

EN

P-002394/2026

Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(16.7.2026)

Directive 2014/104/EU¹ (the ‘Damages Directive’) codifies the right of any natural or legal person harmed by an infringement of Articles 101 or 102 of the Treaty on the Functioning of the European Union (TFEU) to claim full compensation for the harm suffered from such competition law infringements. The Damages Directive expressly obliges Member States to ensure that victims have effective means of enforcing that right, including through rules on disclosure of evidence, limitation periods and quantification of harm. Romania transposed the Damages Directive into its national law, on 8 June 2017².

EU law does not impose an obligation on the Member States to establish a mechanism for collective actions for competition law damages. In fact, such damages do not fall under the scope of application of Directive (EU) 2020/1828³ on Representative Actions, but Member States remain free to establish similar representative action mechanisms in national law⁴.

This is in line with Commission’s Recommendation of 11 June 2013⁵ which recognises that such representative actions may facilitate access to justice and recommends that Member States introduce mechanisms for collective redress, including in the field of competition law.

Unlike many Member States, Romania does not provide for a mechanism for competition law damages collective actions. However, it provides for other group action mechanisms that may be used for competition law damages actions, such as joinder of claims. The Court of Justice has held in *ASG* 2⁶ that some form of grouping of claims must be possible under national law if bringing an individual action for damages were impossible or excessively difficult for the putative victims. This matter is subject to the assessment of national courts.

¹ Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union.

² Through the Emergency Government Ordinance no. 39 of 31 May 2017, published in the Official Gazette no. 422, from 8 June 2017.

³ Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC, OJ L 409, 4.12.2020, p. 1; Representative Actions Directive - https://commission.europa.eu/law/law-topic/consumer-protection-law/representative-actions-directive_en, How representative actions may help you when in trouble with a trader <https://www.youtube.com/watch?v=-TsxFD6Zepc>; Directive - 2020/1828 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2020.409.01.0001.01.ENG.

⁴ Please see recital 18 of Directive (EU) 2020/1828 and National measures transposing the Representative Actions Directive as notified by Romania to the European Commission :Directive 2020/1828 https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=uriserv:OJ.L_.2020.409.01.0001.01.ENG.

⁵ The Commission’s Recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union Law OJ L 201, 26.7.2013, pp. 60–65.

⁶ Judgment of the Court (Grand Chamber) of 28 January 2025, *ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH v Land Nordrhein-Westfalen* (Case C-253/23, ECLI:EU:C:2025:40).