

PRIORITIES PAPER – 2025

This paper has been prepared by the Executive Committee of the Belgian Competition Authority (“BCA”) pursuant to Article IV.25 of the Code of Economic Law (“CEL”). It gives an overview of the sectors for which the BCA will be particularly vigilant (section 2) and of the BCA’s strategic policy priorities for 2025 (section 3). These strategic priorities include a specific use and further development of the tools that are available to the BCA for strengthening and adapting its enforcement policy to the current economic context and the new challenges facing competition law enforcement.

Context

Competition rules are enforced in a way that takes into account the existing and expected economic, social and political context. In this regard, a decline in inflation was observed in 2023, but it flared up again in 2024. Although the National Bank of Belgium forecasts a declining trend in 2025, Belgium is still experiencing a higher inflation rate than many other EU Member States.¹ The large contribution of energy to the overall inflation rate remains a concern.² While economic shocks caused by the COVID pandemic and the aggression on Ukraine could largely explain a high level of inflation in recent years, structural problems could also contribute to this phenomenon. In this context, the BCA has decided, among other things, to launch a general investigation into sectoral price review and indexation mechanisms and practices, their potential impact on competitive dynamics and their compatibility with competition rules.³

The major economic, geopolitical, technological and sustainability challenges that Belgium is currently facing pose several policy challenges for the new governments in our country. A stronger competition policy will be an important pillar to support the efforts to strengthen the Belgian economy in the coming years, to improve enterprises' competitive position within and outside Europe and to protect the purchasing power of our citizens. To this end, a better coordination between competition enforcement and other policy areas such as competitiveness and international trade appears necessary. A strong competitive dynamic has important positive effects, not only directly and in the short term like lower prices, better quality and more diverse products, but also in terms of increasing firms' productivity, their investment and innovation efforts and their competitiveness in general, which in turn has a positive impact on Belgium's economic position in the medium and long term. Competition is one of the forces that drive innovation, including the kind of disruptive innovation that can challenge established companies and break through their entrenched market power, allowing new, better quality products and services to reach consumers. This was recently highlighted by former ECB President Mario Draghi in his report on the future of European competitiveness,⁴ a report that helped shape the European Commission's recent Competitiveness Compass.⁵



1. See the most recent figures published by the ECB, based on December 2025 figures: the harmonised consumer price index (HICP) was 4.4% in Belgium compared to an average HICP of 2.3% for the Euro area.

2. *Ibid.*, footnote 1.

3. BCA, Decision to open a general investigation into price review and indexation mechanisms and practices, 6 February 2025.

4. Mario Draghi, *The Future of European Competitiveness*, 9 September 2024.

5. Communication from the Commission to the European Parliament, the European Council, the European Economic and Social Committee and the Committee of the Regions, *A Competitiveness Compass for the EU*, 29 January 2025.



The BCA will ensure that healthy, dynamic competition continues to exist in Belgium, supporting a strong, agile and independent Europe, benefiting businesses and consumers. To this end, the BCA will continue to focus on the key strategic priorities it has set for 2023 and 2024, in particular an active enforcement policy in the digital sector and the application of competition policy to Belgium's transformation into a green, circular economy. This twin transition will continue to influence the policy agenda and the strategic choices of companies and our society in general in the coming years. Finally, the BCA is grateful for the recognition of its work, as apparent from the recent Federal Coalition Agreement.⁶ While remaining fully independent, the BCA aims to contribute to the elaboration and follow-up of the competition-related measures that the Federal Government intends to implement.

The following sectors or economic activities are considered priorities in 2025, with a strong focus on goods and services that are essential for both businesses and consumers:

