

## **Communication from the Executive Committee of the Belgian Competition Authority**

### **The Belgian Competition Authority confirms its competence to examine mergers and acquisitions between hospitals under its merger control regime.**

By statute adopted on 29 March 2021, the Belgian legislator exempted from prior merger control by the Belgian Competition Authority "the creation of a local-regional clinical hospital network and any subsequent change in the composition thereof".

This exemption does not extend to mergers and acquisitions between hospitals that are independent of the creation of a hospital network or a change in the composition thereof, even if the hospitals concerned are already part of the same hospital network.

These mergers and acquisitions are structural in nature and lead to a lasting change in the management of the supply of hospital services.

The Belgian Competition Authority is currently handling a series of mergers and acquisitions in the hospital sector under its merger control regime, in accordance with the applicable legal framework and in full cooperation with the hospitals in question.

This communication follows on from the intermediate decision of 28 June 2023, as published today ([see here 23-CC-18](#)), which allowed the execution of the legal acts necessary for the completion of the merger between Pôle hospitalier Jolimont ASBL and Centre hospitalier universitaire et psychiatrique Mons Borinage (also known as Hôpital Ambroise Paré). The substantive merger control analysis of this transaction remains ongoing and will lead to the adoption of a final decision at a later stage.

#### **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)