The Private Competition Enforcement Review

Editor

Ilene Knable Gotts

Law Business Research

The Private Competition Enforcement Review

SECOND EDITION

The Private Competition Enforcement Review

second edition

Editor

Ilene Knable Gotts

PUBLISHER
Gideon Roberton

MARKETING MANAGER
Adam Sargent

EDITORIAL ASSISTANT
Nick Drummond-Roe

PRODUCTION EDITOR
Jonathan Cowie

SUBEDITORS
Jonathan Allen
Kathryn Smuland
Ariana Frampton

EDITOR-IN-CHIEF
Callum Campbell

MANAGING DIRECTOR
Richard Davey

Published in the United Kingdom
by Law Business Research Ltd, London
87 Lancaster Road, London, W11 1QQ, UK

ISBN 0-9542890-8-0

www.thelawreviews.co.uk

Printed in Great Britain by
Encompass Print Solutions, Derbyshire
Tel: +44 870 897 3239

ACKNOWLEDGEMENTS

The publisher acknowledges and thanks the following law firms for their learned assistance throughout the preparation of this book:

ANDERSON MŌRI & TOMOTSUNE

CLAYTON UTZ

CLEARY GOTTLIEB STEEN & HAMILTON LLP

CLIFFORD CHANCE

CUATRECASAS

EPSTEIN, CHOMSKY, OSNAT & CO

FERRADANEHME

LANNA PEIXOTO ADVOGADOS

LINKLATERS LLP

MORAIS LEITÃO, GALVÃO TELES, SOARES DA SILVA & ASSOCIADOS, SOCIEDADE DE ADVOGADOS, R.L.

NORTON ROSE LLP

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

POPOVICI NITU & ASOCIATII

TAYLOR WESSING

WACHTELL LIPTON ROSEN & KATZ

CONTENTS

INTRODUCTION

Ilene Knable Gotts *

Private antitrust litigation has been a key component of the antitrust regime for decades in the United States and reflects the societal views generally towards the objectives and roles of litigation. The United States litigation system is highly developed – using extensive discovery, pleadings and motions, use of experts and, in a small number of matters, trials to resolve the rights of the parties. As a result, the process imposes high litigation costs (in time and money) on all participants and promises great rewards for prevailing plaintiffs. The usual rule that each party bears its own attorneys' fees is amended for private antitrust cases such that a prevailing plaintiff is entitled to its fees as well as treble damages. The costs and potential rewards to plaintiffs has created an environment in which a large percentage of cases settle on the eve of trial. Arbitration and mediation are still rare, but not unheard of, in antitrust disputes. Congress and the US Supreme Court have attempted to curtail some of the more frivolous litigation and class actions by adopting tougher standards and ensuring that follow-on litigation exposure does not discourage wrongdoers from seeking amnesty from the competition authorities. Although these initiatives may, on the margin, decrease the volume of private antitrust litigation in the United States, the environment remains ripe for high litigation activity in the near term, particularly involving intellectual property rights and cartels.

The other jurisdictions discussed in this book have each sought to increase private antitrust litigation more recently (in the past two years, for instance, in Brazil and Israel) to complement increased public antitrust enforcement. In April 2008, the European Commission published a White Paper suggesting a new private damages model for achieving compensation for consumers and businesses who are victims of antitrust violations, noting that 'at present, there are serious obstacles in most EU Member States that discourage consumers and businesses from claiming compensation in court in private antitrust damages actions [...] The model is based on compensation

* Ilene Knable Gotts is a partner at Wachtell Lipton Rosen & Katz.

through single damages for the harm suffered.' EC Competition Commissioner Neelie Kroes said: 'The suggestions in this White Paper are about justice for consumers and businesses. [...] These people have the right to compensation through an effective system that complements public enforcement, whilst avoiding the potential excesses of the US system.' The key recommendations include collective redress, in the form of representative actions by consumer groups and victims who choose to participate, as opposed to class actions of unidentified claimants; disclosure of relevant evidence in the possession of parties; and final infringement decisions of Member States' competition authorities constituting sufficient proof of an infringement in subsequent actions for damages.

