

Belgium

Competition Framework

Competition Law	<p>The Code of Economic Law (CEL) of Belgium was enacted on January 28, 2013 and was amended in 2016, 2017, 2018, 2019, 2021, 2023.</p> <p><i>[Please introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well].</i></p>
Competition Authority	<p>The Belgian Competition Authority began its operation on 6 September 2013. The National Competition Authority of Belgium created by the law of 3 April 2013 and referred to in Article IV.16 of Code of Economic Law of Belgium.</p> <p>Website: https://www.belgiancompetition.be/en.</p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>

Policy-Making Agents

-DIVERSIFICATION-

How many agencies are responsible for competition enforcement?	<p>The Belgian Competition Authority investigates competition restrictive practices in Belgium. On its own initiative or at the request of the complainant, it investigates any case of distorted competition within a market, regardless of the business in question or the public/private status of the operators. The Belgian Competition Authority imposes administrative fines and criminal sanctions.</p> <p>The Belgian Competition Authority can adopt interim measures in case of emergency, while also declaring injunctions or fines, and accept commitments within the framework of an in-depth investigation.</p> <p>It also conducts the preliminary investigation of merger operations that meet the turnover thresholds.</p> <p>In parallel with its missions and powers with regard to mergers and competition restrictive practices, the Belgian Competition Authority among others promotes better knowledge of competition law in Belgium through: questions put to parliament; providing opinions on regulatory initiatives; contributing to the preparation of Belgian competition regulations; collaborating with external investigations; participating in meetings of the Commission for Competition.</p> <p>Moreover, the President of the Belgian Competition Authority informally rules on questions and disputes relative to the application of competition rules in cases in which no formal investigation has been initiated (Art. IV.20, §1st 2° Code of Economic Law).</p> <p>The Belgian Competition Authority has no jurisdiction with regard to unfair trade practices and actions that violate normal honest commercial practices, such as selling at a loss, bargains, public auctions, comparative advertising, remote contracts, liquidations and practices covered by Book VI of the Code of Economic Law on market practices and consumer protection. Such matters fall within the scope of the ordinary courts.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they</i></p>
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	<p><i>impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers.]</i></p>
<p>Do sector regulators have a competition policy enforcement mandate?</p>	<p>Telecommunications Sector</p> <p>Belgian Institute for Postal Services and Telecommunications</p> <p>Article 6 of Belgian Telecommunications Act</p> <p>In carrying out its tasks under this Act, the Institute:</p> <p>2° promotes competition in the provision of electronic communications networks and associated resources, including effective competition based on infrastructure, and in the provision of electronic communications services and associated services.</p> <p>Article 54 of Belgian Telecommunications Act</p> <p>§1 Taking due account of the Recommendation of the European Commission on relevant markets for products and services, and the Guidelines of the European Commission on market analysis and evaluation of market power, the Institute defines the relevant markets in Belgium, in particular the geographic markets, taking into consideration, among other things, the degree of infrastructure competition in these areas, in accordance with the principles of competition law.</p> <p>§ 9. The Institute is only required to consult the Belgian Competition Authority for an opinion on the draft decisions referred to in this chapter (provisions to guarantee fair competition) only if they relate to:</p> <p>1° the determination of the relevant market, both from a geographical and product perspective;</p> <p>2° the assessment of the conditions referred to in paragraph 1, first paragraph;</p> <p>3° the identification of powerful companies on the relevant market.</p> <p>The Institute may consult the Belgian Competition Authority for opinion on other subjects relating to competition law.</p> <p>§ 10. The Institute examines the impact of new market developments, particularly in terms of commercial agreements, including co-investment agreements, which have an impact on competition dynamics.</p> <p>If these developments are not significant enough to require a new market analysis in accordance with paragraph 1, the Institute shall assess without delay whether it is necessary to review the obligations imposed on undertakings designated as having market power and to modify any decision including by withdrawing obligations or imposing new obligations, in order to ensure that those obligations continue to meet the conditions set out in paragraph 4, subparagraph 2 (The Institute imposes on powerful companies on a relevant market proportionate, having regard, if possible, to the costs and benefits). Such modified obligations may only be imposed after consultations with Belgian Competition Authority.</p> <p>Postal Services Sector</p> <p>Belgian Institute for Postal Services and Telecommunications</p> <p>Belgian Postal Services Act</p> <p>Article 9</p>

	<p>§ 1. Where necessary to protect the interests of users or to encourage effective competition, postal service providers shall provide each other with reciprocal access in a transparent and non-discriminatory manner to the services falling within the scope of the universal service and the parts of the postal infrastructure that are necessary to develop postal activities.</p> <p>§ 2. The technical and tariff conditions corresponding to this access are agreed between the postal service providers concerned. They are established in a written agreement, a copy of which is sent to the Institute.</p> <p>The relevant elements of postal infrastructure are made available at a market-oriented price.</p> <p>§ 3. At the request of a postal service provider, the Institute may make any changes it deems necessary to the agreements, with due regard for the principles of objectivity, proportionality and non-discrimination.</p> <p>§ 4. In the event of failure of commercial negotiations after a period of three months from the date of receipt of the request for access referred to in § 1, any postal service provider may request the Institute, where necessary, to protect the interests of protect users or encourage effective competition to determine the content and terms of the agreement.</p> <p>§ 5. In the two cases described in §§ 3 and 4, the Institute shall first hear the postal service providers concerned, with due respect for the principles of objectivity, proportionality and non-discrimination.</p> <p>Article 10</p> <p>§ 1. In order to ensure fair conditions of competition in the postal sector, the Institute may consult the sector on possible privileges or specific rights granted to providers of postal services.</p> <p>§ 2. The results of the consultation will be published on the Institute's website. Furthermore, these results are presented in a report that is sent to the minister together with the Institute's recommendations.</p> <p>Energy Sector</p> <p>Commission for Electricity and Gas Regulation</p> <p>Belgian Law on the Organization of Electricity Market</p> <p>The Belgian electricity sector is fully liberalised, allowing for competition in both the generation and supply segments of the sector. The system is based on regulated access to networks, with tariffs approved by the federal energy regulator.</p> <p>The Commission for Electricity and Gas Regulation is responsible for monitoring anti-competitive behaviour and unfair trade practices. Such issues must be reported to the minister in charge of energy and the Belgian Competition Authority.</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
<p>Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?</p>	<p>n/a.</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>
<p>Disaggregated Functions—Prosecutorial Model</p>	
<p>Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?</p>	<p style="text-align: center;">No</p> <p><i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions.]</i></p>

