

Successful AmCham Panel Discussion on the occasion of the Launch of the Annual Report of the Romanian Competition Council



On May 25, 2023 the Romanian Competition Council launched – within the context of the Conference “*Competing in today’s economy - keeping markets running*” – its Annual Report (<http://holisticmarketingmanagement.ro/romanian-competition-councils-annual-report-2022-competing-in-todays-economy-keeping-markets-running/> ; <http://holisticmarketingmanagement.ro/panelul-amcham-cu-ocazia-conferintei-anuale-a-consiliului-concurentei-25-mai-2023/>).

The special event took place at the Pentagon Events (Romexpo, Bucharest), and enjoyed a significant professional representation, confirmed otherwise by the Conference Agenda including significant Panel Discussions, such as the interesting and engaging AmCham Panel – American Chamber of Commerce in Romania being a leading business association in Romania that represents over 530 members.

It is well-known that among the values that characterize professional practice is to deliver specific activity results to the agreed quality standards and deadlines. This is why we really appreciated lecturers’ presentations – Livia Zamfiropol, DLA Piper; Răzvan Pele, DLA Piper; Anca Jurcovan, Wolf Theiss; Anca Diaconu, Nestor Nestor Diculesscu Kingston Petersen; Lucian Bozian, David & Baias – and interaction with each other and the audience after the panelists’ initial remarks, making the talks memorable. The chosen topic was thought-provoking: “*Vertical agreements in the perspective of the new Commission Regulation (EU) 2022/720*” (of 10 May 2022 on the application of Article 101(3) of the Treaty on the Functioning of the European Union

to categories of vertical agreements and concerted practices – VBER; the Regulation entered into force on 1 June 2022).

It should be remembered, making a parenthesis, that I had the honor of representing the Romanian Competition Council at the debate organized by the European Commission on 6-7 October 1997, in Brussels (with approx. 250 attendees representing different stakeholders such as: producers, merchants, consumers, competition authorities, consulting firms, etc.; of course, there were also attendees from the USA), on the topic of Vertical Restrictions in EU Competition Policy. Previously, on January 21, 1997, the European Commission had presented the “Green Paper on Vertical Restraints in EU Competition Policy” – COM(96) 721 final. Moreover, the students of the Romanian-American University are aware of these developments, including the fact that: we referred to the respective provisions in a point of view submitted in 1997 to the European Rapporteur for the Green Paper on Commerce, Riccardo Garosci; in the context of the traditional collaboration of the Romanian Competition Council with the U.S. Department of Justice (DOJ, Antitrust Division) and the U.S. Federal Trade Commission (FTC), we enjoyed valuable technical assistance; in the first issue for the year 2023 of the “Holistic Marketing Management” Journal (p. 8, <http://holisticmarketingmanagement.ro/RePEc/hmm/v13i1/1.pdf>) even images from two official meetings with the distinguished Mrs. Deborah Platt Majoras (Assistant to the Attorney General, DOJ, in 2003, and then Chairman of Federal Trade Commission, in 2007) are shown.

The AmCham Panel was a true success, lecturers delivering engaging and impressing presentations, confirming that a great presentation makes all the difference by matching with the objective, and stimulating discussion:

- Livia Zamfiropol, DLA Piper: *Impact Changes to Revised Rules in 2022* (Agency Contracts; Non-Compete Clauses; Passive Sales vs. Active Sales; Imposition of Resale Prices; Distribution Systems; Parity Obligations; Exchanges of Information);
- Răzvan Pele, DLA Piper: *Imposition of Resale Prices* (Serious infringement of competition; How to reach RPM – Resale Price Maintenance according to the new Vertical Guidelines; Synthesis of the main innovations brought by VBER and the new Vertical Guidelines; Relevant case studies);
- Anca Diaconu, Nestor Nestor Diclescu Kingston Petersen: *Exclusive distribution – practical implications of the new VBER* (Customer/territory restrictions. Basic rules; Exclusive distribution. Shared exclusivity; Exclusively assigned territory/ customers; Exclusive distribution. Pass on; Combining exclusive distribution with selective distribution. Conditions under which it is permitted);
- Anca Jurcovan, Wolf Theiss: *Dual distribution. Current Practice and Consequences for Compliance* (Non-reciprocal vertical agreement between competing undertakings benefiting

from the block exemption; Dual distribution rules under the new VBER; Dual distribution information sharing; Recent practice; Compliance measures);

- Lucian Bozian, David & Baias: *Parity obligations* (What the old regime stipulated regarding parity obligations; From the relevant case law – different approaches; What the new regime provides regarding parity obligations; Conclusions, in the context in which the new regime shows the Commission's high interest in protecting competition at the level of online intermediation platforms).

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