

The Investigation and Prosecution Service of the Belgian Competition Authority has decided to dismiss a complaint regarding anticompetitive clauses in an agreement signed on 5 December 2005 between SA REMMERY and SA FLORAGRO

In 2012, the College of Competition Prosecutors received a complaint from SA REMMERY against the companies SA FLORAGRO, SA FLORIDENNE and SA FLORINVEST. The complaint concerned the inclusion of an exclusive supply clause and a non-competition clause in an agreement signed on 5 December 2005 by SA REMMERY and SA FLORAGRO. This agreement concerned the sale by FLORAGRO of all activities of REMMERY SA, with the exception of its snail distribution activities. The first objection was the potential anticompetitive nature of the agreements. The second objection was SA FLORAGRO's potential abuse of dominance.

In its preliminary assessment, the Investigation and Prosecuting Service stated re. the first objection, that the exclusive supply clause could benefit from the exemption provided for in Commission Regulation No 2790/1999. Regarding the non-compete clause, it had only been partially implemented and only for a period of less than three years. As regard the second objection, the Investigation and Prosecuting Service stated that SA FLORAGRO was not dominant on the market for the purchase, processing and sale of fresh and frozen snails in the Benelux and France.

On the basis of the information gathered at this stage of the investigation, the Investigation and Prosecuting Service decided on 21 December 2018 to dismiss the complaint of SA REMMERY in light of the priorities and the available resources as regard the first objection and considered the second objection unfounded.

The decision will be soon available 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)