<p>Are disputes presented for decision to judiciary authorities?</p>	<p>Yes</p>	<p>Art. IV.31. of Code of Economic Law.</p> <p>The Market Court may, at the request of the public prosecutor general at the Brussels Court of Appeal, impose in a motivated decision a call to order, a reprimand or a withholding of salary as a disciplinary sanction on the president, the assessor vice-president, the assessors, the Competition Prosecutor general, the director of economic affairs and the director of legal affairs. The court may also declare them disqualified or suspended from office.</p> <p>Art. IV.40/2. § 1. of Code of Economic Law.</p> <p>The Competition Prosecutor and the members of staff of the Belgian Competition Authority commissioned by the Minister may, between 08:00 a.m. and 6:00 p.m., and with the prior authorisation of an examining magistrate of the Dutch-speaking Court of First Instance of Brussels or of an examining magistrate of the French-speaking Court of First Instance of Brussels, who is also competent for the application of this paragraph outside his district, carry out a search in: 1° the premises, means of transport and other places of undertakings or associations of undertakings; 2° other premises, means of transport and places, including the homes of company directors, managers, directors and other staff, as well as the homes and business premises of natural or legal persons, internal or external, responsible for commercial, accounting, administrative, tax and financial management, where they have reason to believe that they will find documents or items of information which they consider necessary for the performance of their duties.</p> <p>Art. IV.88. of Code of Economic Law.</p> <p>§ 1. The Belgian Competition Authority may, ex officio or at the request of the court seized, within the time limits set by the court seized, submit written observations on the application of Article IV.1, Article IV.2 and Article IV.2/1 or Articles 101 and 102 TFEU.</p> <p>With the permission of the court seized, it may also make oral submissions. In order to enable it to formulate its observations, and for this purpose only, the Belgian Competition Authority may request the court seized to transmit to it or have transmitted to it any document necessary for the assessment of the case. When the Belgian Competition Authority makes observations, the other parties must be given the opportunity to respond to these observations.</p> <p>§ 2. The Belgian Competition Authority may, in proceedings relating to an action for damages for infringement of competition law, at the request of a national court, offer its assistance to that court in the amount of damages if it considers such assistance appropriate.</p> <p><i>[If the answer to your question is "yes", please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions.]</i></p>
<p>Do private rights of action to challenge competition law infringements exist in your jurisdiction</p>	<p>Yes</p>	<p>Art. XVII.72. of Code of Economic Law.</p> <p>Any natural or legal person prejudiced by an infringement of</p>

		<p>competition rules has legal standing to claim full compensation for the resulting harm.</p> <p>An action may also be brought, even as a declaratory action, to prevent the violation of a right that is seriously threatened.</p> <p>There is no specific limitation on the persons who can bring a case. In private enforcement actions, the claimants are typically direct purchasers or competitors (e.g., collective boycott) but can also be indirect purchasers, distributors or final consumers.</p> <p><i>[If the answer is "yes", please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>
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* Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators

Belgian Competition Authority

Status of the Competition Authority

Accountability	Please, answer "Yes" in the boxes of this line if any of the duties on the right column apply to the authority, and "No" if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	No	X	Obligations to report to the executive on on-going investigations upon request.	<i>[Introduce the relevant provisions]</i>
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	<i>[Introduce the relevant provisions]</i>
		X	The executive has to report on an annual basis to the executive.	<i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	Art. IV.25.(4) of CEL <i>[Introduce the relevant provisions]</i>
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Introduce the relevant provisions]</i>
		X	Its activities are monitored by an independent auditor or by oversight committees.	<i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	Art. IV.90.§1 of CEL Market Court

			<p>Art. IV.90.§5 of CEL</p> <p>Brussels Court of Appeal</p> <p>Art. IV.86. of CEL</p> <p>The Court of Cassation</p> <p><i>[Aside from the relevant provisions please mention the judicial authority charged with the review.]</i></p>
		X	<p>Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?</p> <p><i>[Aside from the relevant provisions, please mention the authority charged with the review.]</i></p>
		<p>Other obligations/comments:</p> <p><i>[Please introduce any other obligation or comment that you consider relevant.]</i></p> <p><i>[Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority.]</i></p>	
Independence		Please, answer “Yes” or “No”	
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<p>Art. IV.17. § 1 of Code of Economic Law</p> <p>The President is appointed by the King, by decree deliberated in the Council of Ministers.</p> <p><i>[Please introduce the relevant provisions, and if the answer to this question is “no”, explain briefly why in your opinion the criteria are not clear or transparent.]</i></p>	
Does the executive have powers to decide on specific cases based on public interest?	No	<p><i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases.]</i></p>	
Does the executive retain decision-making powers over the Competition Authority?	Yes	<p>Art. IV.7. § 2 of Code of Economic Law</p> <p>The King may, by decree deliberated in the Council of Ministers, and after obtaining the opinion of the Belgian Competition Authority and the Special Advisory Commission on Competition, increase the thresholds referred to in paragraph 1. Every three years, the Belgian Competition Authority shall carry out an evaluation of the thresholds referred to in paragraph 1 (The provisions of this chapter shall apply only where the undertakings concerned have a combined turnover in Belgium of more than EUR 100 million, and where at least two of the undertakings concerned each have a turnover in Belgium of at least EUR 40 million), taking into account, inter alia, the economic impact and the administrative burden for undertakings.</p> <p>Art. IV.16. of Code of Economic Law</p> <p>§ 4. The King determines which logistical and material resources the</p>	

