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The Prosecution body of the new Belgian Competition Authority submitted its first draft decision in a case of restrictive practices in relation to the behaviour of Electrabel (GDF Suez) in the electricity sector.

The Prosecution body has filed today a draft decision to the President of the Belgian Competition Authority concerning the practices of Electrabel on the Belgian market for generation, wholesale and trading of electricity and on the Belgian market for the supply of tertiary reserve services.

This draft decision confirms the report of the College of Competition Prosecutors which had been submitted on 7 February 2013 and which brought forward the existence of abusive practices of Electrabel concerning, on the one hand, capacity withholding from 2007 to 2010, and, on the other hand, fictive sale of tertiary reserve from 2006 to 2007.

According to the Book IV of the New Belgian Economic Code, the Prosecution body had a deadline of one month to submit a draft decision following the observations that Electrabel submitted on 28 October 2013.

This case will be brought before the Competition College (the new decision-making body of the Authority), where Electrabel will be able to defend itself. Electrabel can submit a reply in writing to the Competition College, and this College will hear it at an oral hearing.



The Competition College will decide whether or not there was an infringement of competition law. The draft decision does not prejudice this decision.

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The BCA (composed of the Competition College and the President as the decision making body in formal procedures and the Investigation Service under the direction of the competition prosecutor general) has as mission statement to promote and to safeguard the existence of an effective competition in Belgium. To this end she examines and may impose sanctions on restrictive practices (cartels, abuse of dominant position). Its examines also the admissibility of concentrations which might have a noticeable effect on the market. To this end the authority applies books IV and V of the Code of Economic Law as stipulated in the act of 3 April 2013 (Belgian Official Gazette of 26 April 2013) and competition rules of the European Union such as articles 101 and 102 of the TFEU (ex-articles 81 and 82 of the EC treaty).The authority takes part in the implementation of the European competition policy. She works together with other competition authorities and is member of the European competition network(ECN), the European Competition Authorities (ECA) and the International Competition Network.