

Interim measure imposed on Orange and Proximus in respect of the joint venture for the sharing of the mobile radio access networks

The Competition College of the Belgian Competition Authority (BCA) has at the request of Telenet Group NV and Telenet BVBA (Telenet) imposed on 8 January 2020 an interim measure on Orange Belgium NV (Orange) and Proximus NV (Proximus).

In view of their potential impact on competition, the Competition College requires of Orange and Proximus to suspend the implementation of the Shareholders Agreement and RAN (*Radio access network*) Sharing Agreement concluded between them on 22 November 2019, from the date of receipt of this decision and until 16 March 2020. This suspension should consider, in particular, the transfer of staff. It does not prevent sending out RFPs (*Request for Proposal*) for the acquisition of network equipment and the selection of staff members to be transferred, if this does not lead to the conclusion of binding agreements. Orange and Proximus must inform the Competition College and the Investigation and Prosecution Service (Auditorat) by 9 March 2020 at the latest of their discussions with the BIPT (the telecom and postal regulator) and the BIPT's position.

The Competition College is however of the opinion that, in view of among others the potentially positive effects of the cooperation and the time it takes for the Investigation and Prosecution Service (Auditorat) to assess the merits of the complaint, a suspension of the cooperation until a final decision on the complaint cannot be considered proportional at present.

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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)