

REVIEWS LEGAL INDUSTRY

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ROMANIA

COVERAGE

IBA Copenhagen 2026

from Greenland to Ukraine, the future of law firms centers on the rule of law and artificial intelligence

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NOVOMATIC Romania

explains how her legal team handles disagreements with the authority over what the rules mean, now that local councils decide on gambling

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describes how in-house counsel makes sure that what the parties agree on in an M&A negotiation is accurately reflected in the final contract

Public Law

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The EU Public Procurement Act: Towards a Both Necessary and Disputed Paradigm Change



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On September 9, 2026, the European Commission proposed a Public Procurement Act (COM(2026) 590), which would repeal Directives 2014/23/EU, 2014/24/EU and 2014/25/EU and replace them with a single, directly applicable regulation, to apply in all Member States two years after its entry into force.

The legal form is contentious, and Romania has taken a side: it was among the 17 Member States that, in a joint call of May 4, 2026 led by Austria, France and Germany, asked the Commission to retain directives as the legal instrument, warning that a regulation "would increase uncertainty and administrative burdens for an unforeseeable period of time".

If adopted, the regulation would displace most substantive rules in Laws no. 98/2016, 99/2016 and 100/2016 for contracts above EU thresholds. Below-threshold contracts, institutional arrangements and remedies would remain national (the proposal does not repeal the Remedies Directives), leaving practitioners with the two-layer framework the joint call warned against.

More fundamentally, the reform would turn public procurement from an administrative procedure into a tool of economic strategy.

Quality, Not Only Price

The best price-quality ratio would become the default award method, with quality weighing at least 30% of the score (50% for labor-intensive contracts), under a "comply or explain" mechanism. For Romania, this would reverse a habit: in 2024, 82% of Romanian procedures were awarded to the cheapest bid, against 54% in a typical Member State (European Commission, Single Market Scoreboard). Contracting authorities would need new evaluation methodologies and better-reasoned justification notes; bidders' technical proposals would weigh more, in awards and in challenges before the CNSC.

European Preference

Building on the CJEU's *Kolin* and *Qingdao* judgments, public buyers could restrict participation to EU or "covered" operators and subcontractors (from GPA, FTA or customs-union partners), favor tenders with higher EU or covered content, or reject tenders where such content is below 50% of the estimated value. The Commission could be empowered to make these measures mandatory by delegated act.

Both practitioners and academics already find the mechanism unclear: the proposal does not define what a "higher proportion" of EU content means or how "value" is measured, and proving origin under Article 74 may require itemized pricing and tracing supply chains several tiers down.

Digital by Default

Exclusion grounds, selection and origin would be verified electronically, the Electronic Public Procurement System (**SEAP**) would need to connect to an EU network of interoperable platforms, and eProcurement providers would have to be established and controlled in the EEA. Artificial intelligence, by contrast, is largely absent, as academic commentators have pointed out: the proposal neither regulates the procurement of AI nor meaningfully addresses its use in procurement procedures.

What Next?

The proposal now goes to the European Parliament and the Council and may change materially. The Commission aims for agreement by the end of 2027, but the choice of a regulation remains one of the main hurdles: the signatories of the May call warn that it would slow down the use of public funds, and commentators that it could significantly delay the reform itself. The reach of European preference and the Commission's delegated powers will also be fiercely debated. Meanwhile, contracting authorities may start reviewing award methodologies, and bidders with non-EU supply chains should revisit their bidding strategy and map the origin of their goods and subcontractors.

Practice Area News

National Council for Solving Complaints (CNSC): AI-Based Platform for Procurement Challenges. The council announced the launch of a platform for handling procurement challenges based on machine learning and artificial intelligence. Worth RON 24.66 million, about 75% EU-funded, the project runs until February 2028. Planned features include automatic identification of challenges in incoming correspondence, digital workflows, a library of similar cases and interconnection with SEAP and the courts' IT systems. The investment comes as challenges filed with CNSC rose by 14.32% in 2025, and contrasts with the EU proposal's near-silence on AI.

Ministry of Investments and European Projects: Staged Reception for 58 Unfinished EU-Funded Projects. On October 15, Order no. 1581/2026 approved the technical instruction that allows Law No. 141/2026 on accelerating public investment to apply to 58 projects financed under the Large Infrastructure Operational Programme 2014-2020 and declared non-functional, including hospitals, gas networks, water and sewage systems and flood defenses. Reception may be granted for essential works, while auxiliary works, capped at 5% of value, must be completed within 120 days.

In the Firm

Florian Nițu Named Romania Lawyer of the Year at *Legal 500 CEE Awards 2026*

PNSA's Managing Partner received the award in Warsaw on October 15, 2026. He was also shortlisted for CEE Partner of the Year, and PNSA for Law Firm of the Year.

PNSA Wins Danube Delta Concession Dispute for Public Authority

PNSA obtained a final ruling from the Bucharest Court of Appeal for a county authority, confirming that a 7,000-hectare concession could be extended only with both parties' consent. Team: Adrian Nica (Counsel) and Mihaela Jarca (Senior Associate).

