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FOREWORD

LET'S STAY SAFE



BOGDAN-MARIUS BOGHIU,
PRESIDENT OF THE N.C.S.C.

Similarly to 2024, in 2025 as well, in response to Special Report No. 28/2023: Public procurement in the EU, prepared following a performance audit conducted by Chamber II of the European Court of Auditors — the chamber specialized in expenditure areas related to cohesion, growth and inclusion investments — the European Commission focused on revising the public procurement directives in order to enhance competitiveness, innovation and sustainability. To this end, the Commission launched an extensive public consultation aimed at simplifying procedures and introducing strict “made in EU” criteria for strategic sectors. These measures are intended to address the decline in competition highlighted in the audit report, which noted that the number of bids per procedure has shown a downward trend over the last decade. Our country remains below the EU single market average in this regard, which demonstrates that there is still considerable work to be done in the field of public procurement.

In this context, it should be noted that towards the end of Denmark’s Presidency of the Council of the European Union, in November 2025, the final evaluation report on the public procurement directives adopted in

2014 was presented. The report highlighted a number of issues, including the persistence of legal uncertainties in the application of the rules, the unclear division between the three directives, and the fact that although market access has improved, including for SMEs, procurement procedures are still perceived as excessively complex and rigid, thereby limiting contracting authorities' ability to efficiently achieve their public investment objectives. Furthermore, the interaction between public procurement provisions contained in sectoral legislation and the 2014 directives generated a number of regulatory inconsistencies, further complicating the public procurement framework.

During the mid-2025 meeting organized by the Polish Public Procurement Office together with the international events department of the Polish Presidency of the Council of the European Union, discussions regarding the evolution of the EU public procurement framework also referred to the Letta and Draghi reports, according to which "Europe is particularly exposed (...) Europe is locked into a static industrial structure, with few new companies emerging to challenge the existing architecture or develop new engines of growth (...) Europe lacks adequate focus on achieving the objectives it sets for itself."

As can be observed, the common denominator of the above-mentioned documents is the Single Market, while the procurement directives represent the main instrument for ensuring not only market balance, but even its very existence, as emphasized by the representatives of the European Commission.

From this perspective, the need for strong review institutions at the level of the European Union becomes evident, since, in their absence, all EU objectives would remain merely aspirational. The procurement award process would become vulnerable to pressure, while bidders' distrust would lead to reduced participation, thereby decreasing competition and the efficiency of EU funds spending. In this respect, there is a need for an efficient review system capable of delivering rapid and correct decisions and demonstrating through its activity that it constitutes a pillar of the functioning of the EU internal market. In this regard, reference should also be made to Special Report 26/2025 issued by the European Court of Auditors, according to which "Combating fraud against the EU's financial interests is a responsibility shared by the Union and the Member States (...) the EU and its Member States have a duty to combat fraud and any other illegal activities affecting its financial interests."

In conclusion, according to the reports issued by the European Commission, European review institutions play an essential role in improving the efficiency of procurement procedures in order to reduce bottlenecks and ensure better prevention of fraud and corruption in the use of public funds. Particularly relevant in this respect are the observations contained in the 2025 Rule of Law Report: The importance of the rule of law for Europe's democracy, security and economy, which states that "Respect for the rule of law is also essential for implementing policies that promote competitiveness through the Single

Market and enable citizens to actively participate both in society and in the economy. The rule of law is an important factor for businesses operating across borders. Businesses, especially small and medium-sized enterprises, need a stable and predictable economic environment.”

With regard to the activity of the National Council for Solving Complaints, particularly noteworthy is the comment made by representatives of the European Commission during the proceedings of the 17th meeting of the EU Remedies Institutions Network, organized by the European Commission – DG GROW together with the Danish Complaints Board for Public Procurement, according to which “45% of businesses perceive the level of independence of the public procurement review body (the National Council for Solving Complaints) as very good or fairly good”; data regarding the activity of the N.C.S.C. were collected directly by the European Commission – DG JUST through a FLASH Eurobarometer survey.

The positive results presented above were also made possible through the Council’s active involvement in professional training sessions organised by the Organisation for Economic Co-operation and Development (OECD) within the project *“Support in implementation of the integrity and anti-corruption framework in Romania, including reducing the risk of corruption in public procurement”*. From a sustainability perspective, the purpose of these events was to raise staff awareness of the national risk map for fraud and corruption in public procurement.

The efforts aimed at strengthening the activity of the National Council for Solving Complaints are complemented by those required for

the preparation and conduct of the monthly plenary meetings, as well as the semi-annual meetings with judges of the Courts of Appeal and representatives of other institutions with responsibilities in the field of public procurement. This activity specific to the Council is regarded as an example of best practice at European level, as also emerged from the proceedings of the 17th meeting of the EU Remedies Institutions Network, held in Copenhagen at the end of last year, during which the topic entitled “Ensuring the coherence and consistency of the review decision – example of Romania” was presented.

Last but not least, it must also be emphasized that the funds provided through the European Union financial instrument known as SAFE (Security Action for Europe) are of utmost importance for our country. This instrument was designed to finance urgent investments in the defence industry and dual-use infrastructure, both military and civilian. In this regard, the substantial financing ensured through SAFE will support our country in two major, complementary and essential directions for national development and security. On the one hand, the funds will be used to strengthen defence capabilities, in line with national priorities and commitments undertaken within NATO. On the other hand, they will enable the completion of major road infrastructure projects.

In this respect, I would like to reiterate that the entire staff of the National Council for Solving Complaints (NCSC) is fully aware of its critical role in ensuring the prompt resolution of public procurement complaints, as reflected both in its institutional objectives and in its activity reports. The exercise of the Council’s active role implies not only compliance with deadlines, but also ensuring procedural fairness that facilitates the

rapid implementation of public investments while avoiding unnecessary delays.

Therefore, in the future, the Council, in actively exercising its role as a review institution, will continue to engage in debates regarding key issues such as the revision of the legal framework in the field of public procurement and the improvement of the quality of its decisions. In achieving these objectives, I rely on the professional commitment and dedication of the entire staff of the National Council for Solving Complaints, who, over time, have represented

the key factors in ensuring a fair, efficient and rapid complaint resolution process in the field of public procurement.

As regards expectations for 2026, there is no doubt that the National Council for Solving Complaints will rise to the level of its mission, remaining a key institution both for contracting authorities and for the business environment.

BOGDAN - MARIUS BOGHIU
PREȘEDINTE C.N.S.C.

CHAPTER 1

GENERAL CONSIDERATIONS



1.1. THE ROLE AND MISSION OF THE NATIONAL COUNCIL FOR SOLVING COMPLAINTS

Established in September 2006 with the purpose of ensuring contracting authorities' compliance with public procurement legislation, the National Council for Solving Complaints (N.C.S.C.) is an administrative body governed by public law, operating in accordance with the provisions of Article 21(4) of the Constitution of Romania. The Council is not subordinated to any public authority or institution, thus enjoying independence in carrying out its administrative-jurisdictional activity. Although the activity of resolving complaints submitted by economic operators within public/sectoral procurement and concession award procedures pertains to the sphere of judicial authority, within which it cannot be integrated due to its nature, the Council belongs to the executive-administrative sphere because of its primary role of remedying and, subsidiarily, annulling unlawful award procedures.

At the end of 2024, the Council had 29 public procurement review counsellors, who are civil servants with special status, appointed by decision of the Prime Minister upon the proposal of the President of the Council, following the successful completion of a competitive examination. Among them, at least half hold law degrees and have a minimum of 10 years of professional experience in the legal field.

According to the legislation in force, the principal responsibility of the Council members is the resolution of complaints submitted within award procedures, through specialized panels composed of three members.

Pursuant to Article 12, in conjunction with Article 3 letter a) of Law No. 101/2016, the competence of the Council is strictly limited to resolving complaints submitted within the award procedures provided for in Article 68 of Law No. 98/2016, Article 82 of Law No. 99/2016, and Article 50 of Law No. 100/2016.

However, the Council's competence has expanded over time through the adoption of Government Emergency Ordinance No. 45/2018, which introduced new paragraphs to Article 68 of Law No. 98/2016 and Article 82 of Law No. 99/2016, thereby regulating the award procedure applicable to social services and other specific services.

According to national legislation, the N.C.S.C. operates on the basis of the Regulation on the Organization and Functioning of the

Council, published in the Official Gazette of Romania, Part I, No. 680 of 16 July 2024. Under this regulatory act, the N.C.S.C. is subject only to the law in carrying out its activity; in exercising its duties, it adopts decisions and ensures the coherent application of the legislation in force in accordance with expressly regulated legal principles, namely the principles of legality, celerity, adversarial proceedings, the right to defence, impartiality, and the independence of administrative-jurisdictional activity.

Pursuant to Article 14(1) of Law No. 101/2016, all complaints submitted by economic operators through administrative-jurisdictional proceedings are electronically and randomly assigned for resolution to a panel composed of three Council members, at least one of whom must hold a law degree and have a minimum of 10 years' experience in the legal field. Each panel is chaired by one of its members, designated according to the principle of rotation.

For the proper functioning of the institution and the prompt resolution of complaints submitted by economic operators, each review panel is supported by technical-administrative staff

1. Article 45 of Law no. 101/2016, corroborated with Article 46

2. Article 13 of Law no. 101/2016

3. Law no. 98/2016 on public procurement, as subsequently amended and supplemented

4. Law no. 99/2016 on sectoral procurement, as subsequently amended and supplemented

5. Law no. 100/2016 on the concessions of works and concession of services, as subsequently amended and supplemented

6. Published in the Official Gazette, Part I no. 775 as of the 2nd of November 2011

7. Article 15 of Law no. 101/2016

with civil servant status, possessing legal, economic, or technical qualifications.

According to the legislation, the President of the Council must hold a law degree and has the status of chief authorising officer. The President is elected by secret ballot from among the Council members, by an absolute majority vote of the public procurement review counsellors.

The Council's activity is primarily reflected in the number of rulings issued (decisions and procedural orders), as well as in the number of cases resolved.

At the same time, the quality of the Council's activity is reflected in the number of decisions that remain final in the form adopted by the Council after being challenged before the Court of Appeal within whose territorial jurisdiction the contracting authority is located.

In addition to its activity of resolving complaints submitted within public procurement, sectoral procurement, and works and/or services concession award procedures, the Council also has the following competences:

- resolving complaints submitted within public-private partnership contract award procedures regulated by Government Emergency Ordinance No. 39/2018, as subsequently amended and supplemented;
- resolving complaints submitted within public procurement procedures in the fields of defence and security, regulated by Government Emergency Ordinance No. 114/2011 on the award of certain public procurement contracts in the fields of defence and security. For this purpose, the review counsellors are authorised, in accordance with the provisions of Law No. 182/2002 on the protection of classified information, as subsequently amended and supplemented.

Thus, in order to exercise the competences regulated by Government Emergency Ordinance No. 114/2011, which entered into force on 1 October 2012, the Council became a "Classified Information Holding Unit". Consequently, the following actions were undertaken within the institution:

- the relational framework with the Designated Security Authority (the specialised unit within the Romanian Intelligence Service – S.R.I.) was established;
- legal steps were carried out in relation to the National Registry Office for Classified Information (O.R.N.I.S.S.) for initiating and conducting verification procedures for persons authorised to hold security certificates and permits for access to state classified information;
- security certificates and authorisations for access to classified information were obtained;

- measures were implemented regarding physical protection against unauthorised access to classified information, as well as the protection of personnel and information-generating sources;

- the initiation of the Information System Security Accreditation process was approved and the Information System Security Accreditation Strategy was issued;

- the Information System Security Accreditation was obtained.

It is important to mention that, following the adoption of Government Decision No. 1269/2021 approving the National Anti-Corruption Strategy for the period 2021–2025, the Council adhered to the fundamental values, principles, objectives, and monitoring mechanism stipulated in that normative act, supporting the fight against corruption and promoting the fundamental values of integrity, the primacy of the public interest, transparency in the decision-making process, and unrestricted access to information of public interest.

At the same time, the Council adopted an Integrity Plan, a document through which the institution identified its own institutional risks and vulnerabilities associated with its main operational processes and established measures for strengthening the already existing preventive mechanisms.

8. Article 44 of Law no. 101/2016

9. Article 40 of Law no. 101/2016

10. Article 38 of Law no. 101/2016

11. Article 29 of G.E.O. no. 39/2018

12. G.E.O. no. 39/2018 on public-private partnership, with subsequent amendments and additions

13. Article 188 of G.E.O. no. 114/2011 on the award of certain public procurement contracts in the defense and security fields, published with the Official Gazette no. 932/29.12.2011

1.2. HUMAN RESOURCES, MANAGEMENT AND ORGANISATIONAL STRUCTURE

From an organisational perspective, in accordance with the provisions of the Regulation on the Organisation and Functioning of the Council, published in the Official Gazette of Romania, Part I, No. 680 of 16.07.2024, as of 31 December 2024 the institution operated with 29 public procurement review counsellors organised into 10 decision-making panels for the resolution of complaints. The staffing scheme of the Council also included 46 civil servants with technical-administrative status (45 civil servants and one contracted employee). In this context, it should be noted that the aforementioned Regulation provides for a total of 34 public

procurement review counsellors (special status civil servants) and 56 technical-administrative staff members.

It can thus be observed that during 2025 the Council operated with a staffing level approximately 20% below the number provided for in its organisational and functioning framework, under conditions in which, towards the end of 2025, the number of review counsellors decreased by one person due to termination of employment. At the same time, the technical-administrative staff decreased by four persons as a result of two suspensions, one secondment, one transfer, and one termination of employment.

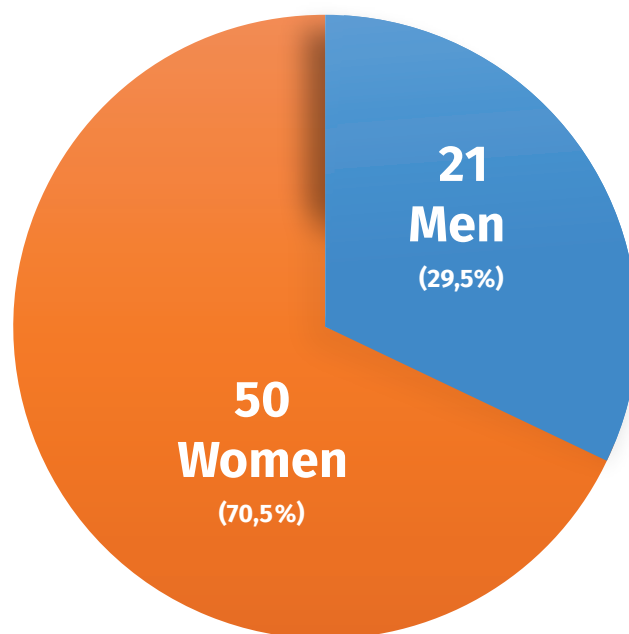
It should be noted that all 43 technical-administrative civil servants employed within the N.C.S.C. as of 31 December 2025 held higher education qualifications.

From a gender distribution perspective, out of the 28 review counsellors, 18 were female (64%) and 10 were male (36%), while among the total technical-administrative staff, 32 were female (74%) and 11 were male (26%).

Overall, at institutional level, the gender distribution was as follows: 50 female employees (70.4%) and 21 male employees (29.5%). Regarding the average age of the staff at institutional level, this was 50 years at the end of 2025.

According to the Regulation on the Organisation and Functioning

**N.C.S.C. EMPLOYEES
STRUCTURE BY GENDER**

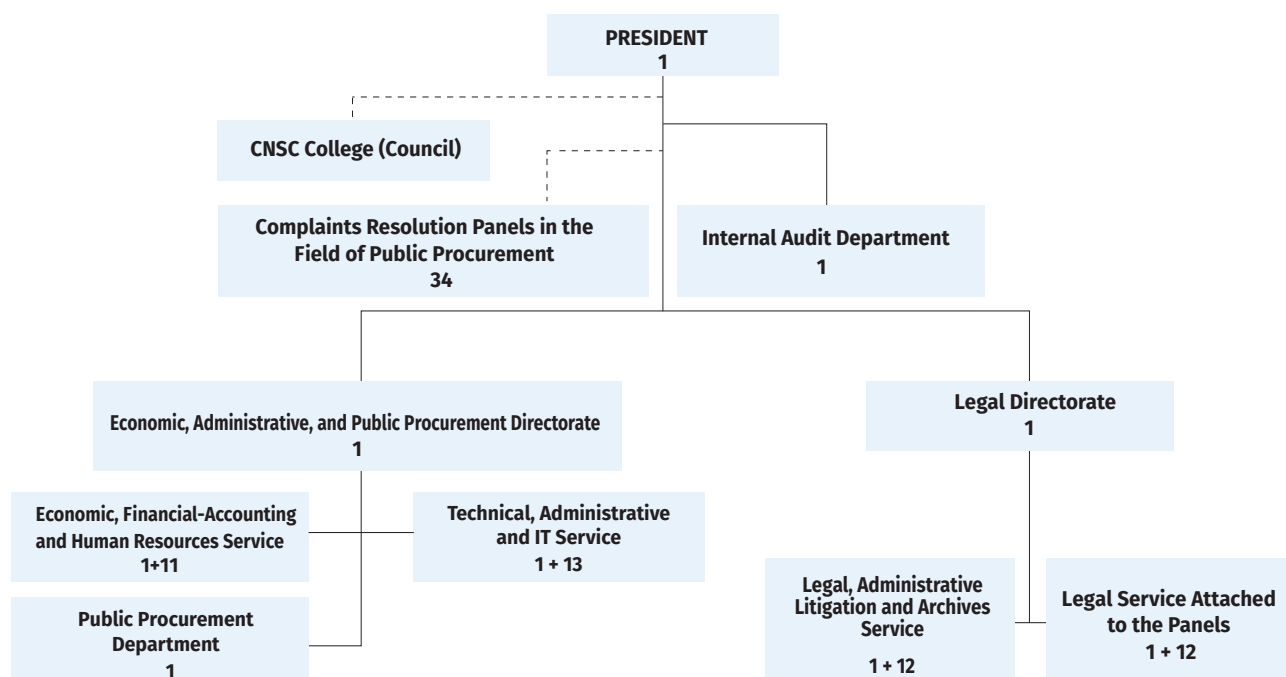




of the Council, the technical-administrative staff carries out its activity within the following structures:

- Economic-Administrative and Public Procurement Directorate:
 - o Economic, Financial-Accounting, and Human Resources Service;
 - o Technical, Administrative, and IT Service;
 - o Public Procurement Department;
- Legal Directorate:
 - o Legal, Administrative Litigation, and Archive Service;
 - o Legal Service attached to the Contest Resolution Panels;
- Internal Public Audit Department.

ANNEX No. 1) to the Regulation
 ORGANIZATIONAL STRUCTURE of the National Council for Solving Complaints
 Number of complaint resolution counselors, including the president – 34
 Technical and administrative staff – 56



CHAPTER 2

THE ACTIVITY
PERFORMED
BY N.C.S.C. IN 2024

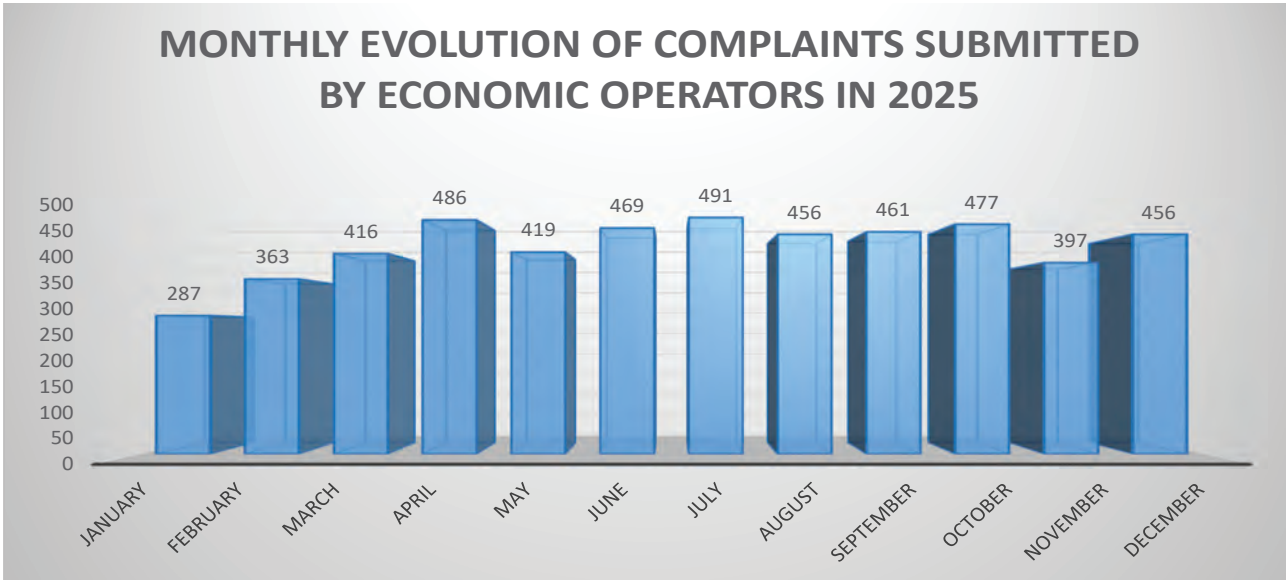
2.1. EVOLUTION OF CONTESTATIONS FILED BY
ECONOMIC OPERATORS

The main indicator characterising the annual activity carried out by the National Council for Solving Complaints (N.C.S.C.) is the number of complaints submitted and registered with the Council by economic operators. However, this is complemented by a series of other highly relevant indicators, such as the subject matter and com-

plexity of the complaints, their evolution and manner of resolution, the number of decisions issued, as well as the percentage of decisions that remain final in the form issued by the institution after being challenged before the Court of Appeal within the jurisdiction of the contracting authority.

With regard to the number of complaints (cases) submitted by economic operators and registered with the N.C.S.C. during the period 1 January – 31 December 2025, this amounted to 5,178.

Thus, over the course of the twelve months of the previous year, the number of complaints submitted by economic operators and registered with the N.C.S.C. evolved as follows:

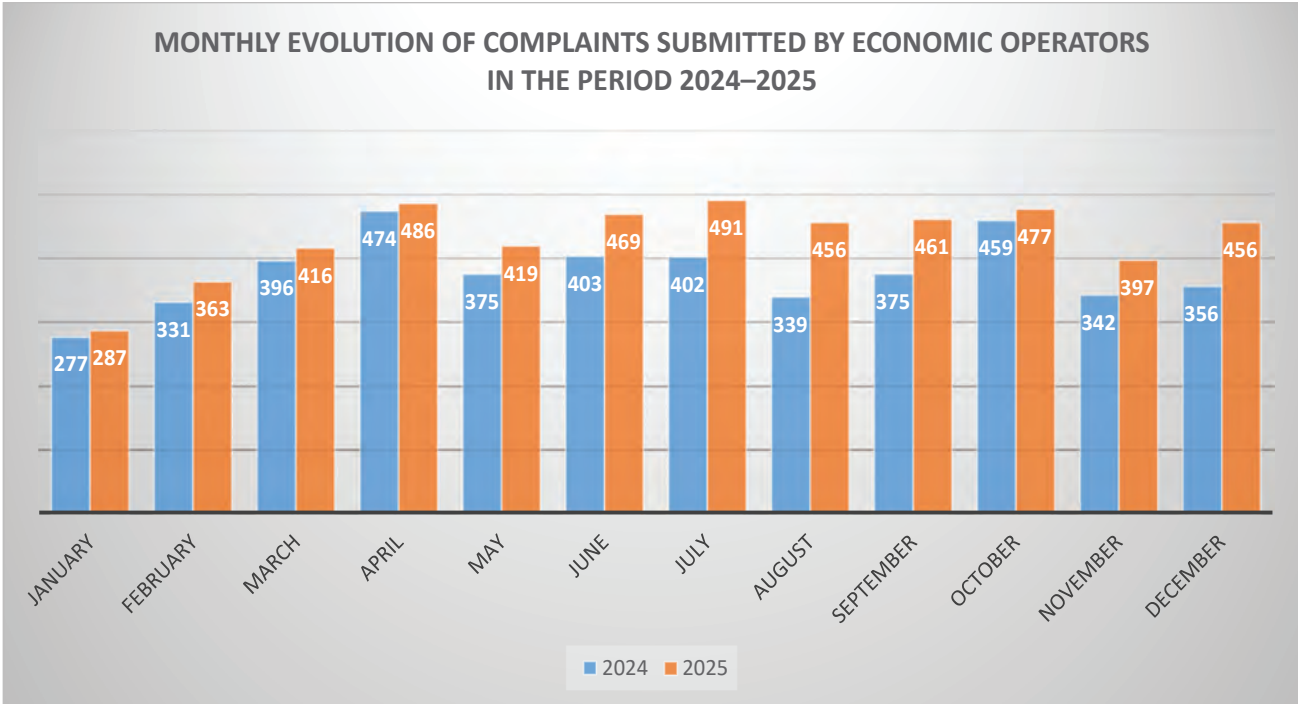




Comparing the evolution of the number of complaints submitted by economic operators and registered with the N.C.S.C. during 2024 and 2025, a significant increase in the number of complaints can be observed, both in each semester of 2025 compared to the corresponding periods of the previous year, and over the entire year.

