

TABLE OF CONTENTS

INTRODUCTION

CHAPTER I: THEORIES CONCERNING COMPETITION – DOCTRINAL REFERENCES

1.1 Competition theory from orthodoxy to heterodoxism

1.2 Competition approach on schools

1.3 The basics of European competition policy

Ideas in brief

CHAPTER II: ROMANIA'S COMPETITION POLICY BEFORE AND AFTER ACCESSION

2.1 The evolution of the Romanian economy before and after accession to the European Union

2.2 The state of competition in some key sectors of the Romanian economy

2.2.1 The electricity sector

2.2.2 The rail freight transport sector

2.2.3 The telecommunications sector

2.2.4 The food retail sector

2.2.5 The insurance sector

2.2.6 The banking sector

2.2.7 The pharmaceutical sector

2.2.8 The agricultural sector

2.3 Romania's policy for granting state aid

Ideas in summary

CHAPTER III: THE FORMATION AND DEVELOPMENT OF THE COMPETITIVE ECONOMY IN THE REPUBLIC OF MOLDOVA

3.1 The evolution of the Republic of Moldova's economy since its Statement of Independence

3.2 The evolution of competition in certain key sectors of the economy of Republic of Moldova

3.2.1 The energy sector

3.2.2 The railway transport sector

3.2.3 The information and communications technology sector

3.2.4 The retail industry

3.2.5 The insurance sector

3.2.6 The banking sector

3.2.7 The pharmaceutical sector

3.2.8 The agricultural sector

3.3 The analysis of state aids granted in the Republic of Moldova

3.4 The establishment, evolution and promotion of competition policy in the Republic of Moldova

Ideas in brief

CHAPTER IV: COMPARATIVE HIGHLIGHTS OF THE COMPETITION POLICY AND DIRECTIONS FOR ITS IMPROVEMENT IN MOLDOVA

4.1 Comparative analysis of promoting the competition policy in Romania and the Republic of Moldova

4.2 Directions of improvement in the competition policy of the Republic of Moldova, based on Romania's experience

4.2.1 The energy sector

4.2.2 The transport sector

4.2.3 The telecommunications sector

4.2.4 The retail sector

4.2.5 The insurance sector

4.2.6 The financial banking sector

4.2.7 The pharmaceutical sector

4.2.8 The agricultural sector

4.3 Ideas in brief

CONCLUSIONS AND RECOMMENDATIONS

BIBLIOGRAPHY

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Introduction

Our thesis, "**Comparative Highlights of Competition Policies in Moldova and Romania Regarding European Union Integration**", includes an analysis of the evolution of certain key sectors of the economy of Moldova and Romania, focusing particularly on the existence and development of the competitive process therein.

Over the years, many scientists have demonstrated the vital importance of competition in the implementation of the economic processes on the market. Considering this aspect as well as the determination of the Republic of Moldova to integrate in the European Union, we have made a parallel analysis of the same economic key sectors in Romania and Moldova.

The approach used in the thesis is strictly specific to economics, as revealed clearly by several reasons: the topic discussed, the concepts treated, the indicators employed etc.

The topicality of the thesis lies in the analysis of the present period, in which the aspiration of the Republic of Moldova is the integration in the European Union. In addition, we have listed and approached elements specific to competition, which must be present in a state whose aim is the integration in the European family.

The establishment of a functional market economy is impossible without the development of competition. Thus, competition appears as a stimulus and regulator of the activity of enterprises by giving impetus to further developing the production process, to raising the production quality and reducing its price and, consequently, to improving social welfare. It follows, then, that the protection of competition is the basic task of the legislative setting of entrepreneurial activity.

Competition is one of the cornerstones of the market economy and the basis of rational organization of the economic activity; it stimulates economic growth and the efficient activity of the economic agents. Thus, although competition is more than just an economic category, being a component of social relations, it cannot be reduced to economic issues only, since it is regulated both nationally and internationally.

The need and topicality of the investigations regarding competition are even more important for countries in transition, including Moldova, pursuing the same objectives of increasing the productivity and the social welfare. Furthermore, the observance of the principles of fair competition and the approximation of national legislation to European standards are closely related to the trend of integrating Moldova in the European Union.