		<p>FPS Economy places at the disposal of the Belgian Competition Authority. To this end, a service contract is concluded between the Belgian Competition Authority and the FPS Economy. § 5. The King shall determine, by decree deliberated in the Council of Ministers, the administrative and pecuniary status of the president, the assessor vice-president and the assessors who sit on the Competition College, the Competition Prosecutor General, the Director of Legal Affairs and the Director of Economic Affairs of the Belgian Competition Authority</p> <p>§ 7. The King shall determine the manner in which the personnel plan of the Belgian Competition Authority is adopted.</p> <p>Art. IV.78. of Code of Economic Law</p> <p>The Belgian Competition Authority may conclude cooperation agreements on the exchange of information and the use of such information as evidence with competition authorities of third countries. These cooperation agreements will only take effect after approval by the King.</p> <p>Art. IV.85. § 1. of Code of Economic Law</p> <p>The King shall determine the time limits and methods of payment of fines and penalties.</p> <p>Art. IV.93. of Code of Economic Law</p> <p>The King may lay down detailed rules concerning the composition of files, the submission of written observations and documents, the communication and notification of decisions and documents and the procedures referred to in this Book.</p> <p>Art. IV.94. of Code of Economic Law</p> <p>In economic sectors under the control or supervision of a public body or other specific public institution, the King may, after consultation with those bodies or institutions, regulate the cooperation between the Belgian Competition Authority and those bodies or institutions with regard to the investigation and mutual exchange of confidential information.</p> <p><i>[Please introduce the relevant provisions.]</i></p>
<p>Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?</p>	<p>Yes</p>	<p>Art. IV.75. of Code of Economic Law</p> <p>§2. Decisions of the Competition College, settlement decisions and decisions in respect of the simplified procedure for concentrations, as well as notices according to which the concentration is deemed, in the absence of a decision, to be authorised or a request for interim measures is deemed, in the absence of a decision, to be rejected, are published on the website of the Belgian Competition Authority, taking into account the legitimate interest of undertakings in the non-publication of their business secrets and other confidential information.</p> <p>These decisions are immediately communicated to the Special Advisory Commission on Competition, in the form intended for publication on the website of the Belgian Competition Authority.</p> <p>Decisions to close cases and decisions to terminate investigations shall be published in accordance with the first paragraph, unless the Competition Prosecutor decides otherwise.</p> <p>§ 3. Decisions of the Market Court and the Court of Cassation applying this Book or on appeal against decisions under this Book shall be published on the website of the Belgian Competition Authority, taking into account the legitimate interest of undertakings that their business secrets and other confidential information should not be published.</p>

		<i>[Please introduce the relevant provisions.]</i>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<p>Art. IV.16. § 1. of Code of Economic Law</p> <p>The Belgian Competition Authority is a public service with legal personality and management autonomy as referred to in Article 2, paragraph 1, 3°, and subparagraph 2, b), of the Law of 22 May 2003 on the organisation of the budget and accounting of the Federal State.</p> <p>Annual budget in 2023: €8.3 million.</p> <p><i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i></p>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	<p>Art. IV.78/4.</p> <p>§ 6. The Belgian Competition Authority and the FPS Finance may recover all costs incurred, including translation costs, labour costs and administrative costs, for measures taken under this Article:</p> <p>1° from the revenue from fines or penalties which they have collected on behalf of the national competition authority; or</p> <p>2° by applying to the undertaking or association of undertaking against which the fine or penalty may be enforced.</p> <p><i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i></p>
Governance of the Competition Authority		
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	<p>Art. IV.16. of Economic Code of Law</p> <p>§ 2. The Belgian Competition Authority is composed of:</p> <p>1° the President and the President's Office;</p> <p>2° the Competition College;</p> <p>3° the Management Committee;</p> <p>4° the Investigation and Prosecution Service under the direction of the Competition Prosecutor General.</p> <p>Art. IV.23. The Management Committee is responsible for the management of the Belgian Competition Authority</p> <p>Art. IV.24. § 1. The Management Committee is composed of:</p> <p>1° the President;</p> <p>2° the Competition Prosecutor General;</p> <p>3° the Director of Economic Affairs;</p> <p>4° the Director of Legal Affairs. In the event of a tie, the President shall have the casting vote. In the event that the President is unavailable for any reason, the Management Committee shall be chaired by the oldest member present.</p> <p><i>[Answer "single chairman" if the directive organ of the authority is composed of one person. Answer "collegiate body" if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i></p>
How are the members of the Authority's directive organ chosen?		<p>Art. IV.24. § 1. The Management Committee is composed of: 1° the President; 2° the Competition Prosecutor General; 3° the Director of Economic Affairs; 4° the Director of Legal Affairs. In the event of a tie, the President shall have the casting vote. In the event that the President is unavailable for any reason, the Management Committee shall be chaired by the oldest member present.</p> <p><i>[Please describe the election process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i></p>

