as further amended and supplemented.

<sup>6</sup> Law no. 100 of May 19, 2016, regarding works concessions and service concessions, as further amended and supplemented.

belongs to the tribunal within whose territorial jurisdiction the contracting authority's headquarters is located, the administrative and fiscal contentious section, through specialized panels in public procurement, with the complaint being resolved urgently and as a priority, within the legal timeframes.

In resolving the complaint, the court analyses the contested act from the perspective of legality and merit, and it can:

- a) Issue a decision to annul the act in whole or in part;
- b) Oblige the contracting authority to issue an act/take the necessary measures to restore legality, with a clear and precise indication of the operations that the contracting authority must carry out;
- c) Annul the awarding procedure if it is not possible to remedy the contested act.

The court's decision can be challenged by appeal, within the legal timeframe, and the appeal will be judged by the administrative and fiscal contentious section of the court of appeal, by a panel specialized in public procurement. In the event of the appeal being admitted, the appellate court will reconsider the case on its merits in all instances. To ensure the principles of orality, adversarial proceedings, and the right to defense are respected, the substantive resolution of the case following the admission of the complaint will be made by the court at a separate hearing, which will be scheduled after the ruling on the exception complaint. The decision pronounced by the court of appeal is final.

Regarding the resolution of disputes in court, cases and claims concerning the granting of compensation for damages caused during the awarding procedure, as well as those concerning the execution, annulment, nullity, termination, rescission, or unilateral denunciation of contracts, are resolved in the first instance, urgently and as a priority, by the administrative and fiscal contentious section of the tribunal within whose jurisdiction the contracting authority's headquarters is located, or within the jurisdiction where the claimant's registered office/residence is, by panels specialized in public procurement, within the legal timeframes.

Thus, disputes and claims arising from the execution of administrative contracts, as well as those arising from the termination, rescission, unilateral denunciation, or early cessation of public procurement contracts for reasons beyond the contracting authority's control, are resolved in the first instance, urgently and as a priority, by the administrative and fiscal contentious section of the tribunal within whose jurisdiction the contracting authority's headquarters is located, or within the jurisdiction where the claimant's registered office/residence is.

The decision pronounced in cases involving disputes and claims regarding the granting of compensation for damages caused during the awarding procedure, as well as those concerning the execution, annulment, nullity, rescission, termination, or unilateral denunciation of

administrative contracts, can be appealed to the administrative and fiscal contentious section of the court of appeal, which judges the appeal through a panel specialized in public procurement. The appeal is filed with the court whose decision is being contested and is resolved urgently and as a priority, within the legal timeframes.

In the case of the admission of a second appeal, respectively of the appeal, the court reconsiders the case on its merits in all instances. The substantive resolution of the case following the admission of the complaint will be made by the court at a separate hearing, which will be scheduled after the ruling on the exception complaint, while ensuring the principles of orality, adversarial proceedings, and the right to defense are respected.

*3. According to the latest Eurobarometer, the perceived independence of the public procurement review body and the national competition authorities are lower than the EU average. Are any measures planned in this regard?*

The National Agency for Public Procurement *does not* hold information on this matter.

### The Competition Council

In the field of public procurement, the Competition Council's main responsibilities include investigating potential cartel agreements between bidders in public procurement procedures. Bid rigging always has serious consequences, leading to higher prices and affecting contracting authorities, who end up paying more for lower quality. Creating a competitive environment ensures the efficient use of public funds. Therefore, the Competition Council seeks modern tools for identifying collusion in tenders and simultaneously carries out extensive advocacy actions aimed at attracting other public bodies and contracting authorities to address the issue of bid-rigging together. We are thus considering the implementation of joint projects/activities involving local public authorities and representatives of civil society, with the aim of preventing corruption, promoting ethics and integrity, and conducting continuous public consultations within events called the Competition Caravan.