Even absent the issuance of final EC guidelines, however, states throughout the European Community (and indeed in most of the world) have recently increased their private antitrust enforcement rights or are considering changes to legislation to provide further rights to those injured by antitrust law infringement. Almost all jurisdictions have adopted an extraterritorial approach premised on 'effects' within their borders. Most jurisdictions impose a limitation period for bringing actions that commences only when the plaintiff knows of the wrongdoing and its actors. In Brazil, however, it is unclear whether a tolling period for the commencement of damages applies. Some limitation periods are quite short (e.g., Canada's with respect to Competition Act claims is two years and, in the UK, Competition Act claims must be brought within two years of the date on which the infringement decision may no longer be appealed). Jurisdictions also vary regarding how difficult they make it for a plaintiff to have standing to bring the case.

The litigation system in each jurisdiction to some extent reflects the perceptions of what private rights should protect. Many of the jurisdictions view private antitrust rights as an extension of tort law (e.g., Canada, France, Israel, Japan, the Netherlands, the UK), with liability arising for actors who negligently or knowingly engage in conduct that injures another party. Some jurisdictions also treat antitrust concerns as a defence for breaching a contract (e.g., the Netherlands). Some jurisdictions (e.g., Australia) expressly value the deterrent aspect of private actions to augment public enforcement, while others are concerned that private antitrust litigation might thwart public enforcement and may require what is in essence consent of the regulators before allowing the litigation. Some jurisdictions permit the enforcement officials to participate in the case (e.g., in Germany the President of the Federal Cartel Office may act as *amicus curiae*). A few jurisdictions even believed that private litigation should only be available to victims of conduct that the antitrust authorities have already penalised (e.g., Spain, until recent legislation repealed this requirement). In the UK, a damages claim brought by individual claimants or by consumer groups acting on behalf of two or more individual consumers before the Competition Appeal Tribunal under the Competition Act must be based on a prior decision by a public competition authority that there has been an infringement of EC or UK competition law. Interestingly, no other jurisdiction has chosen to replicate the United States system of treble damages for competition claims, taking the position that damages awards should be compensatory rather than punitive. (That said, both Canada and the UK in principle recognise the potential for punitive damages.) Nor does any other jurisdiction permit the broad-ranging and court-sanctioned scope of discovery permitted in the United States. Only Australia seems to be more receptive than the United States to suits being filed by a broad range of plaintiffs – including, via a plaintiff-

friendly class-action regime, representatives and indirect purchasers – and to potential increased access for litigants to information and materials submitted to the antitrust authorities in a cartel investigation. Finally, in almost all jurisdictions, the prevailing party has some or all of its costs compensated by the losing party, discouraging frivolous litigation.

