

Summary of Commission Decision
of 6 March 2020
relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union
(Case AT.40335 – Romanian gas interconnectors)
(notified under document C(2020) 1232)
(Only the English text is authentic)

(2021/C 16/04)

On 6 March 2020, the Commission adopted a decision relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

- (1) The case concerns Societatea Națională de Transport Gaze Naturale Transgaz S.A. ("Transgaz"), the sole manager and operator of the natural gas transmission network in Romania.
- (2) The concern of the Commission was that Transgaz may have abused its dominant position on the market for natural gas transmission in Romania by creating or maintaining barriers to the cross-border flow of natural gas from Romania to other Member States, in particular Hungary and Bulgaria. Such conduct could lead to the partitioning of the internal market along national borders and discrimination between customers in Romania and customers in other Member States.
- (3) The Commission considers that the commitments offered by Transgaz following the preliminary assessment and the observations submitted by interested third parties are sufficient to address the identified competition concerns. Firstly, the commitments provide that Transgaz will make available increased capacities for natural gas exports towards Hungary and Bulgaria. Secondly, the commitments provide that Transgaz will ensure that the tariff proposals it submits to the Romanian energy regulator will not discriminate against exports. Finally, the commitments provide that Transgaz will not prevent, hinder, or discriminate against, directly or indirectly, gas exports through any other means.
- (4) The decision finds that, in light of the commitments, there are no longer grounds for action by the Commission. The decision will be binding until 31 December 2026.
- (5) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 19 February 2020.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.