A detailed economic analysis on promoting the competition policy enables the identification of national economic sectors that have competitive issues as well as the undertaking of necessary measures for solving them. Compliance with the legal principles and economic

efficiency is an indispensable link in order to achieve the competition policy that aims at increasing the social welfare.

The economic dimension of the competition policy has become the subject of many scientific debates, being required and accepted as an argument in the development of competition rules. The link between the economic and the political is obvious and requires no additional arguments. At the same time, we must note that, at different stages of its development, society was guided by one economic theory or another, which influenced the role of the competition policy.

The conceptual framework and the role of economic analysis in promoting the protection of competition consists of three indispensable elements: continuous adjustment to the demands of the day, the applicability of the economic theories and the empirical analysis of the competitive processes.

Thus, the comparative study of the competition policies in Moldova and Romania within the context of the Association Agreement of the Republic of Moldova, signed on 27 June 2014, in Brussels, on the one hand, and the European Union and the European Atomic Energy Community and its Member States, on the other hand, gains a major importance.

Getting acquainted with Romania's experience could successfully help Moldova overcome the many challenges facing it during the EU accession stage. Considering this situation, as well as the Republic of Moldova's determination to join the European Union, the need for such comparative studies has become vital for the appliance of the law and the promotion of an appropriate competition policy.

The purpose of this paper is to identify the best policies in the competition field, following from the comparative study of the competition policies in Moldova and Romania, in the prospects of EU integration.

The purpose is materialized in the following **aims**:

- The comparative analysis of economic theories on the concept of competition;
- Assessment of the condition of competition in certain key sectors of the Romanian economy: economic and regulatory issues;
- The study of the competitive environment issues in economic sectors of the Republic of Moldova;
- The comparative analysis of the competitive policies of Romania and Moldova;
- Identifying directions of improving the competition policy of Moldova within the context of European integration.

Research methodology. The complex nature of our work has determined the diversity of methods, procedures and techniques used. Among the methods used in our research, we can

mention general methods of scientific knowledge, such as analysis and synthesis, the historical method, the systemic method, comparison, the logical abstraction method etc.

The first chapter, dedicated to the study of theories concerning competition is based on the historical method and on the economic thinking analysis dedicated to the concept of competition. In the following chapters, by using the systemic method, analysis, synthesis, induction and deduction, we have studied the economy and the competitive environment in Romania and Moldova. In the research devoted to the competitive environment in the Romanian and Moldovan economy sectors, we used indicators specific to competition that characterize market structure, especially the concentration indicator (CR) and the Herfindahl - Hirschman Index (HHI).

The comparative method prevails in the fourth chapter and is a crucial element for the research concerned as evidenced by its novelty and originality. However, our work does not lack in other general methods of scientific knowledge, such as the logical method, analysis etc., which allowed a thorough investigation of the topic under discussion. The methodology used and the areas investigated denote the interdisciplinary and complex nature of our research,, which is in keeping with the modern development trends of the economic theory.

The originality of our dissertation is given especially by the analysis of Romania's experience in its integration in the European Union, focused on the analysis of competition in certain key sectors, put into potential practical solutions and recommendations that we have developed for solving certain dilemmas regarding Moldova's integration in the European Union.

The volume and structure of the thesis include the introduction, four chapters, conclusions and recommendations, 183 pages of main text, 97 bibliographic titles, 20 tables, 14 charts, 1 figure and 23 annexes.

Chapter I, „Theories Concerning Competition – Doctrinal References”, incorporates documentations regarding the concept of "competition" with several authors and contains the presentation and description of the existing theories concerning competition over time, the schools of thinking that can be found in the history of competition and the forms under which the competitive process can be approached. The end of the chapter provides information on the occurrence, development and bases of the European competition policy as well as of the importance of its presence.

Chapter II, „Romania's Competition Policy Before and After Accession”, comprises detailed data on development in economics and the competitive environment within certain key sectors in Romania, information analyzed before and after the accession to the European Union. In this chapter, we analyzed both the key sectors of the economy and the areas that have an enhanced significance for consumers. The energy sector, the transport sector, agriculture, banking,

retail sector etc. have been analyzed as regards the competition relationships and the current situation. Also, in this chapter, we described Romania's state aid policy, which is a major element within the functioning mechanisms of competition.