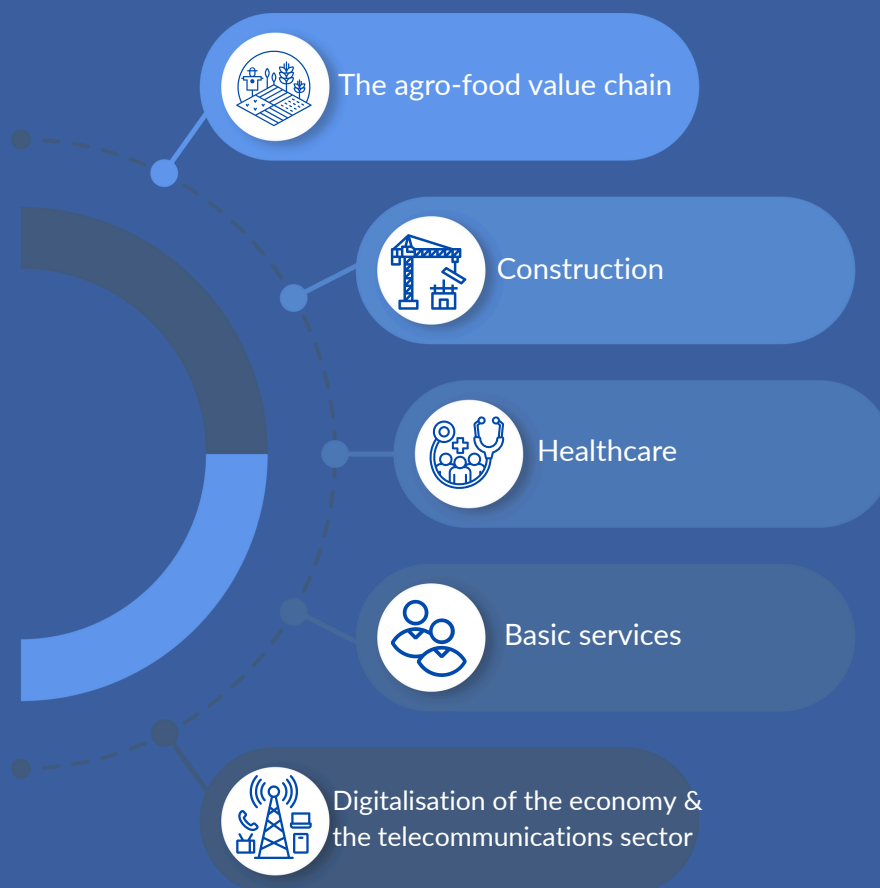
- The agri-food value chain;
- The construction sector;
- Healthcare;
- Basic services (including regulated professions, financial and banking services, energy, and transport);
- The digitalisation of the economy, digital infrastructures and the telecommunications sector.

To strengthen its enforcement policy, the BCA will prioritise the following strategic projects and areas for action:

- Sector research, policy papers and policy guidelines to strengthen detection and advocacy policies;
- A comprehensive enforcement strategy to combat bid rigging;
- Strengthening the legal framework and the policy tools available;
- Increased national and international cooperation to improve the BCA's effectiveness;
- A visible, accessible authority with a broad reach to relevant target groups.

PRIORITY SECTORS FOR 2025

To make the best use of its resources, the BCA focuses its interventions on cases where its actions are expected to have the highest positive impact, taking into account the resources needed to implement these actions successfully. A full and detailed explanation of the analytical framework used to identify priority cases is provided in the appendix. While the BCA does not exempt any sector from prosecution for competition law infringements, priority is given to certain sectors, notably because of their strategic importance for the Belgian economy, or because of the sector's manifest exposure to a higher risk of market disruption, particularly when it involves essential goods and services. To identify the list of priority sectors, the BCA relies in particular on its own expertise and experience from previous and/or ongoing investigations, the results of the sectoral screening methodology of the Prices Observatory,⁷ and signals from stakeholders, other authorities, research institutions and academia.⁸



7. The Price Observatory's horizontal screening process identifies sectors which are at increased risk from less efficient market competition.

8. However, the fact that a specific case falls within a sector mentioned in this priorities paper does not mean that the BCA may not set a case aside if it does not considered to represent an enforcement priority or if it does not warrant an investigation in view of the resources available



The agri-food value chain

As in previous years, the BCA will continue to focus on maintaining effective competition throughout the whole agri-food value chain. The economic importance of this sector, in terms of the added value, employment and international trade being generated, is undeniable for the Belgian economy. In addition, this value chain is closely linked to many other sectors of the economy, including the packaging industry as well as logistics and transport.

Analyses by the Price Observatory⁹ and the BCA's own surveys¹⁰ indicate that several activities within the sector show signs of being at higher risk of potential market distortions. Several formal investigations into possible law infringements in the sector are currently underway. These concern a wide range of practices, including possible abuses of dominance and economic dependence, as well as anti-competitive agreements. The results of these investigations will provide guidance to operators in other food sectors as to what is allowed or not. In its recent decision in the potato sector, for example, binding commitments were offered to the BCA by a trade association regarding the operation of a price index system for potatoes that are destined to be processed. This decision is also relevant for other agricultural sectors.¹¹

The BCA will remain vigilant regarding further consolidation within the value chain, especially where a merger is proposed in an already highly concentrated food sector. The arrival of a small number of strong foreign supermarket chains, combined with strict merger control, has improved the competitive dynamics among retailers. The same vigilance applies in the upstream manufacturing sector, where certain transactions have been halted in recent years after the BCA raised serious concerns about potential anti-competitive effects in the market.