<p>Is there a fixed period during which removal is prohibited?</p>	<p>No</p>	<p>Art. IV.17. § 1. of Code of Economic Law</p> <p>The President is appointed by the King, by decree deliberated in the Council of Ministers, for a term of six years renewable once.</p> <p>Art. IV.24. § 2. of Code of Economic Law</p> <p>The Director of Economic Affairs and the Director of Legal Affairs shall be appointed by the King, by decree deliberated in the Council of Ministers, for a renewable term of office of six years.</p> <p>Art. IV.26. § 1. of Code of Economic Law</p> <p>The Competition Prosecutor General is appointed by the King, by decree deliberated in the Council of Ministers, for a term of six years renewable once.</p> <p><i>[If your answer is "yes", please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i></p>
<p>Is the tenure of the heads renewable?</p>	<p>Yes</p>	<p>Art. IV.17. § 1. of Code of Economic Law</p> <p>The President is appointed by the King, by decree deliberated in the Council of Ministers, for a term of six years renewable once.</p> <p>Art. IV.17. § 4. of Code of Economic Law</p> <p>The President is admitted by Royal Decree to retirement when a serious and permanent infirmity no longer enables him to perform his duties properly, in accordance with Article 117 of the law of 14 February 1961 on economic expansion, social progress and financial recovery.</p> <p>Art. IV.24. § 2. of Code of Economic Law</p> <p>The Director of Economic Affairs and the Director of Legal Affairs shall be appointed by the King, by decree deliberated in the Council of Ministers, for a renewable term of office of six years.</p> <p>Art. IV.26. § 1. of Code of Economic Law</p> <p>The Competition Prosecutor General is appointed by the King, by decree deliberated in the Council of Ministers, for a term of six years renewable once.</p> <p><i>[Please introduce the relevant provisions]</i></p>
<p>Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?</p>	<p>Yes</p>	<p>Art. IV.17. of Code of Economic Law</p> <p>§ 3. In order to be appointed as president, the candidate must pass the professional aptitude examination aimed at assessing the knowledge and maturity necessary for the exercise of the function concerned. The specific terms and programme of the examination are determined by the King. In addition, the candidate must provide proof of experience relevant to the performance of the function. He must hold a master's or 'licentiaat-licencié' degree and have a working knowledge of French, Dutch and English. Where applicable, the exercise of the function of president is considered as a mission within the meaning of Article 323, § 1, of the Judicial Code.</p> <p><i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions].</i></p>
<p>Architecture</p>		

Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<i>[If your answer is “part of a bigger entity”, please explain briefly how the bigger entity is organized.]</i>
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Policy Duties

Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	√ <i>[Answer with X/√ as it applies]</i>	Concurrent consumer protection mandate.
		X <i>[Answer with X/√ as it applies]</i>	Concurrent IP mandate.
		Other mandates: <i>[Include any other mandates entrusted to the Competition Authority.]</i>	

Portfolio Instruments

Law Enforcement

Does the Competition Authority have powers to investigate cartels?	Yes	<p>Art. IV.76. of Code of Economic Law</p> <p>Where the Belgian Competition Authority decides under Article 104 TFEU on the admissibility of cartels and on the abuse of a dominant position in the internal market, the decision shall be given in accordance with Articles 101(1) and 102 TFEU, in accordance with the procedure and penalties laid down in this Book. Where the Belgian Competition Authority rules, pursuant to regulations or directives adopted on the basis of Article 103 TFEU, on the application of the principles enshrined in Articles 101 and 102 TFEU, the decision shall be given in accordance with those regulations or directives, in accordance with the procedure and penalties laid down in this Book.</p> <p>Art. I.6 of Code of Economic Law</p> <p>18° Cartel: an agreement and/or a concerted practice between two or more competing undertakings and/or associations of undertakings - and, if applicable, with one or more other non-competing undertakings and/or associations of undertakings - aimed at coordinating their competitive behaviour in the market or influencing the parameters of competition through practices consisting in particular, but not solely, of setting or coordinating purchase or sale prices or other trading conditions, including with regard to intellectual property rights, of allocating production or sales quotas, of dividing up markets and customers, in particular by using bid-rigging in public contracts, restricting import or export or taking anti-competitive action against other competitors;</p> <p>19° Secret cartel: a cartel, the existence of which is partially or totally concealed;</p> <p>20° Leniency Programme: a programme concerning the application of Article IV.1 and/or Article 101 of the TFEU, on the basis of which a participant in a secret cartel, regardless of other undertakings and/or associations of undertakings participating in the cartel, cooperates with the competition authority in the context of its investigation by spontaneously presenting elements concerning its knowledge of the cartel and its role, in exchange for this participant benefiting, by virtue of a decision, from a full or partial immunity from fines for its participation in the</p>
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		<p>cartel. This programme also covers the immunity that may be granted to the natural person referred to in Article IV.1, § 4;</p> <p>21° Total immunity from fines: the immunity from fines that would normally have been imposed on an undertaking or an association of undertakings for its participation in a secret cartel, in order to reward it for its cooperation with a competition authority in the context of a leniency programme;</p> <p>22° Partial immunity from fines: a reduction in the amount of the fine that would normally have been imposed on an undertaking or an association of undertakings for its participation in a secret cartel, in order to reward it for its cooperation with a competition authority in the context of a leniency programme.</p> <p>Art. IV.79. § 1. When the Competition College takes a decision as referred to in Article IV.52, § 1, first paragraph, 2° or 2°/1, it may impose on each of the undertakings and associations of undertakings concerned fines not exceeding 10% of their turnover, where they deliberately or negligently commit an infringement of competition law.</p> <p>In addition, it may, with a view to ensuring compliance with its decision, impose on each of the undertakings and associations of undertakings concerned penalties not exceeding 5% of the average daily turnover for each day of delay from the day it sets in the decision. In determining the amount of the fine referred to in paragraph 1, the Competition College shall take into account the gravity of the infringement of competition law and its duration.</p> <p>[If the answer is “yes”, please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed.]</p>
<p>Does the Competition Authority have powers to investigate unilateral Conduct?</p>	<p>Yes</p>	<p>Art. IV.2. of Code of Economic Law</p> <p>Any abuse by one or more undertakings of a dominant position on the Belgian market concerned or in a substantial part of it shall be prohibited, no prior decision to that effect being required.</p> <p>These abusive practices may, in particular, consist in:</p> <p>1° directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;</p> <p>2° limiting production, markets or technical development to the detriment of consumers;</p> <p>3° applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;</p> <p>4° making the conclusion of contracts subject to the acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.</p> <p>Art. IV.2/1. of Code of Economic Law</p> <p>It is prohibited for one or more undertakings to abuse a position of economic dependence in which one or more undertakings are engaged, where competition may be affected on the Belgian market concerned or a substantial part thereof. The following may be considered an abusive practice:</p> <p>1° the refusal of a sale, a purchase or other trading</p>

