



REVIEWS LEGAL INDUSTRY

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ROMANIA

InHouse Practice

Larissa Maria Cenan
Capgemini

highlights how AI is transforming contract review for improved legal operations, compliance, and risk management

Alexandru Moişan

S.N.G.N. Romgaz S.A.

highlights the challenges faced by state-owned companies in Romania's energy sector

The Upcoming EU Industrial Accelerator Act: Strategic Shifts in Public Procurement

Over the past months, various debates have emerged surrounding a widely circulated draft of the Industrial Accelerator Act (IAA) in anticipation of the long-awaited official version.

Released on March 4th, the proposal signals the European Union's intention to significantly reshape the landscape of public procurement—amounting to 15% of the Union's GDP—transitioning from a cost-driven/best value-for-money exercise, recently balanced by green criteria, into a powerful strategic lever designed to drive the adoption of 'Union-origin' and 'low-carbon' products.

Originally scheduled for a December release but repeatedly postponed, the IAA's release reflects months of difficult negotiation among Member States.

While some member states advocated for protectionism and EU self-reliance, others argued that a more partnership-oriented approach is favorable. The proposal suggests that a balanced manner of the latter view has largely prevailed.

Main Provisions on Public Procurement

The proposed IAA targets public procurement procedures involving strategic industrial sectors, namely:

- **Energy-intensive industries** (products such as steel, concrete, mortar, aluminum and any products the performance of which depends mainly on them) for use in buildings, infrastructure and motor vehicles for civil purposes—put simply, the proposal establishes minimum thresholds for low-carbon and Union-origin content.
- **The automotive expanding market for electric vehicles** (including new pure electric, off-vehicle charging hybrid, and fuel cell vehicles)—the vehicles involved must meet specific Union-origin requirements regarding their components and manufacturing.

In what concerns the "Union-origin" status—expected to remain a contentious issue during the legislative process—it is proposed that such status be granted to suppliers from countries with which the EU has agreed to agreements for public procurement and public support schemes. This status may, however, be withdrawn by the Commission if the third country has not complied with the relevant agreement, where dependencies might threaten EU security of supply, or for other exceptional reasons.

Mandatory Exclusion of Third-Country Operators

For the procurement related to these strategic sectors, the proposed IAA instates a mandatory exclusion of



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tenderers owned or controlled by an entity established in third countries that have not concluded an international agreement with the Union guaranteeing such access.

Limited Flexibility

The IAA proposal provides for limited strategic exemptions. Contracting authorities may waive the origin and carbon thresholds:

- Where there is only one supplier.
- Where no suitable tenders are received.
- Where compliance would cause disproportionate costs (presumed if differences exceed 25%) or technical incompatibility in operation/maintenance.

For instance, where a green, EU-origin product carries too high a cost, contracting authorities might legally opt for cheaper, even though non-compliant, alternatives. This option sets pressure on domestic bidders to remain within that critical competitive margin.

Conclusion & Strategic Recommendations

With the IAA to be presented in a European Parliament plenary session on June 17th, while a timeframe for the imposed measures is yet uncertain, it may be safely concluded that compliance with origin and decarbonization criteria will become a decisive competitive factor in EU public procurement.

Therefore, bidders and manufacturers alike that aim to adapt their supply chains and embed compliance with the new low-carbon and origin thresholds into their tendering processes, while managing production costs to stay safely within the competitive margin, will be in a prime and advantageous position to secure future public contracts.



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In the Firm

• **Popovici Nițu Stoica & Asociații** is proud to announce that 12 of its lawyers have been individually recommended by the prestigious UK legal directory, **IFLR1000**, in its 2025 edition. These recognitions are based on client feedback and peer reviews gathered during IFLR1000's comprehensive research process. More information is available [HERE](#).

• **Popovici Nițu Stoica & Asociații** is pleased to announce the promotion to Partner of **Bianca Chiurtu**, **Ioana Cazacu** and **Ramona Pentilescu**, effective as of January 1st, 2026.

More information available [HERE](#).

• Managing Partner **Florian Nițu** will speak at **GC Summit** taking place on February 26, 2026, in a forum dedicated to examining how major infrastructure and strategic sector investments can be effectively structured, procured and managed across jurisdictions, with a focus on procurement dynamics, contractual frameworks and cross-border risk.

Florian will be moderating the panel on: **Infrastructure & investment projects—procurement dynamics, contractual structures & multi-jurisdictional risk.**

More information available [HERE](#).

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