

**The Belgian Competition Authority has ended its investigation regarding AMP**

The investigation – upon complaint – focused on the one hand on exclusivity clauses in the contracts between the publishers and AMP relating to the distribution of newspapers and periodicals to the points of sale for sale per issue in Belgium and (i) on the other hand the participation of points of sale in structural costs and increased transport costs, (ii) on the modification of the service of exceptional returns and (iii) on the introduction of a new system of control and credit of the unsold goods (Axon).

As regards the exclusivity clauses, the Investigation and Prosecution Service has decided that it is no longer appropriate to further investigate this point, in view of the commitments given by bpost in the context of its acquisition of AMP (see the merger decision of the College of Competition BMA-2016-C / C-32 of 8 November 2016, bpost / AMP and LS Distribution Benelux). Consequently, the Investigation and Prosecution Service did not take a position on whether or not AMP infringed competition law by inserting the aforementioned clauses in the contracts with the publishers.

As regards the increase in transport costs, the Investigation and Prosecution Service notes that, following a ruling of the Brussels Court of Appeal of 29 May 2012, AMP reduced the transport cost to the amount (indexed) considered as objectively justified by the Court of Appeal. As for the introduction of a fixed monthly compensation for the participation in structural costs, the investigation concludes that the latter is ultimately neutral in comparison with the regime provided for in the CGFP of 1999. The Investigation & Prosecution Service therefore considers that it is neither appropriate nor justified to further investigate these points.

As regards the change in the service of exceptional returns and the introduction of a new system of control and credit of the unsold goods (Axon), the investigation shows that the allegations in this regard are unfounded.

The decision can be consulted on the website of the Belgian Competition Authority.

**For more information you may contact:**

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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)