Varying cultural views also clearly affect litigation models. Jurisdictions such as Germany generally do not permit representative or class actions, but instead have as a founding principle the use of courts for pursuing individual claims. In Japan, class actions are not available except to organisations formed to represent consumer members. Jurisdictions that are receptive to arbitration and mediation as an alternative to litigation (e.g., Germany, Spain, the UK), also encourage alternative dispute mechanisms in private antitrust matters. Some courts prefer the use of experts and statements to discovery (e.g., in France, where the appointment of independent experts is common; in Japan, which does not have mandatory production or discovery except in narrowly prescribed circumstances; and in Germany, which even permits the use of statements in lieu of documents). Other jurisdictions believe that discovery is necessary to reach the correct outcome (e.g., Canada, which provides for broad discovery; Israel, which believes 'laying your cards on the table' and broad discovery are important; and the UK, which provides for disclosure of documents that would be reasonable and proportionate in the circumstances on which a party would rely). Views towards protecting certain documents and information on privilege grounds also cut consistently across antitrust and non-antitrust grounds (e.g., no attorney–client, attorney work-product, or joint work-product privileges in Japan; limited recognition of privilege in Germany; extensive legal advice, litigation and common interest privilege in the UK), with the exception that some jurisdictions have left open the possibility of the privilege being preserved for otherwise privileged materials submitted to the antitrust authorities in cartel investigations. Some jurisdictions view settlement as a private matter (e.g., France, Japan, and the Netherlands, except if the settlement agreement is intended as a settlement for a group); others view it as subject to judicial intervention (e.g., Israel, Switzerland). The culture in some places, such as Germany, so strongly favours settlement that judges will often require parties to attend hearings, and even propose settlement terms; however, whether they do will depend on the circumstances. In Canada and the UK, the law provides for potential consequences for failure to accept a reasonable offer to settle (e.g., reversal or limitations on costs awards), and, in some jurisdictions, a pre-trial settlement conference is mandatory.

Private antitrust litigation is largely a work-in-progress in most parts of the world, with the paint still drying even in the United States several decades after private enforcement began. Many of the issues raised in this book, such as pass-on defence and the standing of indirect purchasers, are unresolved by the courts in many countries and our authors have provided their views regarding how these issues are likely to be clarified. Also unresolved in some jurisdictions is the availability of information obtained by the competition authorities during a cartel investigation, both from a leniency recipient and a party convicted of the offence. Other issues, such as privilege, are subject to proposed legislative changes. The one constant cutting across all jurisdictions is the increase of cartel enforcement activity, which is likely to be a continuous source for private litigation in the future.

Chapter 12

ROMANIA

*Silviu Stoica and Mihaela Ion**

I OVERVIEW OF RECENT PRIVATE ANTITRUST LITIGATION ACTIVITY

Although the national antitrust legal framework regulates both the private and the public enforcement of competition rules, enforcement of competition law is a matter of administrative law.

Law 21/1996 ('the Competition Act') contains a prevention and sanctioning mechanism, which to date has been used only by the national competition authority, the Competition Council ('the Council'). Antitrust litigation activity has been restricted to the Council's intervention as the public authority vested with specific powers in this field.

To date the courts have not been called on to rule on antitrust private actions, the only role exercised being that of reviewing the decisions adopted by the Council. There is therefore no precedent for actions available to those harmed by infringements of competition laws.

II GENERAL INTRODUCTION TO THE LEGISLATIVE FRAMEWORK FOR PRIVATE ANTITRUST ENFORCEMENT

In short, the basis for private competition law litigation is set forth in the Competition Act and the Guidelines regarding the resolution by the Council of complaints concerning Articles 5 and 6 of the Competition Act, corresponding to Articles 81 and 82 of the EC Treaty ('the Guidelines'). However, the legal framework only confirms the existence of private enforcement avenues and lays down few governing principles. The specific conditions of validity of the relevant legal actions and procedural rules are found in the Civil Code and the Civil Procedure Code ('the CPC').

* Silviu Stoica is a partner and Mihaela Ion is an associate at Popovici Nitu & Asociatii.

Pursuant to the Competition Act, any express or tacit agreements between undertakings or associations of undertakings, any decisions taken by associations of undertakings and any concerted practices that have as their object or effect the restriction, prevention or distortion of competition on the Romanian market or on a part of it are prohibited; as is the abuse of a dominant position held by one or more undertakings on the Romanian market or on a substantial part of it, by way of anti-competitive acts having as their object or that may have as their effect the harming of business activity or of consumers.

Article 61 of the Competition Act provides the general framework for private enforcement of competition law, explicitly stating that the persons harmed as a result of anti-competitive practices may seek relief in court, irrespective of whether or not a sanction has been imposed by the Council.

