

A photograph of a white lighthouse with a black lantern room, situated on a rocky island. The lighthouse is the central focus, with waves crashing against the rocks in the foreground. The sky is overcast with grey clouds. The image is framed by a blue vertical bar on the right and a blue horizontal bar at the top.

Competition Practice

BIRIŞ·GORAN
Legal + Tax



Firm Presentation


The law firm of Biriş Goran was launched in 2006. Since then, we have quickly established ourselves as counsel of choice for heavyweight international investors and local entrepreneurs alike. Chambers, PLC Which Lawyer? and Legal 500 have all listed us as top practices in Romania within our areas of specialty.

We have the resources and expertise to execute transactions to international standards. Large or small, domestic or cross-border, where and whenever needed.

Our 30+ attorney team is composed of experienced professionals supported by bright young talent, all with strong backgrounds from local and global firms. Many of our lawyers are also trained and licensed to practice in the US, UK and Canada. The result? Business-driven advice delivered on time and in a manner that meets, and often exceeds, our clients' expectations.

This is why during the past years we have been involved in high-profile, complex, multi-million EUR transactions, representing an array of leading multinationals, investment funds, developers and high net worth individuals.

In Romania's economy, vast opportunities go hand-in-hand with risk. We believe that our unique strengths make us the premier choice for getting you safely where you want to be in Romania and the wider region.





Competition Practice

Competition/Antitrust

Romania's EU accession and rapidly expanding economy have combined to produce unprecedented levels of acquisition activity, with a corresponding increase in competition oversight. Whether it be a foreign investor entering the Romanian market or an existing player expanding here, European Union and Romanian competition rules are no longer after-thoughts, but rather integral parts of any transaction. Companies acting in neglect of these rules are doing so at the risk of far-reaching consequences.

Sound antitrust advice comes from experts only, based on substantial experience and a deep understanding of the client industry and the ever-evolving nature of competition law. The Biriş Goran team has an impressive track record in complex and sophisticated antitrust matters. Our experience covers a wide range of business sectors and products, including: cement, steel and construction materials, fast moving consumer goods, perfumery products, pharmaceuticals, banking, breweries, food, and property.

Merger control

We efficiently guide our clients through the Romanian merger control process so that their acquisitions and mergers are timely completed. Our competition partner, Gelu Goran, has an impressive track record and outstanding experience coordinating pre-merger advice and efficiently clearing Romanian mergers.

Vertical Restraints


We offer extensive and practical business experience in the antitrust issues faced by Romanian and international clients in their relationships with suppliers, customers and competitors. We advise on exclusive dealing arrangements; pricing issues including recommended resale prices; price discounts; rebates and promotional allowances; licensing; joint ventures; territorial restrictions; and exclusive distribution and selected distribution.

Cartel Investigation

We represent clients in complex antitrust investigations, including industry-wide sectorial investigations. Our competition partner, Gelu Goran, has represented both fast moving consumer goods and "old economy" clients in price fixing and tacit collusion investigations.

Competition Compliance

We assist clients with antitrust compliance issues and advise clients on a day-to-day basis regarding business transactions and arrangements that may raise antitrust and competition issues. We also conduct antitrust audits and implement for our clients customized compliance programs, seminars and in-house training sessions for their top management and key employees, in order to minimize the potential risks of anticompetitive practices and behaviour.



