

Evaluation of the notification thresholds for concentrations in Belgium

The Code of Economic Law provides that the merger control provisions only apply where, together, the undertakings concerned have a turnover of more than EUR 100 million in Belgium and, at least two of the undertakings concerned have, each, a turnover of at least 40 million euros in Belgium. The Code also provides that the Belgian Competition Authority (“BCA”) shall carry out an assessment of these two thresholds every three years, taking into account, inter alia, the economic impact and the administrative burden for undertakings.

In view of the relatively high notification thresholds in Belgium, the BCA sees no reason to raise these thresholds.

It also concludes that examples of mergers, under the notification thresholds, which would have had an effect on the market do not, on their own, make a case to lower the notification thresholds. If such a reduction were to be envisaged, the Authority would advocate lowering the thresholds in certain specific sectors, with a local catchment area, as is for example the case in France.

It could also be envisaged to ask companies to inform the Authority about concentrations below the thresholds, that are important for the Belgian market (threshold to be defined). However, the BCA suggests that any proposal to change the notification thresholds be subject to stakeholder consultation.

You can find the text of the evaluation at the following address:

https://www.belgiancompetition.be/sites/default/files/content/download/files/20170516_evaluation_seuils.pdf

For more information you may contact:

Prof. em. dr. Jacques Steenbergen

President

Tel. +32 (2) 277 73 74

E-mail: jacques.steenbergen@bma-abc.be

Website: www.belgiancompetition.be

The Belgian Competition Authority (BCA) is an independent administrative authority that contributes to the definition and implementation of competition policy in Belgium. Concretely, the BCA pursues anti-competitive practices, such as cartels and abuses of a dominant position, and reviews the main merger operations. The BCA cooperates with the other competition authorities of the member states of the European Union and the European Commission within the European Competition Network (ECN)