This principle is developed in Article 5 of the Guidelines, which sets forth the role of the courts and of the Council and the advantages of a legal action brought in court. As regards subject matter jurisdiction, while the Council is guided by the priority principle, the courts have the jurisdiction and obligation to rule on all matters submitted to them. In particular courts can rule on the validity or voidance of the agreements and have exclusive subject matter over the awarding of damages to individuals in cases of violations of Articles 5 and 6 of the Competition Act.

Court actions have the following advantages: courts can award damages for the losses caused by the breach of Articles 5 and 6 of the Competition Act, they can order protective measures and award costs of litigation. Courts can also rule on matters concerning payments or execution of contractual obligations on the basis of an agreement reviewed under Article 5 of the Competition Act.

In the absence of specific details regarding the subject matter jurisdiction over private competition law actions, the general rules of the CPC shall apply. Thus, jurisdiction will belong, depending on the value of the claim, either to first-tier courts (district courts) or second-tier courts (tribunals).

As regards territorial jurisdiction, law suits are to be filed with the courts having authority over the area covering the address or main place of business of the defendant or the place where the damage was caused or the anti-competitive practice occurred.

Private competition law legal actions are tort actions. The applicable regime is detailed in particular in Articles 998 to 1003 of the Civil Code, where the following principles are set forth:

a any person is responsible for a behaviour (practice, act, deed) that caused damage to another person and has the obligation to repair the damage;

b in case the damage was caused by more than one person, they will bear joint liability, legal persons may also be held liable for their representatives' infringements;

c the losses caused by the infringement are to be recovered in full. This includes both the effective loss and lost profits and may also imply that any offender, including a leniency applicant, may be held responsible for the full loss.

To be compensated for the damage, the victim of an infringement (including the breach of competition rules) will have to prove that all conditions triggering tort liability are met, that is:

a the infringement act (which could also be an act or practice prohibited by the national or EU competition rules);
b the fault of the defendant, regardless of form (negligence, wilfulness);
c the damage caused to the complainant;
d the causality between the infringement act and the damage caused to the complainant.

The general limitation period runs for three years as of the date of the infringement or when the victim had knowledge or should have had knowledge of the author of the infringement and the damage suffered.

III EXTRATERRITORIALITY

The Competition Act is clear on its extraterritorial effects; it applies to anti-competitive acts and practices committed by Romanian or foreign undertakings in the territory of Romania or committed abroad but having effects on the Romanian territory. Therefore, nationality or location has no relevance provided that the infringement had effects on the Romanian territory. The tort law regime confirms this approach, the national laws applying whenever the tortious act is committed in Romanian territory or, if committed abroad, all or part of its damaging effects occurred on the Romanian territory.

There are no express exemptions from the above rules.

IV STANDING

Pursuant to Article 61 of the Competition Act, any person aggrieved by an anti-competitive practice may bring a private antitrust action. As per general rules, any natural or legal person may file a claim on such basis, provided it can justify a personal, direct and certain interest in the outcome of the case.

If actions are filed separately by different claimants, the court may decide upon request or *ex officio* to adjoin all such claims in a single litigation, if there is a strong link between their object, cause and parties.

Third parties, both natural and legal persons, may intervene in the case in accordance with the CPC, if they can prove an interest. Pursuant to the draft of the new Civil Procedure Code, if necessary, the judge may decide to bring in the case other persons either as plaintiff or defendant, even if the parties are opposing such measure.

V THE PROCESS OF DISCOVERY

Under the Romanian legal system there is no process of discovery equivalent to that found in the US system. Unless otherwise provided by law, evidence is to be submitted by parties in courts, under strict judicial control. Evidence may be also administered by lawyers if so agreed by the parties, in a much faster procedure, within a fixed legal time limit of six months, depending on the complexity of the case.