Chapter III, „The Formation and Development of the Competitive Economy in the Republic of Moldova”, includes the approach to considerations related to the development of economic events in Moldova since the Declaration of Independence up to the present time. Like in the previous chapter, in this section we dealt with the analysis of the state of competition within the same several key sectors in Chapter II, selected for achieving a comparative study in order to identify the gaps in the competition policy in Moldova.

In addition, this paragraph contains information on competition policy development, on major acts that existed over time and on those that regulate competition today. In this chapter, we also dealt with the basic moments concerning competition in Moldova, such as the emergence and development of the first specialized agency of competition management and the change that this organism has suffered since its appearance.

A part of this chapter is dedicated to the examination of the State Aid in Moldova.

Chapter IV, „Comparative Highlights of the Competition Policy and Directions for its Improvement in Moldova”, is dedicated largely to the comparative analysis of the competition policies of the Republic of Moldova and Romania. Following from the analysis of Romania's experience as well as from the comparative investigation of the competitive environment in the two states, we identified directions for the development of the competition policy in the Republic of Moldova and policy issues of state intervention in the economy, which could provide the successful overcoming of the difficulties encountered by Moldova in the integration process in the European Union.

Conclusions and Recommendations

In the history of the economic domain, we can identify several definitions, economic thinking trends, views and ideas related to the subject under discussion.

The basic particularity of the development of the competition theory, characteristic to the modern period is the influence of new economic conditions, which shifted the treatment of contemporary processes and the review of the role of competition in the economic practice. Most researchers perceive competition as a vital reality of the market activity. Scientists focus their attention particularly on competitive advantages, which embody distinct manifestation sources of competition.

The protection of competition policy has been considered vital for the economic project of the European Union. This idea, rooted in the Treaty of Rome, is reiterated and even raised at the level of guiding principle in the Maastricht Treaty. Also, the full realization of the single European market, with the four fundamental freedoms incumbent upon it – the free movement of goods and services, people and capital – would be impossible or would not provide the welfare gain hoped for if the removal of barriers were achieved only *de jure*, being circumscribed, *de facto*, by the existence of restrictive agreements between companies at national or regional level, thereby bringing harm to competition in other Member States of the Union.

It should be noted that all reforms produced and performed by countries with developed market economy were based on well-reasoned strategy, founded in economic theories. This made it possible to clearly determine the purpose of the reforms, the limits and possibilities of using the market mechanism, the place, role and functions of the state, its correlation with the market laws. The legislative framework that must be adopted by the state in order to promote the reforms must be done in accordance with the concept. The competition policy promoted in the European Union includes principles and objectives that need to be supported and promoted by all member countries, including Moldova as an aspirant for European integration.

Therefore, we can say that the road covered by Romania for setting competitive economy in the stages of pre-accession, accession and integration in the European Union was a long and difficult process. Initially, the transition from centralized economy to a market economy had an adverse effect on the country, resulting in significant reductions in domestic production. Only since 2000, Romania's economy has been characterized by macroeconomic stability, which has contributed to the status of a functioning market economy. Establishing a functioning market economy was possible only after the liberalization of many sectors of the economy and the promotion of the appropriate competition policy.

Romania's experience shows that the state policy in the competition field is horizontal in nature and that it cannot be achieved solely by the competition authority of the country. The effective implementation of the competition policy is performed at the national level, in harmony with the specific policies pursued by regulators, ministries, government. Besides the fact that at national level the competition policy depends on the developments in economic theory, it is largely dependent on the development of the national economy in general and the competitive environment in the key sectors.

The analysis of the competitive environment in the key sectors of the Romanian economy (energy, transport, finance - banking, telecommunications, pharmaceutical, retail and agriculture) enabled us to conclude that the liberalization of these sectors and the promotion of competition

by taking the best European practices was successful and contributed to the establishment of a functioning economy, resulting in increased consumer welfare.