		<p>conditions; 2° the direct or indirect imposition of unfair purchase or selling prices or other unfair trading conditions; 3° the limitation of production, markets or technical development to the detriment of consumers; 4° the application of dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage; 5° the making of the conclusion of contracts subject to the acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.</p> <p>Art. IV.79. of Code of Economic Law</p> <p>§ 2. By way of derogation from paragraph 1, where the decision or procedure concerns an abuse of a position of economic dependence within the meaning of Article IV.2/1, the fine referred to in paragraph 1 may not exceed 2% of the turnover of the undertaking or association of undertakings concerned and the penalty referred to in paragraph 1 amounts to a maximum of 2% of the average daily turnover per day of delay as from the date set by the Competition College.</p> <p>[If the answer is “yes”, please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed.]</p>
<p>Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?</p>	<p>Yes</p>	<p>Art. IV.10. of Code of Economic Law</p> <p>§ 1. Concentrations which are subject to control under this Chapter shall be notified to the Competition Prosecutor General prior to their implementation and after the conclusion of the agreement, the publication of the bid or exchange offer, or the acquisition of a controlling interest. The parties may, however, notify a draft agreement, provided that they explicitly state that they intend to conclude an agreement which does not differ significantly from the notified draft in all relevant competition law respects. In the case of a public bid, the parties may also notify a draft where they have publicly announced their intention to make such a bid.</p> <p>§ 2. Concentrations consisting of a merger within the meaning of Article IV.6 § 1, 1 or the acquisition of joint control within the meaning of Article IV.6 § 1, 2 shall be notified jointly by the parties to the merger or the acquisition of joint control. In all other cases, the notification shall be submitted by the person or undertaking acquiring control of the whole or part of one or more undertakings.</p> <p>The notification is subject to the payment of a flat fee of EUR 52,350 for a concentration or EUR 17,450 for a concentration subject to a simplified procedure to be borne by the notifying party or parties, the amount of which will be automatically indexed to the consumer price index from the year 2023 onwards. For the collection of the fee, the secretariat of the Belgian Competition Authority sends the Federal Public Service Finance within ten working days of the day following the decision of the Competition College or the Competition Prosecutor.</p> <p>1° a unique reference code per fee; 2° the identification of</p>