As part of the events promoting competition culture, we constantly reiterate our encouragement to contracting authorities to reach out to us whenever they suspect the conclusion of anti-competitive agreements between operators participating in tenders. We also recommend that companies participating in tenders exercise increased attention to ensure compliance with competition rules in order to guarantee a normal competitive process in such procedures. In this regard, our website publishes various guides with useful information and best practice recommendations for tender participants to ensure a competitive environment in public procurement (for example, regarding compliance with competition rules and participation in associations in tenders).

In detecting possible anti-competitive practices, the Competition Council analyses indications of potential anti-competitive cartel agreements among tender participants. Additionally, at the request of contracting authorities, it issues opinions on the exclusion of operators from the procedure if there are indications of their involvement in anti-competitive agreements.

The Competition Council, along with the National Agency for Public Procurement (hereinafter referred to as ANAP) and other central public authorities with an important role in the field of public procurement (such as the Authority for the Digitalization of Romania, the National Council for the Settlement of Complaints, the National Office for Centralized Procurement, the Court of Accounts of Romania, etc.), is part of the Interministerial Committee for Public Procurement (hereinafter referred to as CIAP), with the purpose of promoting policies in the field of public procurement, as well as ensuring the coordination and coherence of the process for implementing the national strategy in the field of public procurement.

The Competition Authority reaffirms its support for ensuring an efficient public procurement system that guarantees the free participation of economic operators in public procurement procedures, with competitive mechanisms ensuring the efficient use of public funds. To this end, the Competition Council participates, alongside its institutional partners, in the implementation of the National Strategy for Public Procurement 2023-2027.

Regarding the independence of the competition authority, in the process of *Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market*, the amendment of Competition Law no. 21/1996, republished, as further amended and supplemented, also aimed at increasing the independence of the competition authority (members of the plenary and competition inspectors) who have responsibilities in the field of public procurement, sectoral procurements, and concessions, in detecting and investigating bid-rigging and in the mechanism of providing opinions requested by authorities/contracting entities regarding indications of bid-rigging. These legislative amendments primarily aim to guarantee the real independence of the national competition authority by ensuring that the members of the plenary and competition inspectors are able to perform their duties and exercise their competences to apply Articles 101 and 102 of the Treaty on the Functioning of the European Union, without political interference or other external influences.

The Competition Council is concerned with ensuring competition in public procurement procedures, closely monitoring public tenders that are to be organized, and encouraging authorities/contracting entities to reach out whenever they have suspicions regarding the violation of competition rules in such tenders, in order to ensure the quick and competitive awarding of these procedures. In this context, the Competition Council aims to raise awareness among public authorities with responsibilities in the field of public procurement about its competences in detecting potential anti-competitive practices within or related to public procurement procedures, as well as analysing indications of potential anti-competitive agreements or understandings concluded between participants in public tenders – including in the analysis conducted for issuing opinions on the exclusion of operators from the procedure if there are indications that they have concluded anti-competitive agreements (understandings) – or regarding the possible restriction by public authorities organizing tenders of the free participation of economic operators in public procurement procedures.

The competition authority carries out extensive annual advocacy actions to involve all institutional actors and contracting authorities/entities in the fight against bid-rigging. We highlight the actions periodically undertaken to disseminate competition culture at the level of public authorities and local/regional economic operators, as well as the ongoing OECD project: *TSI 24HR10 “Fighting bid rigging in public procurement: improving compliance and competition for public contracts,” carried out together with the OECD, and the competition authorities of Romania, Croatia, Bulgaria, Austria, Cyprus, and Greece*. As part of this project, a workshop dedicated to contracting authorities/entities was recently organized in Bucharest, on March 19-20, 2025.

Out of the total investigations into potential cartel agreements initiated by the Competition Council in 2024, 75% concern public procurement procedures. Thus, in 2024, following the analysis of public procurement procedures, the Competition Council launched six new investigations into bid-rigging, five of which were triggered by requests for opinions regarding exclusion indications for suspected bid-rigging received from contracting authorities (for example, in the IT equipment market, in the market for electricity meter reading services). Additionally, during 2024, the competition authority developed 41 opinions/assessments/statements regarding compliance with competition rules in the field of public procurement and issued 35 opinions, at the request of contracting authorities, for the exclusion of certain bidders, in accordance with the legislative provisions in the field of public procurement.