Thus, comparing the annual evolution of the number of complaints submitted and registered with the Council by economic

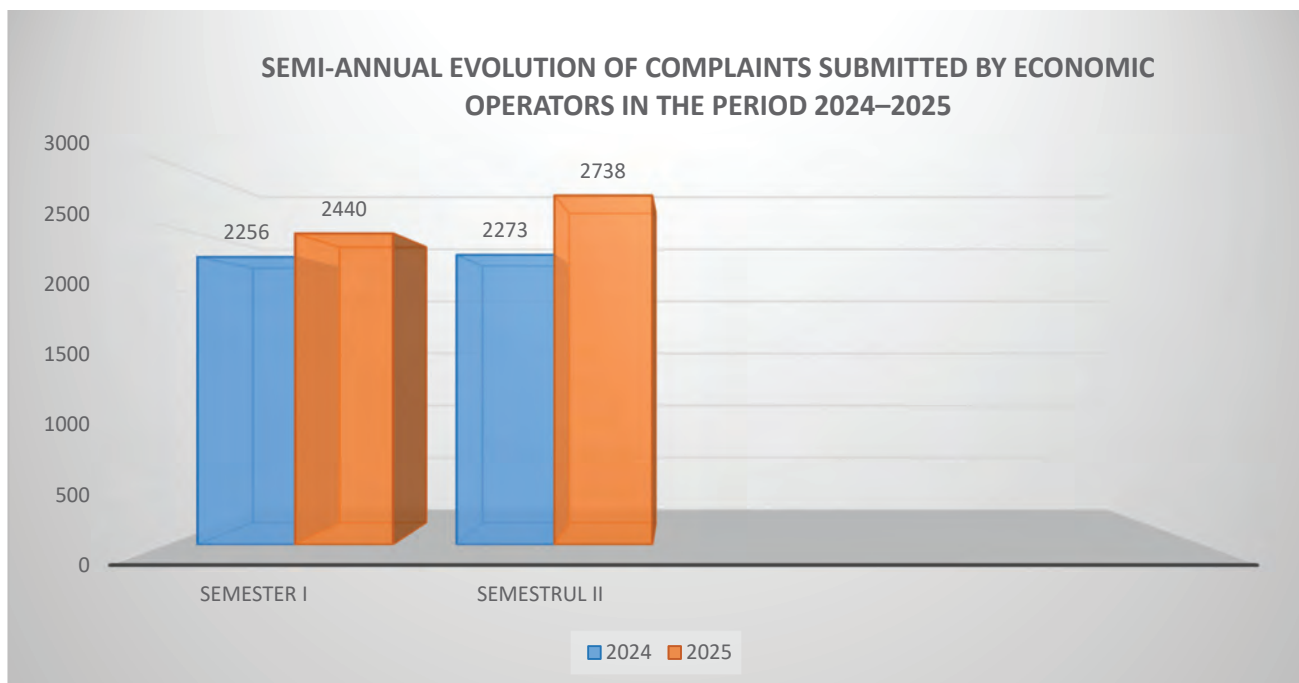
operators in 2025 with that of 2024, it is found that over the last year there was an increase of 14.32% compared to the previous year (+649 complaints).



Analyzing the semi-annual evolution of complaints registered with the Council in 2025, it can be observed that their number increased in both semesters compared to the corresponding periods of the previous year.

Thus, compared to the same periods of the previous year, in the first semester of 2025 the number of complaints submitted to

the Council increased by 8.15% (+184 complaints), while in the second semester the increase was 20.45% (+465 complaints).



As can be observed, despite the legal obligation for economic operators to constitute a guarantee at the time of filing a complaint—calculated based on the estimated value of the public procurement procedure and the procedural stage at which the complaint is submitted—this requirement has not constituted a barrier to the increase in the number of complaints.

The explanation lies in the fact that the instrument known as the “performance bond” (caution), as regulated by Law No. 101/2016, has proven to be only partially effective. This is due to the fact that most contracting authorities have refrained from requesting courts, within the 30-day legal deadline from the date on which the Council’s decisions became final, to establish the existence of damages caused by an economic operator that filed a complaint and to order the payment of compensation for losses incurred as a result of delays in the award procedures.

Thus, in the vast majority of cases, upon requests submitted by economic operators for the restitution of the guarantee, contracting authorities have explicitly informed the Council that they did not suffer any prejudice as a result of the complaints filed by various operators within public procurement procedures and have not initiated actions before the competent courts in order to recover any alleged damages.

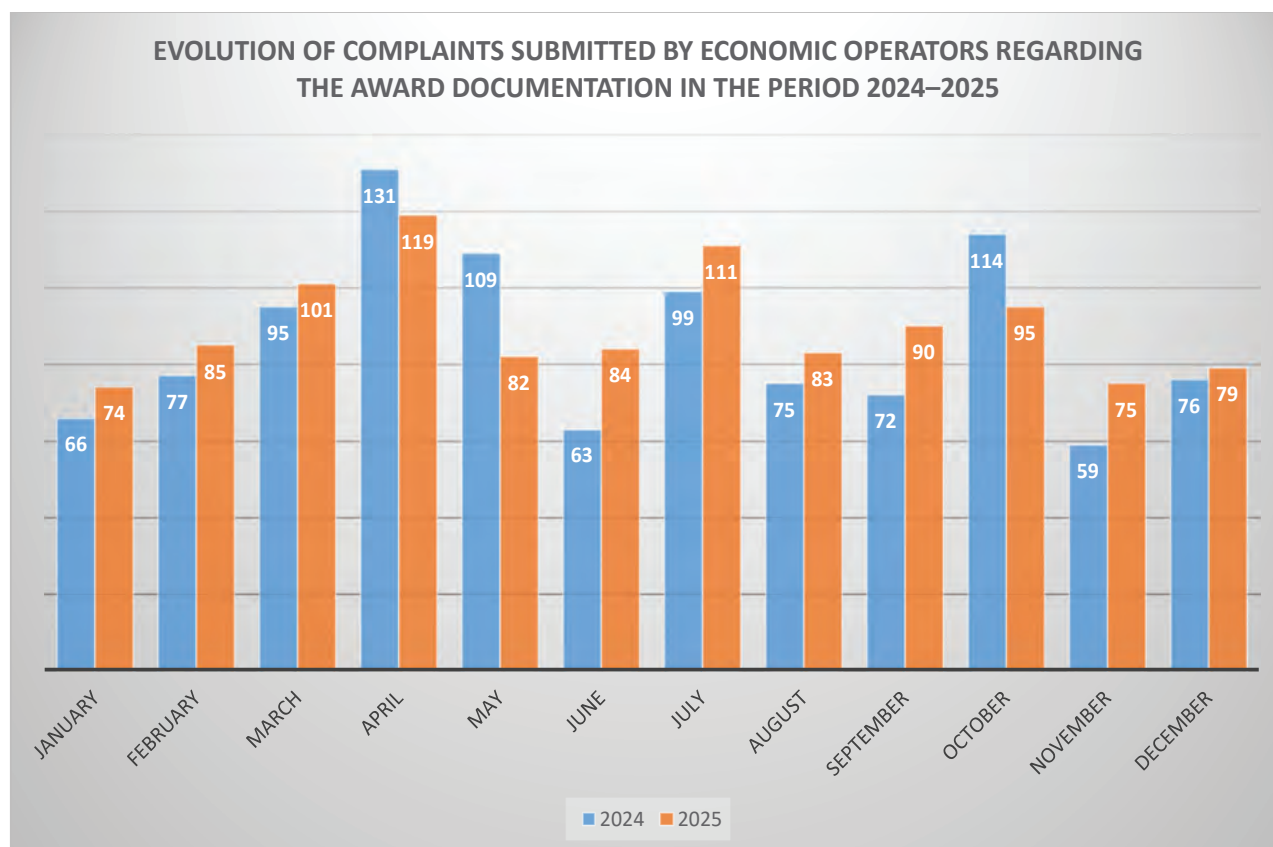
The result is that the purpose of the guarantee mechanism was only partially achieved by the legislator during 2024, in the sense that the legal provisions did not generate a deterrent effect for economic operators in submitting complaints, as they were aware of the contracting authorities' reluctance to take firm legal action either to prevent allegedly abusive complaints or to establish the existence of actual prejudice caused by such filings.

It should be noted that during 2025, in accordance with Article 611(8) of Law No. 101/2016, as amended and supplemented in 2023, a number of 84 guarantees, amounting to RON 1,694,344, for which no restitution was requested within a three-year period calculated from the date on which restitution could have been claimed, were transferred by the N.C.S.C. to the National Agency for Fiscal Administration (A.N.A.F.), thereby becoming revenue to the state budget.

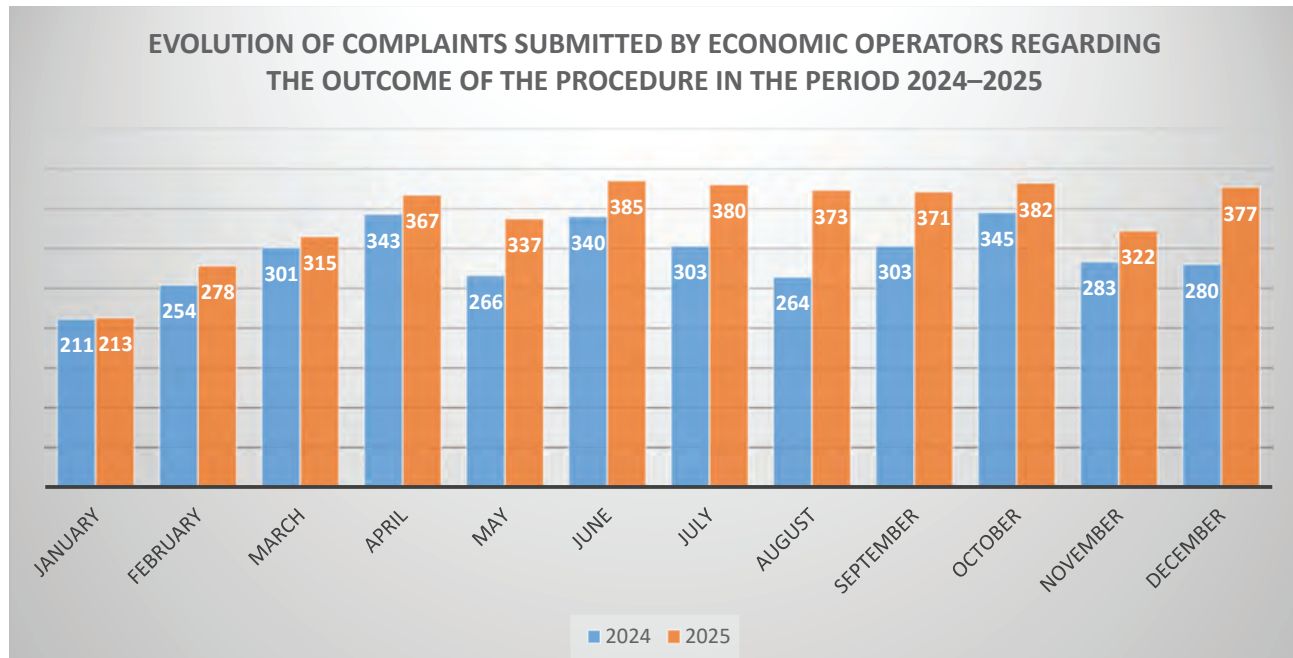
In this context, it should be mentioned that from the introduction of the legal obligation for economic operators submitting complaints to constitute a guarantee until the end of 2025, the N.C.S.C.

transferred to A.N.A.F. a total of 355 guarantees, amounting to RON 6,517,315.68 plus EUR 500, for which no restitution was requested within the three-year period calculated from the date on which they became eligible for reimbursement.

Returning to the high number of complaints submitted to the Council during 2025, it should be noted that this was also driven by the implementation of major projects financed through the National Recovery and Resilience Plan (PNRR).

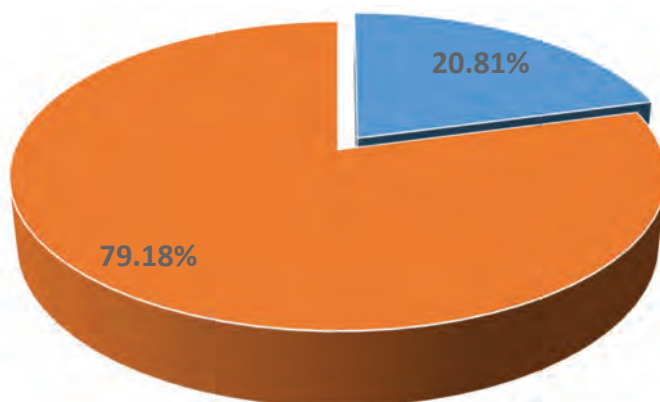


În ceea ce privește contestațiile formulate de operatorii economici împotriva rezultatului procedurii, pe parcursul anului 2025 numărul acestora a crescut comparativ cu anul precedent cu un procent de 4,05% (+42 contestații).



A comprehensive overview of the stage at which economic operators submitted complaints shows that, out of the 5,178 complaints registered with the Council, 1,078 (20.81%) were directed against the award documentation, while the remaining 4,100 (79.18%) concerned the outcome of the award procedure.

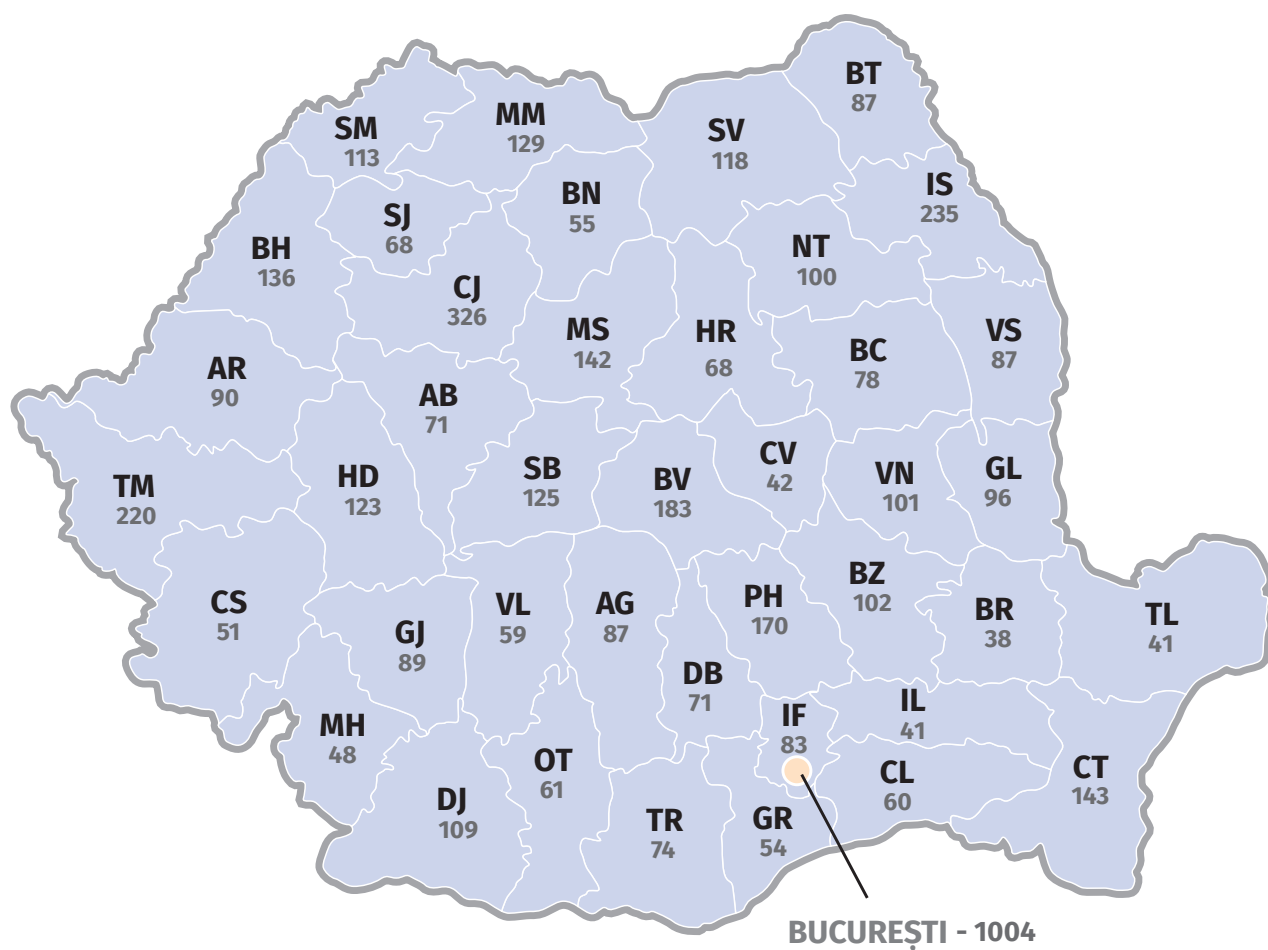
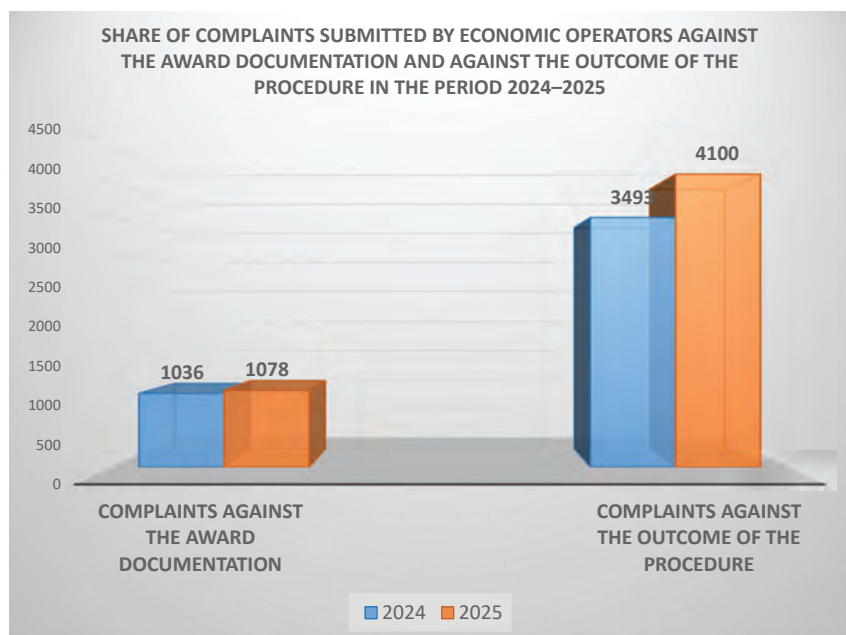
SITUATION OF COMPLAINTS FILED IN 2025 BY ECONOMIC OPERATORS REGARDING TENDER DOCUMENTATION AND THE OUTCOME OF THE AWARD PROCEDURE



Official statistics also show that in 2025, the number of complaints submitted against the award documentation and against the outcome of the award procedure remained broadly consistent with the values recorded in previous years (over 20% for award documentation and over 70% for the outcome of the procedure), with any recorded differences being insignificant.

■ Complaints against the award documentation ■ Complaints against the outcome of the procedure

From the perspective of the distribution by administrative-territorial units (U.A.T.s), the complaints submitted by economic operators evolved in 2025 as follows:



COUNTY	NUMBER OF APPEALS	COUNTY	NUMBER OF APPEALS	COUNTY	NUMBER OF APPEALS
BUCHAREST	1004	DOLJ	109	DAMBOVITA	71
CLUJ	326	BUZAU	102	HARGHITA	68
IASI	235	VRANCEA	101	SALAJ	68
TIMIS	220	NEAMT	100	OLT	61
BRASOV	183	GALATI	96	CALARASI	60
PRAHOVA	170	ARAD	90	VALCEA	59
CONSTANTA	143	GORJ	89	BISTRITA- NASAUD	56
MURES	142	ARGES	87	GIURGIU	54
BIHOR	136	BOTOSANI	87	CARAS-SEVERIN	51
MARAMURES	129	VASLUI	87	MEHEDINTI	48
SIBIU	125	ILFOV	83	COVASNA	42
HUNEDOARA	123	BACAU	78	IALOMITA	41
SUCEAVA	118	TELEORMAN	74	TULCEA	41
SATU MARE	113	ALBA	71	BRAILA	38

It should be noted that, as in 2023 and 2024, at the end of 2025 the top three positions in terms of the number of complaints submitted to the Council were held by the administrative-territorial units of Bucharest, Cluj, and Iași.

Official statistics at the level of the Municipality of Bucharest show that, out of the 1,004 complaints registered with the N.C.S.C., a total of 380 (37.85%) originated from Sector 1, an administrative-territorial unit where a large number of contracting authorities are headquartered (City Hall, Government, ministries, governmental agencies, healthcare and education institutions, state-owned companies, etc.).

As is well known, the activity of the Council on the public procurement market is intrinsically linked to the number of procedures initiated in the Electronic Public Procurement System (S.E.A.P.).

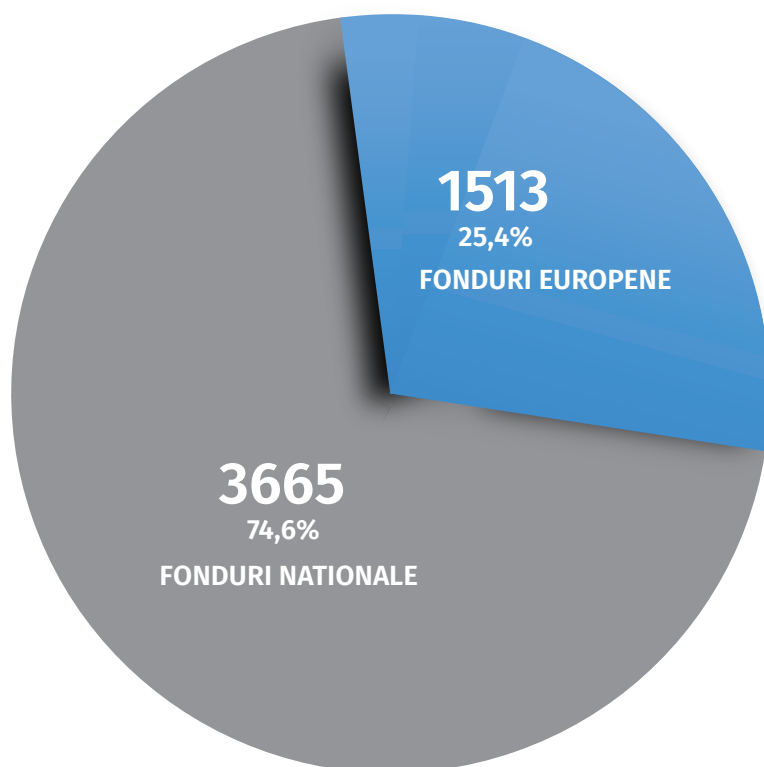
According to official data provided by the National Agency for Public Procurement, during 2025 a total of 25,638 unique public procurement procedures were initiated through the Electronic Public Procurement System (S.E.A.P.) (excluding concession procedures), with an estimated value of RON 840,245,354,000 (equivalent to EUR 168,049,070,800).

With regard to the funding source of the award procedures initiated for the conclusion of public procurement contracts, it can be

observed that in 2025 a total of 1,513 complaints registered with the N.C.S.C. were submitted against procedures financed from European funds (25.4% of the total number of complaints), while the number of complaints concerning procedures financed from national public funds amounted to 3,665 (74.6% of the total number of complaints).

Compared to the previous year, it can be observed that in 2025 there was a significant increase in complaints submitted against procedures financed from European funds (+31.1%, +359 complaints), while, con-

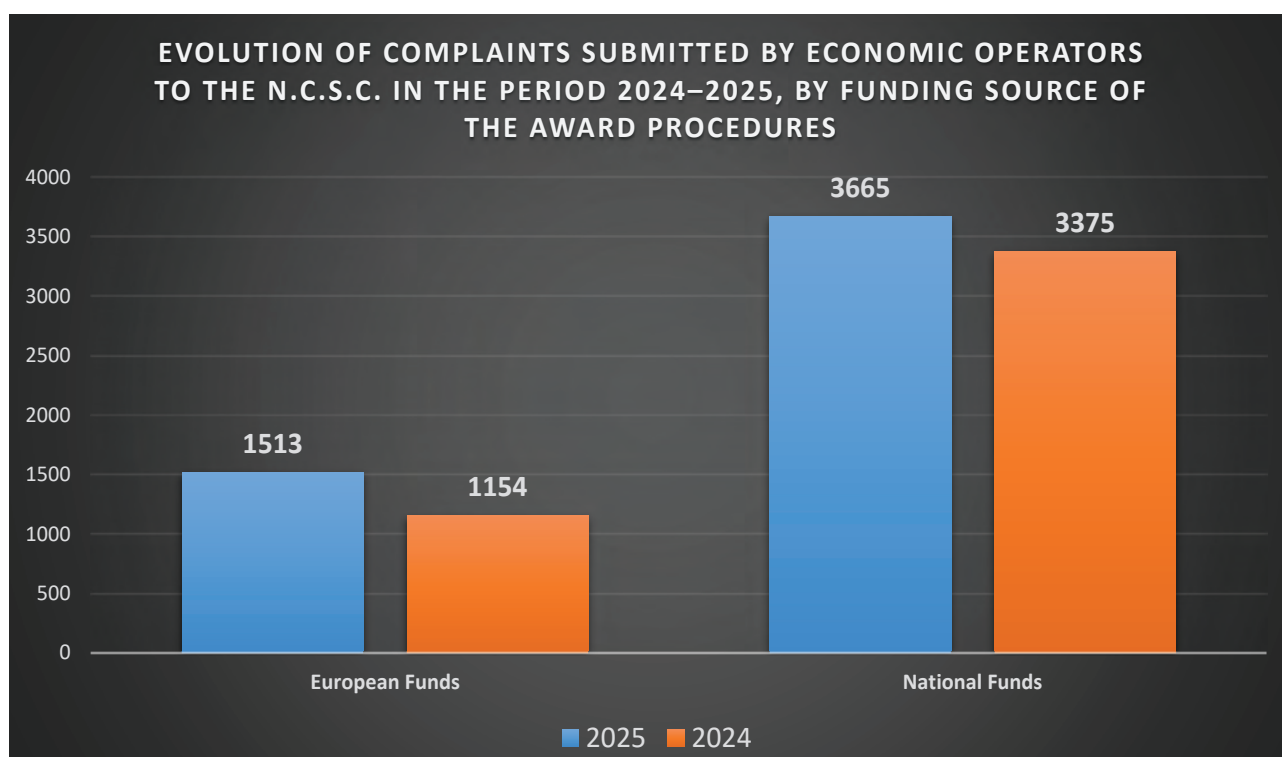
SITUATION OF COMPLAINTS SUBMITTED IN 2025 BY ECONOMIC OPERATORS TO THE N.C.S.C., BY FUNDING SOURCE OF THE AWARD PROCEDURES

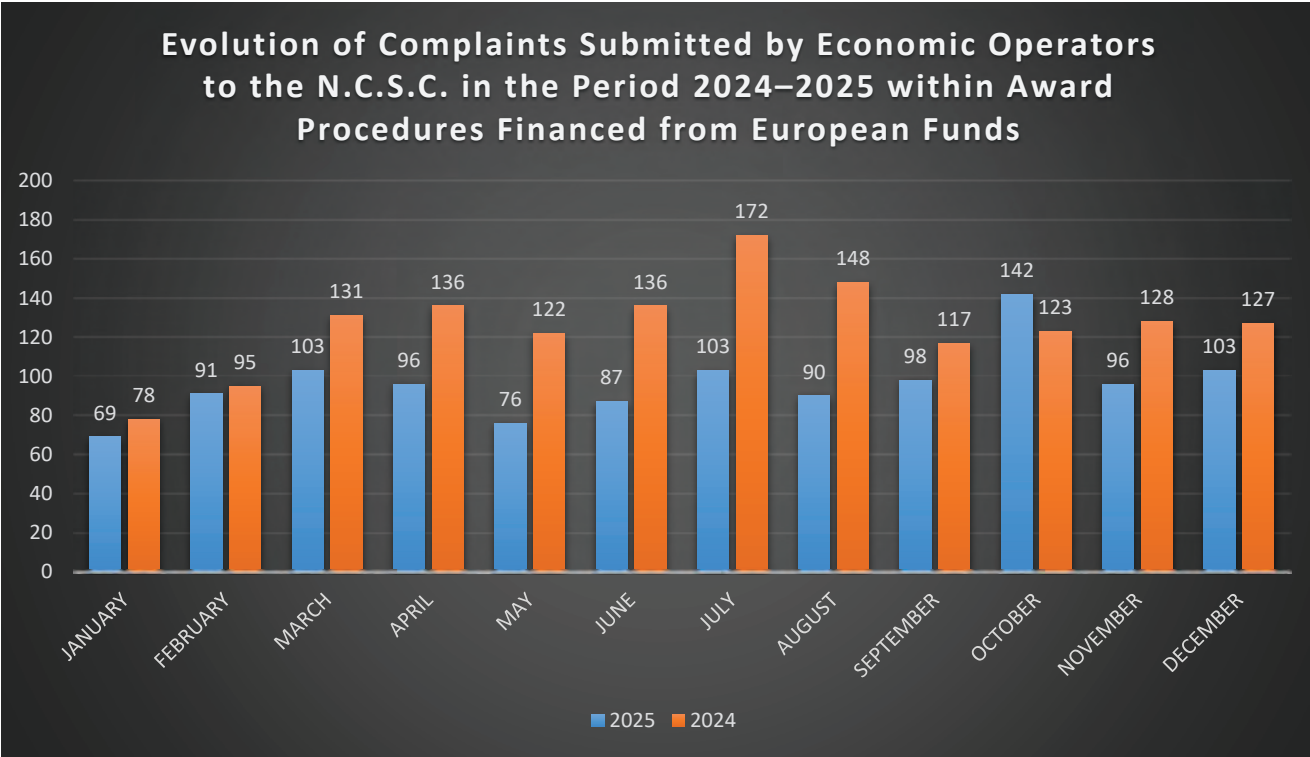


versely, an important increase was also recorded in complaints submitted against procedures financed from national public funds (+8.59%, +290 complaints).

