

Publication in the Belgian Official Gazette of the Law of 2 May 2019 amending the Code of Economic Law

The Law of 2 May 2019 amending book I "Definitions", book XV "Law enforcement" and replacing book IV "Protection of competition" of the Code of Economic Law was published in the Belgian Official Gazette on 24 May 2019 and will enter into force within 10 days after this publication.

The Board of the Belgian Competition Authority (BCA) observes that according to the principles of legal technique of the Council of State, pending the adoption of the Royal Decrees implementing this law, the current Royal Decrees implementing the Law of 3 April 2013 remain applicable to the extent that they find their legal ground in the Law of 2 May 2019.

It concerns the following four decrees:

- the Royal Decree of 30 August 2013 on procedures for the protection of competition;
- the Royal Decree of 30 August 2013 on the notification of concentrations of undertakings referred to in Article IV.10 of the Code of Economic Law inserted by the Laws of 3 April 2013;
- the Royal Decree of 4 September 2013 on the payment and recovery of the administrative fines and periodic penalty payments pursuant to book IV of the Code of Economic Law ;
- the Royal Decree of 12 September 2013 on the delivery of copies of the file as referred to in book IV of the Code of Economic Law .

In the light of these principles, the references in these decrees are supposed to refer to the corresponding legislative articles of book IV as replaced by the Law of 2 May 2019 (hereinafter the new book IV).

On the other hand, with regard to the application of the Royal Decree of 30 August 2013 on procedures for the protection of competition, the BCA's Board notes that:

- with regard to the notification and publication of decisions, the provisions of article 7 of this decree no longer apply, but only articles IV.74 and IV.75 of the new book IV;
- the statement of objections referred to in Article 8 of this Decree pursuant to Article IV.46 of the new book IV is communicated by the competition prosecutor, and the extension of the deadline for reply is provided for by Article IV. 46, § 1 of the new book IV;
- with regard to the settlement procedure, the request referred to in Article 10 of this Decree pursuant to Article IV.55 of the new book IV, is made from now on by the Competition Prosecutor General and the suspension of the investigation in the light of a settlement procedure (Article 9 of this decree) is now provided for by Article IV.46 § 4, 3°, of the new book IV;
- with regard to the submission of additional documents in the proceedings before the Competition College, the provision in Article 14 § 1, second sentence, of this Decree no longer

applies, but the Articles IV.49 § 3, 1° and 4°, IV. 65 § 1, 1° and 2° and IV.68 § 1, 1° and 2° of the new book IV;

- the terms "natural or legal persons" and "draft decision" referred to in Article 15 of this decree are designated in the new book IV respectively as "third parties" (see Article IV.50 § 2, 3° and Article IV.65 § 4, 3° and 4°) and "proposal for a decision";
- with regard to the determination of the "working days", the provisions of Article 27 of this Decree do not apply, but Article I.6, 13° of the Code of Economic Law, as replaced by the Law of 2 May 2019.

With regard to the Royal Decree of 30 August 2013 on the notification of concentrations of undertakings referred to in Article IV.10 of the Code of Economic Law inserted by the Laws of 3 April 2013, the Board of the BCA observes that notifications of concentrations will continue to be submitted in the manner prescribed in the form CONC C/C, the model which is included as an appendix to this decree .

Finally, the BCA points out that its website will be adjusted to take into account the provisions of the new book IV.