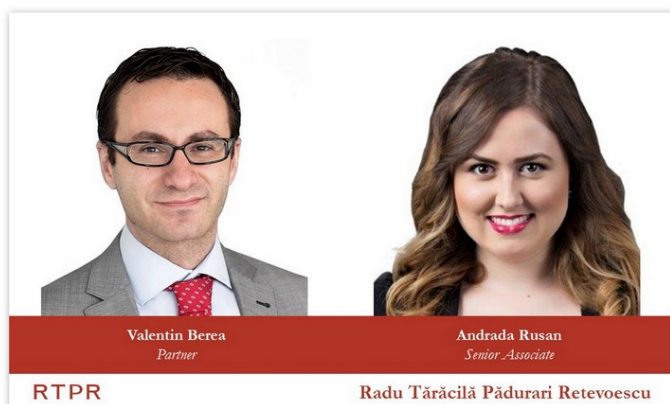


RTPR competition litigators reduce nearly EUR 8 million fine to below EUR 500,000 after last extraordinary appeal rejected



RTPR competition litigation team managed to reduce a fine imposed by the Competition Council on the insurance market at the end of 2018, from almost 8 million euros to under 500,000, through a court decision that cannot be challenged any longer, after the rejection of 3 extraordinary appeals introduced by the Competition Council and ANAF (The National Agency for Fiscal Administration).

In parallel with the litigation on the merits (regarding the existence or not of an alleged anticompetitive circumstance) that continues to date, the RTPR team has opened a separate front for challenging the enforcement by ANAF. More specifically, the RTPR specialists capitalised for their client on an opportunity offered by the succession of legal amendments in time regarding a special fine reduction facility, namely the possibility to pay half of the legal minimum fine within 15 days, applicable in some administrative matters.

The Competition Council was very creative as well, making an application for action in the enforcement file, and afterwards, following RTPR's success in the ordinary appeals, together with ANAF filed an appeal for annulment and 2 revision requests which were rejected. The legal issue – whether or not the special administrative fine reduction facility also applies to the fines imposed by the Competition Council – was resolved in the meantime through a preliminary decision by the High Court of Cassation and Justice itself, and the law was subsequently amended as supported by the Competition Council, but these developments did not produce any effects in the file, because they cannot be retroactive.

“This is a very special case because it proves that success in court can come through different legal tools other than the beaten path. I was fortunate to collaborate for this case with an extraordinary client team, who had the willing to fight this battle on new legal grounds, as well as with several brilliant minds among my peers”, said **Valentin Berea**, the coordinator of the RTPR competition litigation practice.

Andrada Rusan, Senior Associate, a key member of the successful team, declared: *“This landmark victory shows us once again that the success of a legal action can come in many forms - the only condition is to be open to explore with imagination and legal diligence every solution that the positive law offers us for the benefit of the client. This is a proof that a substantial fine applied by the competition authority does not mean the end of the game for the sanctioned company, in addition to the battle on the merits there are other fronts worth exploring – some of which lead to the clarification of the law through rulings of the Court of Justice of the European Union, the High Court of Cassation and Justice or the Constitutional Court of Romania, applicable erga omnes in the future”*

The RTPR team was made of *Valentin Berea, Andrada Rusan, Petrus Partene and Filip Marinău*, specialised in

competition litigation, and further included a specialist in tax litigation, [Alexandru Stanoiu](#), the coordinator of this practice at RTPR. The law firm also collaborated with a number of prominent professors of constitutional law and administrative litigation, who analysed the incidence of the special administrative fine reduction facility in the field of competition law.