



Antitrust: Commission opens investigation into gas export restrictions from Romania

Brussels, 1 June 2017

The European Commission has opened a formal investigation to assess whether Romania's gas transmission system operator Transgaz has been hindering gas exports from Romania to other EU Member States.

The Commission will investigate whether Transgaz has abused a dominant market position in breach of EU rules.

Commissioner Margrethe **Vestager**, in charge of competition policy, said: *"The Commission is determined to ensure that consumers throughout the EU enjoy secure energy supplies at affordable prices. An integrated and competitive single European energy market is essential in this regard. We therefore need to investigate whether Transgaz has been abusing its dominant position by isolating the Romanian gas market and preventing its integration into the European gas network."*

Romania is the third largest natural gas producer in the European Union (after the Netherlands and the United Kingdom) and has important gas reserves, including newly discovered natural gas fields in the Black Sea. Transgaz is the sole operator of the natural gas transmission system in Romania.

The Commission's antitrust investigation will focus on indications that Transgaz has devised a strategy to restrict gas exports from Romania to other Member States. This strategy may have been implemented in several ways including through the use of:

- interconnector transmission fees,
- underinvestment or delays in the building of relevant infrastructure, and
- un-founded technical arguments as a pretext to prevent or justify delays in exports.

Transgaz's behaviour, if established, may be in breach of the EU's antitrust rules (Article 102 of the Treaty on the Functioning of the European Union) and constitute a restriction of competition and lead to a limitation in the choice of supply route. This could lead to higher prices and less secure supplies of natural gas by decreasing liquidity on wholesale gas markets in Romania. The behaviour could ultimately harm EU consumers and run counter to the Energy Union objectives of greater integration and increased security of supply in European energy markets.

The opening of the formal investigation follows [inspections carried out in June 2016 in Romania](#).

The Commission will now carry out its in-depth investigation as a matter of priority. An opening of a formal investigation does not prejudice its outcome.

Background

Natural gas can be transported over long distances via networks of high pressure pipelines (long distance transport is referred to as 'transmission'). Gas transmission networks are operated by a transmission system operator and are generally interconnected. Therefore a transmission system operator, like Transgaz, also manages interconnections with other networks.

[Article 102 of the Treaty on the Functioning of the European Union](#) prohibits the abuse of a dominant market position which may affect trade between Member States. The implementation of this provision is defined in the [Antitrust Regulation \(Council Regulation No 1/2003\)](#), which can be applied by the Commission and by the national competition authorities of EU Member States.

Article 11(6) of the Antitrust Regulation provides that the initiation of proceedings by the Commission relieves the competition authorities of the Member States of their competence to also apply EU competition rules to the practices concerned. Article 16(1) of the same Regulation provides that national courts must avoid giving decisions which would conflict with a decision contemplated by the Commission in proceedings it has initiated.

There is no legal deadline to complete inquiries into anti-competitive conduct. The duration of an antitrust investigation depends on a number of factors, including the complexity of the case, the extent

to which the undertaking concerned cooperates with the Commission and the exercise of the rights of defence.

More information on the investigation will be available on the Commission's [competition website](#), in the public [case register](#) under the case number [40335](#).

IP/17/1501

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