Comparing the total number of procurement procedures financed from European funds initiated in 2025 in S.E.A.P. (8,219 procedures) with the total number of complaints registered with the N.C.S.C. against procedures financed from such funds (1,513 complaints), it results that 9.65% of European-funded procedures initiated on the electronic public procurement platform were challenged before the Council by economic operators.

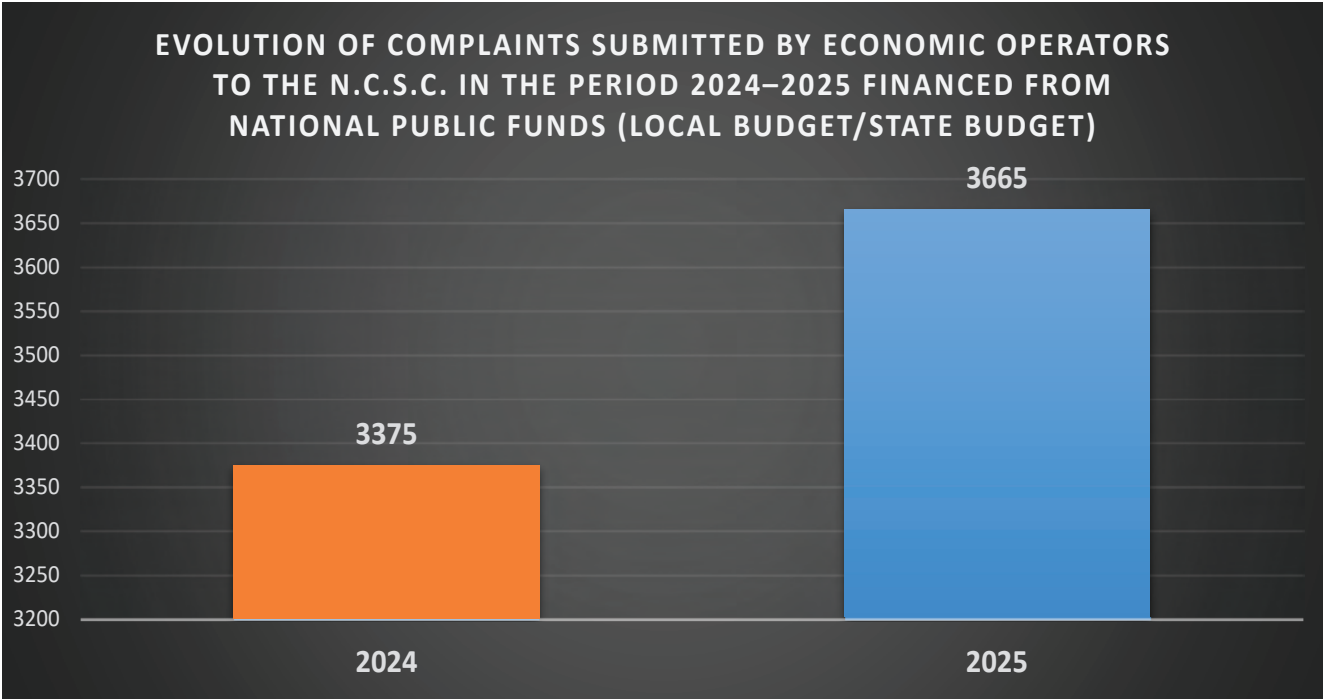
In order to provide an overview of the evolution of complaints submitted to the N.C.S.C.



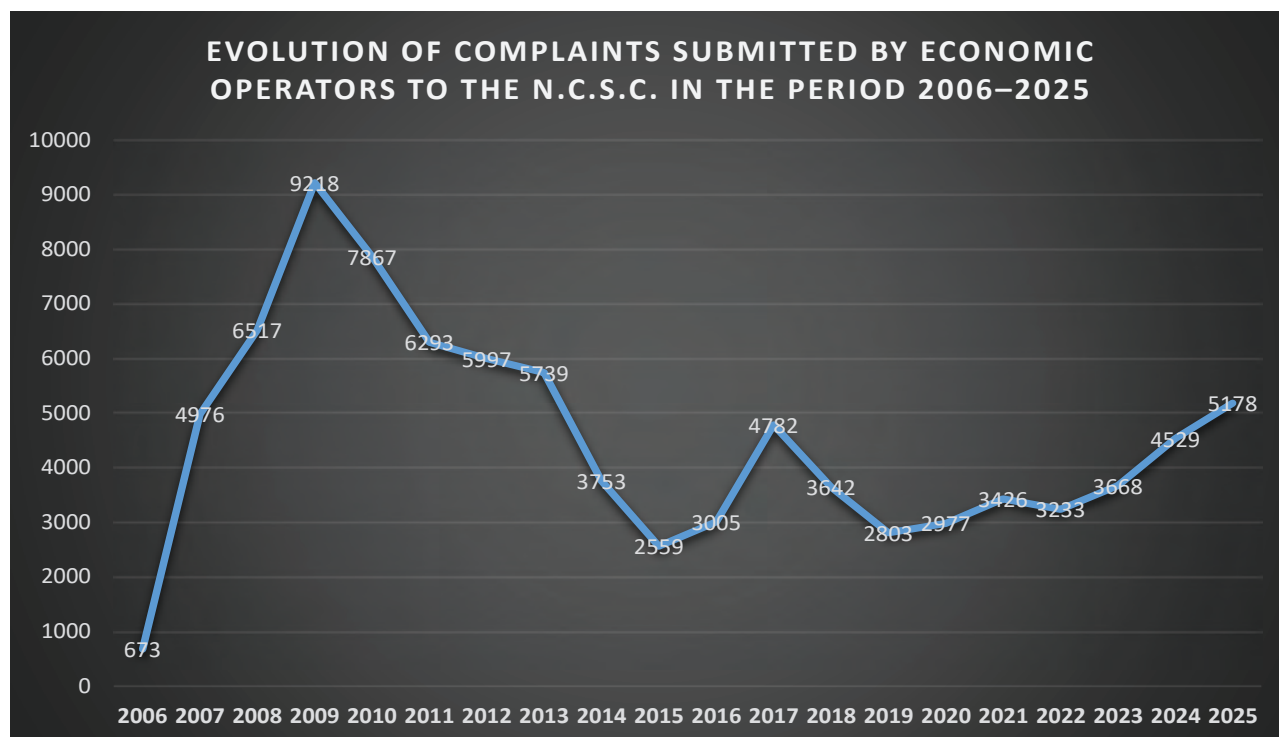


within public procurement procedures financed from European funds during the period 2024–2025, the monthly evolution is presented below:

Similarly, the number of complaints submitted to the N.C.S.C. within public procurement procedures financed from national public funds (local budget/state budget) evolved during the period 2024–2025 as follows:



From a statistical perspective, since its establishment and up to 31 December 2025, a total of 90,835 complaints submitted by economic operators have been registered with the N.C.S.C., with the evolution being presented in the chart below.



Analysing the annual evolution of complaints submitted to the N.C.S.C., it can be observed that this has fluctuated from year to year, a fact directly linked to the number of public procurement procedures initiated and conducted in S.E.A.P., the legislative framework governing public procurement, the absorption rate of European funds, the level of investments financed from the national public budget, as well as the financial capacity of economic operators to comply with the legal provisions concerning the right to challenge procurement procedures.

With specific reference to 2025, when the number of complaints reached and even exceeded the level recorded in 2024 (4,529 complaints), it can be concluded that public contracting authorities are facing a shortage of professionals in the field of public procurement, which has led to inadequate management of a significant number of award procedures. This should represent a serious warning signal in the context of the implementation of projects included in the National Recovery and Resilience Plan (PNRR).

Moreover, the Council notes that during 2025 there were numerous cases in which public procurement procedures were effectively blocked by the contracting authorities themselves, the entities most directly interested (at least declaratively) in

the implementation of projects financed from national public funds or European funds. Specifically, there were cases in which contracting authorities refused to properly and effectively implement the decisions issued by the Council, resorting instead to unjustified appeals against them, which led to inexplicable and unnecessary delays in the completion of investment projects financed from European or national funds.

Thus, it was observed that in 2025 the number of appeals filed before the higher court by contracting authorities that refused to implement the decisions issued by the N.C.S.C.—in

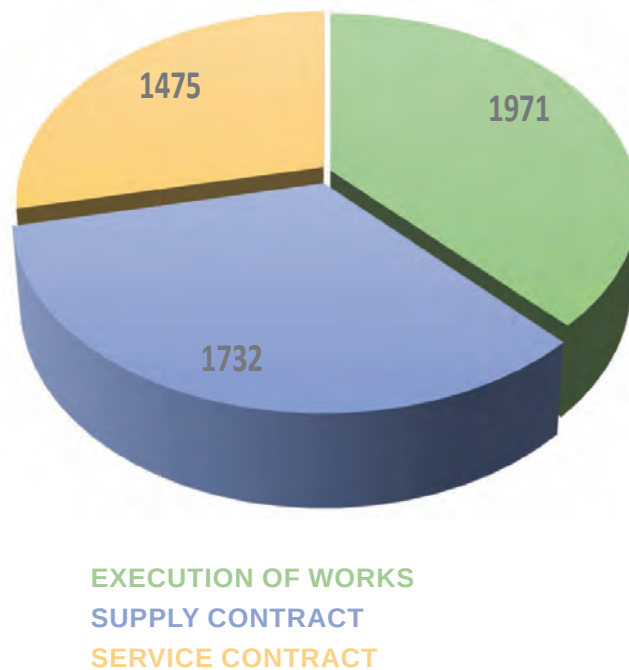
cases where complaints submitted by economic operators were upheld and re-evaluation of bids was ordered—amounted to 177, representing an increase of 11.3% compared to 2023.

Returning to the complaints submitted by economic operators, it should be noted that an essential element in their analysis is the subject matter of the public procurement contract. Official statistical data at institutional level show that in 2025 the subject matter of complaints submitted and registered with the Council was as follows:

- public procurement procedures for the supply of products – 1,732 complaints (33.44%);
- public procurement procedures for the provision of services – 1,475 complaints (28.54%);
- public procurement procedures for the execution of works – 1,971 complaints (38.06%).

Analysing the evolution of complaints submitted during the period 2024–2025 according to the subject matter of the public procurement contract, it can be observed that over the past year there were increases compared to the previous year of 19.38% in complaints submitted within works contracts award procedures, 14.17% in complaints submitted within supply contracts award proce-

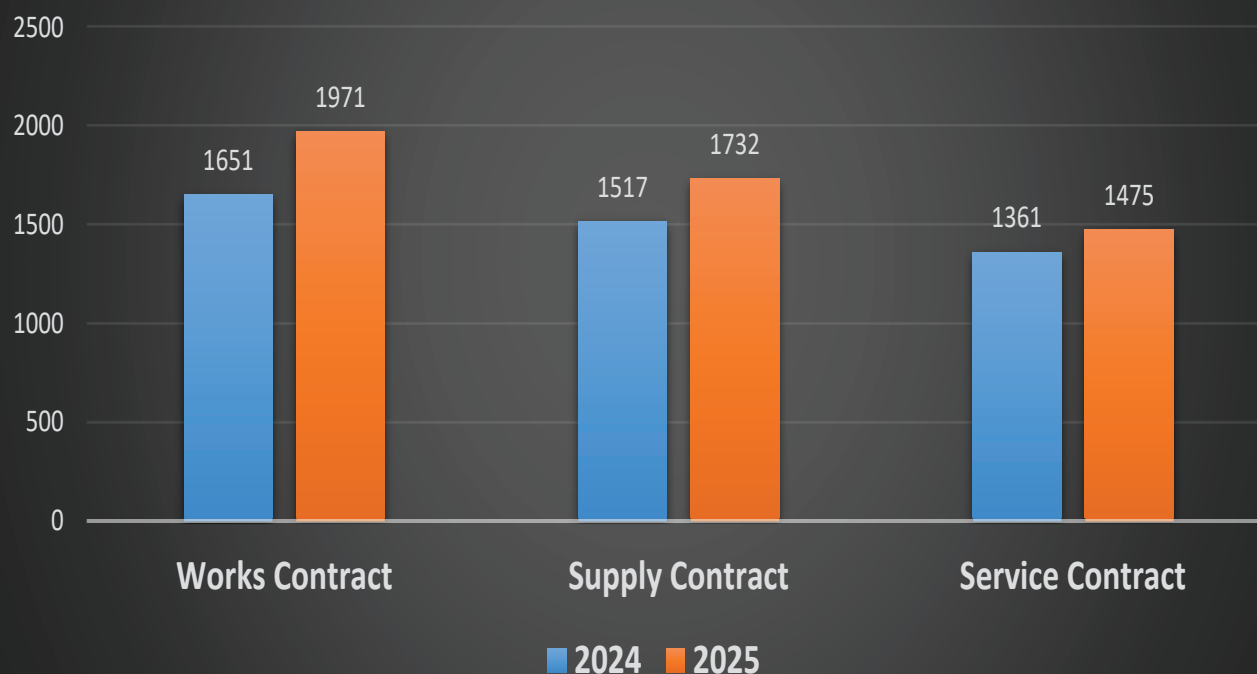
**SITUATION OF COMPLAINTS SUBMITTED BY
ECONOMIC OPERATORS TO THE N.C.S.C. IN
2025 BY TYPE OF CONTRACT**



dures, and 8.37% in complaints submitted within service contracts award procedures.

Regarding the workload carried out during 2025 by each complaint resolution panel, official statistical data show that each of the 10 panels established within the Council was allocated, on a random electronic basis, an average of approximately 470 complaints (cases) per year, corresponding to a monthly workload of approximately 39 complaints (cases) per panel. Comparing the above figures with those recorded in 2024, when each panel handled 377 cases per year, it can be observed that the average annual workload per panel increased in 2025 compared to the previous year by 24.7% (+93 complaints/cases).

EVOLUTION OF COMPLAINTS SUBMITTED BY ECONOMIC OPERATORS TO THE N.C.S.C. IN THE PERIOD 2024–2025 BY CONTRACT TYPE



However, in addition to the resolution of complaints, the panels within the Council had to cope with a significantly high workload, which materialised in the issuance of procedural orders, the management of financial instruments submitted by economic operators (lodgement and restitution of guarantees constituted for each contested public procurement procedure), as well as hundreds of thousands of pages of correspondence with economic operators, contracting authorities, and Courts of Appeal.

Thus, in 2025, in addition to issuing decisions, the 10 complaint resolution panels also issued a total of 4,661 procedural orders, which represented, compared to the previous year, an increase of 10.8% (+454 orders).

With regard to the workload faced by the Council's complaint resolution panels in 2024, it should also be noted that, under Article 17 of Law No. 101/2016, voluntary intervention requests were submitted in 2,025 complaints by economic operators interested in participating in / already participating in the award procedures. This contributed to increasing the complexity of the respective case files and required additional procedural steps to be carried out by each panel.

To provide an overall picture of the workload at Council level and the complexity of the complaints (case files) pending before the institution in 2025, it should be emphasised that the vast majority of procedures were challenged at multiple stages, both at the award documentation stage and at the outcome-of-proce-

dure stage. As a result, within those award procedures, the Council was required to issue more than one decision, as well as dozens of related procedural documents.

Although the number of complaints and voluntary intervention requests allocated to each panel was significant, and the complexity of the cases was high, the 10 panels within the Council complied with the legal time limits for resolving complaints provided for in Article 24(1) of Law No. 101/2016. In this respect, it should be noted that, due to the Council's activity, the time limits for resolving complaints submitted by economic operators were among the shortest in the European Union, placing Romania ahead of several Member States with similar bodies.

2.1.1. COMPARATIVE SITUATION WITH EU MEMBER STATES

In 2025, the number of complaints (cases) submitted by economic operators and registered with the N.C.S.C. reached 5,178, of which 4,874 complaints were effectively resolved by the Council.

In the same year, out of the total of 5,178 complaints registered with the Council, in 500 cases economic operators withdrew their complaints, meaning that withdrawals accounted for 9.66% of the total complaints submitted.

Analysing the evolution of the number of complaints (cases) submitted by economic operators and registered with the N.C.S.C. during 2024 and 2025, it is observed that in 2025 the number of complaints increased compared to the same period of the previous year, despite the provisions of Government Emergency Ordinance No. 45/2018, which introduced the obligation for economic operators to constitute a guarantee proportional to the estimated value of the public procurement procedure as a condition for admissibility.

Thus, comparing the total number of complaints submitted in 2025 (5,178) with that recorded in 2024 (4,529), an increase of 14.33% is observed (+649 complaints).

In 2025, 20.82% of the complaints submitted to the Council (1,078 complaints) were directed against award documentation, while 79.18% (4,100 complaints) concerned the outcome of the award procedure.

It should be noted that although the introduction of the obligation for economic operators to constitute a guarantee increased the number of procedural acts issued by the Council, as well as the overall complexity of cases and the administrative workload (correspondence, procedural orders, management and restitution of guarantees, etc.), in 2025 the Council issued 4,661 procedural orders, representing an increase of 10.80% compared to the previous year, when 4,207 orders were issued.

Furthermore, under Article 17 of Law No. 101/2016, during 2025 voluntary intervention requests were submitted in 1,806 complaints (a total of 2,025 intervention requests) by economic operators either interested in participating in the award procedures or already participating therein. This contributed to increasing the complexity of case files and required additional procedural steps.

With regard to the funding source of procurement procedures initiated for the award of public contracts, it should be highligh-

ted that in 2025 a total of 1,512 complaints were submitted through administrative-jurisdictional proceedings against procedures financed from European funds, representing 29.20% of the total complaints registered with the Council. At the same time, 2,456 complaints (47.43% of the total) concerned procedures financed from national public funds, while in 1,209 cases the funding source could not be identified.

It should also be noted that in 2024 a total of 1,474 complaints (28.47% of the total) concerned service contracts, while 1,733 complaints (33.47%) related to supply contracts, and 1,971 complaints (38.06%) concerned works contracts.

During 2025, the 10 complaint resolution panels within the N.C.S.C. were randomly allocated, through electronic distribution, an average of approximately 470 cases per panel per year, corresponding to a monthly workload of around 39 cases per panel. Compared to the previous year, when the average annual workload per panel was 411 cases, this represents an increase of 14.33% (+59 cases per panel per year).

However, despite the increase in the number of complaints assigned to each panel, as well

as the higher number of procedural orders and intervention requests, and despite the high complexity of case files, the 10 panels within the Council fully

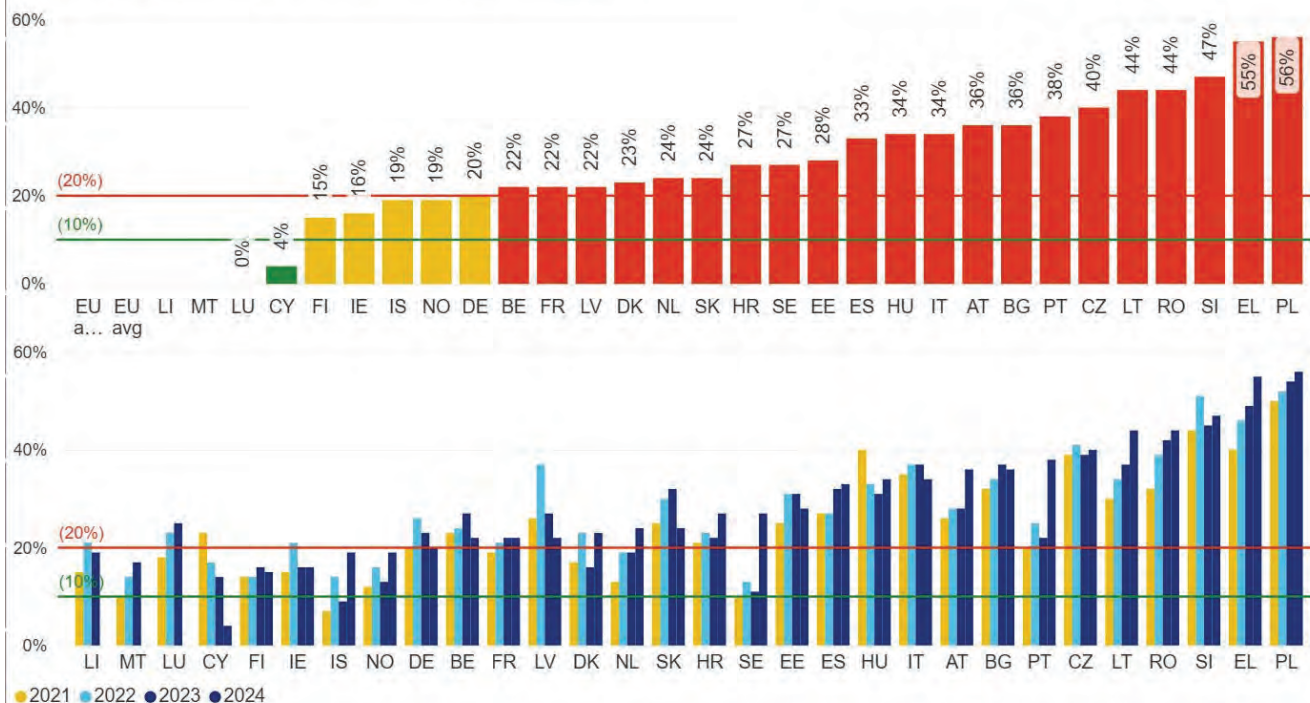
complied with the legal time limits for resolving complaints, as provided under Article 24(1) of Law No. 101/2016.

Regarding the time limits for resolving complaints, it should be emphasized that these are among the shortest within the European Union, with Romania ranking ahead of Germany and Austria.



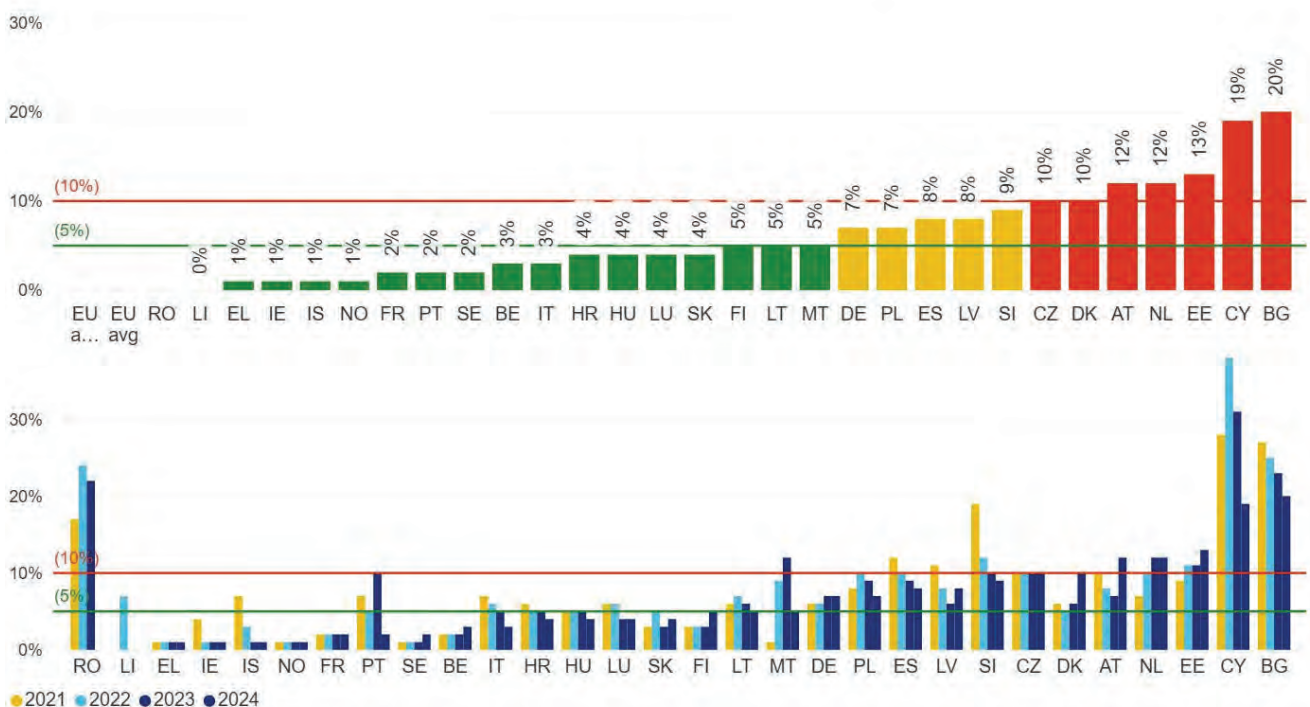
Indicator [1]: Single bidder

This chart shows the proportion of contracts awarded where there was just a single bidder. Framework agreements are excluded, as they have different reporting patterns. Direct awards – i.e. negotiated without a call for competition/award without prior publication of a contract notice – are also excluded, since the rules on such procedures do not make any provision for competition.



