

Press release

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The Competition College of the Belgian Competition Authority has imposed a fine of 50 000 euro on Sanoma Media Belgium because they impeded an investigation by the late provision of information

The Competition College has decided that Sanoma Media Belgium N.V. (seller) impeded by negligence the investigation of the acquisition of magazine titles by De Persgroep by providing a market study of which they had knowledge for at least two days, only after the competition prosecutor had to inform the notifying party of his objections. The good faith of Sanoma Media Belgium N.V. was accepted by the College. The Competition College decided that undertakings have a specific duty of care in merger control procedures because of the short time periods.

The College decided for the first time that the Notice for the calculation of fines in cartel and abuse cases can also offer guidance with regard to this type of infringement, but taking into account the fact that the Legislator defined the maximum fine for procedural infringements at 10% of the maximum fine for cartels. Because it is the first time the late providing of information by negligence has been qualified as impeding an investigation, and the first time that the Notice has been used with regard to this type of infringement, the College has accepted in this case as an alleviating circumstance to calculate the fine as it would do if information is provided after the indicated time period but at a time when one may reasonably expect that it can still be taken into account by the prosecutor.

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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 and Prosecution 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). It 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.