		<p>the undertaking or person liable to pay the fee or, in the case of a merger within the meaning of Article IV.6, § 1, 1°, or an acquisition of joint control within the meaning of Article IV.6, § 1, 2°, the identification of the undertakings or persons liable for payment of the fee in equal shares, mentioning, if available, the national number or, failing that, the identification number in the Crossroads Bank for Social Security in the case of natural persons or the identification number in the Crossroads Bank for Enterprises in the case of legal persons; 3° the amount of the fee; 4° the date of receipt of the notification to the secretariat.</p> <p>§ 3. The terms of the notifications referred to in paragraphs 1 and 2 are set by the King. The Belgian Competition Authority may lay down specific rules for a simplified notification.</p> <p>§ 4. As long as the Belgian Competition Authority has not made a decision on the admissibility of the concentration, the undertakings concerned cannot implement the concentration.</p> <p>§ 5. Paragraph 4 shall not, however, prevent the carrying out of a takeover bid or exchange offer or transactions whereby control within the meaning of Article IV.6 is acquired through a number of sellers by means of a series of transactions in financial instruments, including those convertible into other financial instruments, admitted to trading on a market such as a stock exchange, provided that: 1° the concentration is notified without delay to the Competition Prosecutor General in accordance with this Article, and 2° the acquirer does not exercise the voting rights attached to the financial instruments concerned or exercises them only with a view to safeguarding the full value of his investment and on the basis of an exemption granted by the President in accordance with paragraph 6.</p> <p>§ 6. Without prejudice to the provisions of paragraph 5, the President may, at any time, at the request of a Party, grant an exemption from the prohibition on implementation provided for in paragraph 4. The President shall request that the Competition Prosecutor General submit a report containing the information necessary for a decision under this paragraph. The Competition Prosecutor General or the Competition Prosecutor designated by him shall submit his report within two weeks of the submission of the request for exemption. The President may shorten this period. The President may attach conditions and obligations to the decision.</p> <p>Art. IV.64.</p> <p>§ 1. The Competition Prosecutor shall, after having received the opinion of the hearing officer, submit his reasoned proposal for a decision together with the procedural file to the President of the Competition College.</p> <p>§ 2. The proposal for a decision shall be submitted within 25 working days of the day following the day on which the notification is submitted to the Competition Prosecutor General. Where the information provided in the notification was not complete, this period shall run from the day following the day on which the complete information was received. Where appropriate, the period shall be suspended pursuant to Article IV.40, § 2, subparagraph 4. The twenty-five working day period shall be extended by ten working days where the notifying parties</p>
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		<p>offer commitments to the Competition Prosecutor.</p> <p>§ 3. The Competition Prosecutor shall send a copy of the draft decision to the notifying parties on the same day as it is submitted. He invites them to indicate the confidential passages.</p> <p>Art. IV.65.</p> <p>§ 1. The notifying parties shall file any written observations and exhibits no later than the day before the hearing of the Competition College and shall provide a copy to the Competition Prosecutor by e-mail on the same day. Where the notifying parties file a document which is not in the investigation file, the President of the Competition College shall set a time limit within which the Competition Prosecutor may file written observations on that document and a time limit within which the notifying parties may respond to those observations.</p> <p>§ 2. Third parties to be heard by the Competition College may submit written observations and exhibits to the Competition College no later than three working days before the hearing, with an e-mail copy to the notifying parties and the Competition Prosecutor on the same day. Where third parties wish to communicate confidential information to the Competition College, the President of the Competition College shall, without taking cognisance of the documents or information in question, appoint an assessor who is not a member of the Competition College and who shall decide on confidentiality by applying the procedure referred to in Article IV. 41, §§ 1 to 4.</p> <p>§ 3. The Competition College investigates every case at the hearing.</p> <p>§ 4. The Competition College hears the Competition Prosecutor General, the Competition Prosecutor, the notifying parties and, if they so request or at the request of the Competition College, the other parties to the concentration.</p> <p>§ 5. The notifying parties may propose new commitments within the time limit set by the President of the Competition College.</p> <p>§ 6. The undertakings involved in the concentration may modify the concentration until the Competition College closes its proceedings. In this case, the decision of the Competition College relates to the concentration thus modified.</p> <p>Art. IV.66.</p> <p>§ 1. The Competition College shall find, by reasoned decision, as the case may be: 1° either that the concentration does not fall within the scope of Title 1, Chapter 2, of this Book; 2° or that the concentration falls within the scope of Title 1, Chapter 2, of this Book.</p> <p>§ 2. If the concentration falls within the scope of Title 1, Chapter 2, of this book, the Competition College shall take one of the following reasoned decisions: 1° it decides that the concentration is admissible. It may attach to its decision conditions and obligations which must ensure that the undertakings concerned comply with the commitments they have offered, in order to hear the</p>
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		<p>declaration that the concentration is admissible.</p> <p>Where the Competition College wishes to take into account conditions and obligations that are not included in the proposed decision, the notifying parties and the Competition Prosecutor shall be heard on the matter and shall have at least two working days from the date of the communication by the Competition College to express their views in writing;</p> <p>2° it shall declare the concentration admissible where the undertakings concerned by the concentration together control not more than 25% of a market relevant to the transaction, whether in horizontal or vertical relationships;</p> <p>3° it finds that there are serious doubts as to the admissibility of the concentration and decides to initiate the complementary investigation and decision procedure referred to in Articles IV.67 to IV.69; this decision is not subject to appeal.</p> <p>The reasoning of the Competition College's decision is formal and adequate.</p> <p>§ 3. The decisions of the Competition College referred to in paragraphs 1 and 2 shall be taken within 40 working days from the day following the day of receipt of the notification.</p> <p>Where the information provided in the notification is not complete, this period shall run from the day following the day on which the complete information was received. Where appropriate, the period shall be suspended pursuant to Articles IV.40, § 2, subparagraph 4, and IV.65, § 1, subparagraph 2.</p> <p>The period referred to in paragraph 1 shall be extended: 1° by 15 working days where the notifying parties offer or modify commitments or modify the concentration;</p> <p>2° by decision of the Competition College, at the express request of the notifying parties, for a period which may not exceed the duration proposed by them; the Competition College shall in any case authorise an extension of fifteen working days and a new hearing if the notifying parties so request.</p> <p>§ 4. The concentration shall be deemed to be the subject of an admissibility decision where the Competition College has not issued its decision within the period provided for in paragraph 3.</p> <p>§ 5. The Competition College's decision on the merits of the case may not be based on documents and data that have been acknowledged as confidential vis-à-vis a notifying party, unless they are documents of the vendor, another notifying party or the target undertaking and the notifying party has been provided with a non-confidential version or a non-confidential summary of these documents and data.</p> <p>Art. IV.82. of Code of Economic Law</p> <p>§ 1. The Competition College may impose fines of up to 1% of turnover on undertakings or associations of undertakings when, deliberately or negligently:</p> <p>1° they give inaccurate, misleading or incomplete data in a notification or request for information;</p> <p>2° they do not provide the information within the time limit set in the decision to require the information;</p> <p>3° The Competition College may impose on undertakings and associations of undertakings penalties of up to 1% of the average daily turnover in the preceding business year for each day of delay from the date it sets in its decision, in</p>
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		<p>order to compel them: 1° to provide complete and accurate data requested in connection with a notification or request for information; 2° to provide the information if the time limit set in the decision to require the information is not respected;</p> <p>§ 3. The fine referred to in paragraph 1 may be imposed where an undertaking has entered into a concentration without prior notification pursuant to Article IV.10, even if the concentration is found to be admissible.</p> <p><i>[If the answer is "yes", please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
Is the notification of merger transactions mandatory?	Yes	<p>Art. IV.10. of Code of Economic Law</p> <p>§ 1. Concentrations which are subject to control under this Chapter shall be notified to the Competition Prosecutor General prior to their implementation and after the conclusion of the agreement, the publication of the bid or exchange offer, or the acquisition of a controlling interest. The parties may, however, notify a draft agreement, provided that they explicitly state that they intend to conclude an agreement which does not differ significantly from the notified draft in all relevant competition law respects. In the case of a public bid, the parties may also notify a draft where they have publicly announced their intention to make such a bid.</p> <p>§ 2. Concentrations consisting of a merger within the meaning of Article IV.6 § 1, 1 or the acquisition of joint control within the meaning of Article IV.6 § 1, 2 shall be notified jointly by the parties to the merger or the acquisition of joint control. In all other cases, the notification shall be submitted by the person or undertaking acquiring control of the whole or part of one or more undertakings.</p> <p><i>[If the answer is "yes", please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	<p>Art. IV.10. of Code of Economic Law</p> <p>§ 4. As long as the Belgian Competition Authority has not made a decision on the admissibility of the concentration, the undertakings concerned cannot implement the concentration.</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	<p>Art. IV.40/1. of Code of Economic Law</p> <p>Without prejudice to the powers of the local and federal police officers, the Competition Prosecutor and the members of staff of the Belgian Competition Authority commissioned by the Minister are competent to investigate infringements of this book and to establish these infringements by means of reports, the factual findings of which are authentic until proven otherwise. They shall also be competent to seek any useful information and to make any necessary findings for the application of Articles IV.6 (Concentration).</p> <p><i>[Please mention relevant provisions]</i></p>

Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	<p>Art. IV.52. of Code of Economic Law</p> <p>In the event of noncompliance with a condition imposed pursuant to Article IV.69, § 1, where it was stated in the decision in question that in the absence of that condition the concentration would not be permissible, the Competition College may, in order to restore effective competition, also impose the division of the merged undertakings or assets, the termination of joint control or any other appropriate measure.</p> <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<p>Art. IV.40/2. of Code of Economic Law</p> <p>The Competition Prosecutor and the members of staff of the Belgian Competition Authority commissioned by the Minister may, between 08:00 a.m. and 6:00 p.m., and with the prior authorisation of an examining magistrate of the Dutch-speaking Court of First Instance of Brussels or of an examining magistrate of the French-speaking Court of First Instance of Brussels, who is also competent for the application of this paragraph outside his district, carry out a search in:</p> <p>1° the premises, means of transport and other places of undertakings or associations of undertakings;</p> <p>2° other premises, means of transport and places, including the homes of company directors, managers, directors and other staff, as well as the homes and business premises of natural or legal persons, internal or external, responsible for commercial, accounting, administrative, tax and financial management, where they have reason to believe that they will find documents or items of information which they consider necessary for the performance of their duties.</p> <p><i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>Art. IV.39. of Code of Economic Law</p> <p>The Competition Prosecutor General decides whether to open an investigation:</p> <p>2° <i>ex officio</i> or on complaint by a natural or legal person showing a legitimate interest in the case of an infringement.</p> <p><i>[Please, mention the relevant provisions]</i></p>
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>Art. IV.54. of Code of Economic Law</p> <p>§ 1. A total or partial immunity from the fines provided for in this Book may be granted to an undertaking or an association of undertakings which, together with others, has implemented a secret cartel. The total or partial immunity from fines granted to an association of undertakings does not apply to its members.</p> <p>§ 2. Full immunity from fines can only be granted where the leniency applicant: 1° discloses his participation in a secret cartel; 2° helps to identify its participants; 3° is the first to provide information and evidence that:</p> <p>a) allow the Belgian Competition Authority to carry out targeted searches in relation to the secret cartel, provided that at the time of the leniency application it does not already have sufficient data to justify such searches or has not already carried out such searches (total immunity from</p>

		<p>type A fines), or</p> <p>b) are sufficient to enable the Belgian Competition Authority to establish the secret cartel provided that it does not already have, at the time of the leniency application, sufficient evidence to establish the cartel, and provided that no other undertaking or association of undertakings has already been granted total type A immunity in relation to the cartel (total immunity from Type B fines); and</p> <p>4° meets the conditions set out in paragraph 4. An undertaking or association of undertakings which has taken steps to coerce another undertaking or association of undertakings to join or remain in the secret cartel is not entitled to full immunity from fines. However, it may still qualify for a partial immunity from fines if it meets the conditions set out in paragraph 3.</p> <p>§ 3. Partial immunity from fines can only be granted where the leniency applicant: 1° discloses his participation in a secret cartel; 2° helps to identify its participants; and 3° provides evidence of the secret cartel that adds significant value to the evidence already in the possession of the Belgian Competition Authority at the time of the leniency application; and</p> <p>4° meets the conditions set out in paragraph 4. If a leniency applicant provides evidence which has significant added value and which is used by the Belgian Competition Authority to establish additional facts which increase the gravity or duration of the infringement, the Belgian Competition Authority will not take these additional facts into account when determining the fine to be imposed on the leniency applicant who provided this evidence.</p> <p>§ 4. In order to benefit from the total or partial immunity from fines referred to in paragraphs 2 and 3, the leniency applicant shall in addition meet the following conditions of cooperation: 1° during the period in which it is considering filing a leniency application and before the application is filed: a) refrain from destroying, falsifying or concealing any evidence relating to the secret cartel; or b) refrain from disclosing its intention to apply for leniency or the content of its application, except to other competition authorities in the European Competition Network or in third countries;</p> <p>2° at the latest immediately after the submission of the leniency application, to have ended its participation in the secret cartel, unless the Competition Prosecutor in charge of the case considers that a continuation of such participation is reasonably necessary to preserve the integrity of the investigation; 3° from the time of filing its leniency application until the Belgian Competition Authority has closed its proceedings by adopting a decision, cooperate fully, continuously, in good faith and expeditiously with the Belgian Competition Authority. This implies, inter alia, that the leniency applicant will: a) provide the Belgian Competition Authority, without delay and in its leniency application, with all relevant information and evidence about the secret cartel in its possession or to which it may have access, in particular:</p> <p>i) the name and address of the leniency applicant, ii) the name of all other undertakings or associations of undertakings that participate or have participated in the secret cartel, iii) a detailed description of the secret cartel, including the products involved, the geographical scope, duration and nature of the secret cartel, iv) information on any leniency applications filed in the past or likely to be</p>
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		<p>filed in the future with any other competition authority in the European Competition Network or in third countries regarding the secret cartel; b) remain at the disposal of the Belgian Competition Authority to answer promptly any questions that may help to establish the facts at issue; c) make the directors, officers and other staff and, to the extent possible, former directors, officers and other staff available to the Belgian Competition Authority for hearings; d) refrain from destroying, falsifying or removing relevant information or evidence; e) refrain from disclosing the existence or content of its leniency application until the submission of the proposal for a decision to the Competition College in accordance with Article IV.64, § 1, unless otherwise agreed by the Competition Prosecutor and without prejudice to paragraph 2</p> <p>The obligation of confidentiality referred to in paragraph 1, 3°, e), is not breached if: 1° the leniency applicant informs another competition authority in the European Competition Network or in third countries of the existence or content of its leniency application in the context of multiple applications made by the applicant; 2° the leniency applicant must, by virtue of a legal obligation or following an enforceable decision of a national court, report its cooperation with the Belgian Competition Authority; or 3° the leniency applicant seeks external advice to obtain a legal opinion. The leniency statement referred to in subparagraph 1, 3°, a), concerning a full or summary leniency application may be submitted in writing or orally. § 5. An application for immunity by a natural person pursuant to Article IV.54/4 shall not preclude the granting of total or partial immunity from fines to the undertaking or association of undertakings within the framework of which that person is acting or has acted pursuant to Article IV.1, § 4.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>
Does the Competition Authority have powers to seek criminal punishment?	No	<p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>Art. IV.19. § 1. The tasks of the president include the following:</p> <p>1° to represent Belgium in European and international competition institutions for all discussions falling within the competence of the Belgian Competition Authority; he participates in other discussions within international and European institutions concerning legislation and regulation in the field of competition policy, without prejudice to the competences of the Minister and other public authorities in this area;</p> <p>3° to contribute to the preparation of Belgian legislation and regulations relating to competition rules and policy.</p> <p><i>[If the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<p><i>[If the answer is yes, include relevant provisions]</i></p>

