

The Belgian Competition Authority imposes on Proximus to provisionally ensure the operational autonomy of EDPnet under the supervision of an independent trustee

On 21 June 2023, the College of the Belgian Competition Authority (BCA) has imposed provisional measures on the telecom operator Proximus in order to halt the effects of a potential breach of competition law in relation to the acquisition of the independent operator EDPnet.

On 12 April, the College of the BCA had received a request for interim measures from the Prosecutor General of the BCA with a view to ensuring the continuity of the operations of EDPnet, as well as its operational and commercial independence from Proximus for the duration of the *ex officio* investigation opened on 21 March, pursuant to Article IV.2 of the Code of Economic Law (CEL) and Article 102 of the Treaty on the Functioning of the European Union (TFEU), which prohibit abuses of dominance

In its decision, the College considers that the Prosecutor General has proven the *prima facie* existence of an abuse of dominance by Proximus resulting from the takeover of EDPnet. In interim measures proceedings, the finding of an infringement of competition law is not final. The College holds that, further to the completion of this transaction, it is urgent to adopt interim measures so as to avoid a situation which could harm the general economic interest, should the acquisition of EDPnet by Proximus become irreversible.

The interim measures imposed on Proximus consist of:

- (i) the obligation to maintain the viability and competitiveness of EDPnet;
- (ii) the obligation to segregate the activities of Proximus and EDPnet under the supervision of a manager designated by Proximus amongst the staff of EDPnet;
- (iii) the obligation to ensure that Proximus does not obtain any confidential information pertaining to EDPnet.

The interim measures are applicable for a period of 15 months, which may be prolonged should the circumstances of the case so warrant.

Their respect will be monitored by an independent trustee.

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)