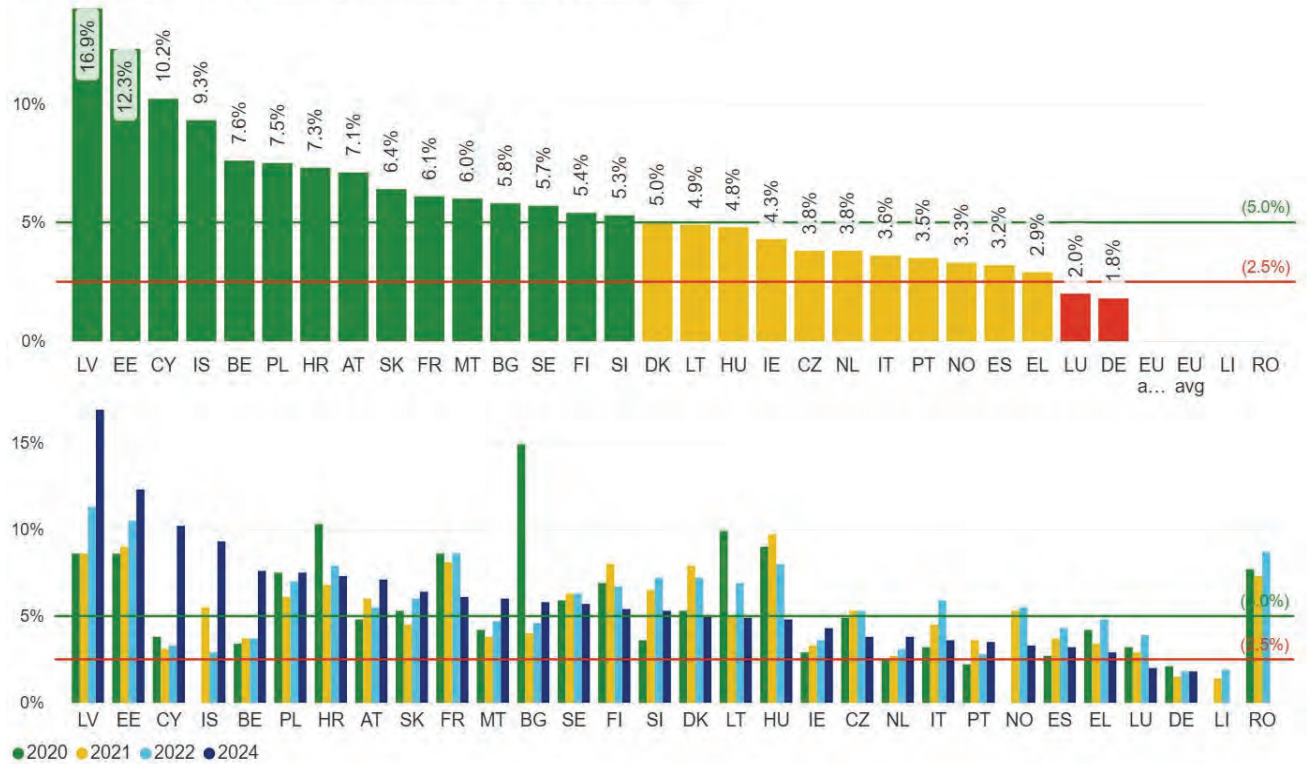
Indicator [2]: Direct awards

This chart shows the proportion of procurement procedures negotiated with a company without any call for bids.



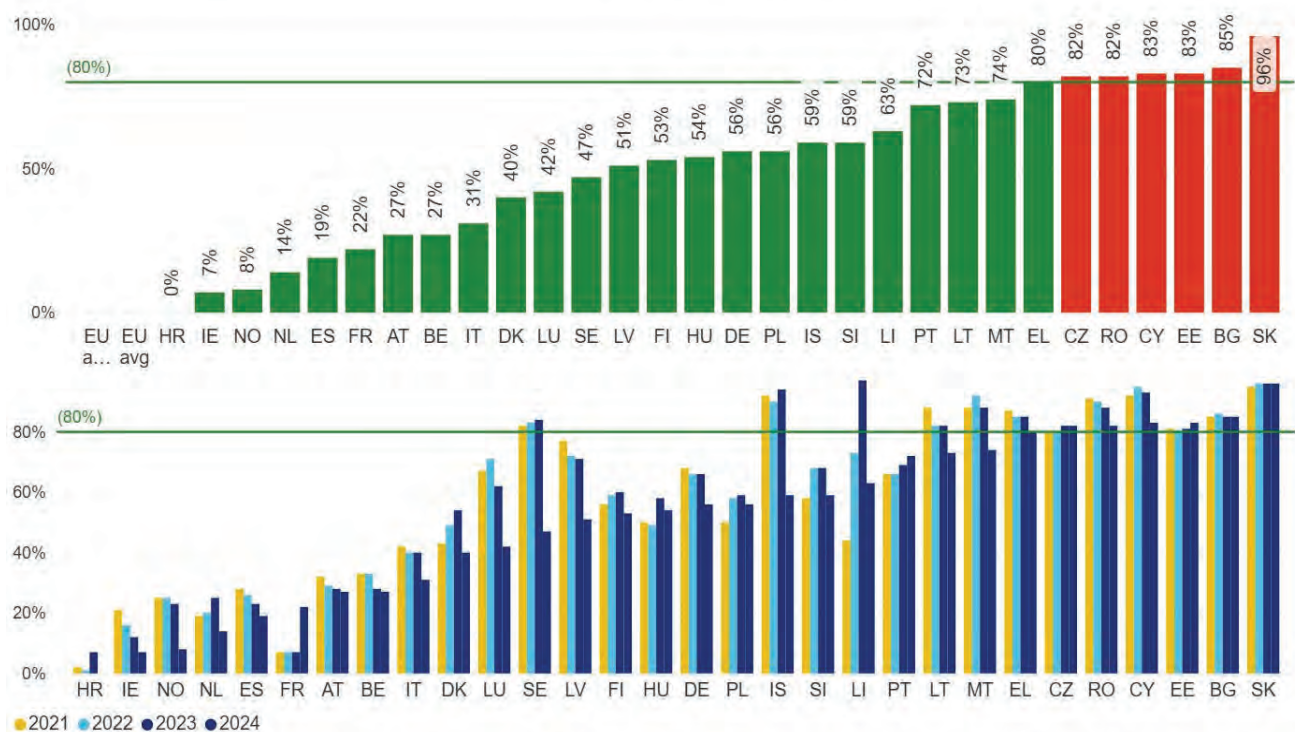
Indicator [3]: Publication value by GDP

This chart shows the value of procurement advertised on TED as a proportion of national GDP.



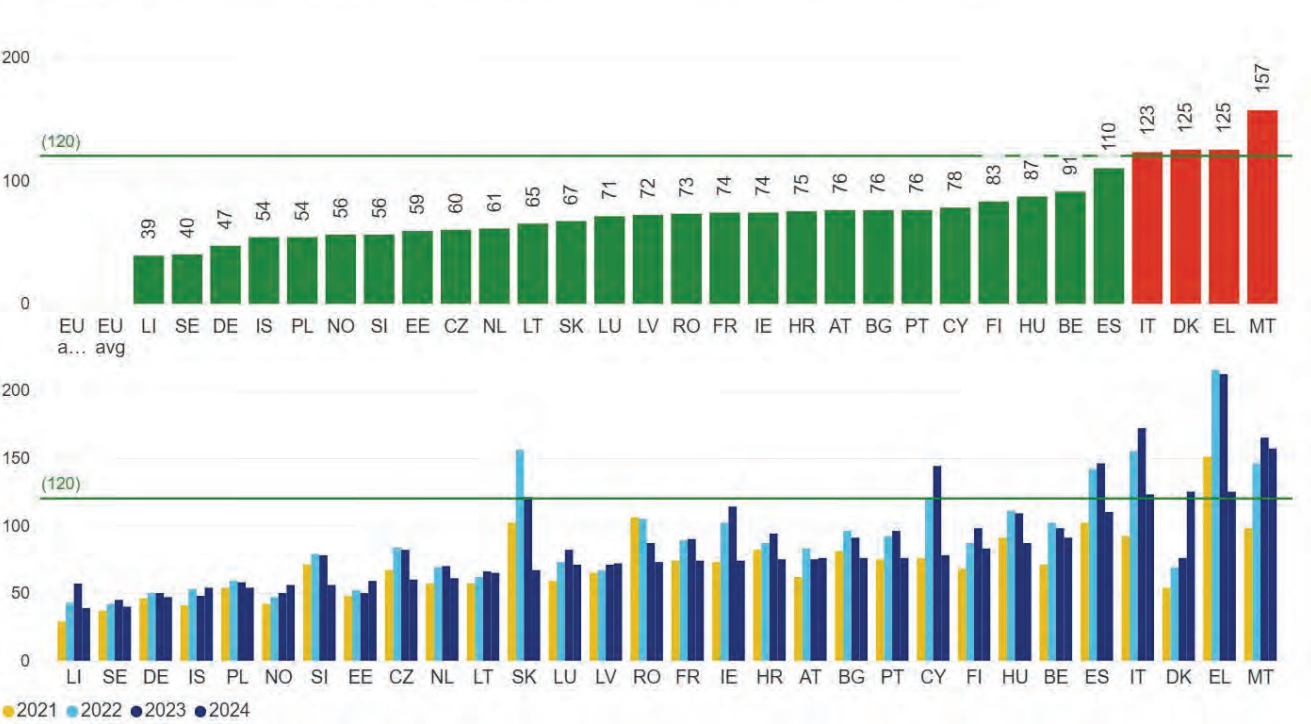
Indicator [4]: Award criteria based on price alone

This chart shows the proportion of procedures awarded solely because the offer was the cheapest one available.



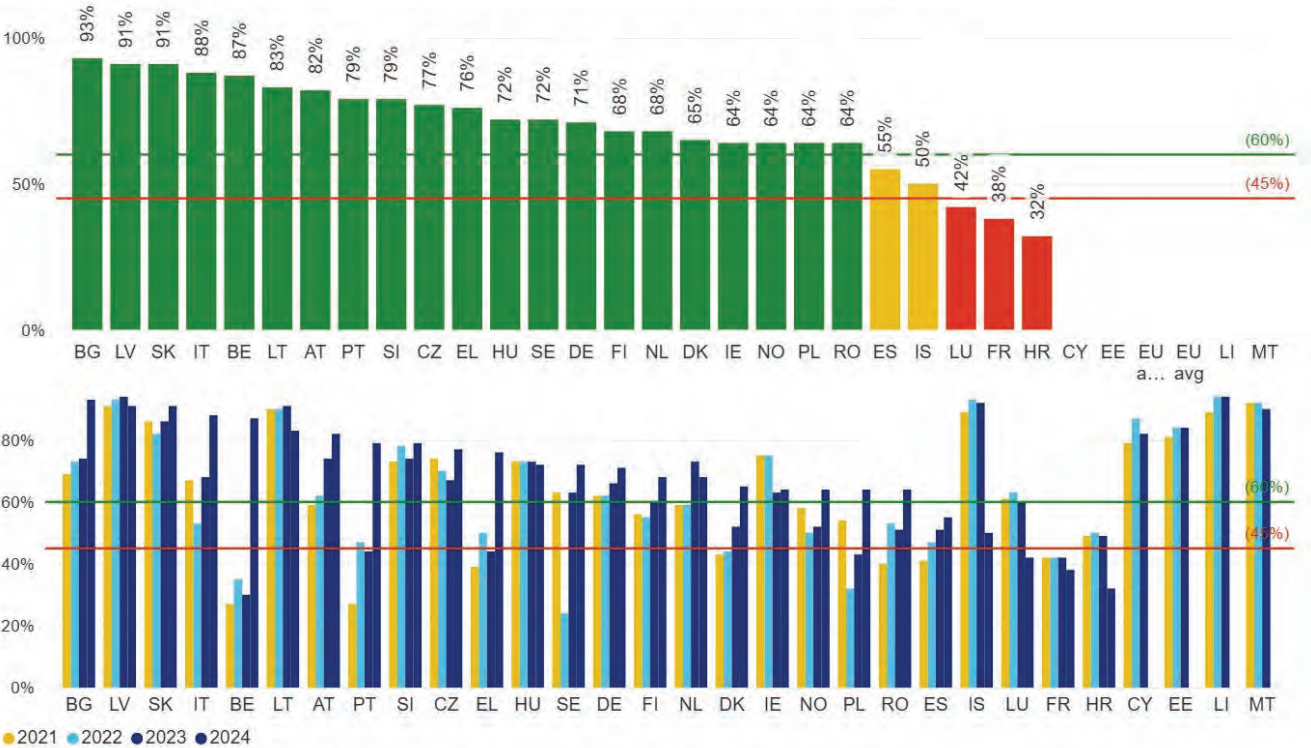
Indicator [5]: Decision speed

This chart shows the mean decision-making period, i.e. the time between the deadline for receiving offers and the date the contract is awarded. To ensure comparability, only notices published under the open procedure, which do not include framework agreements, are considered.



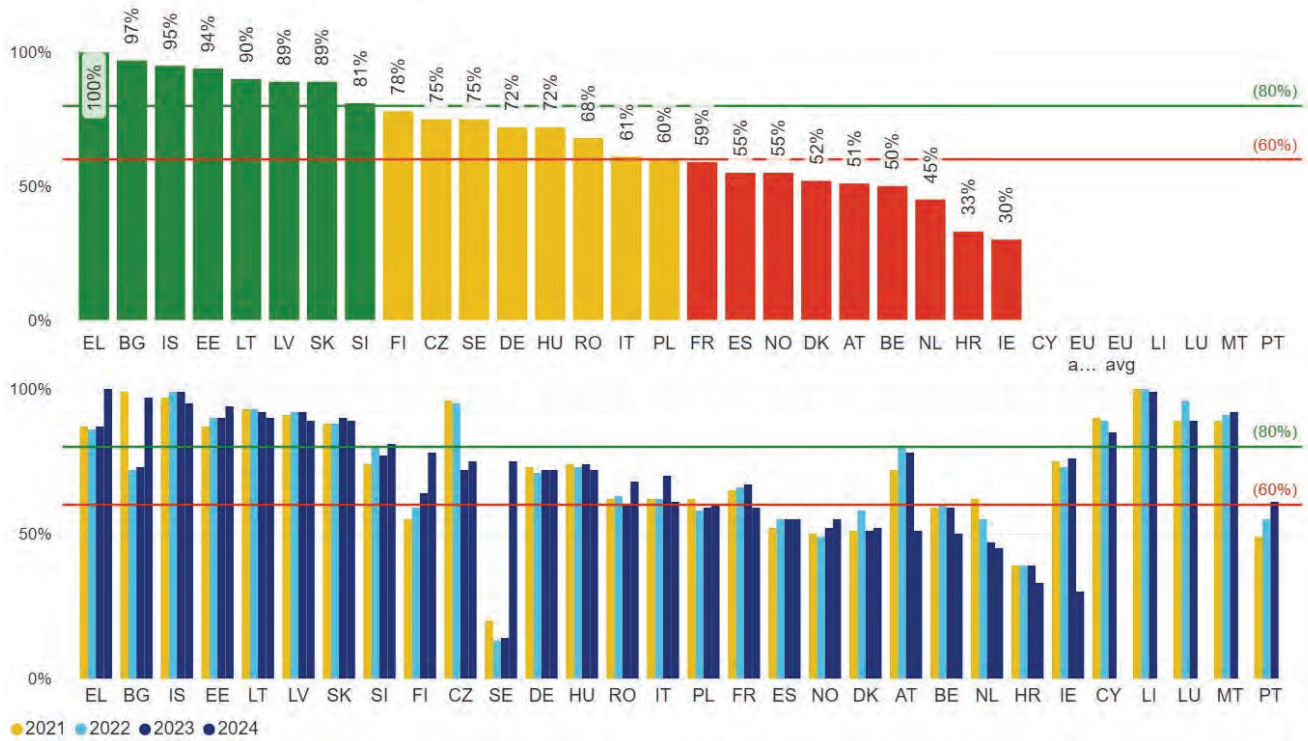
Indicator [6]: Contracts with SME participation

This chart shows the proportion of contracts that include smaller firms (small and medium-sized enterprises or SMEs).



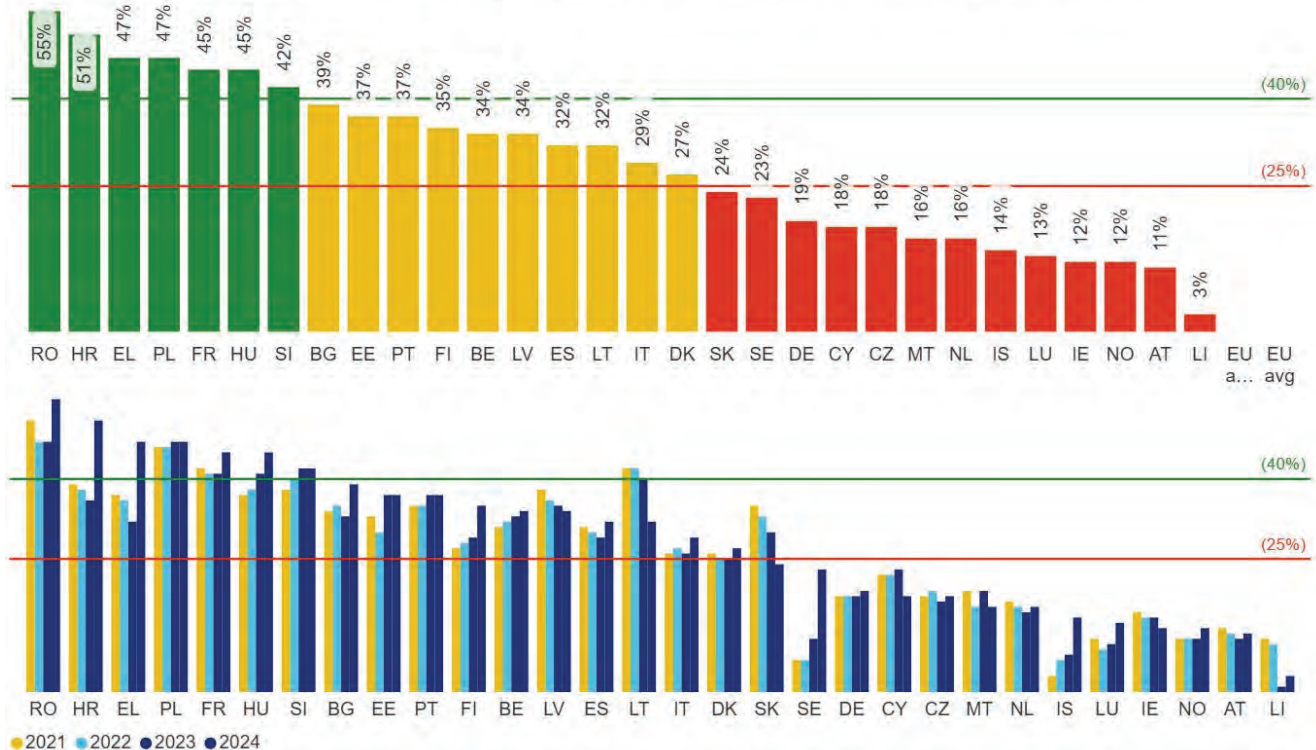
Indicator [7]: SME bids

This chart shows the proportion of bids from SMEs.



Indicator [8]: Procedures divided into lots

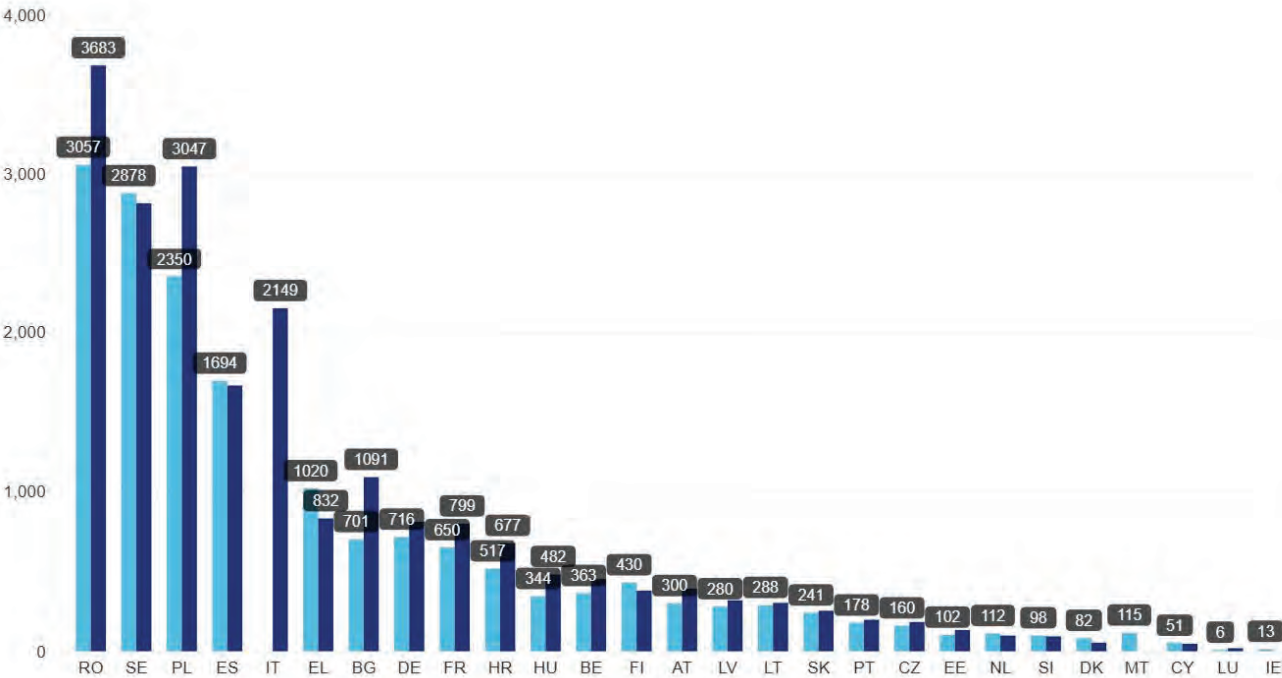
This chart shows the proportion of tenders divided into lots. This is another indicator related to SMEs' participation in public procurement.



Number of first instance public procurement review decisions

The number of decisions captures, in absolute terms, the overall number of decisions of competent national authorities and courts on challenges of economic operators of alleged infringements of public procurement rules in award procedures for above EU threshold public contracts.

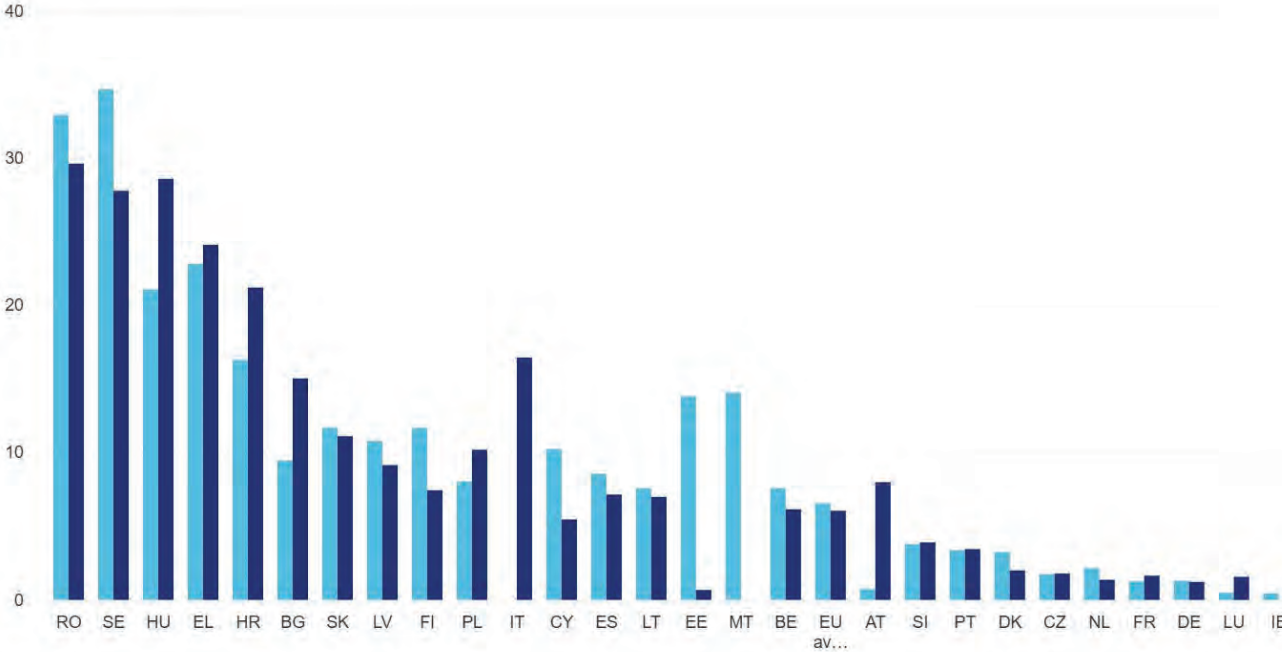
Year 2023 2024



Number of first instance public procurement review decisions in relation to number of call for competitions

This indicator provides the proportion of the decisions in relation to the total number of calls for competition shows. It therefore shows which percentage of award procedures for above EU thresholds public contract are challenged by economic operators for an alleged infringement of public procurement rules in front of the competent national authority or court.

Year 2023 2024





DOCUMENTAȚIA DE ATRIBUIRE

OBIECTUL CONTESTAT

- **CERINȚE**
- **SPECIFICAȚII TEHN**
- **CRITERII DE EVAL**
- **ALTE ASPECTE**

2.2. SUBJECT MATTER OF COMPLAINTS SUBMITTED BY ECONOMIC OPERATORS

According to the legislation in the field of public procurement, each complaint submitted by an economic operator within a procurement procedure is individualized, thereby becoming a case whose subject matter consists of what the party seeks to have reviewed and adjudicated (i.e. what the procurement review counsellors are requested to examine, assess, establish, and resolve). It therefore follows ipso facto that the resolution of each complaint raises not only issues of fact but also issues of law, which the procurement review counsellors are required to address through a decision of the Council, in order to ensure the protection of subjective rights. Thus, the subject matter of a complaint may consist of the total or partial annulment of an act of the contracting authority, or the obligation imposed on the contracting authority to issue a specific act.