Romania's joining the European Union, in addition to the clear economic advantages of the Romanian citizens as a result of the major objectives which the Union wishes to implement throughout its territory (promoting technical progress and optimal allocation of resources, increasing production, fair standard of living, reasonable prices for consumers, food security ensuring), "conducted" to a single market and adapted it very well to the competitive environment. This has put a special pressure on Romanian firms, which still have reservations on certain aspects of the economic activity such as increased productivity, promotion and implementation of technical progress in accordance with the national strategy development production and optimal use of the factors of production.

One of the objectives of the competition policy is to correct any market failures through the legislative framework. However, the state intervention should not prevent the free expression of private companies, both in decision making and behavioral, as a key factor of the production value in favor of the consumers.

Although approved by the EU Treaty ever since 1957, state aid regulations have gained a particular scale only along with the initiation of the process of the European Union enlargement. The State aid is granted to remedy a market failure by giving impetus to commercial activities that have a multiplying effect in the economy.

The Competition Council of Romania, the only autonomous administrative competition authority, has made significant efforts to implement the Community rules on competition and state aid. Since 1 January 2007, following the accession to the European Union, the state aid has changed authorizing aid competencies, skills that have been taken over by the European Commission, which is a supranational structure.

The accession of Romania to the European Union has involved work towards achieving targets set by the European Commission in the "*Action Plan for State Aid*", whose goal is to provide fewer but better targeted state aids.

Romania's experience in the field of state aids, but also in promoting competition culture, is relevant for Moldova because, without recognizing the necessity and importance of regulatory intervention in the economy, the measures taken in that direction will not succeed.

Given Moldova's aspiration to join the EU, it is necessary to examine the situation of this country and detect measures that need to be taken in order to bring the state competition policy in compliance with the EU requirements.

By adopting the Declaration of Independence, the people of the Republic of Moldova manifested their willingness to walk towards democratization, to affirmation of freedom, independence and national unity, to building the rule of law and to transition to market economy.

The training and national self-determination of the Moldovan people occurred under the conditions of an acute social – economic crisis and of the radical transformation of the economic system. The lack of experience in counteracting external "shocks", in economic and social crises, in carrying out systemic reforms and domestic policy instability, the territorial disintegration of the country – all these predetermined the mistakes made during the transition period. Another important issue that has hindered the development of the Republic of Moldova was the oscillation of the Chisinau politicians between East and West.

Now, when the Association Agreement between the Republic of Moldova, on the one hand, the European Union and the European Atomic Energy Community and its Member States, on the other hand, has been signed, the determination to integrate in the European Union is clearer than ever.

The analysis of the economic development of Moldova since independence to the present allows us to draw a parallel between the economic development of Romania and Moldova. In many areas, the Romanian experience can help us to overcome the problems we face or we will face on the way to EU membership.

After the examination of the evolution of the Moldovan economy, we can draw certain alarming conclusions, such as the fact that most of the Moldovan economy is based on consumption, which requires the imperious paradigm shift of development in orientation toward innovation and investment. The exodus of the workforce as well as aging create and will create greater social problems. The unresolved character of the Transnistrian conflict impedes the socio – economic and social – political and harmonious development of the country. Moldova's economy is highly vulnerable to external shocks, so the external trade policy in this context requires a particular attention in order to mitigate the risks it may cause.

Moldova's orientation towards the European Union has imposed the improvement of the regulatory framework and full harmonization of national competition legislation with the EU legislation, Moldova being the first country in the post–Soviet space from the Eastern Partnership that has established a mechanism of tracking and monitoring the state aid, an extremely important step in the process of association with the EU.

The economic and competitive analysis of key sectors of the Moldovan economy reveals that state intervention is significant, but also that it varies depending on areas. Most of the analyzed sectors (energy, finance – banking, transport, pharmaceuticals) are supervised by regulators and are over–regulated. The liberalization of certain areas in these sectors would contribute to the

establishment of a functioning market economy. Therefore, an increase of the competitiveness of the Moldovan economy can be achieved through its extensive restructuring and modernization, by making use of the best Romanian practices and experiences.

