



Key terms: Guidelines on the calculation of fines

## PRESS RELEASE

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### **The Board of the Belgian Competition Authority adopts new guidelines on the calculation of fines**

The Board of the Belgian Competition Authority has on 26 August 2014 decided to revoke the Communication of the Belgian Competition Council on the calculation of fines of 19 December 2011 and to replace it by new guidelines on the calculation of fines.

The Belgian Competition Authority will more closely follow the guidelines of the European Commission in its calculation of fines. This new approach must be seen in a context of harmonization of sanctions for infringement of the competition rules within the European Union. Concretely, companies active in Belgium will be sanctioned according to the same calculation method, regardless of whether the investigation is led by the Belgian Competition Authority or by the European Commission (DG Competition).

In practice, the main change is that infringements of a longer duration will be sanctioned more severely. Like the European Commission, the Board of the Belgian Competition Authority considers that fines are an important tool in order to deter companies from infringing competition rules.

The new guidelines on the calculation of fines will enter into force on 1 November 2014.

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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.