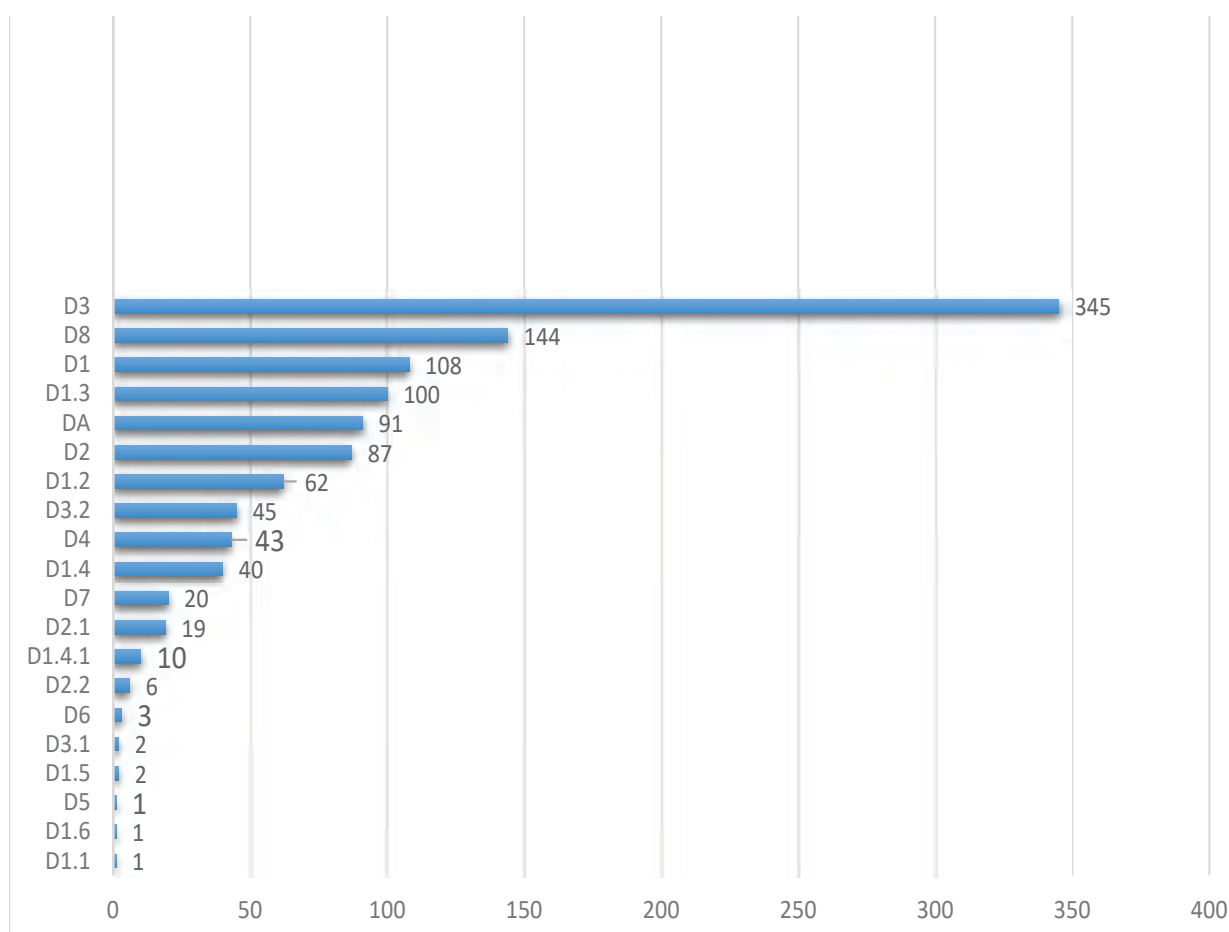
Following the analysis of the subject matter of the 5,178 complaints submitted to the Council in 2025, it was found that 1,078

of these were filed against the award documentation, while 4,100 were directed against the outcome of the procedure. With regard to the 1,078 complaints concerning award documentation, it was observed that the most frequently raised criticisms regarding the requirements imposed by contracting authorities concerned the following grounds/requirements:

2025	DETAILS	NUMBER OF CRITICISMS
D1	Restrictive requirements regarding qualification criteria	108
D1.1	Restrictive requirements regarding personal situation of candidate or bidder	1
D1.2	Restrictive requirements regarding professional activity capacity	62
D1.3	Restrictive requirements regarding economic and financial situation	100
D1.4	Restrictive requirements regarding technical and/or professional capacity	40
D1.4.1	Restrictive requirements regarding similar experience	10
D1.5	Restrictive requirements regarding quality assurance standards	2
D1.6	Restrictive requirements regarding environmental protection standards	1
D2	Requirements regarding award criteria	87
D2.1	Irrelevant evaluation factors, lacking calculation algorithm, non-transparent or subjective algorithm	19
D2.2	Other requirements regarding award criteria	6
D3	Restrictive requirements regarding technical specifications	345
D3.1	Omission of the phrase "or equivalent," where legally required	2
D3.2	Other restrictive requirements regarding technical specifications	45

D4	Lack of a clear, complete, and unambiguous response from the contracting authority to requests for clarification concerning tender documentation provisions	43
D5	Form of participation guarantee constitution	1
D6	Imposition of unfair or excessive contractual clauses	3
D7	Failure to divide procurement into lots, in the case of similar products/works	20
D8	Other reasons concerning tender documentation	144
DA	Other Documentation Criticisms	91

To highlight the remarkable diversity of cases submitted to the Council, we will illustrate this by presenting several decisions issued during 2025 by the adjudicating panels, alongside the decisions of the courts seized with exercising judicial review over their legality.



N.C.S.C. DECISION

Decision No. 449/C4/320 of 24 February 2025, which became final as it was not appealed.

Excerpt:

[...] Ltd. considers that by requiring tenderers to demonstrate that, in the last 5 years, they have provided “similar services” with a cumulative value of at least 650,000,000 (excluding VAT), within a maximum of 5 contracts, of which at least one must concern design and execution works for civil buildings of the type of a hospital unit with complex functionalities, the contracting authority is, in fact, requesting the demonstration of experience identical to the subject matter of the contract to be awarded, rather than similar experience, thereby unjustifiably restricting competition and breaching the principles of public procurement.

An economic operator who has carried out:

- design services for civil buildings of the hospital unit type, and separately, within another project,
- works for civil buildings of the hospital unit type,

possesses the same technical and professional capability as an operator who has performed a single contract combining both components, design and execution, having as its object a hospital unit.

The administrative-jurisdictional body concurs with the claimant’s reasoning, in the sense that, in principle and until proven otherwise (which has not been demonstrated), the experience gained under a design-and-build contract is comparable and equivalent to the experience gained under separate contracts for design and, cumulatively, execution, whether carried out concurrently or in different periods within the established timeframe.

Therefore, the outcome is essentially the same from the perspective of the contractor’s experience relevant to the contracting authority. Consequently, the contracting authority must remedy the requirement so as to also accept, as similar experience, separate contracts for design and execution.

It should be noted that Article 178(3) of Law No. 98/2016 also allows requirements relating to ancillary experience [...], and that Instruction No. 2/2017 of the President of the National Agency for Public Procurement, issued for the application of Articles 178 and 179(a) and (b) of Law No. 98/2016 on public procurement, as amended, and Articles 191 and 192(a) and (b) of Law No. 99/2016 on sectoral procurement, which is selectively cited by the contracting authority in its point of view, does not have the legal force necessary to prohibit the acceptance of similar experience acquired through separate contracts (design and, separately, execution).

The mere reference by the contracting authority to Instruction No. 2/2017 does not mean that it has complied with Articles 172(3) and 178(1) of Law No. 98/2016 [...], which condition the contracting authority’s right to impose participation requirements on their necessity and adequacy, and not on their mere inclusion as suggested by Instruction No. 2/2017.

Decision No. 2558 / C2 / 2728 / 2734 / 2739 of 01.09.2025

Excerpt:

From the examination of the evidentiary material submitted and included in the case file, the Council establishes the following:

INSTITUTUL CLINIC FUNDENI, acting as the contracting authority, organised the open tender procedure for the award of the contract having as its object the design and execution of works, including fittings and equipment, respectively fixed medical equipment, for the “Relocation, development and construction of a new medical complex – Institutul Clinic Fundeni”, main CPV code: 45215140-0 Construction work for hospital facilities (Rev. 2). In this regard, it prepared the relevant tender documentation and published the contract notice in SEAP under notice no. CN1083218/08.07.2025.

According to the contract notice, the estimated value of the contract is RON 1,340,869,879.95, excluding VAT, and the award criterion is the best price-quality ratio.

The tender documentation requirements were challenged before the Council by BOG' ART SRL, UBITECH CONSTRUCȚII SRL, and CONCELEX SRL, which referred the matter for settlement, forming the subject of the present cases, respectively case files no. 2728/2025, no. 2734/2025, and no. 2739/2025.

(....)

Case File No. 2728/2025

A first request submitted by BOG' ART SRL concerns the removal of the minimum requirement of 500 beds within the criterion regarding similar experience in the design and execution of a hospital unit. The Council notes that the requirement concerning similar experience, as set out in the tender data sheet, has the following content: III.1.3) Technical and professional capacity

Requirement No. 1

Tenderers must demonstrate that, within the last 5 years (calculated up to the deadline for submission of tenders), they have duly completed similar services with a cumulative value of at least RON 42,000,000, excluding VAT, under a maximum of 3 contracts, of which at least one must concern the construction and/or rehabilitation and/or modernization and/or extension of a hospital unit with a minimum of 500 beds.

Requirement No. 2

Tenderers must demonstrate that, within the last 10 years (calculated up to the deadline for submission of tenders), they have

duly completed similar works with a cumulative value of at least RON 1,000,000,000, excluding VAT, under a maximum of 5 contracts, of which at least one must concern the new construction and/or rehabilitation and/or modernization and/or extension of a hospital unit with a minimum of 500 beds.

Proceeding to the analysis of the legality of this requirement concerning technical and professional capacity in the form of similar experience, the Council notes the following:

Pursuant to Article 178(1) and (2) of Law No. 98/2016:

(1) The contracting authority has the right to establish, through the procurement documents, technical and professional capacity requirements that are necessary and appropriate to ensure that economic operators possess the human and technical resources and the experience required to perform the public procurement contract/framework agreement at an appropriate quality standard.

(2) The technical and professional capacity requirements established by the contracting authority may, in particular, concern the existence of an adequate level of experience, by reference to contracts performed in the past;

Article 179(a) and (b) of Law No. 98/2016 provides that: the economic operator shall prove fulfilment of the technical and





professional capacity requirements by submitting, as applicable, one or more of the following pieces of information and documents:

(...)

- a) a list of works carried out within a period covering at most the last 5 years, accompanied by certificates of satisfactory execution for the most important works; where necessary, in order to ensure an adequate level of competition, the contracting authority may provide that relevant works performed more than 5 years previously shall also be taken into account;
- b) a list of the main deliveries of products carried out or the main services provided within a period covering at most the last 3 years, indicating the values, dates and public or private beneficiaries; where necessary, in order to ensure an adequate level of competition, the contracting authority may provide that relevant product deliveries or services performed more than 3 years previously shall also be taken into account.

From the interpretation of the above-mentioned legal provisions, it follows that the tenderers participating in the procedure are required to demonstrate that they possess similar experience in the field covered by the award procedure and that they have pre-

viously designed and executed works similar to those forming the subject matter of the present award procedure.

As also provided by Article 29(1) of Government Decision No. 395/2016, the purpose of establishing qualification criteria concerning technical capacity is to demonstrate the technical, financial and organisational potential of each economic operator participating in the procedure, such potential having to reflect the operator's actual ability to perform the contract/framework agreement and to resolve any difficulties related to its performance should its tender be declared successful.

However, in the present case, the requirement that similar experience must have been

acquired under at least one contract (for each of the two components, namely design and execution) having as its object the new construction and/or rehabilitation and/or modernization and/or extension of a hospital unit with a minimum of 500 beds is found to be restrictive, contrary to Article 50(1) of Law No. 98/2016, according to which contracting authorities shall not design or structure procurements or elements thereof for the purpose of artificially restricting competition, as well as contrary to Article 31(1) of Government Decision No. 395/2016, which provides that:

“(1) The contracting authority shall not have the right to restrict participation in the public procurement award procedure by introducing minimum qualification criteria which:”

- a) are not relevant in relation to the nature and complexity of the public procurement contract to be awarded;
- b) are disproportionate in relation to the nature and complexity of the public procurement contract to be awarded.

It is true that the provisions of Article 178(1) of Law No. 98/2016 permit/grant the contracting authority the right to establish qualification requirements/criteria. However, the same provisions of Law No. 98/2016 do not allow the formulation of any type of qualification requirements whatsoever, since the contracting authority may establish in the procurement documentation only those technical and professional capacity requirements that are necessary and appropriate to ensure that economic operators possess the simi-

lar/necessary experience required to perform the public procurement contract/framework agreement at an appropriate standard of performance.

In the tender data sheet, the expression “duly completed” shall mean:

- for services:
 - (i) services partially accepted, provided that they could be used by the Beneficiary as an independent result;
 - (ii) services accepted upon completion of performance;
- for works:
 - (i) works accepted by sections/parts of the works, provided that these are physically and functionally distinct and are accompanied by an acceptance report drawn up in accordance with the applicable legal and



technical provisions;

(ii) works accepted and accompanied by a report on completion of the works;

(iii) works accepted and accompanied by a final acceptance report.

It is a matter of common knowledge that in the last 10 years in Romania no hospital project involving the new construction, rehabilitation, modernization or extension of a hospital unit with at least 500 beds has been duly completed within the meaning of the tender data sheet provisions.

The contracting authority justifies the establishment of such a requirement by reference to the scale/dimension of the project subject to procurement; however, what is being challenged is not this scale itself, but the definition of similar experience based exclusively on this criterion of scale, which in practice restricts (excludes) the possibility for Romanian economic operators to meet the requirement related to the minimum threshold of 500 beds, thereby disregarding the investment history on the national market and the real effect that such a requirement produces on competition.

The requirement, as formulated, is restrictive because it excludes domestic competition outright and favours foreign operators active in external markets where projects of such



magnitude have been carried out, in clear breach of the principles of equal treatment and non-discrimination laid down in Article 2(2) of the Public Procurement Law.

Viewed objectively, both the construction of a hospital unit with fewer than 500 beds and one with 500 beds involve compliance with the same requirements:

- **design of medical spaces compliant with public health regulations;**
- **integration of complex technical installations;**
- **implementation of hygiene and safety requirements;**
- **management of works in controlled environments and coordination with suppliers of specific medical equipment.**

In other words, regardless of the number of beds, the requirements imposed by the health authorities on hospital units are the same.

The introduction of a threshold of 500 beds has the effect of artificially restricting competition, excluding economic operators that have carried out similarly complex works or provided similarly complex services but do not fall within this threshold. A specific number of beds does not, in reality, reflect the level of complexity of the services and works required as similar experience.

It cannot be imposed, in the Council's view, that an economic operator interested in participating in the procedure must rely on consortium members or third-party supporters solely in order to be able to take part in the tender. Association or third-party support constitutes a right of economic operators, not an obligation, and this right also includes the right not to associate or not to rely on



third-party support, should the holder of the right choose not to do so.

If a requirement is, by its very nature, impossible to fulfil by any economic operator on the national market, it remains restrictive even if, at a theoretical level, mechanisms exist for aggregating the technical capacities of several economic operators.

Another important aspect of the case is that, as results from the centralized data provided by the complainant, fulfilment of the similar experience requirement was not, in practice, conditioned upon the execution of a contract involving a minimum number of beds. This reality also supports the conclusion that an adequate level of technical capacity can be ensured without imposing such a limitation.

Establishing that, through the current wording defining similar experience, the contracting authority created a privileged competitive position in relation to operators active on the domestic market, the Council shall require the contracting authority to remove from Requirement No. 1 and Requirement No. 2 the wording referring to “a minimum of 500 beds”.

Decision No. 878/C9/595 din 02.04.2025

Regarding the personnel maintained in the tender documentation, in respect of which the complainant considers that these requi-

irements constitute unwritten clauses and should be established as obligations of the contractor rather than of the tenderer, the Council first takes note of the fact that, in its point of view, the contracting authority has justified the requirements imposed.

Secondly, in light of the legal provisions, case law and opinions invoked by the complainant, the Council finds that, for the award of the works contract subject to the present procedure—whose level of complexity cannot be disputed—the contracting authority has prepared the tender specifications, within which it set out the conditions/requirements to be met by economic operators in order to submit compliant tenders, also placing emphasis on the quali-

fied personnel involved. This is justified by the importance and complexity of the contract to be awarded, aimed at ensuring proper execution of the works.

In view of the above, the Council considers that, given the specificity and importance of the contract, as well as the expected results of project implementation and the need to ensure the submission of compliant tenders, the contracting authority has taken all necessary steps to prepare documentation that takes into account all aspects related to the contract, so as to ensure its proper execution.

The provisions laid down by the National Agency for Public Procurement (ANAP) in Instruction No. 258/2017 concerning the preparation of the data sheet are applicable:

“Educational and professional qualifications:”

(...)

“In the case of the personnel who will effectively carry out the activities of the contract to be awarded—the key expert(s) whose qualification, professional experience and/or organisational arrangement may represent a competitive advantage capable of directly influencing the quality of contract performance and, consequently, the economic value of the tender—the tenderer shall demonstrate

how it has access to such personnel at the level of the technical proposal.

The contracting authority shall formulate requirements for such personnel at the level of the tender specifications.”

In relation to the above findings, the Council notes that the requested professional development/training and certifications are correlated with the responsibilities/duties arising from the activities forming the subject matter of the contract, the type of experts requested being justified by the contracting authority’s need to ensure that bidders have a team composed of personnel capable of performing the works.

In this context, the case law invoked by the complainant is not applicable, as the requirements in the present procedure concerning personnel do not constitute qualification criteria.

In its analysis, the Council took into account the position of the contracting authority, namely that it adopted remedial measures by accepting certain requests of the economic operator, while maintaining only those requirements which it justified in its response to the complaint, the intention being to ensure the proper conduct of the procedure and that the works will be executed at the required quality level.

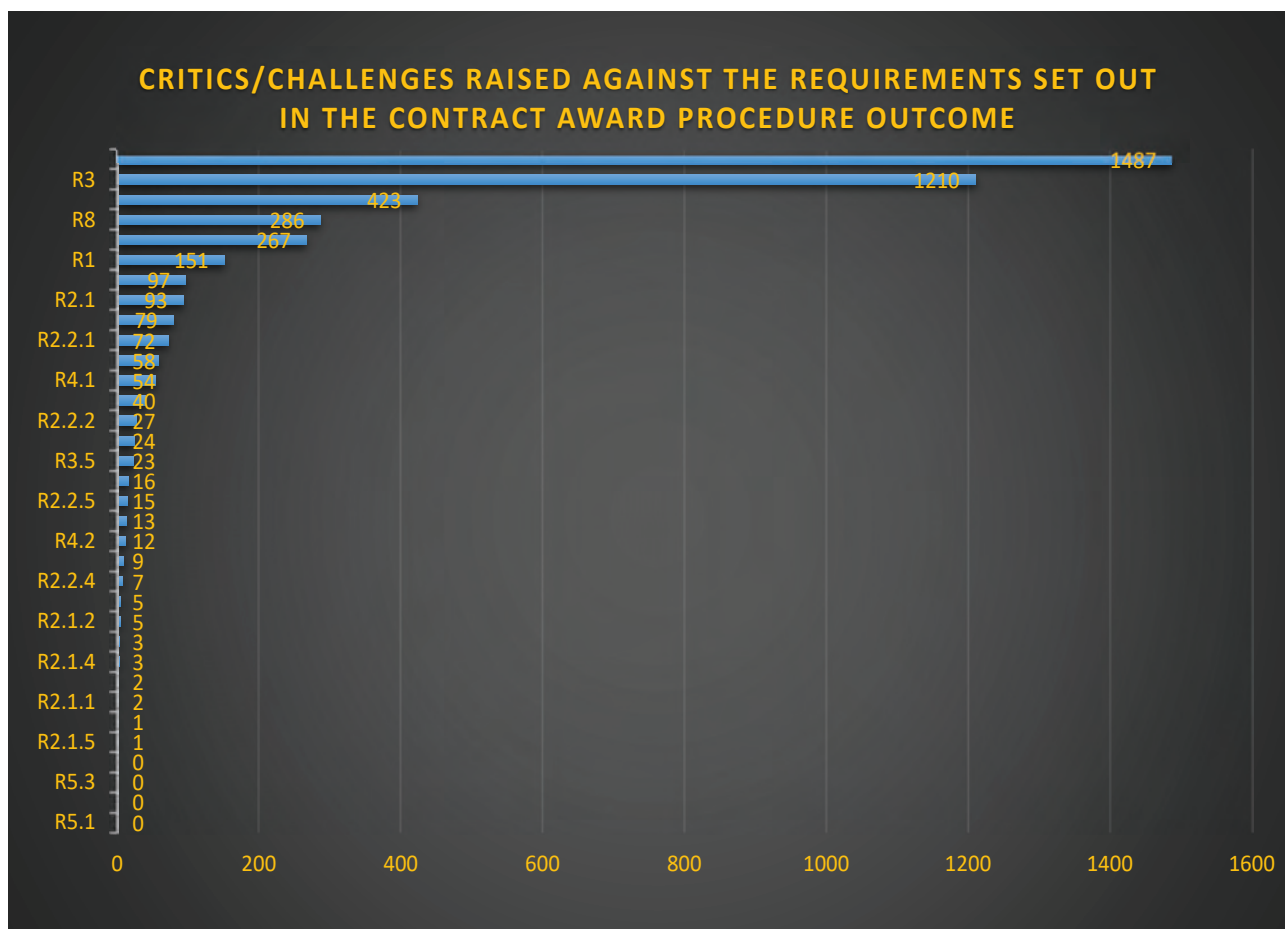
The fact that the contracting authority requests specific information regarding the execution of works and establishes requirements relating to practical aspects necessary and adapted to the specific nature of the contract subject to the procedure constitutes a correlative obligation to ensure the quality of the works. The conduct adopted by the contracting authority is therefore consistent with its role as contracting authority, one of its duties being to establish the required quality level to be achieved through execution on the basis of technical regulations.

The Council concludes, in light of the above, that there are no grounds for removing the unchanged requirements imposed by the contracting authority, and the complainant’s criticisms are unfounded.

With regard to the criticisms raised by economic operators in the 4,100 complaints registered with the Council during 2025 against the outcome of award procedures, it was observed that the most frequent criticisms concerned the following requirements/reasons:

2025	DETALIERE	Numar critici
R5.1	• The fact that, in the letter communicating the result of the procedure, the contracting authority did not transmit to each rejected candidate the specific reasons underlying the decision to reject their candidacy	0
R5.2	• The fact that, in the letter communicating the result of the procedure, the contracting authority did not transmit to each rejected tenderer the specific reasons underlying the decision to reject their tender	0
R5.3	• The fact that, in the letter communicating the result of the procedure, the contracting authority did not transmit to each tenderer who submitted an admissible tender but was not declared the winner the relative characteristics and advantages	0
R5.4	• The fact that, in the letter communicating the result of the procedure, the contracting authority did not transmit to each rejected candidate/tenderer or unsuccessful tenderer the deadline for submitting a challenge	0
R2.1.5	• Rejection of the challenger's tender as unacceptable because it was submitted in violation of the provisions regarding conflict of interest	1
R3.1	• The tenders of other participants in the award procedure were submitted after the deadline or at an address other than the one established in the participation notice	1
R2.1.1	• Rejection of the challenger's tender as unacceptable because it was submitted after the deadline or at an address other than the one established in the participation notice	2
R5	• The fact that, in the letter communicating the result of the procedure, the contracting authority did not respect the minimum content provided by the legal provisions in force	2
R2.1.4	• Rejection of the challenger's tender as unacceptable because it has an abnormally low price	3
R3.2	• The tenders of other participants in the award procedure were not accompanied by the participation guarantee in the amount, form, and with the validity period requested in the award documentation	3
R2.1.2	• Rejection of the challenger's tender as unacceptable because it was not accompanied by the participation guarantee in the amount, form, and with the validity period requested in the award documentation	5
R2.2.3	• Rejection of the challenger's tender as non-compliant because the tenderer modified the content of the technical proposal through the answers provided	5
R2.2.4	• Rejection of the challenger's tender as non-compliant because the tenderer modified the content of the financial proposal through the answers provided	7
R3.4	• The tenders of other participants in the award procedure were submitted in violation of the provisions regarding conflict of interest	9

R4.2	• Modification of the content of the technical proposal and/or the financial proposal through the answers to clarification requests submitted by other participants in the award procedure	12
R6	• Rejection of the tender without the contracting authority requesting clarifications regarding the technical/financial proposal or incorrect assessment of the answers to clarifications	13
R2.2.5	• Rejection of the challenger's tender as non-compliant for other reasons than those mentioned at R.2.2.1-4	15
R2.1.6	• Rejection of the challenger's tender as unacceptable for other reasons than those mentioned at R.2.1.1-5	16
R3.5	• Other reasons for unacceptability of the tenders of other participants in the award procedure	23
R2.1.3	• Rejection of the challenger's tender as unacceptable because it was submitted by a tenderer who does not meet one or more qualification requirements	24
R2.2.2	• Rejection of the challenger's tender as non-compliant because the tenderer did not submit the requested clarifications/answers within the period specified by the evaluation committee or in the case where the explanations provided by the tenderer were not	27
R3.3	• The tenders of other participants in the award procedure were submitted by tenderers who do not meet one or more qualification requirements	40
R4.1	• Abnormally low price of the tenders of other participants in the award procedure	54
R2.2	• Rejection of the challenger's tender as non-compliant	58
R2.2.1	• Rejection of the challenger's tender as non-compliant because it does not adequately meet the requirements of the specifications	72
R4.3	• Other reasons of non-compliance of the tenders of other participants in the award procedure	79
R2.1	• Rejection of the challenger's tender as unacceptable	93
R7	• Unlawful cancellation of the award procedure by the contracting authority	97
R1	• Challenges against the minutes of the tender opening session (failure to take into account the participation guarantee, the manner of conducting the tender opening session)	151
RA	• Other Criticisms Regarding the Result	267
R8	• Other reasons regarding the result of the procedure	286
R4	• Non-compliant character of the tenders of other participants in the award procedure	423
R3	• Unacceptable character of the tenders of other participants in the award procedure	1210
R2	• Rejection of the challenger's tender as non-compliant or unacceptable	1487



N.C.S.C. DECISION

Decision No. 522/C4/387 of 03.03.2025, which became final following the withdrawal of the appeal (complaint).