The first procedural rule is that all evidence must be submitted before the facts of the case are discussed and the second rule is that the evidence and rebutting

evidence are to be submitted at the same time whenever possible. By way of exemption evidence can also be administered before the trial if there is the danger of losing it or if future difficulties might arise in relation to its submission. The party asking for precautionary measures has to present reasoned evidence supporting a *prima facie* case of infringement.

The CPC contains the relevant provisions dealing with the compulsory disclosure in court of information or documents intended to be used as evidence by one of the parties and which is in the possession of the opposing party, a public authority or third party. The need for disclosure is to be assessed and decided by the court case by case.

Should the court decide that disclosure is necessary, it should also consider the confidential nature of certain documentation. Article 173 of the CPC provides that written evidence legally protected by secrecy may not be brought in court. In light of this, documents and information that, during the administrative procedure, gained confidential character should also be considered as such by the court when ruling on the claim for damages. Moreover, the disclosing party may refuse to make a disclosure if the documents could expose personal issues or if their disclosure could trigger criminal prosecution against the party or another person or could expose the party to public scorn.

Should the opposing party refuse without justification to disclose requested document or be proved to have destroyed it, the Court may consider as proved the facts and allegations in support of which such document was requested.

Moreover, Article 108 of the CPC provides, *inter alia*, that fines may be applied for the refusal to disclose or omission to communicate a requested document or data within the set deadline. The act of retaining or damaging a document required for solving a pending case may also trigger criminal liability under Article 272 of the Romanian Criminal Code.

VI USE OF EXPERTS

In the absence of relevant case law it remains to be seen how and what type of experts and economists will be used in private competition law litigation. It may be of importance that there are no certified competition experts officially acknowledged. However, there is a general principle in the CPC allowing the judge to request the opinion of one or more figures or experts in the relevant field. There is no obvious legal impediment not to use members of the Council as experts. The parties would also be able to put questions to the experts.

As per general rules, the court may also appoint an expert to appraise the damages. Experts appointed by the parties may also participate to such appraisal.

Expert or specialist opinions are not binding on the Court, which will consider them together with all other evidence.

VII CLASS ACTIONS

Class actions as such with respect to private competition law litigation are not specifically regulated. There is only a general principle in the CPC, which is not necessarily related

to a typical class action, providing for the possibility of more persons to act together as complainants or defendants if the subject matter of the cause is a common right or obligation or if their rights or obligations originate in the same source. However, in these situations the procedural acts, defences and conclusions of one of the parties cannot benefit or prejudice the interests of the others, except where, by virtue of the nature of relationship or a legal provision the effects of the judgment will be extended to all plaintiffs or defendants.

The national legal framework on consumer protection contains no specific provisions regarding consumers' rights to claim the repair of the damages suffered as a result of infringements of competition rules. The Consumer Code only makes provision for the general possibility of consumer associations to bring actions to protect consumers' interests and rights. There are no details as to the limits and specific measures aimed at being imposed or obtained through such actions.

The draft of the new civil procedure code includes express provisions allowing persons, institutions and authorities to bring actions or raise defences that, without justifying a personal interest, aim to protect the legitimate rights and interests of persons found under special situations or in view of protecting a group or public interest.

VIII CALCULATING DAMAGES

The Competition Act contains no specific provisions on how damages caused by breach of competition laws are to be determined. In light of this, the general rules governing the tort regime provided in the Civil Code shall apply. One of the main principles of tort law is the full reparation of the damage, by removing all damaging consequences of the illegal behaviour (practice) to put the victim in the situation prior to the infringement. In line with above principle, the victim is entitled to recover both the effective damage suffered (*damnum emergens*), be it forseeable or unforseeable when the infringement occurred and lost profits (*lucrum cessans*).

Punitive damages are not permitted under Romanian law. The CPC provides for the general possibility to recover attorneys' fees. Procedurally such fees can be claimed either during the trial or by way of separate legal action based on tort law. However, in all cases the judge maintains the right to reduce the amount of the fees to an appropriate level by reference to the complexity of the case and likely attorneys' volume of work.