Selected Recent Track Record

This presentation of our main track record is in no way exhaustive. We would be pleased to provide you with more detailed information upon request:

- Advised Procter & Gamble in the context of an on-going FMCG industry-wide investigation (ongoing);
- Advised Procter & Gamble for its contemplated restructuring of its distribution structure, advising on a wide range of aspects including pricing and discounting (2008);
- Conducted internal compliance audits within Procter & Gamble's Wella and Londa Divisions (2008);
- Advised UniCredit Bank in the context of an ongoing banking market investigation targeting an alleged cartel arrangement on the inter-banking and monetary markets;
- Carried out full antitrust audit of all Holcim operations in Romania (three lines of business – cement, aggregates, ready-mixed concrete);
- Advised Holcim on the overhaul of its distribution and pricing policies, with a focus on dominant position and possibly discriminatory and exploitative (tying) practices;
- Advised Holcim on all merger control aspects of a complex joint venture with two of its competitors;
- General compliance advice focusing on exchange of information issues and trade associations;
- Advised JT International on its antitrust compliance and audit program for its Romanian operations, focusing on supply and distribution agreements, merchandising contracts, discounting and pricing; training and interviewing key personnel; overhauling their antitrust compliance guidelines and conducting mock dawn raids;
- Advised Prutul SA, a major Romanian food producer, on all merger control aspects in connection with its group restructuring (2008);
- Ongoing advice in connection with a Romanian Competition Council investigation of the food retail and production markets (ongoing);
- Ongoing advice in connection with a Romanian Competition Council investigation of the pharmaceuticals market focusing on export bans.

Competition Team

The competition team is lead by partner Gelu Goran, who is recognized by Chambers Europe and Chambers Global as a Notable Practitioner in this area, (www.chambersandpartners.com). In the 2009 edition of [Practical Law Company \(PLC\) Which Lawyer?](#) Gelu is described *"With over ten years' experience exclusively in competition law, this highly recommended practitioner enjoys a solid reputation in the Romanian market. Advises on major cartel and merger control cases, as well as vertical restraints and pricing, cartels and abuse of dominant position"*.



GELU GORAN

New York and Bucharest qualified partner. Admitted to the Bucharest Bar (1999) and the New York Bar (2006). He has graduated from the University of Bucharest, Faculty of Law (Law Degree, 1997) and Northwestern University School of Law, Fulbright Scholar (LL.M. with honors, 2003). Gelu is a founding partner of Biriş Goran, and heads the firm's competition practice. Before founding Biriş Goran, Gelu worked in the Bucharest offices of US law firm Altheimer & Gray and Salans from 1999 to 2006. Before that, he worked with the Romanian Competition Council.



ANA-MARIA ANDRONIC

Romanian qualified senior associate. Admitted to Bucharest Bar in 2007 and graduated from the University of Craiova's Faculty of Law in 1997. Ana Maria has a LL.M. in Intellectual Property and Unfair Competition Law from the Louisiana State University in 2007. Before joining Biriş Goran in 2008, Ana Maria has acquired 10 years working experience in the legal field, with the last 3 years as a lead attorney at the American Bar Association - Rule of Law Initiative (ABA - ROLI), and prior to that as a judge with the First Instance Court in Bucharest. Ana Maria advises clients on specific antitrust matters, such as horizontal cooperation and information exchange arrangements, dominance and abuse, as well as general antitrust compliance.



DAN JALBĂ

Romanian qualified of counsel. Admitted to Bucharest Bar in 1998 and graduated from the University of Bucharest's Faculty of Law in 1997. Before joining Biriş Goran in 2009, Dan has acquired 11 years working experience in the legal field, with the last 3 years as a partner at a firm he formed with other lawyers, and prior to that as an associate with international law firm Salans (formerly Altheimer & Gray). He has extensive experience in corporate, M&A, competition law as well as financing.



ADRIAN SAVIN

Romanian qualified associate. Admitted to Bucharest Bar. He has graduated from Lucian Blaga University, Faculty of Law, Sibiu, Romania (Law Degree, 2000) and from York University, Osgoode Hall Law School, Toronto, Canada, (LL.M, 2003). Adrian began his career in 2003 in the NGO sector, working with Transparency International Romania as a legal expert. In 2006, Adrian continued his professional activities with the Romanian Academic Society (SAR), dealing with issues relating to transparent governance and anti-corruption reforms. His practice at Biriş Goran specializes in FIDIC construction agreements, antitrust, concentrations and real estate transactions.




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