Excerpt:

Considering that the respective complaint was not submitted in original form, but as an electronic file in “.pdf” format, without an electronic signature, contrary to Art. 148 para. (2) of the Romanian Code of Civil Procedure (“Applications addressed, personally or through a representative, to the courts may also be submitted in electronic form, if the conditions provided by law are met.”), in conjunction with Law No. 455/2001 on electronic signature / Law No. 214/2024 on the use of electronic signatures, timestamping, and trust services based thereon, the document being transmitted via e-mail, among others, the Council requested [...] SRL, through address no. 8738/387/C4/11.02.2025, to submit the original complaint bearing a handwritten signature (not scanned or stamped) of the company’s legal representative. It was explicitly emphasized that the document must be signed in original form, the Council underlining “not scanned or stamped”.

By address no. E408/17.02.2025, registered with the Council under no. 10073/17.02.2025, [...] SRL replied stating: “we attach the original complaint as requested”. Upon reviewing the attached copy of the complaint, it is clearly observed that it does not bear the handwritten signature of the legal representative, but only an imprint of a signature applied via blue ink stamp, contrary to the express request of the jurisdictional body and the aforementioned indication in the reply.

Until the date of the present decision, end of public working hours, the Council had not re-

ceived from [...] SRL “the original complaint bearing the handwritten signature (not scanned or stamped) of the company’s representative”

[...]

Consequently, it is beyond any doubt that the claimant company did not comply with the clear and explicit request received from the Council to submit the complaint bearing the handwritten signature of the representative, and not a stamped signature, which has no legal value and, even less so, that of an original document. The complainant was obliged to exercise a minimum level of diligence in fulfilling, within the granted deadline, the procedural obligation incumbent upon it, so that the Council could receive, by the end of 17.02.2025, the original document bearing the required valid signature. The application of a stamp or a scanned image on a document, regardless of the origin of the signature image, does not constitute signing the document and does not turn it into an original document. [...]

Practically, within the case file, among the volume of documents submitted by the complainant, none bears the handwritten signature of the general director/administrator [...], all signatures being either stamped or scanned (in electronically unsigned files).

According to Art. 11 para. (1) of Law No. 101/2016: “Where the Council considers that the complaint does not include all the information provided under Art. 10, it shall request the complainant to complete the complaint within 3 days from notification. If the complainant fails to comply with the obligation imposed by the Council, the complaint shall be annulled.”

The provision is equivalent to Art. 200 para. (3) and (4) of the Civil Procedure Code: “(3) Where the application does not meet the requirements set out in Arts. 194–197, the claimant shall be notified in writing of the deficiencies, with the mention that within no more than 10 days from receipt of the communication, they must make the required completions or amendments, under penalty of annulment of the application. [...] (4) If the obligations regarding the completion or amendment of the application provided under Art. 194 letters a)–c), d) only in the case of factual reasoning, and f), as well as Arts. 195–197 are not fulfilled within the time limit provided under para. (3), the application shall be annulled by order.” [...]

In the present case, apart from submitting the complaint by e-mail (permitted by law), [...] SRL had the obligation to comply with the Council’s explicit request to submit the original document initiating proceedings before the administrative-jurisdictional body, bearing the handwritten signature of its representative. Neither the

copy bearing a stamped signature nor the file attached to the initiating e-mail (especially as it does not contain an electronic signature, and pursuant to Art. 148 para. (2) of the Civil Procedure Code, applications addressed, personally or through a representative, to courts may be submitted in electronic form only if the conditions provided by law are met, in this case Law No. 214/2024 on the use of electronic signatures, time-stamps, and trust services based thereon) have the legal value of an original document. The signature serves as proof of the identity of the claimant and of the assumption of the content of the claim by the latter, being an essential element thereof (Decision No. 410 of 3 July 2014). [...]

One of the mandatory requirements set out under Art. 10 of Law No. 101/2016 is that the complaint must contain the signature of the legal representative of the contesting legal entity, applied in original handwritten form, and not a stamped, scanned, or photocopied signature. “If the complainant fails to comply with the obligation imposed by the Council, the complaint shall be annulled.” – Art. 11 para. (1), final sentence of Law No. 101/2016. In light of this mandatory provision, the Council notes that company [...] SRL failed to comply with the obligation to submit, within the set deadline, the requested

original complaint. Given these circumstances, the Council shall apply the mandatory provisions of Art. 11 para. (1), final sentence, cited above, and consequently will annul the complaint filed by [...] SRL. The above-mentioned provisions prevail in application and prevent the jurisdictional body from examining the complaint on its merits or from assessing any procedural exceptions, the complaint being annulled irrespective of and independently from any such analysis.

N.C.S.C. DECISION

Decision No. 473/C4/440 of 26.02.2025, which became final through non-appeal (no challenge lodged).

Excerpt:

In the examination of the issues raised by the claimant, it should be noted that neither the type of award procedure, nor the participation notice, nor the tender documentation, together with the clarifications published in SEAP, were challenged by any economic operator. Consequently, all its provisions have acquired binding force, including for the contracting authority (relevant in this respect, for example, is Civil Decision No. 2799 of 19 December 2022 of the Craiova Court of Appeal, Administrative and Fiscal Litigation Section, ReJust code de926443g). At this stage, no claims or criticisms may be raised in relation to the provisions of the tender documentation, as they would be manifestly out of time, in light of the limitation period established by Law No. 101/2016 (see, for example, Decision No. 692 of 23 October 2024 of the Bucharest Court of Appeal, Tenth Administrative and Fiscal Litigation Section

and Public Procurement Section, ReJust code 6287ed6e5, and Civil Decision No. 77 of 7 February 2023 of the Galați Court of Appeal, Administrative and Fiscal Litigation Section, ReJust code 39g63373e).

“The content of the tender documentation, as drawn up by the contracting entity, is binding both on the economic operators participating in the procedure, who are obliged to prepare their tenders in accordance with its provisions, and on the contracting entity itself, which is obliged, in conducting the procurement procedure, to comply both with the applicable legislation in the field and with its own tender documentation, which sets out the rules to be observed by the parties involved in the competitive process.” – Civil Judgment No. 113/CA of 11 September 2020 of the Constanța Court of Appeal, Second Civil Section for Administrative and Fiscal Litigation, ReJust code 672e8757.

From a review of the previous decision, it results that at no point did the contracting service claim that the procurement initiated on 06.09.2024 under the simplified procedure would contain errors, namely that the simplified public procedure had been erroneously chosen instead of the open tender procedure, an error capable of making the award of the contract impossible. At no time did the four signatories of the positions



no. 4379/04.11.2024 and 4501/12.11.2024 submitted in the previous litigation invoke any obstacle to the award of the contract, such as an error in the evaluation report no. 364/04.02.2025 and communication no. 365/04.02.2025, but on the contrary, they requested the maintenance of all acts carried out within the procedure [...].

Neither during the initial evaluation of tenders in October 2024, nor in the first stage of litigation, did the Sibiu [...] Service raise the issue of an allegedly erroneous choice of the award procedure type or a potential impossibility of awarding the contract. Moreover, the conduct of a different award procedure is not provided by law as a ground for annulment after the evaluation result has been established, and even less does it prevent the award of the contract. Only after the second evaluation of tenders and the identification of the winning offer did the contracting authority, contrary to the provisions ordered by the jurisdictional body through Decision No. 3373/C4/3809/3923/27.11.2024, decide to cancel the procedure initiated on 06.09.2024.

Such an approach cannot be validated as lawful by the Council, as it represents a veritable failure to assume responsibility, contrary to Art. 145 of the Methodological Norms for the application of the provisions on the award of public procurement contracts/framework agreements under Law No. 98/2016 on public procurement, approved by Government Decision No. 395/2016 – “The contracting authority shall not postpone the conclusion of the contract for the purpose of creating artificial circumstances for the cancellation of the procedure.”, as well as Art. 146 para. (2) of the same norms – “The contracting authority shall not take any measure aimed at unjustifiably delaying the evaluation process of tenders, or at creating artificial circumstances for the cancellation of the award procedure, such conduct being considered a breach of the principle of accountability provided for in Art. 2 para. (2) of the Law.”

According to Art. 26 para. (101) of Law No. 101/2016: “Where the complaint concerns the result of the award procedure and a re-evaluation of tenders is ordered, the Council shall clearly and precisely indicate the limits of the re-evaluation, namely the identity of the tenders subject to re-evaluation, the stage/stages of the award procedure concerned by the re-evaluation, and the concrete measures to be adopted by the contracting authority within the re-evaluation.” From the reasoning of the cited decision, it is clear that the administrative-jurisdictional body did not require the contracting authority to investigate whether the chosen award procedure was erroneous, but to continue the award procedure in

question, within a certain time-frame, by re-evaluating the tenders.

The measure of cancellation disregards the aforementioned principle of accountability and precisely the findings of the Council, namely that the type of procedure was not challenged by any economic operator, and therefore the chosen procedure and its applicable provisions have acquired binding force, including for the contracting authority, which is obliged to comply with them. If the contracting authority knew it was at fault in selecting the type of procedure, nothing prevented it from cancelling it within a reasonable time, either before receiving the tenders, or before their initial evaluation, or even at the stage of the initial complaints, rather than waiting for their resolution and only then proceeding to re-evaluate the tenders, declaring the offer submitted by [...] SRL admissible and compliant, and subsequently, instead of awarding it the contract, prejudicing it by the abrupt cancellation of the procedure.

Cancellation after a considerable period of time (during which court proceedings concerning the evaluation of tenders were also conducted), on grounds related to the choice of the procedure type, affects not only the principle of legitimate expectations but also that of good faith. In this regard, it should be recalled that

in Judgment of 8 May 2007, *Citymo v Commission*, T-271/04, EU:T:2007:128, the Court of First Instance held that, in negotiations for the conclusion of a contract between a public authority of the Union and a tenderer in a public procurement procedure, compliance with the principle of good faith and the prohibition of abuse of rights constitute rules conferring rights on individuals.

On the other hand, although Article 101, first paragraph, of Council Regulation (EC, Euratom) No. 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities provides that the contracting authority has a very wide discretion to waive the conclusion of a contract and, consequently, to terminate pre-contractual negotiations, the Commission nevertheless infringed the principle of good faith in a sufficiently individualized manner and abusively exercised its right under that Regulation to abandon the award of the public contract, continuing for two months pre-contractual negotiations which it knew were destined to fail. The Court therefore considered that, by failing to immediately inform the applicant of its decision to abandon the contract award, the Commission caused it to lose the chance of renting the property to a third party for a period of two months.

At the reevaluation stage, the Sibiu [...] Service was required

to implement the final and binding Decision No. 3373/C4/3809/3923/27.11.2024 of the jurisdictional body, not to cancel the procurement for reasons related to the selection of the award procedure type, a stage long since completed.

In Decision No. 1 of 8 January 2009, the Constitutional Court held that the contracting public authority may not invoke its own fault whenever it so wishes in order to cancel a public procurement award procedure. References in the same direction can also be found in the case law of the courts, which do not accept the cancellation of procurement procedures several months after their initiation, after multiple evaluations of tenders and after several disputes concerning the evaluations, on grounds of facts exclusively attributable to the authority itself.

In the present case, the conditions for cancellation under Art. 212(1)(c) of Law No. 98/2016 ("if breaches of legal provisions affect the award procedure or if the conclusion of the contract is impossible") are not met. It should be noted that the contract notice and the tender documentation, assumed and maintained even during the related litigation, "have entered the civil circuit" and produce legal effects of a nature that prevent the issuing authority from revoking them at the stage of re-evaluation ordered by the



Council (“conduct equivalent to the revocation of an administrative act that has entered the civil circuit and produced legal effects”, as stated in Decision No. 66 of 1 October 2018 of the High Court of Cassation and Justice, Panel for the resolution of questions of law).

None of the arguments of the contracting service legitimise the impossibility of re-evaluation or of concluding the contract that would justify the cancellation of the procedure under Art. 212(1) of the law.

[...] The Council considers that the objections raised by the complainant regarding the unlawfulness of the cancellation of the procurement are well-founded and, pursuant to Art. 26(2) of Law No. 101/2016, the Council will uphold the complaint filed by [...] SRL No. 8783/12.02.2025 against the Sibiu Public Service. In light of the considerations set out above, contrary to the reasoning of the contracting authority, the Council finds that the cancellation of the procedure was based on a ground that became irrelevant in light of the moment at which it was invoked, raised belatedly, to the clear detriment of the complainant tenderer and in breach of the applicable legal provisions and, consequently, the complainant’s criticism on this aspect is well founded.

N.C.S.C. DECISION

Decision No. 759/C9/488 of 21.03.2025

Excerpt:

Contestant argues that the bidder Cheminst & Industry Import Export SRL has failed to meet the requirements of the tender specifications set out in Section 4 “General Requirements”, letter D – Final Notes, paragraph 4: “The technical proposal shall be detailed in a manner sufficient to demonstrate the capacity to perform the operations provided in the tender specifications. The service provider shall perform any preventive or corrective maintenance or repair operation required for any of the components of the medical equipment”; paragraph 8: “The service provider undertakes to provide the services with qualified personnel (copies of diplomas, professional certifications, etc. shall be submitted) in order to carry out interventions on the offered devices”, arguing that it is necessary to verify the documents submitted to prove staff qualifications.

The complainant further stated that it does not have in its possession minutes No. 2776/28.01.2025 and has not had access to the procurement file; however, it did not provide any evidence

that access to the procurement file and the aforementioned minutes had been restricted. Likewise, it did not request access to the file submitted to the Council.

Upon analysing the documents submitted by Cheminst & Industry Import Export SRL, the Council finds that a certificate issued by Fresenius Vital SAS was submitted, from which it results that Cristea Constantin participated in a technical training course on the product syringe pump / infusion pump Agilia, being authorised to repair and provide preventive and corrective maintenance of the device.

Indeed, the certificate is dated 19.06.2009; however, the complainant did not provide even minimal evidence regarding the validity of the certification or the need to attend further training courses for newer-generation equipment.

The Council cannot order a re-evaluation of a tender or verification of compliance with the minimum requirements set out in the tender specifications based on mere unsubstantiated assertions.

It is thus found, on the one hand, that the requirement in the tender specifications regarding the obligation of the service provider to perform the services with qualified personnel (copies of diplomas, professional certificates, etc. shall be submitted) in order to carry out

interventions on the offered equipment was met by Cheminst & Industry Import Export SRL, by submitting, for Cristea Constantin, the certification issued by Fresenius Vital SAS. On the other hand, in support of its decision to accept the submitted certification, the contracting authority relied on the proper performance by this company of the framework agreement concluded on 10.02.2022, having as its object repair and maintenance services for Agilia/ Argus 600/Pilot II devices, including the supply of spare parts.

In the absence of evidence from Fresenius Kabi România SRL demonstrating that the certification for Cristea Constantin no longer allows him to carry out interventions on the offered equipment, the Council cannot establish non-compliance with the tender specifications and orders the re-evaluation of this tender.

The Council cannot order measures against the contracting authority based on the claimant's reasoning that training certificates issued by any medical equipment manufacturer refer only to the medical equipment existing at the time those training courses were conducted and cannot provide professional qualification to their holder to perform revisions, interventions, diagnostics or repairs on other, newer-generation equipment containing more advanced technologies and more complex software, etc., in the absence of at least minimal evidence supporting these claims, namely proof of the lack of qualification of the personnel proposed for intervention on the offered equipment.

N.C.S.C. DECISION

Decision No. 819/C9/561 of 27.03.2025

Excerpt:

At the level of the Council, as well as the Courts of Appeal, numerous decisions have been issued in which the applicability of provisions concerning minor technical deviations / formal defects has been upheld.

At the same time, it is well known that, as also highlighted in the tender specifications, clarifications/supplementary requests addressed by the evaluation committee must be formal or confirmatory in nature and must not, in an impermissible manner, lead to the unjustified advantage of an economic operator.

[...]

Upon analysing the complaint, the Council finds that the complainant refers to certain pages where it claims that control methods can be found, namely: i. Description of the organisational structure of the Contractor and identification of the functions and responsibilities of the personnel directly involved in the performance of the contract; Management of input data and document

management within the Contract; iii. Available resources for contract execution. However, no reference is made to the Quality Control Plan and to the minimum information that it must contain, as these have been expressly detailed in the tender requirements.

Moreover, it can be observed from the analysis of the technical proposal and the indicated pages that the references, for example regarding document and record control, concern the organisation of the construction process and the manner in which activities will be organised and managed within the contract in order to meet the requirements, and not the control methods applied regarding the exclusive use, for execution purposes, of validated and approved documents.

It is also noted that, in its point of view, the contracting authority detailed the information found in the technical proposal and referred to by the complainant, but the complaint does not contain concrete references to what was actually requested.

As stated above, following the examination of the award documentation, it results that the contracting authority sought to obtain a certain level of detail in relation to the technical proposal that had to be included in the technical offers submitted by the economic operators.

If the complainant company considered that the required level of detail was not appropriate and did not comply with the legal provisions, or that the re-



requested information and documents were not necessary for evaluation purposes, it should have challenged the award documentation within the legal deadline; otherwise, it is obliged to strictly comply with the minimum requirements imposed.

Neither through the complaint did the claimant persuade the Council that all the information referred to under rejection ground No. 7 is actually found in the technical proposal, so as to require clarification.

A lack of the information and documents indicated in the communication of the award procedure result could not be remedied through clarification responses, insofar as they constituted essential information that would have led to a modification of the tender.

No one disputes that AN-TREPRIZA DE CONSTRUCȚII DRUMURI ȘI AUTOSTRĂZI SRL submitted a technical proposal with a certain level of detail; however, what was relevant for the contracting authority was that all requirements be properly covered, not that the technical proposal merely contain certain information that has some general connection to the requested information.

Therefore, the conclusion reached by the contracting authority not to request clarifications is correct.

N.C.S.C. DECISION

Decision No. 1983/C4/2187 of 11.07.2025, final by non-appeal

Excerpt:

This case raises issues not only regarding ensuring bidders' access to documents originating from their competitors, but also the manner in which such access is granted by the contracting authority.

The consortium [...] submitted, in the file of forms "FORMULARE MONOR semnat-semnat.pdf", page 4, a confidentiality declaration according to which [...]. A similar declaration is also found in the

technical proposal [...]. Although at point 3 of the first declaration it is stated: “I hereby attach proof conferring the confidential nature of the indicated information,” the consortium did not attach any such proof.

On the other hand, not all documents in the consortium’s offer fall under confidentiality protection, according to the declaration signed by the representative itself; those that do not contain trade secrets and cost breakdowns may be made freely available to the requesting consortium, including pages of qualification documents without personal data.

In relation to the request for access in question, general explanations contained in the respective dual declaration cannot be accepted per se, without minimal analysis, as they partially classify the offer as confidential, although no technical or commercial secret or intellectual property right has been identified within the offer.

In principle, the technical proposal is built on the specifications used as reference in the tender documentation (including the technical design – written and drawn parts, bills of quantities, obtained approvals), and since these are public, similar specifications in the proposal do not constitute “technical or commercial secrets” of the bidder. In the absence of any specific supporting evidence covering potential secrets or intellectual property rights, as required by the invoked legislation, general assertions in the confidentiality declaration are not sufficient. No presumption of confidentiality of the technical proposal, and even less of the financial proposal in question, can therefore be established.

The technical proposal, in its entirety, cannot represent an original concept of the consortium, since the subject of the procurement was established by the Commune [...] in the tender specifications and consists of standard works for the modernisation of communal agricultural roads, with the usual specifications set out in the tender documents, which could potentially be protected as intellectual property rights.

The consortium [...] did not mark any part of its offer as confidential and did not demonstrate anywhere, either concretely or in theory, what its

own intellectual concept consists of and in what way it should be protected. Likewise, as shown above, it did not provide any evidence capable of supporting the confidentiality of the technical specifications or the prices contained in the cost estimates.

In conclusion, the issue of access to the information of consortium [...] should have been resolved by the contracting authority in favour of the requesting company [...] SRL, since the declarations submitted by the consortium are general in nature, without any concrete factual basis in the offer and without any supporting evidence to justify confidentiality. Since no technical secrets, trade secrets or intellectual property rights relating to the elements of the consortium’s offer were identified either by the bidder or by the Council, the content of the offer could not be treated as confidential and access could not be refused to the requesting bidder. The only exception concerns passages/pages of the offer that include personal data, which cannot be disclosed without the consent of the data subjects.

One of the conclusions drawn from the judgment of the Court of Justice of the European Union of 7 September 2021, *Klaipėdos regiono atliekų tvarkymo centras*, C-927/19, EU:C:2021:700, is that a mere confidentiality declaration of the offer is not sufficient to render it confidential; the bidder must substantiate the confidential nature, for example by showing that it contains technical or commercial secrets, that its disclosure could distort competition, or that it could be harmful to it, which was not proven in the present case.

It should also be added that the protection arising from the legal framework described above concerns sensitive information originating from tenderers, and not information issued by or documents drawn up by contracting authorities. In other words, as a rule, the latter do not benefit from confidentiality protection.

Pursuant to Art. 57(1) of Law No. 98/2016, confidentiality applies only to data/information identified and proven to constitute personal data, technical or trade secrets, or information protected by intellectual property rights.

Specifically, the Commune [...] was not and is not entitled to deny [...] access “in full” to the documents of the winning tender, to its clarification requests, to its clarification responses, to the evaluation minutes, or to any scoring sheets related to the aforementioned winning offer. These documents should have been made available without restriction to the consortium, including through photocopying or electronic means, with the proviso that sections containing personal data may be anonymised.

[...]

In summary, it is concluded that there is no legal provision allowing the Commune [...] to completely deny [...] SRL access to the consortium’s tender and to the evaluation and scoring documents. Consequently, the refusal of access contained in response No. 2303/10.06.2025, attached to the complaint, has no factual or legal basis.

The contracting Commune must grant the applicant access to the documents of the consortium’s tender and to the evaluation documents mentioned, with personal data redacted where applicable. Access may also be granted by electronic means, as there is no legal provision prohibiting electronic access. On the contrary, under Art. 7(3) of Law No. 544/2001 on free access to information of public interest, the provision of such information may be made, where technical conditions allow, also in electronic format. The choice of format belongs to the requester and does not depend on the holder’s preference to provide it only in paper form, if it is available electronically (or can be processed and transmitted as electronic files).

Moreover, in accordance with Art. 64(1) of Law No. 98/2016, any communication, request, notification or similar act provided for by this law shall be transmitted in writing, by electronic means of communication, or, exceptionally, by other non-electronic means.

Thus, in light of the considerations set out above, it is held that the measure of restricting, without any distinction (in full), the applicant’s access to the documents of the consortium’s tender and to the evaluation committee’s doc-

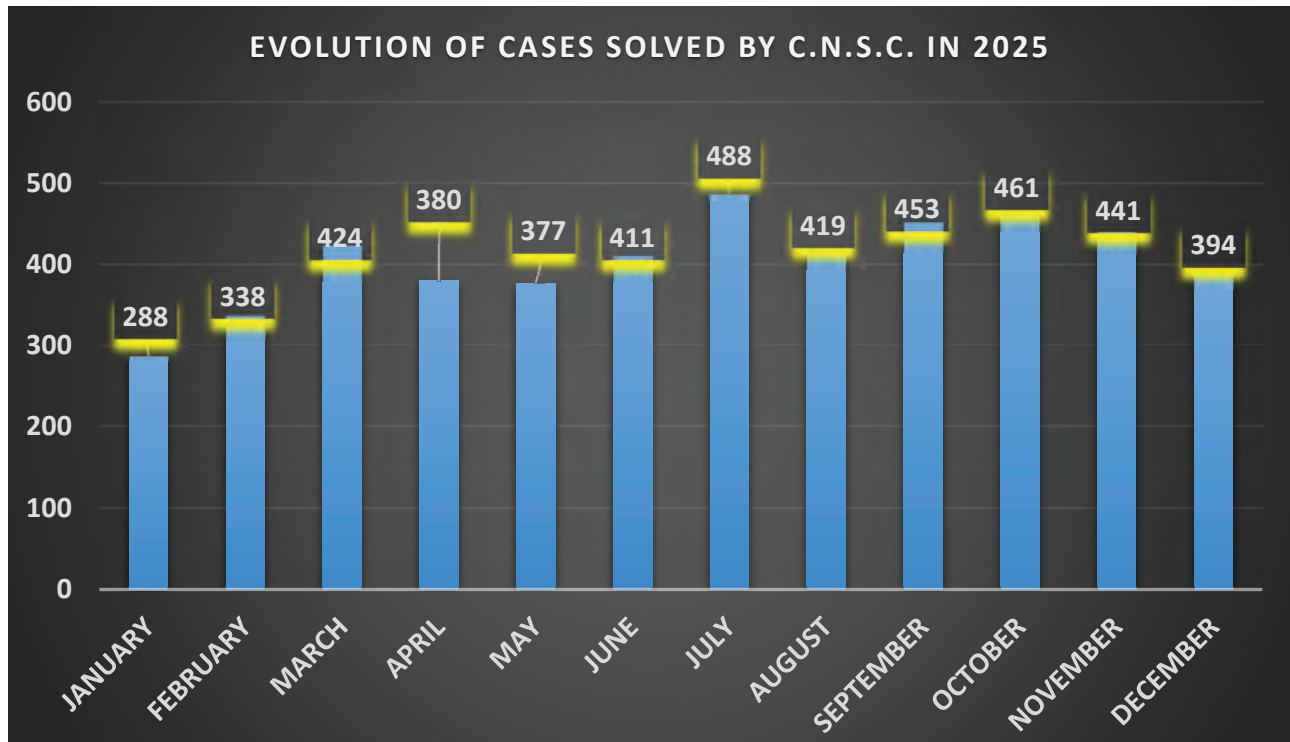
uments concerning the tender was taken to the detriment of a recognised right of the applicant, without proper justification and in breach of the applicable legal provisions.

In view of the above, the restriction of the claimant company’s access cannot be upheld by the Council, and its objections concerning the unlawfulness of the restriction are found to be well-founded.

[...]