To qualify for recovery, the damages must be certain as to their existence and possibility of determination and must not have been already recovered (eg, based on an insurance policy). Future damages, if certain to occur, can also give right to compensation. Moreover, to ensure an effective damages compensation, the victim may request delay penalties calculated from the moment the judgment become definitive up to the date of actual payment of compensation of damages.

In practice the law as to the reference date when calculating damages is unsettled. Some court decisions took into consideration the prices available when the damage was caused, while others considered the prices applicable at the time of the court decision awarding damages.

IX PASS-ON DEFENCES

Even though the Romanian legal system does not include specific provisions on passing-on overcharges, there are in place legal instruments enabling the use of this concept. According to the Civil Code, the damages to be awarded have to cover the actual loss suffered and not recovered by the victim, so that the victim does not receive supplementary and undue benefits.

In line with the above, the victim will not be able to recover from the defendant damages already repaired by others such as insurers or third parties, as this could amount to unjustified enrichment of the victim. Therefore, one cannot exclude potential defences raised by defendants on grounds that the victim has already been compensated for the loss by increasing sale prices or other passing-on structures.

In the same time, there is no legal impediment preventing an indirect buyer to file a damages claim on grounds that the overcharges were passed-on down the distribution chain, thus damaging the buyer.

However, it remains to be seen how the practice will develop on this matter, given the absence of relevant precedents.

X FOLLOW-UP LITIGATION

As a general rule, the filing of a damage claim on grounds of infringement of competition laws is not conditional on a previous sanctioning decision by the Council.

However, it is also true that in the absence of a sanctioning decision of the Council, the burden of proof resting with the claimant is rendered considerably more onerous. One cannot overlook the advantages of a prior Council decision, which, as an administrative act, creates a presumption of legality and accuracy at least as regards the following three elements: the existence of an illicit deed, the identity of the author of the illicit deed and the fault of the author. All in all, a prior decision of the Council may constitute a first proof against the offender, the latter having the burden to reverse the come with evidence to the contrary.

If a decision of the Council is challenged in court and it is upheld by the court, it becomes final and irrevocable. As such, it will benefit from all effects of a court judgment, including the *res judicata* effect regarding the three elements of fact mentioned above.

Pursuant to Article 1200, paragraph 4, of the CPC, the *res judicata* effect establishes a legal presumption which is twofold: on the one hand, the losing party will not be able to re-dispute the right in another litigation, on the other, the winning party can avail itself of the recognised right in another litigation.

In theory, damage claims may also be filed against defendants having benefited from leniency measures applied by the Council. However, it remains to be seen how this will actually work in practice.

XI PRIVILEGES

The general rule in accordance with the Attorneys' Statute is that any attorney-client professional communication or correspondence, regardless of form, is confidential. They cannot be used as evidence in court and cannot be deprived of their confidential nature. This privilege is acknowledged by the civil courts as well as criminal and administrative courts.

The information and documents contained in the investigation file of the Council are also protected by confidentiality obligation of the Council. The following are considered confidential:

a trade secrets (technical and financial information related to the know-how of a certain undertaking, methods of evaluating costs, production processes and secrets, sources of supply, manufactured and sold quantities, market quotas, lists of customers and distributors, marketing plans, costs and price structure, sale strategy); and

b other confidential information (such as information transmitted by third parties about concerned undertakings that could exert a significant economic and commercial pressure over competitors or commercial partners, customers or suppliers), in respect of which the access to the file may be totally or partially restricted.

XII SETTLEMENT PROCEDURES

Given the nature of damages claims, the parties may use settlement measures either before or even within the litigation proceedings. The Civil Code comprises substantial provisions (Articles 1704 to 1717) dealing with settlement options, while the CPC contains procedural rules governing the settlement in front of the court.

