

## PRESS RELEASE

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### **The Belgian Competition Authority strengthens protection for whistleblowers on handling reports of competition law violations**

The Belgian Competition Authority ("BCA") participates in the implementation of the Act of 28 November 2022 on whistleblowers in the private sector (the "Whistleblowers Act"). By royal decree of 22 January 2023, the BCA was designated as a competent authority mandated to receive reports of violations of national and European competition rules.

The BCA signed a Memorandum of agreement with the federal Ombudsman formalising cooperation, information sharing and transmission of reports between the two authorities (available at [Memorandum](#)). The Whistleblowers Act designates the federal Ombudsman as the federal coordinator in charge of coordinating external reports for the private sector. In this context, the federal Ombudsman will deliver whistleblower reports on competition law violations committed within an undertaking to the BCA, while the BCA will transmit reports that do not fall within its jurisdiction to the Ombudsman. This protocol provides a better protection to whistleblowers.

On 4 October 2022, prior to its designation as a competent authority under the Whistleblowers Act, the BCA set up a reporting system that allows to report in a fast, secure and anonymous way any conduct that may infringe competition rules. From the outset, this reporting system complies with the requirements of Directive 2019/1937 on the protection of persons who report breaches of Union law, and the Whistleblowers Act.

The BCA's reporting system is accessible via: <https://www.belgiancompetition.be/en/report-competition-issue>.

This reporting system strengthens the ability to detect anti-competition practices by undertakings. It complements the leniency programme established by the BCA, which allows undertakings to obtain a full or partial immunity from fines if they report the existence of a secret cartel and cooperate with the BCA throughout the investigation. The leniency programme also provides immunity from prosecution for natural persons doing the same.

Undertakings wishing to report their knowledge of or their participation in a cartel, and potentially obtain an exemption from or a reduction of fine, can contact the BCA's Prosecutor General at [AUD@bma-abc.be](mailto:AUD@bma-abc.be).

#### **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)