Pursuant to Art. 26(2) of Law No. 101/2016, and without creating a precedent applicable to other cases, the Council will annul the contracting authority’s refusal expressed in response No. 2303/10.06.2025 and will order the defendant authority to grant the complainant access to the documents of the consortium’s tender and to the evaluation committee’s documents relating thereto. These documents may include anonymised sections where they contain personal data, and access shall be granted also by electronic means or through photocopying.

From the date on which access is granted, a new time limit for lodging an appeal shall begin to run, based on the grounds identified following access, fully in line with the reasoning set out in the Judgment of the Court of Justice of the European Union of 17 November 2022, ANTEA POLSKA and Others, C-54/21, EU:C:2022:888, with appropriate adaptations. According to that judgment, where national procedural law does not allow the court hearing an appeal against a public procurement award decision to take measures during the proceedings to restore the right to an effective remedy, and where it is established that this right has been infringed due to non-disclosure of information, the court must either annul the award decision or consider that the applicant may bring a new action against the already adopted award decision, with the time limit for such action running only from the moment the applicant gains access to all information wrongly classified as confidential (such as, in the present case, the tender, evaluation documents, including clarification requests issued by the committee and the responses received).





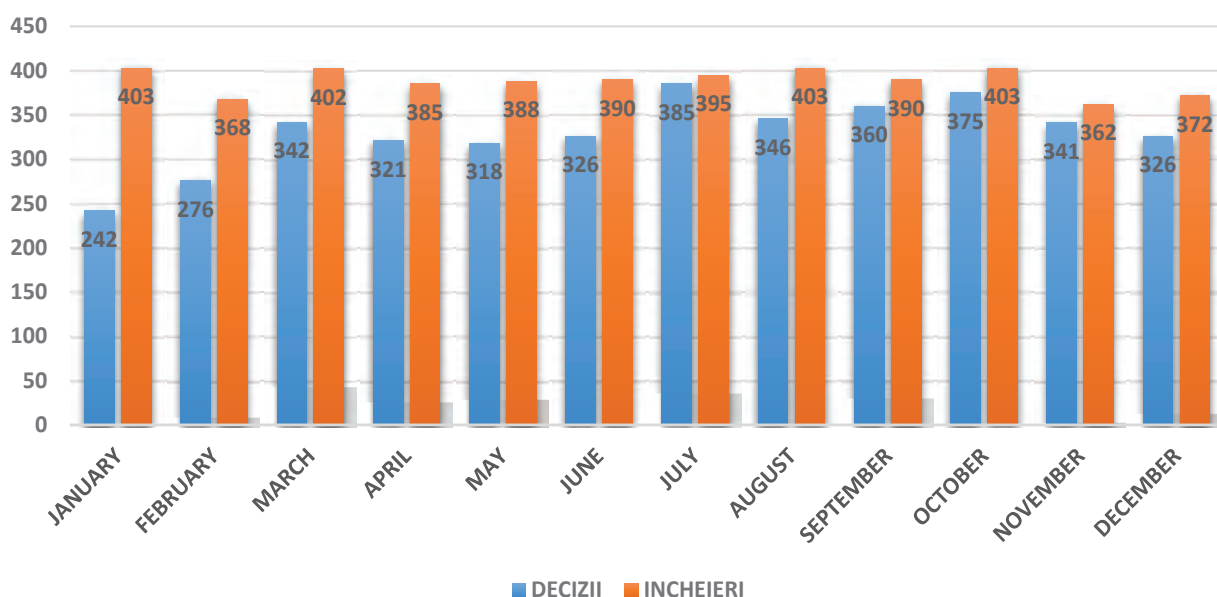
2.3. EVOLUTION OF CASES RESOLVED BY C.N.S.C.

At the level of the C.N.S.C., in 2025 a total of 4,874 cases were resolved, of which 415 dated from 2024, and 3,958 decisions were issued.

Thus, the monthly evolution of cases resolved by the panels within the Council, during the period January–December 2025, was as follows:

Official statistics show that from the establishment of the Council up to 31 December 2024, the total number of cases resolved by the adjudication panels within the institution reached 85,189, which corresponds to an average of approximately 351 cases resolved per month, or about 18 cases per day.

EVOLUTION OF DECISIONS ISSUED BY C.N.S.C. IN 2025



2.4. DECISIONS ISSUED BY C.N.S.C.

As previously mentioned, beyond the resolution of complaints, the activity of the panels within the Council is also reflected in the issuance of rulings (orders), including those concerning the management of securities (deposit and return) submitted by economic operators for each contested public procurement procedure.

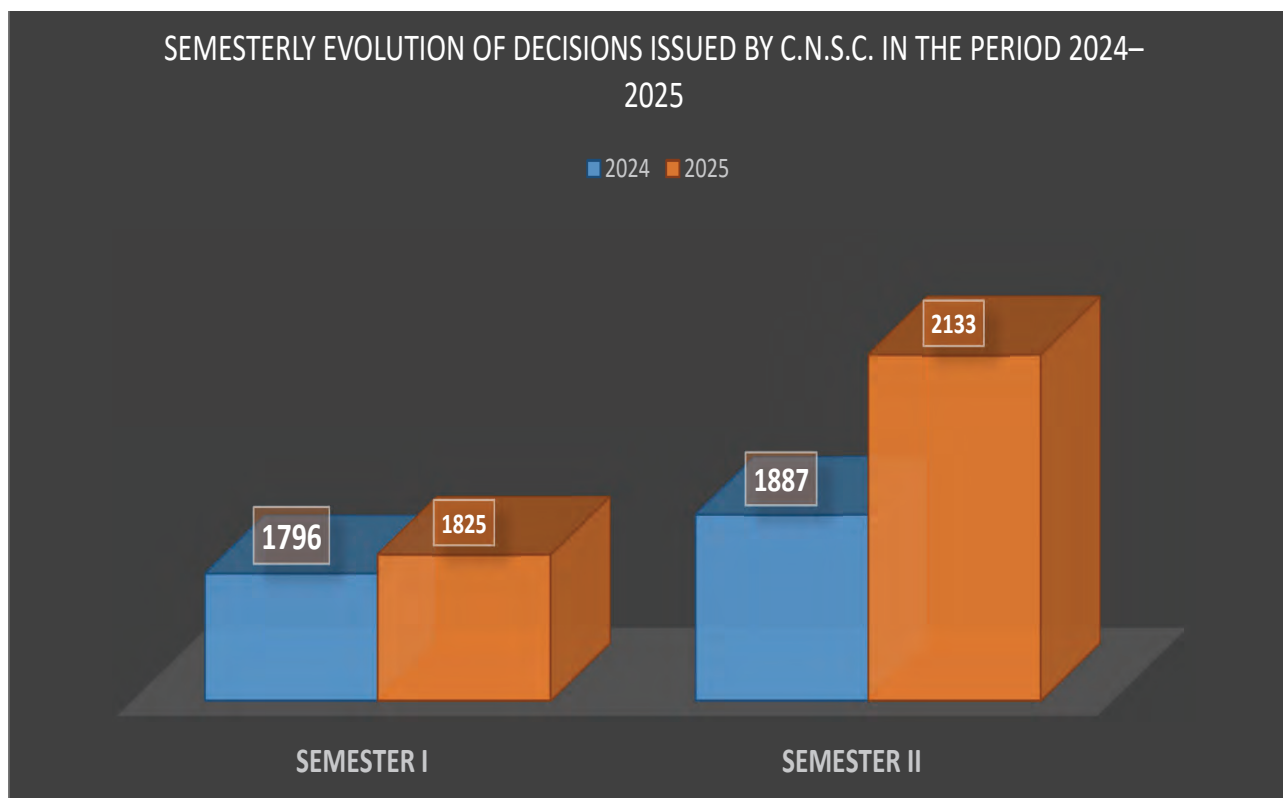
Thus, with regard to the decisions issued by the Council, official data show that during the period 1 January – 31 December 2025, the 10 adjudication panels issued a total of 3,958 decisions and 4,661 orders. Overall, throughout 2025, the Council issued a total of 8,619 rulings, representing an increase of 9.14% compared to the previous year, when 7,890 rulings were issued.

Broken down by month, the situation of decisions and orders issued by the Council in 2025 evolved as follows:

In this context, it should be noted that, in accordance with the applicable legislation, all complaints submitted to the Council within a public procurement procedure are joined (consolidated) to ensure the issuance of a unified decision. At the same time, there is the possibility that within each procurement procedure in which complaints have been filed, one or more applications for in-

tervention may be submitted by other economic operators. In all such cases, the Council issues a single decision, following the consolidation of complaints and voluntary intervention requests into a single case file.

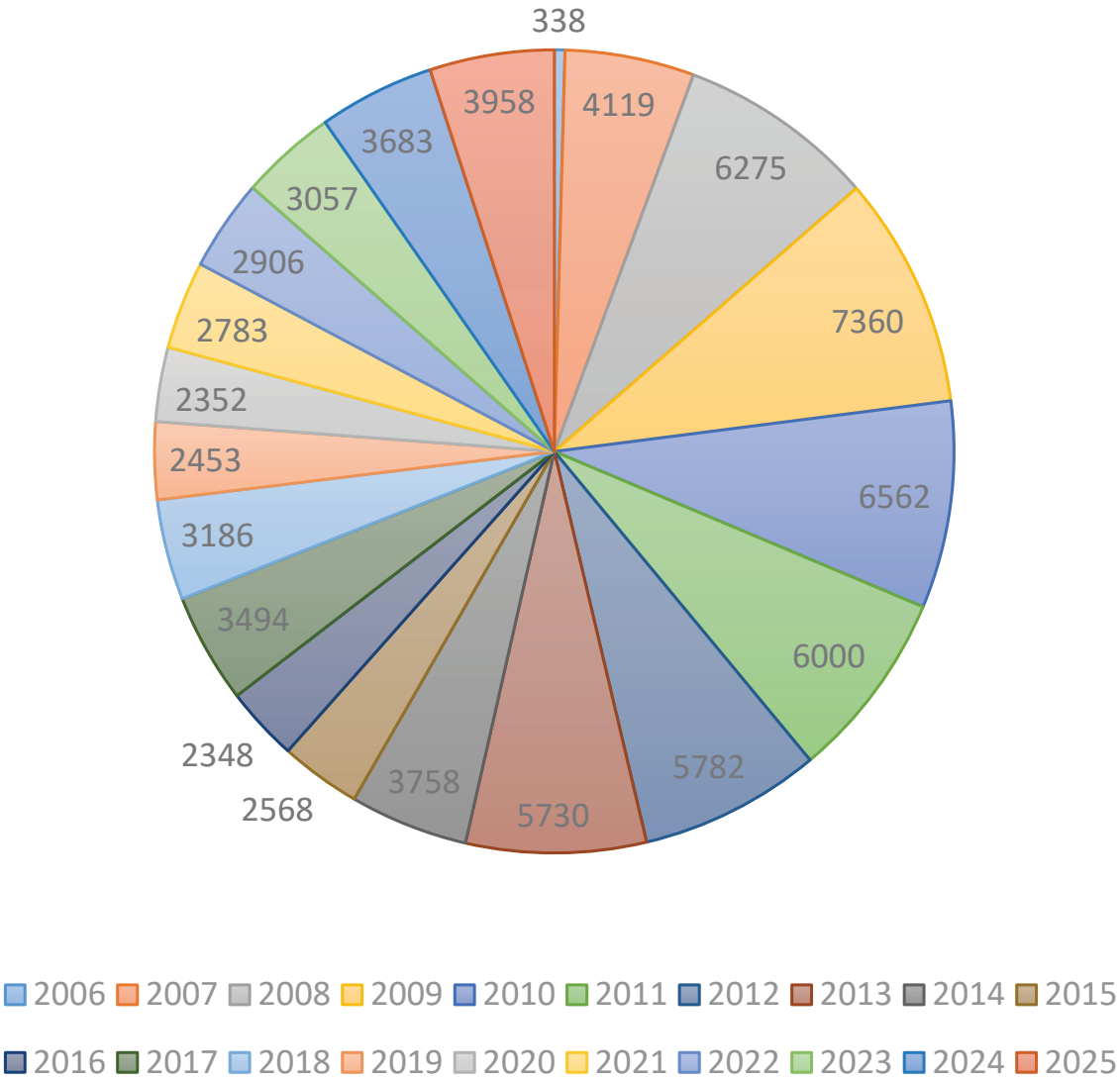
A comparison of the number of decisions issued in 2025 with those issued in the previous year shows that during the last year the number increased by 7.46% (275 decisions). Regarding the half-year evolution of decisions issued by the Council in 2025 compared to the corresponding periods of 2024, it can be observed from the following chart that in the first semester of the last year the number of decisions increased by 1.61%



compared to the first semester of the previous year (+29 decisions), while in the second semester the increase was 13.03% (+246 decisions).

Overall, from its establishment up to 31 December 2025, the Council has issued a total of 78,712 decisions.

EVOLUTION OF DECISIONS ISSUED BY C.N.S.C. IN THE PERIOD 2006–2025



2.5. DECISIONS ISSUED BY C.N.S.C. REGARDING THE COMPLAINTS REGISTERED ON ITS DOCKET

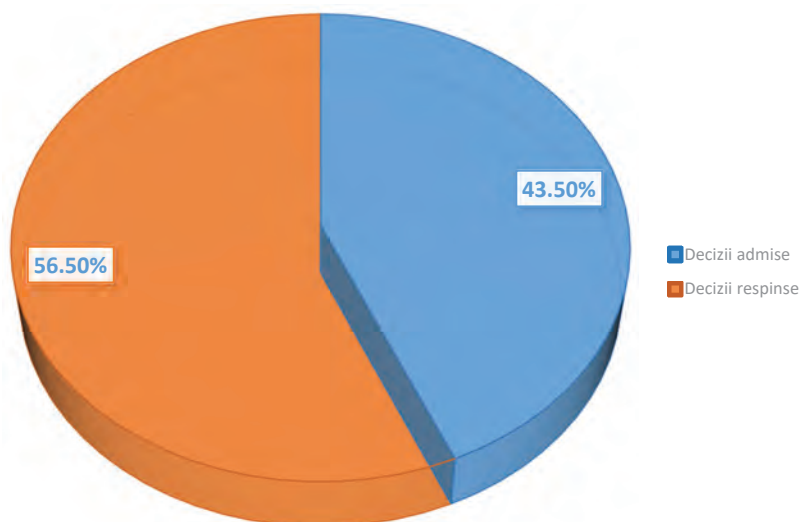
As previously stated, complaints submitted to the Council within a public procurement procedure are consolidated in order to ensure the issuance of a unitary decision. Thus, during the period 1 January – 31 December 2025, through the 3,958 decisions issued by the 10 adjudication panels, the Council resolved a total of 4,874 case files.

Out of the total 3,958 decisions issued, in 1,569 cases the Council upheld the complaints, meaning that the solution requested by the complainant and adopted during deliberation by the panel corresponded to the need to protect, through administrative-jurisdictional means, the infringed or unrecognised subjective right and to restore it so as to ensure the economic operator the rights and advantages granted by public procurement legislation.

Through the remaining 2,234 decisions, the Council rejected the complaints submitted by economic operators for various reasons:

- either the complainant failed to constitute the guarantee (caution), in accordance with Art. 611 of Law No. 101/2016, as amended and supplemented;
- or the Council, with regard to the substance of the resolved complaint, ruled in favour of the contracting authority, considering that the merits of the complaint submitted by the economic operator were unfounded/ill-founded;
- or the Council did not rule on the merits because, either upon invocation by the parties or ex officio, a substantive or procedural exception was raised (the complaint was filed out of time, became moot, was inadmissible, lacked object, lacked interest, or was filed by persons without legal standing, etc.);
- or the complainant exercised its right to withdraw the complaint, thereby putting an end to the dispute. In such cases, the mere request for withdrawal of the complaint by the initiator of the dispute results in the immediate closure of the case file.

**SITUATIA SOLUTIILOR DISPUSE
DE C.N.S.C. ÎN ANUL 2025**



The evolution highlights two important aspects: economic operators who filed complaints have demonstrated a better understanding and interpretation of public procurement legislation, while contracting authorities have shown a lack of transparency, efficiency, effectiveness, and, most importantly, professionalization of the public procurement function, which has increasingly led to misinterpretations of the legislation. Recent jurisprudence shows that contracting authorities have adopted a strictly formalistic approach to legislation, focusing on the mechanical application of the applicable rules, without paying sufficient attention to whether a procurement procedure complies with good practices and pursues investment efficiency, the way public resources are spent, the principles of equal treatment and transparency, or potential conflicts of interest.

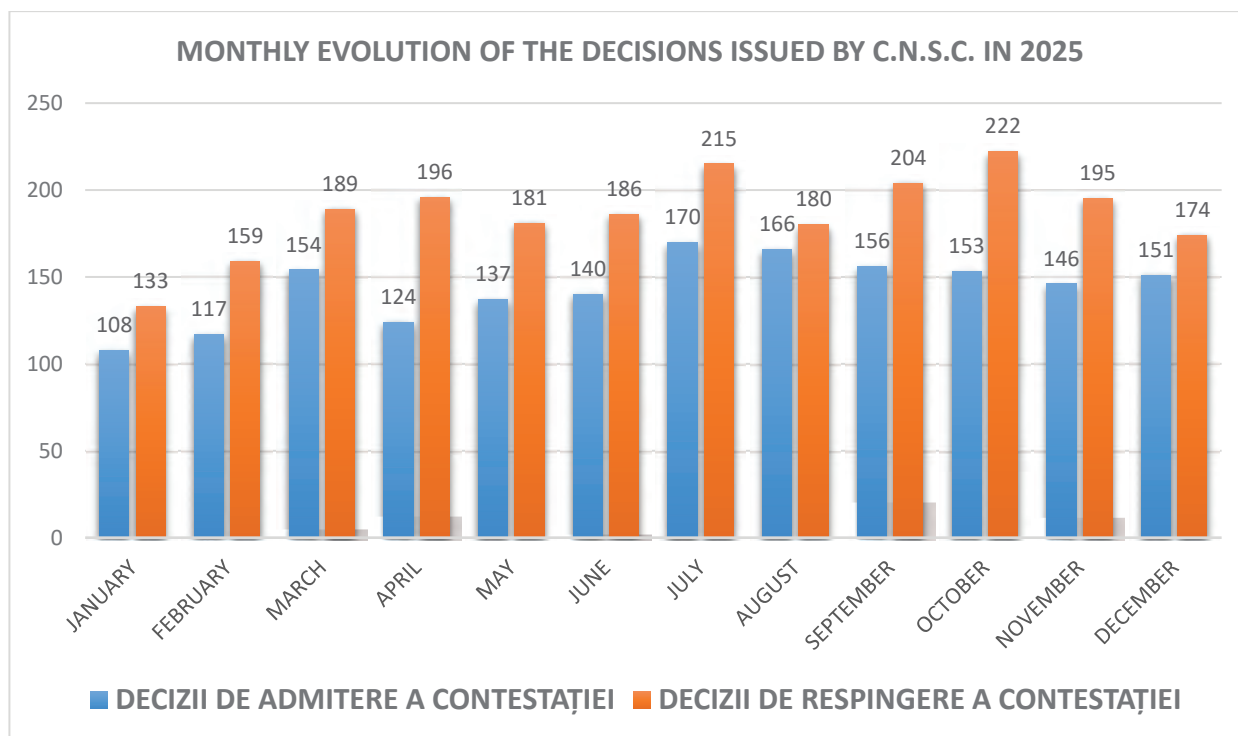
As mentioned earlier, in 2025, out of the 5,178 complaints registered with the Council, a total of 1,078 (20.81%) challenged the tender documentation. Comparing this percentage with those recorded in 2022 (25.30%), 2023 (21.73%), and 2024 (22.87%), it can be observed that the preparatory phase of any public procurement procedure has been increasingly challenged, which demonstrates that for many contracting authorities this stage has not constituted an essential step capable of ensuring the smooth conduct of the subsequent stages of a procurement procedure.

Over the years, the Council has drawn attention to the need for contracting authorities to ensure that every public procurement

contract includes well-defined qualification criteria and technical specifications, clearly established weighting factors and award criteria at the stage of preparation of the procurement documentation, and to rigorously verify these requirements during the evaluation stage of bids. However, many contracting authorities have continued to underestimate the Council's signals and have failed to give due attention to the planning stage of procurement procedures, which has led to a significant increase in complaints regarding tender documentation.

To provide an overview of the solutions issued by the Council in 2025, we present below the monthly comparative evolution of the resolution of complaints filed by economic operators:



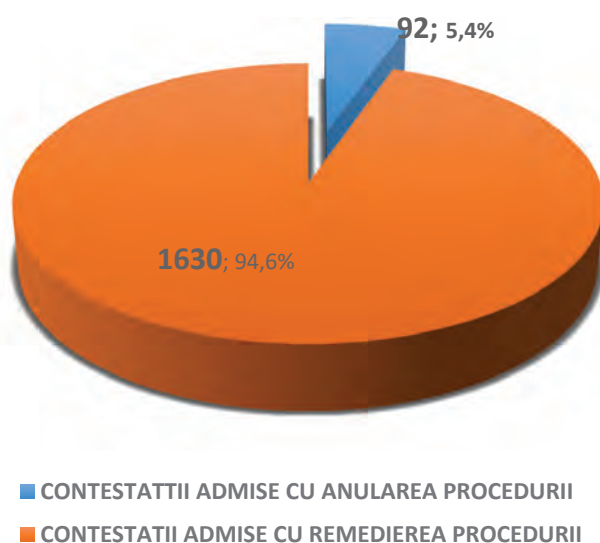


Thus, as previously mentioned, during 2025 the Council issued 1,724 decisions admitting complaints filed by economic operators (43.5%), while in 2,234 cases (56.5%) it rejected them.

Out of the 1,724 decisions by which complaints were upheld, in 92 cases (5.4%) the Council ordered the cancellation of the procurement procedure, whereas in 1,630 decisions (94.6%) it admitted the complaints and ordered corrective measures within the procurement procedures.

If we relate this to the total number of decisions issued by the Council during 2025 (3,958 decisions), it results that the share of decisions ordering the cancellation of procurement procedures was only 5.4%, which demonstra-

MEASURES ORDERED BY C.N.S.C. FOLLOWING THE ADMISSION OF COMPLAINTS IN 2025



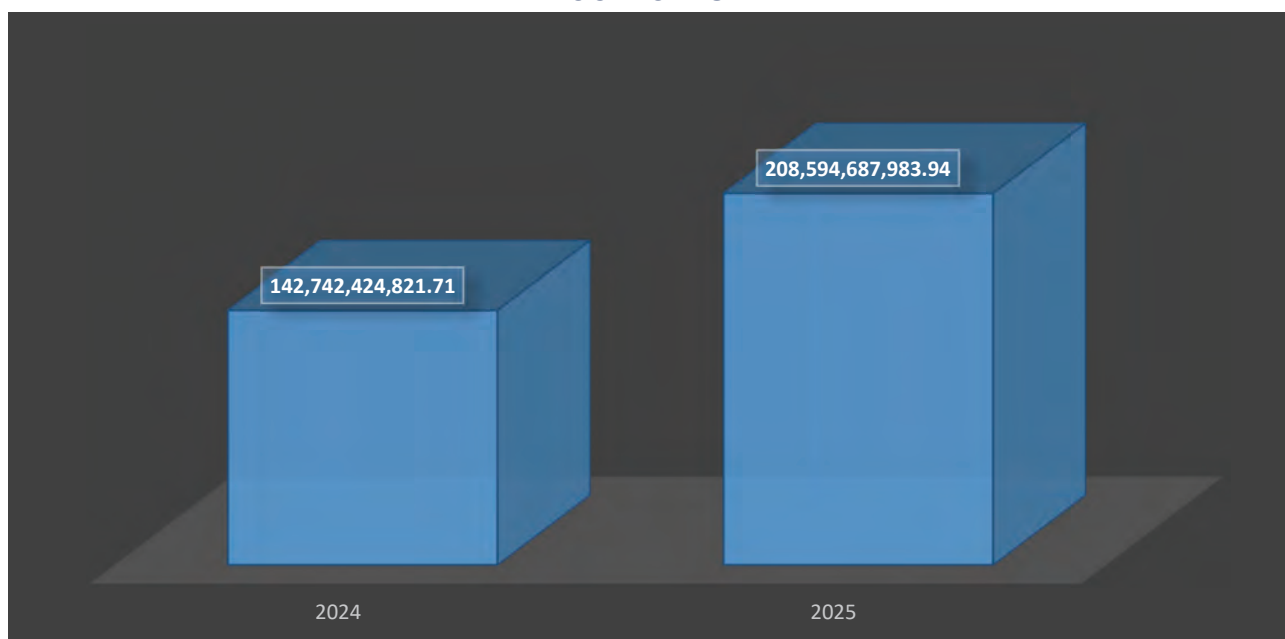
tes that in 2025 the Council did not represent an obstacle on the public procurement market. On the contrary, it played a decisive role in remedying procurement procedures, ensuring that they could continue in compliance with the legal provisions.

2.6. ACTIVITY OF N.C.S.C. FROM THE PERSPECTIVE OF THE ESTIMATED VALUE OF THE CONTESTED AND RESOLVED AWARD PROCEDURES

2.6.1. ESTIMATED VALUE OF THE AWARD PROCEDURES IN WHICH N.C.S.C. ISSUED DECISIONS

In 2025, the total estimated value of the award procedures in which the Council issued decisions was RON 208,594,687,983.94 (equivalent to EUR 40,900,919,212.53). Compared to 2024, when the total estimated value of the award procedures in which C.N.S.C. issued decisions amounted to RON 142,742,424,821.71 (equivalent to EUR 28,548,484,964.34), it can be observed that in 2025 the total estimated value of the award procedures subject to Council decisions increased by 46.13%.