The parties can agree over the amounts of the damages and methods of repair. If the parties settled their dispute, the court cannot be called to rule on such legal action. Furthermore, the parties are permitted at all times during trial, even without being summoned, to go to court and request a judgment acknowledging their settlement. Such settlement is to be submitted in writing to the court, which will include it in its ruling.

XIII ARBITRATION

As a rule, patrimonial civil and commercial disputes may be referred to arbitration. The parties may agree that the arbitration be organised by a permanent arbitration institution or even by a third party. However, as aforesaid, there is no practice developed yet in respect of private enforcement of competition law, either by ordinary courts or arbitration tribunals.

Law 192/2006 ('the ADR Act') has introduced mediation as an alternative method of dispute resolution. The parties, be they natural or legal persons, may voluntarily refer their dispute to mediation, including after filing a law suit in court. They can agree to solve this way all disputes of civil, commercial, family or even criminal nature, as well as other disputes, subject to the conditions of the ADR Act.

The ADR Act also applies to disputes pertaining to consumers' protection field. Consumers may claim damages as a result of the acquisition of defective products or services, failure to observe contractual clauses or warranties granted, existence of abusive clauses in the contracts with undertakings or breach of other rights provided by national or EU consumer protection laws.

XIV INDEMNIFICATION AND CONTRIBUTION

The rule established by the Civil Code is that the party at fault has to make good the damages caused to another party. Where the infringement may be attributed to more than one person, they are to be held jointly liable to the victim, which can pursue any of them for the full amount of the damages. Liability is to be apportioned among the infringers according to the degree that each is at fault.

XV FUTURE DEVELOPMENTS AND OUTLOOK

At present there is no pending or expected legislation in the field, besides the draft of the new civil procedure code, which could prove to contain certain provisions relevant for the topics addressed herein. However, it is of note that a significant number of Council investigations on various fields of the economy are pending. It is to be expected that fines and other sanctions would be applied. There may be room for aggrieved parties to follow up on Council's sanctioning decisions and file damages claims in court. The current economic downturn may also force undertakings to consider legal actions which before would not have been thought worthwhile.

SILVIU STOICA

Popovici Nitu & Asociatii

Silviu Stoica is a partner at Popovici Nitu & Asociatii and head of the competition practice group. His practice focuses on a broad range of contentious and non-contentious competition matters, with an emphasis on cartel investigations and industries inquiries, abuses of dominant position and antitrust disputes. Silviu Stoica also advises clients on restrictive agreements and works closely with in-house corporate counsel in sensitive internal compliance reviews.

Silviu Stoica has been commended in *Chambers Europe* as impressing clients 'with his deep knowledge of the Romanian business environment'. Established clients of Silviu Stoica include Philip Morris, Cargill, Arcelor Mittal and Oresa Ventures, on a whole array of competition matters and investment issues.

Silviu Stoica has been with the firm since its inception, pursuing all carrier stages from associate to senior associate and head of practice group. Silviu Stoica holds a degree in law from the University of Bucharest – Faculty of Law and is member of the Bucharest Bar Association. He attended US Legal Methods – Introduction to US Law Law, Institute for US Law in Washington, DC, and International Development Law Organization Development Lawyers Course (DLC-20E) in Rome.

MIHAELA ION

Popovici Nitu & Asociatii

Mihaela Ion is an associate within the competition practice group at Popovici Nitu & Asociatii. Her area of expertise covers in particular antitrust litigation, unfair trade practices, consumer law, merger control proceedings and state aids. She also assists clients in structuring and implementing compliance programmes, providing regular training as external legal counsel on all relevant aspects of competition law. Mihaela Ion holds a Degree in Law and is a member of the Romanian Bar Association.

POPOVICI NITU & ASOCIATII
239 Calea Dorobanti, 6th Floor
Bucharest 1st District, Code 010567
Romania
Tel: +0 21 317 79 19
fax: +0 21 317 85 00
office@pnpartners.ro
www.pnpartners.ro