Many competitive issues signaled by the society are not within the jurisdiction of the Competition Council, being generated by the inactivity of the competent authorities in the field: Ministry of Agriculture, the National Commission of Financial Market.

Analyzing the State Aid granted in Moldova, we find that, in many cases, it was granted in terms of lack of transparency as well as in breach of law. In the absence of a legal framework regarding the State Aid, much of the state aid beneficiaries were selected without economic arguments, at random, and were often associated with corruption.

In the prospect of EU integration, EU regulations on State Aid are most relevant, but for the harmonious development of the national economy, these need to be transposed into national law. According to the Action Plan of the EU State Aid, the state aid should be less, but better targeted. Under the conditions of limited public resources, it should also become the fundamental principle of granting state aids in Moldova.

The evolution of the competitive relations in Moldova can be divided into several periods: the first period, 1991 – 2007, refers to the creation of the legal framework and the lack of competition authorities, the second period, 2007 – 2012, refers to the creation of a functional competition authority, and the third period, since 2012 up to the present, in which there has been a constant process of harmonizing our legislation with the "Community acquis" as well as the reorganization of the competition authority.

By examining Romania's experience, we can draw a parallel with the development of the competition policy in Moldova. It must be emphasized that Romania's competition policy was promoted under the European Association Agreements. The Association Agreement between the Republic of Moldova, on the one side, and the European Union and the European Atomic Energy Community and its Member States, on the other side, was signed on 27 June 2014, in Brussels. In this context, the development of the competition policy in line with the best European practices is a goal of the Republic of Moldova.

The Constitution stipulates that the state must ensure freedom of trade and entrepreneurship, protection of fair competition, and create a framework for developing all production factors. Thus, based on the aspiration to integrate in the European Union, the Competition Council and all public authorities of the Republic of Moldova should promote fair competition.

Economic liberalization and the removal of price control by the state is a challenge for the competition authority. The Competition Council, in cooperation with the sectorial regulatory

authorities, will have to ensure consumers with competition benefits, contributing to the improvement of the investment climate.

In Moldova, many sectors of the economy considered of strategic importance are over-regulated and competition rules have narrow application. This regulation itself is not a competitive impediment because it contributes to the efficient use of resources, creates the necessary conditions for the development of functioning markets, favours an efficient supply of goods and solves problems that arise due to external factors.

From the Romanian experience, we found that, after opening the market to international competition, consumers have benefited from lower prices and higher quality. The liberalization and structural separation in regulated sectors have had positive effect on consumer welfare, allowing them to choose the providers offering the best conditions, and has also led to lower prices.

Analyzing the competitive environment in the energy sector of the Republic of Moldova, we notice that real progress has been made in recent years, but also that there are certain shortcomings in the process of harmonization, especially in the petroleum products, bio-fuels and energy efficient product markets. Moldova's energy system is highly dependent on the energy system of Ukraine and Russia, which makes it extremely vulnerable to external shocks. The integration of Moldova in the Energy Community as well as its access to energy resources (natural gas, electricity) from Romania could reduce the dependency on the Russian Federation.

Maintaining government interference in the transport, financial, pharmaceutical sectors etc. is a source of major concern for the entire process of creating a competitive market economy, driven and based on the fulfillment of the quality standards on an increasingly free market.

The analysis of the financial system reveals that the development of the financial and the non-banking institutions of Moldova lags far behind the regional countries and the countries of South East Europe that aspire to EU membership.

This analysis identified several issues that require careful solving as well as establishing a balance between regulation and efficiency. Certainly, opening up the financial market to foreign financial institutions creates a favorable opportunity to attract more accessible financial funds, but we must not forget that this is a strategic area, and that any movement may affect the entire national economy.

Moldova is the first country to have created an automated information system, "State Aid Register", and to have established a mechanism for the evidence, notification, reporting and monitoring of state aids as well as an effective collaboration between the State aid providers and the Competition Council. We hope that the establishment of such a system will allow us to avoid the problems Romania encountered during the EU accession stage.

It is obvious that in order to achieve the tasks facing it during the EU accession process, the Competition Council must promote a competition policy closely coordinated with the state regulatory authorities, taking advantage of the European Union's experience.

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