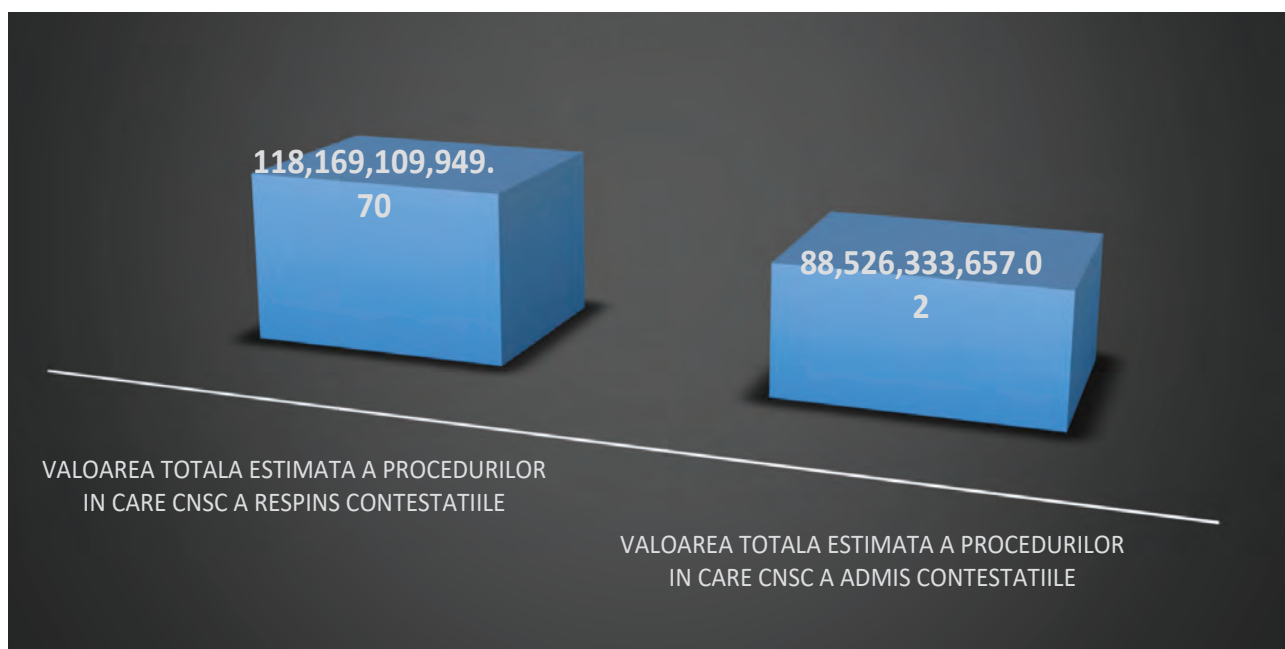
EVOLUTION OF THE DECISIONS ISSUED BY C.N.S.C. IN THE PERIOD 2024–2025 IN RELATION TO THE ESTIMATED VALUE OF THE PROCEDURES



Regarding the total estimated value of the award procedures in which C.N.S.C. issued decisions admitting the appeals filed by economic operators during 2025, this amounted to RON 88,526,333,657.02 (equivalent to EUR 17,358,104,638.63). At the same time, the total estimated value of the procedures in which C.N.S.C. issued decisions rejecting the appeals filed by economic operators was RON 118,169,109,949.70 (equivalent to EUR 23,170,413,715.62).

15. Average annual exchange rate reported by the NBR for 2023 - 4.9465 RON/Euro

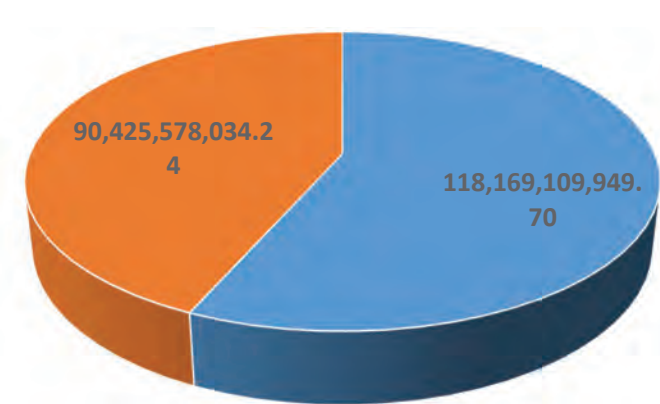
18. Average annual exchange rate reported by the NBR for 2022 - 4.9315 RON/Euro



TOTAL ESTIMATED VALUE OF THE AWARD PROCEDURES IN WHICH C.N.S.C. ISSUED DECISIONS IN 2025

Regarding the total estimated value of the award procedures in which the Council upheld complaints filed by economic operators and ordered the cancellation of procurement procedures, this amounted to RON 1,899,244,377.22 (equivalent to EUR 379,848,875.44), while the estimated value of the procedures in which the Council upheld complaints and ordered corrective measures amounted to RON 88,526,333,657.02 (equivalent to EUR 17,705,266,731.40).

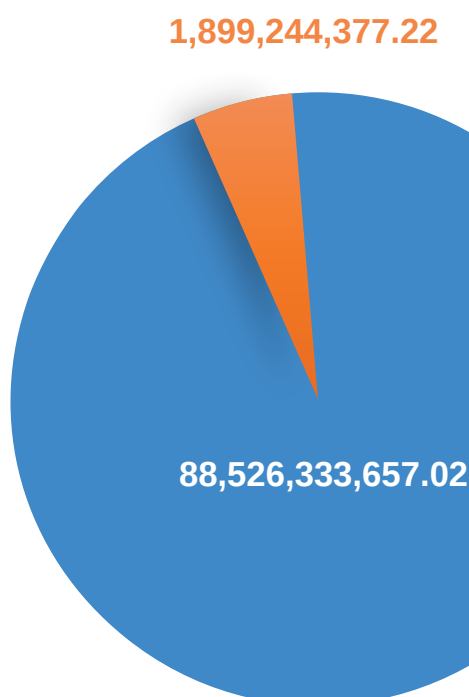
The total estimated value of the award procedures in which the Council rejected the complaints filed by economic operators and ordered the continuation of the procurement procedures amounted to RON 118,169,109,949.70 (equivalent to EUR 23,633,821,989.94).



TOTAL ESTIMATED VALUE OF THE AWARD PROCEDURES IN WHICH C.N.S.C. ISSUED DECISIONS IN 2025

TOTAL ESTIMATED VALUE OF THE
PROCEDURES IN WHICH C.N.S.C.
REJECTED THE COMPLAINTS

TOTAL ESTIMATED VALUE OF THE
PROCEDURES IN WHICH C.N.S.C. UPHELD
THE COMPLAINTS



TOTAL ESTIMATED VALUE OF THE AWARD PROCEDURES IN WHICH C.N.S.C. ISSUED DECISIONS IN 2025

TOTAL ESTIMATED VALUE OF THE PROCEDURES IN WHICH C.N.S.C. UPHELD THE COMPLAINTS AND ORDERED REMEDIAL MEASURES

TOTAL ESTIMATED VALUE OF THE PROCEDURES IN WHICH C.N.S.C. UPHELD THE COMPLAINTS AND ORDERED THE CANCELLATION OF THE PROCEDURE

If we compare the total estimated value of the award procedures in which the Council upheld complaints and ordered corrective measures in 2025—namely RON 88,526,333,657.02 (equivalent to EUR 17,705,266,731.40)—with that of the previous year, RON 63,608,217,576.51 (equivalent to EUR 12,721,643,515.30), it can be observed that this value increased by 20%.

These figures reaffirm the fact that C.N.S.C. does not represent an obstacle to the conduct of public procurement procedures initiated at national level. On the contrary, the institution acted as an effective filter for preventing a significant number of irregularities within public procurement

procedures carried out during 2024, both in procedures financed from national funds and from European funds. This essential role of the Council has been repeatedly highlighted in documents issued by the European Commission.

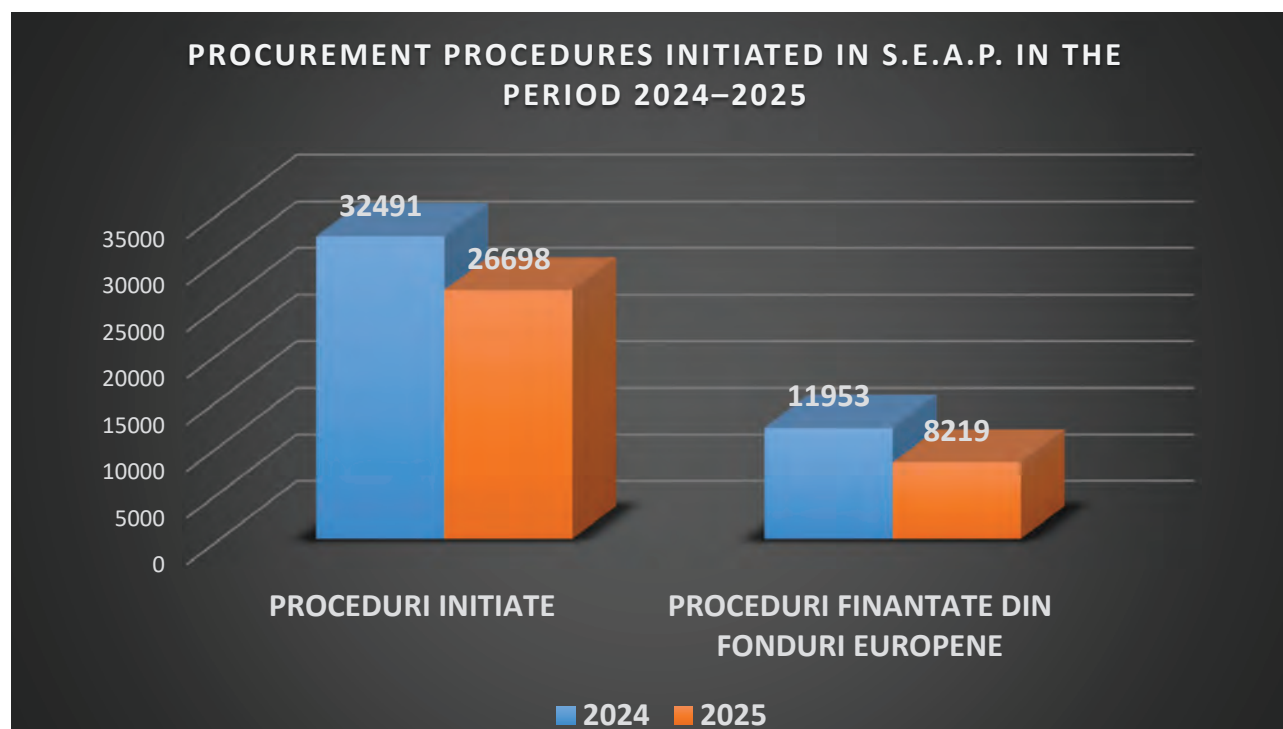


2.6.2. TOTAL ESTIMATED VALUE OF PROCEDURES IN WHICH N.C.S.C. ISSUED DECISIONS TO ADMIT APPEALS, IN COMPARISON WITH THE TOTAL ESTIMATED VALUE OF PROCEDURES INITIATED IN S.E.A.P.

Official data provided by the Electronic Public Procurement System (S.E.A.P.) show that in 2025, within the communication platform used in the public procurement contract award process, a total of 26,698 procurement procedures were initiated through participation notices and participation invitations, with a total estimated value of RON 316,797,649,743.539 (equivalent to EUR 63,359,529,948.707).

Out of the total number of procurement procedures initiated in S.E.A.P. through participation notices and invitations (26,698), a number of 8,219—representing 30.8%—were procedures financed from European funds, with a total value of RON 118,745,123,000 (equivalent to EUR 23,749,024,600).

To provide an overview of the evolution in the number of procurement procedures initiated in S.E.A.P. in the 2024–2025 period, it should be noted that in the last year the number of initiated procedures decreased by 21.7% (5,793 procedures), while the number of procedures financed from European funds decreased by 45.4% (3,734 procedures) compared to the previous year.



Regarding the estimated value of the procurement procedures initiated in S.E.A.P. in 2025, this amounted to RON 316,797,649,743.539 (equivalent to EUR 63,359,529,948.707).

SEAP data also show that out of the total number of procedures initiated in S.E.A.P. (26,698) in 2025, by the end of the year a number of 15,016 procedures (56%), with a total estimated value of RON 78,738,452,000 (equivalent to EUR 15,747,690,400), were marked as awarded, while 3,930 procedures (15%), with

a total estimated value of RON 32,785,604,000 (equivalent to EUR 6,557,120,800), were marked as cancelled (either by contracting authorities, by administrative courts, or by decisions of C.N.S.C.).



CHAPTER 3

QUALITY OF N.C.S.C.'S ACTIVITY IN THE YEAR 2025

3.1. STATUS OF DECISIONS ISSUED BY N.C.S.C. AND MODIFIED BY THE COURTS OF APPEAL FOLLOWING FILED COMPLAINTS

According to the legislation in the field of public procurement, in order to comply with the constitutional principle of access to justice, decisions issued by the Council as a result of resolving each complaint filed by an economic operator through the administrative-judisdictional procedure may be subject to judicial review by the Courts of Appeal in whose territorial jurisdiction the contracting authority has its registered office, or by the Bucharest Court of Appeal (in the case of service and/or works procurement procedures related to national transport infrastructure), following the filing of an appeal by the contracting authority and/or by one or more participating economic operators

who consider themselves harmed by the measures ordered by the Council.

The purpose of this judicial review is to correct any potential errors committed in the first-instance decision-making process. This institutional filter also represents, for the decision-makers within the C.N.S.C., an incentive to perform their statutory duties with rigor and diligence.

It should be noted that the legislation allows that against a single decision issued by the Council, multiple appeals may be filed before the competent Courts of Appeal in whose territorial jurisdiction the contracting authority is located.

During 2025, out of a total of 3,958 decisions issued by the Council's complaint resolution panels, 1,130 were challenged by appeal. Of these, 177 were filed, as previously mentioned, by various contracting authorities that refused to implement the Council's decisions, in cases where complaints filed by economic operators were upheld and the reevaluation of bids was ordered.

As a result of the appeals filed with the competent Courts of Appeal, by 31 December 2025, 82 decisions issued by the Council were fully overturned/modified/cancelled (7.25%), 173 were partially overturned/modified/cancelled (15.3%), and 757 remained final and binding in the form issued by our institution (***) – it should be

noted that 118 appeals had not been resolved by the competent Courts of Appeal by the end of 2025, and they are expected to receive a decision during 2026).

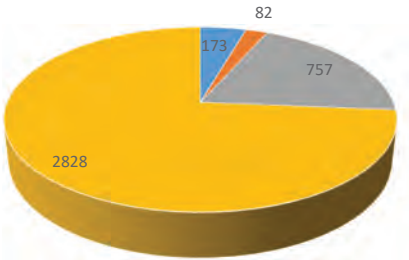
Out of the total decisions issued by the Council, 6.4% were fully or partially overturned/modified/cancelled.

Regarding the decisions partially modified by the competent Courts of Appeal, it should be noted that in almost all cases the courts granted economic operators the right to recover legal costs.

Consequently, official statistical data show that at the end of 2025, out of the 3,958 decisions issued by the Council, 2,828 (71.45%) remained final and binding in the form issued by it.

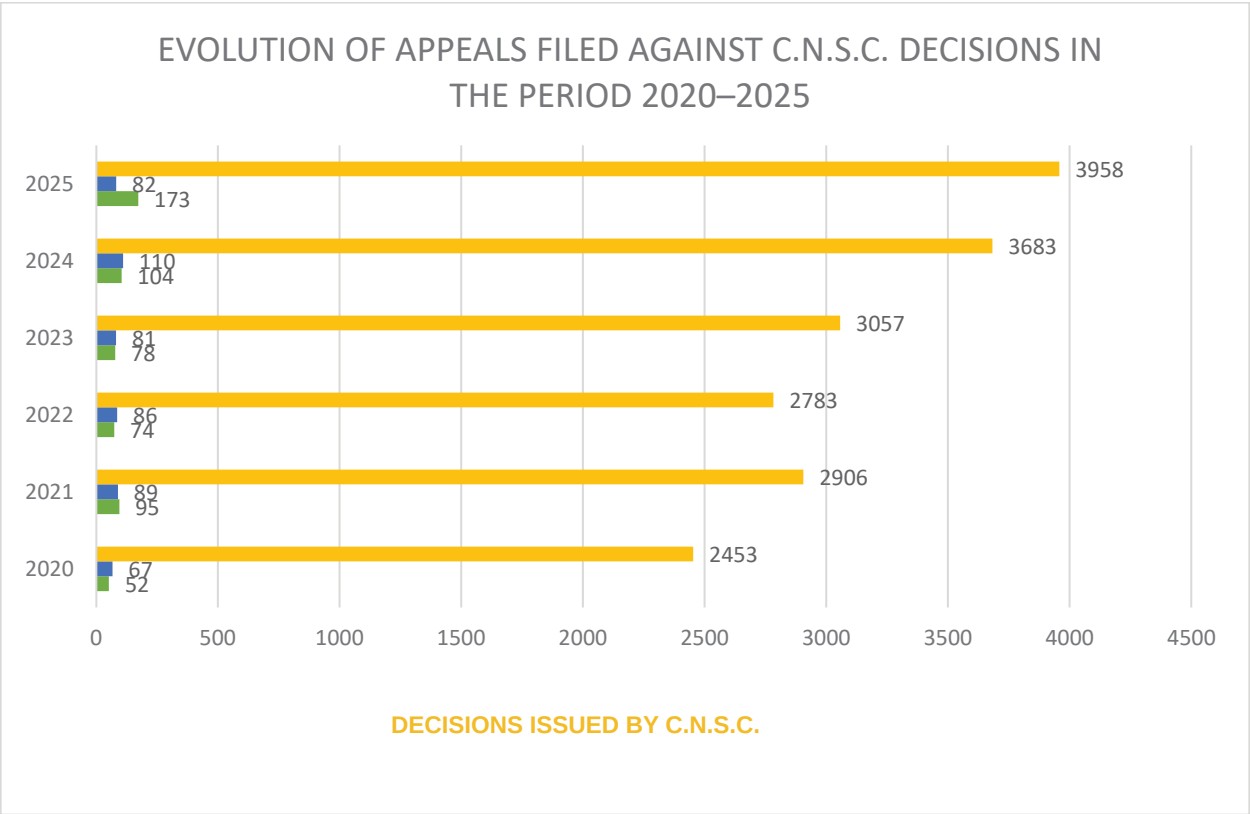
Official statistics from the last five years of the Council’s activity show that the percentage of decisions modified/overturned/cancelled, either partially or entirely, by the Courts of Appeal following appeals has remained extremely low compared to the percentage of decisions that became final and binding in the form issued by the Council.

Referring to the total number of decisions issued by C.N.S.C. since its establishment until the end of 2025, it can be observed that out of 78,712 decisions issued by the in-stitution during the mentioned period, only 2,394 decisions—representing just 3%—were



STATUS OF APPEALS FILED AGAINST DECISIONS ISSUED BY C.N.S.C. IN 2025

DECISIONS PARTIALLY MODIFIED / ANNULLED / SET ASIDE
FINAL AND IRREVOCABLE DECISIONS
DECISIONS UPHELD BY THE COURT (UNCHANGED) OUT OF THE TOTAL NUMBER OF DECISIONS CHALLENGED BY APPEAL
DECISIONS FULLY SET ASIDE / MODIFIED / ANNULLED



modified/overtaken/cancelled in whole or in part by the competent Courts of Appeal.

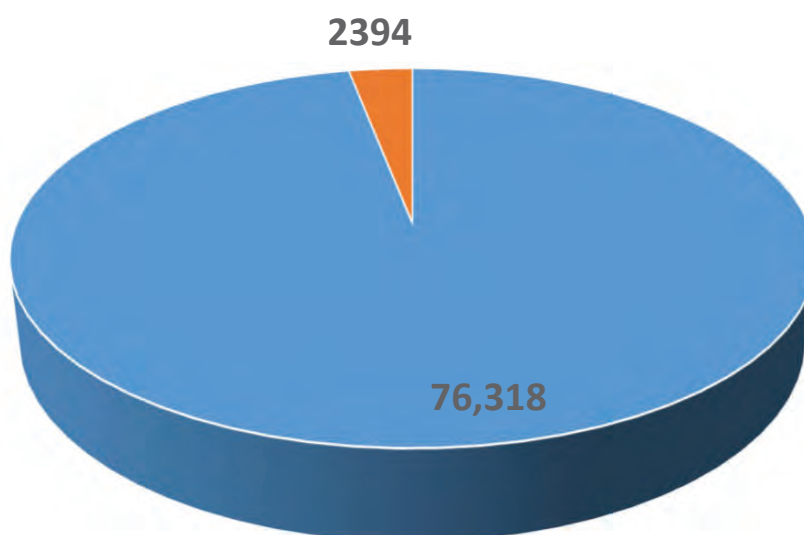
It follows that, over the stated period, the total number of decisions that remained final was 76,318, meaning that 97% of all decisions issued remained in the form delivered by the Council.

For professionals in the field of public procurement, these fi-

gures confirm both the role of the Council as a guarantor of the supremacy of the law in its area of competence, and the quality of its institutional activity.

Consistently strengthening and improving its institutional capacity to ensure the transparent and impartial resolution of the complaints submitted to it, the Council will continue in 2025 to resolve complaints filed by economic operators with promptness, while also acting as a promoter of European best practices, contributing to the efficiency and streamlining of public procurement procedures, and, above all, to the reduction of potential acts and facts of corruption.

STATUS OF DECISIONS ISSUED BY C.N.S.C. THAT BECAME FINAL IN THE PERIOD 2006–2025



DECISIONS REMAINING FINAL IN THE FORM ISSUED BY THE COUNCIL
DECISIONS MODIFIED / ANNULLED / SET ASIDE IN WHOLE OR IN PART

CHAPTER 4

PROJECTS AND INITIATIVES

4.1. INTERNATIONAL EXCHANGES





In the period 01–02 December 2025, the meeting of the network of remedies bodies from South-East Europe took place in Zagreb, Croatia. During this meeting, the following aspects were discussed:

- Brief presentations of the member institutions
- The internal IT system of the Croatian review body
- The expert service for monitoring case law and judicial proceedings
- Oral hearings in review procedures – best practices and challenges (Polish practice)
- Use of external experts in review procedures – experience and challenges:
 - presentation of the experience of Turkey
 - presentation of the experience of Kosovo
- Participation of third-country companies in EU public procurement procedures
- Recent relevant CJEU rulings on public procurement
- Future revision of the public procurement directives



4.2. UNIFICATION OF ADMINISTRATIVE-JURISDICTIONAL PRACTICE

The Council has been concerned, since its establishment, with the unification of administrative-jurisdictional practice; therefore, pursuant to Article 62 of Law No. 101/2016, monthly plenary meetings are held at the institution's headquarters, during which each panel presents at least one practical case encountered in the activity of resolving complaints. Following these plenary meetings, where sufficient relevant case law of the courts exists on the issue under discussion, a decision on the unification of administrative-jurisdictional practice is adopted, which is binding on all members.

Furthermore, the Council organises annual seminars attended by judges from the Courts of Appeal and representatives of institutions with responsibilities in the field of public procurement, on which occasion non-uniform solutions from the Council's activity and from the courts are presented and debated, in order to establish a single, uni-form approach. Where divergent case law of the courts is identified, the High Court of Cassation and Justice is notified, following the procedure of an appeal in the interest of the law, as provided for in Article 63 of the law.

One of the major issues affecting consistent case law is the legal framework, which is frequently subject to changes, generating confusion and divergent practice.

Pursuant to Article 62(3) of Law No. 101/2016, the Council organised seminars during 2025 in Mamaia, between 06.06–08.06.2025, and in Alba Iulia, between 07.09–09.11.2025.

Judges from the Councils for the resolution of complaints within the Council, as well as judges from the Courts of Appeal of Constanța, Galați, Bucharest and Ploiești, participated in these seminars.

The purpose of the seminars was both the unification of administrative-jurisdictional practice and the harmonisation of the Council's solutions with those of the courts, in order to remove jurisprudential obstacles in public procurement procedures and to ensure the urgent and efficient conduct of the administrative-jurisdictional phase of such procedures.

The legal issues discussed during the seminar were as follows:

- Practical test – qualification requirement or technical specification?
- The exception of tardiness vs. late claims

- Evaluation of a bid in relation to a requirement that does not explicitly result from the procurement documents in which the bid was submitted, but from an interpretation of those documents
- CJEU Case C-424/23 DYKA Plastics NV v Fluvius System Operator CV, judgment of 16.01.2025, and its consequences in practice

The participants expressed their views on the topics discussed/analyzed, the final part of the seminar being dedicated to conclusions and the concise presentation of the ideas outlined.

Another seminar organized by the Council took place in Alba Iulia during 07–09 November 2025.

Within this event, the following issues were debated:

- The objection of lack of interest raised by the successful bidder, who acquired the status of intervening party in the complaint filed by the bidder whose offer was rejected as non-compliant by the contracting authority
- Confidentiality of bids. Between the principle of transparency and the requirement of fair competition. Evidentiary requirements for establishing confidentiality

- The procedural mechanism for submitting new grounds of complaint after access is granted to bids declared confidential, in light of CJEU case-law *Antea Polska S.A.* (Case C-54/21)
- Awarding legal costs in favour of accessory intervening parties
- Jurisprudential consistencies and developments regarding the clarification procedure of submitted bids
- Determining the date of constitution of the bail provided for under Article 61 and 1 of Law No. 101/2016

The final part of the seminar was dedicated to conclusions and the concise presentation of the ideas developed following the discussions that took place.

The seminar was attended by complaint resolution councillors from within the Council, as well as judges from the Courts of Appeal of Alba Iulia, Cluj, Suceava, Iași, and Oradea.



CHAPTER 5

INSTITUTIONAL TRANSPARENCY

The activity carried out by the National Council for Solving Complaints (C.N.S.C.) throughout 2025 was based on compliance with the principle of full transparency in relations with economic operators, contracting authorities, governmental and non-governmental institutions involved in public procurement, as well as with the media.

In cooperation with the Technical, Administrative and IT Service within the Council, particular importance was given to the continuous dissemination of statistical data, and the Council's portal (www.cnsc.ro) was regularly updated and developed, so that any natural or legal person could have easy and unrestricted online access to information regarding the institution's activity, in order to enable the real-time dissemination of decisions issued by the Council, the history of cases under review or completed, legislative changes, and other relevant information useful for promoting good practices.



CHAPTER 6

THE BUDGET OF
N.C.S.C.

The budget of the C.N.S.C. for the year 2025 amounted to 17,733 thousand RON and was allocated as follows:

- ✓ Budget provision for current expenditure: 17,733 thousand RON, of which:
 - o Personnel expenses: 14,600 thousand RON
 - o Goods and services: 3,000 thousand RON

The budget of the C.N.S.C., detailed by budget titles and chapters, is presented below, and is also published on the institution's portal (www.cnsc.ro).

Capitol	Grupa/Titlu	Denumire	PROGRAM 2025
500		TOTAL BUDGET	17.733
	01	CURRENT EXPENSES	17.683
	10	TITLE I PERSONNEL EXPENSES	14.600
	20	TITLE II GOODS AND SERVICES	3.000
	59	TITLE IX OTHER EXPENSES	83
	70	CAPITAL EXPENSES	50