

PRESS RELEASE

N° 1/2019

23 January 2019

The Competition College of the BCA imposed an interim measure on Norkring België

On 22 January 2019, the Competition College of the Belgian Competition Authority (BCA) imposed an interim measure on NV Norkring België (Norkring) in order to ensure the continuity of the FM broadcasts of VRT in execution of its public service mission.

The FM broadcasts of VRT are currently broadcasted under an agreement which runs until 5 March 2019, inter alia, from four transmission towers belonging to Norkring. In a public procurement procedure, VRT awarded BV Broadcast Technology & Development (Broadcast Partners) the broadcasting of its FM programmes inter alia via these four transmission towers for a subsequent period. In a complaint with request for interim measures, VRT complains to Norkring that it has not yet concluded an agreement with Broadcast Partners in order to ensure the continuity of broadcasting.

Broadcast Partners also asked the President of the Commercial Court of Antwerp in a cease and desist action to impose on Norkring the obligation to conclude an agreement with it on reasonable terms allowing it to provide the broadcasts.

The Competition College may impose interim measures in order to avoid, within the limits of Article IV.64, §1 WER, a prejudice for companies that *prima facie* would be the victim of an alleged infringement of competition rules, or in order to avoid harmful consequences for the general economic interest of what *prima facie* could be an infringement of these rules.

The College has ruled that VRT has not demonstrated that the conditions for taking interim measures in order to avoid a prejudice for it are currently met.

However, the College has ruled that the general economic interest in continuity of the performance of VRT's public service is sufficiently important to consider that there may *prima facie* be an infringement of competition rules if continuity is not assured by 5 March 2019. It imposed therefore on Norkring to continue providing the ongoing services from the four transmission towers, if necessary, from 5 March 2019 onwards under the conditions under which Norkring competed in the procurement procedure to obtain the contract itself, and until an agreement has been reached, or (whichever comes first) the President of the Commercial Court has ruled on the request.

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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)