We can also mention our collaboration with ANAP regarding the joint Opinion of these two institutions on issues related to the implementation and updating of the list of economic operators who have been sanctioned for bid-rigging. This joint opinion is published on the Competition Council’s website and provides guidance to contracting authorities on evaluating the measures taken by economic operators to prevent the recurrence of bid-rigging practices. The updated list of operators who have participated in bid-rigging cartels is also published here.

In line with the presented points, we would like to reiterate our commitment to continue the efforts to prevent and combat bid-rigging in public procurement and to maintain continuous cooperation with other institutional actors with control responsibilities, efforts that are also carried out within the Bid-Rigging Module (MLT).

MLT was established in 2010, is coordinated by the Competition Council, and functions as a tool to streamline the activity of detecting bid-rigging, with the role of ensuring a normal competitive environment in public procurement through institutional cooperation and the rapid exchange of information at the expert level, with the aim of identifying rigged tenders. The institutions that are part of this module, alongside the Competition Council, are the National Agency for Public Procurement (ANAP), the National Council for the Settlement of Complaints (CNSC), the Control Body of the Prime Minister (CCPM), the Court of Accounts of Romania (CCA), the Authority for the Digitalization of Romania (ADR), the Public Ministry - Prosecutor’s Office attached to the High Court of Cassation and Justice, the National Anti-Corruption Directorate

(DNA), the Directorate for Investigating Organized Crime and Terrorism (DIICOT) in Bucharest, and the Department for Anti-Fraud Fighting (DLAF). The actions carried out within this module aim to organize and participate in working meetings at the expert level to identify risks and vulnerabilities regarding public procurement procedures, as well as methods to monitor the behaviour of economic operators in tenders, in order to detect violations of competition rules, to protect the market and the general interests of citizens, and to organize and participate jointly in events aimed at promoting competition in public procurement.

*4. According to the latest Eurobarometer, concerns about the effectiveness of investment protection are higher in Romania than the EU average. Are you envisaging any measures in this regard?*

### **The Romanian Agency for Investment and Foreign Trade**

Assessment of the Investment Framework in the Context of Romania's OECD Accession Process.

***1. As part of Romania's accession process to the Organisation for Economic Cooperation and Development (OECD),*** the OECD Secretariat conducted an assessment of national policies in the areas of investment and sustainable development. Following this evaluation mission, a series of recommendations were formulated with the aim of improving the institutional framework dedicated to foreign investment, increasing the efficiency of foreign direct investments, aligning investor support with Romania's development goals, and strengthening transparency regarding the availability of support measures. **In response to these recommendations, the Romanian Agency for Investment and Foreign Trade is currently engaged in a process of analysis and evaluation of implementation directions.**

***2. Romania applies the same investment screening mechanisms as any other European Union member state,*** without imposing additional administrative barriers that could discourage investment flows.

Additionally, the Romanian Agency for Investment and Foreign Trade hosts the National Contact Point for Responsible Business Conduct regarding the implementation of the recommendations proposed by the Organisation for Economic Cooperation and Development in the Guidelines for Multinational Enterprises. In this context, ARICE promotes the application of OECD best practices and standards, including the OECD Due Diligence Guidance, thus supporting a sustainable, ethical, and predictable investment climate.

### **The Competition Council**

The Competition Council protects investments in Romania by ensuring a fair competitive environment, preventing and sanctioning anti-competitive practices that may distort the market and discourage investments. In 2024, the authority completed 18 investigations, imposing fines totalling over 368 million RON, the majority of which were for cartel agreements. It also analysed 104 economic concentrations and 471 investments from the perspective of

national security, contributing to maintaining a favourable climate for investments. Through these actions, the Competition Council discourages anti-competitive behaviour, ensuring fair conditions for all market participants and encouraging sustainable investments.