

**AGREEMENT ON COOPERATION ON COMPETITION POLICY BETWEEN THE CONSILIUL
CONCURENTEI (COMPETITION COUNCIL OF ROMANIA) AND THE GAZDASÁGI
VERSENYHIVATAL (THE HUNGARIAN COMPETITION AUTHORITY)**

**The Consiliul Concurenteii (Competition Council of Romania – RCC) and the Gazdasági
Versenyhivatal (the Hungarian Competition Authority – GVH) (hereinafter referred to
as “the Parties”),**

Expressing the wish to promote cooperation in the field of competition law and policy,

Aiming at the creation of favourable conditions for the development of bilateral relations,

Based on the principles of equality and mutual benefit,

Highlighting the role of competition policy in promoting the effective development of market economy,

Have agreed the followings:

Article 1. Objectives of the Agreement

The goal of the Agreement shall be to strengthen co-operation between the Parties on the field of competition law and policy both on the level of general policy matters and individual cases.

Article 2. Cooperation in general matters

1. To secure legal and organizational mechanism for interaction focused on prevention and termination of actions that may negatively affect competition in Romania and the Republic of Hungary the Parties agree to;
 - exchange experience in conducting investigations of monopoly activities and infringements on the antimonopoly legislation,
 - make available annual reports, case descriptions, studies on competition policy and other relevant materials on the development of the antimonopoly legislation,
 - provide assistance to each other in establishing necessary relations with legislative, executive and judiciary bodies of their states,

- provide opportunity to receive specialists of the other Party with the aim to exchange experience,
 - provide assistance in the determination of strategic and tactical aspects of the competition policy if requested.
2. The GVH shares its experiences with the RCC concerning the application of EC law and the functioning of the ECN. Upon request it provides information on the structuring of its internal division of labour necessary for meeting the new tasks deriving from EU membership.
 3. The GVH promotes the participation of the RCC on the relevant seminars and workshops organised by the Budapest Regional Centre of the OECD.

Article 3. Cooperation in individual cases

1. The provisions of the Agreement shall be applicable in the course of the consideration of actions, which have or could have a negative impact on competition in Romania and the Republic of Hungary if these actions are performed by undertakings in Romania and/or in the Republic of Hungary.
2. For the purposes of the Agreement the notion "the actions, which have or could have a negative impact on competition" shall mean:
 - abuse of dominant position;
 - the agreements or concerted practices between undertakings which result or can result in the restriction of competition;
 - concentrations of undertakings subject to notification both in Romania and in Hungary.
3. The Agreement shall not be applicable by the GVH in cases when its application would impeach the consistent application of the rules or the effective functioning of the European Competition Network.

Article 4. Notification

1. If one of the Parties establishes that actions of undertakings in the territory of its state can have a negative impact on competition in the territory of the other Party, the former shall notify the latter about that.
2. If one of the Parties establishes that competition in its state can be negatively affected by the actions of undertakings taken place in the territory of the other Party, the former shall notify the latter about that.
3. Notification shall be sent in written form and shall contain a brief account of the essence of the case, references to national legal norms, and other pieces of information, which the sending Party considers to be necessary for submission.
4. The Party, which received notification shall consider the possibility of taking the appropriate measures pursuant to requirements of national laws and shall inform the other Party of the results.

Article 5. Request of information

1. In the course of consideration of actions affecting competition, each Party shall have the right to send a request for information on activities of undertakings to the other Party. The other Party shall have the right to refuse to provide the requested information if such information was or could be submitted by the undertaking in question pursuant to national laws. A request can also be refused on grounds of confidentiality.
2. The requesting Party shall state the purpose of its request and the basic circumstances of the case.
3. The requested information shall be provided not later than three months after the reception of the request, if the case may be.

Article 6. Consultations

1. If requested the Parties shall hold consultations on matters covered by the present agreement in order to avoid conflicting decisions in the case of the same infringement.
2. Request on holding the consultation should contain grounds of its necessity.
3. The Parties shall hold the consultation in the terms not later than three months after the receipt of the request unless otherwise agreed.
4. In the case of disagreement the result of the consultations does not preclude the Parties to adopt final decisions.

Article 7. Protection of information

1. Information received as a result of application of this Agreement shall not be disclosed unless the Parties agree otherwise.
2. The Parties may refuse co-operation within the framework of the Agreement on the grounds of their state's interests concerning the safeguard of commercial and other secrets according to national law.

Article 8. Settlement of disputes

Disputes about the interpretation and application of provisions of the Agreement shall be settled by holding consultations and talks.

Article 9. Concluding provisions

1. Unless special funds dedicated to it or otherwise agreed by the Parties, cooperation under the present agreement shall be financed by the requesting Party.

2. The Agreement shall come into force on the date of its signature by both Parties.
3. The Agreement shall be concluded for a period lasting until the accession of Romania to the EU. The prolongation shall be revised in the light of that event, taking into account the experiences of the cooperation and the actual needs for such an agreement after the joining of the RCC to the existing framework of the competition authorities of the Member States of the EU.
4. The implementation of provisions of the Agreement shall not affect the rights and duties, which ensue from other international obligations of the Parties.

Done in Budapest on 27 September 2005

For the GVH

For the RCC



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Zoltán Nagy
President



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Mihai Berinde
President