Rulemaking			
Can the Competition Authority issue guidelines?	Non-Binding	<p>✓</p> <p><i>[Answer with X/✓ as it applies]</i></p>	Guidelines on the calculation of fines.
		<p>✓</p> <p><i>[Answer with X/✓ as it applies]</i></p>	Guidelines on merger control.
		<p>X</p> <p><i>[Answer with X/✓ as it applies]</i></p>	Guidelines on the economic analysis of abuse of dominance cases.
Can the Competition Authority issue binding regulation on competition?	No	<i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i>	
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<p>Art. IV.39. of Code of Economic Law</p> <p>The Competition Prosecutor General decide whether to open an investigation:</p> <p>4° at the request of the Minister for Small and Medium Sized Businesses, a public body or other specific public institution responsible for the control or supervision of an economic sector in the case of an infringement of [Competition Law] (Article IV.1, § 1, Article IV.2, Article IV.2/1 or Article IV.10, § 1).</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>	
Can the Competition Authority report to the legislature on the results of market studies?	n/a	<i>[If the answer is "yes", include relevant provisions]</i>	
Decision-Making Functions			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	<p>Art. IV.26. of Code of Economic Law</p> <p>§ 3. The tasks of the Competition Prosecutor General include the following:</p> <p>3° to open the investigation in the cases referred to in Article IV.39, and determine the order in which the cases are examined, after the opinion of the Director of Economic Affairs.</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>	
Does the Competition Authority impose punishments?	Yes	<p>Art. IV.52. §1. The Competition College may, by reasoned decision:</p> <p>1° declare that, in view of the elements of which the Competition College is aware, there are no grounds for it to intervene; 2° find that there is an infringement of competition law and, where applicable, an infringement of Article IV.1, § 4, to order the cessation of the infringement in the manner prescribed by the Competition College, and,</p>	

		<p>where appropriate, impose a fine;</p> <p>2°/1 find that an infringement of competition law has been committed in the past and, where appropriate impose a fine;</p> <p>3° find that there is no infringement of competition law, provided that there is no effect on trade between Member States of the European Union;</p> <p>4° find that the agreement between undertakings, the decision of an association of undertakings or the concerted practice investigated is the subject of a Council of the European Union regulation or a European Commission regulation declaring Article 101(1) TFEU inapplicable or of a Royal Decree within the meaning of Article IV.5, and to issue a decision to close the case;</p> <p>5° find that Article IV.3, paragraph 2, or a royal decree within the meaning of Articles IV.4 and IV.5 has no effect in an individual case, when the infringement of competition law in question produces effects that are incompatible with Article IV.1, § 3;</p> <p>6° find that a regulation within the meaning of Article IV.3, paragraph 1, has no effect in an individual case, when the infringement of competition law in question produces effects that are incompatible with Article 101, § 3, TFEU in the national territory or in a part thereof which has all the characteristics of a distinct geographic market;</p> <p>7° declare the commitments offered binding and find that there are no longer grounds for action by the Belgian Competition Authority. Such a decision may be adopted for a fixed period of time. It leaves it open to the courts to find the existence of infringements of competition law in the past. The commitments do not imply any prejudicial recognition on the part of the party concerned;</p> <p>8° find that a decision taken pursuant to Articles IV.10, § 6, IV.44, § 1, 2°, IV.45, paragraph 1, 2°, IV.46, § 2, 1°, IV.52, IV.66, IV.69, IV.71 or IV.73 has or has not been complied with, and to order, where appropriate, that the decision in question, possibly amended by the Competition College, be applied in the manner prescribed by the Competition College and to impose a fine. In the event of noncompliance with a condition imposed pursuant to Article IV.69, § 1, where it was stated in the decision in question that in the absence of that condition the concentration would not be permissible, the Competition College may, in order to restore effective competition, also impose the division of the merged undertakings or assets, the termination of joint control or any other appropriate measure.</p> <p>The reasoning of the Competition College's decision is formal and adequate.</p> <p>§ 1/1. When the Competition College takes a decision referred to in paragraph 1, subparagraph 1, 2°, it may impose any structural or behavioural remedy which is proportionate to the infringement of competition law and necessary to bring it to an effective end. Where the Competition College has to choose between several equally effective remedies, it shall choose the remedy which is the least burdensome for the undertaking or association of undertakings in accordance with the principle of proportionality.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes	The Belgian Competition Authority consists of several divisions responsible for different aspects of competition law enforcement, including investigation and

		<p>decision-making.</p> <p>Investigation Division: This division is responsible for conducting investigations into alleged anticompetitive behavior, such as cartels, abuse of dominance, and other violations of competition law. They gather evidence, interview witnesses, and assess whether there is a case to be made against a company or individual.</p> <p>Prosecution Division: After the investigation is complete, the prosecution division evaluates the evidence and, if necessary, brings cases before the Competition College.</p> <p>Competition College: The Competition College is an independent decision-making body within the BCA. It is composed of both judicial and economic members and is responsible for rendering decisions on competition cases. This includes determining whether a company or individual has violated competition law and, if so, imposing sanctions.</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
<p>Can the Competition Authority's decisions be appealed to a court?</p>	<p>Yes</p>	<p>Parties dissatisfied with the decisions of the Competition College can appeal to the Belgian court system, ultimately leading to the Court of Appeal in Brussels. The Appeal Court reviews decisions of the Belgian Competition Authority to ensure they comply with Belgian and EU competition law.</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review.]</i></p>
<p>Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.</p>		