Finally, the BCA pays close attention to the challenges facing the sector as it moves towards more sustainable ways of producing and consuming goods, taking into account the vulnerable position of certain actors in the value chain. The BCA will therefore, complementary to the work of the Price Observatory, issue recommendations to facilitate the appropriate functioning of the chain, for example to ensure that farmers and market gardeners receive a fair price for their products while ensuring that the proposed measures do not disrupt the chain as a whole.

9. Horizontal screening (see also footnote 8), as well as the thematic studies by the Price Observatory in the food sector, including "Price evolution in the food chain: an analysis of the price transmission mechanism for Belgium and neighbouring countries," published in December 2022.

10. See, among others, BCA (2024), "Recent Trends in Fast Moving Consumer Good Prices in Belgium and a Comparison with the Netherlands, France and Germany. Descriptive Statistics on Retailer and Manufacturer Selling Prices Euromonitor Passport Data," Working Study CET-24-001, as well as formal and informal industry research files.

11. Press release No. 4/2025 29 January 2025; "The Belgian Competition Authority has declared that the commitments by Belgapom in connection with the formation of the Belgapom price (the price index for potatoes) are binding."



Construction

Like the food industry, the construction sector is one of the main traditional sectors of significant importance to the Belgian economy. It has a major impact on spending by citizens, companies and (semi-)public institutions, for example in relation to the construction of new homes or commercial premises, renovation works or maintenance, including public buildings. In addition to the importance of high-quality standards, partly due to stringent safety standards, the industry has faced many challenges in recent years with price increases due to sharp rises in energy and raw material prices and the need for greater sustainability.

While certain actors are experiencing a period of economic difficulty, this does not alter the fact that serious market distortions can still occur within this industry, whether or not caused by circumstances and/or behaviours that restrict competition. In this context reference can be made to the market survey carried out by the Price Observatory,¹² in which the construction sector (including building materials) has been identified in recent years as one of the sectors with a high risk of market distortions affecting several links in the chain, from the production to the wholesale and retail level, including the rental market.

The BCA has to ensure that competitive dynamics are preserved throughout the value chain, notably with regard to the pass-through of major cost items such as energy prices and raw materials, the use of public procurement procedures, especially in the context of large, complex, long-term construction projects, and the possibility of further consolidation in the chain, particularly in sectors already subject to a high level of concentration, high barriers to entry and few alternatives for customers to switch to other materials. The potential impact of the increased digitalisation of the sector should also be highlighted as this evolution could trigger more dependency of customers in after-sales services provided by individual players.

12. For example, the latest survey in 2023 confirmed that lime and plaster manufacturing shows the highest composite indicator, while the manufacture of bricks, plaster items for construction and cement are also highlighted by the analysis as sectors providing grounds for concern. The study also shows that industries manufacturing building materials from clay, as well as lime, plaster and cement, have significantly higher margins in Belgium in comparison with the average of the neighbouring countries in terms of both the level of prices and price changes. Several service and trade sectors within the construction sector have also seen increases in net margin, including in the development of construction projects, as well as wholesale wood and building materials, retail ironmongery, paint and glass, and wholesale construction machinery.



Healthcare

The broader healthcare sector, including the pharmaceutical industry, will remain a priority for the BCA in 2025. A high-quality, well-functioning and easily accessible healthcare sector is fundamental to our society and economy. Despite a high degree of regulation, various sector operators and institutions should continue to have the right incentives in the future to continue to provide high-quality care under the best possible terms and to use allocated public funding in the most efficient way to the benefit of patients.

Despite its regulated environment and the non-profit nature of the hospital sector, it is an economic sector in its own right, with an annual turnover of around EUR 20 billion, mostly generated by private organisations, and employing tens of thousands of healthcare professionals. Since March 2024, mergers and acquisitions involving licenced hospitals are in principle exempt from prior merger control, except in the case of very large hospitals (The combined turnover in Belgium of the hospitals concerned exceeds 900 million euros; and the turnover in Belgium of each of at least two of the hospitals concerned exceeds 250 million euros).¹³ The assessment of the merger between two hospitals in Antwerp (GZA and ZNA) into the new Ziekenhuis aan de Stroom (ZAS)¹⁴ has demonstrated that the exercise of the BCA's powers is complementary to that of sector regulators and therefore still necessary. This became clear when concerns were raised about the proposed transaction and the conditions that had to be met before it could be declared admissible.¹⁵ The BCA will make full use of its remaining powers and it will continue to monitor the evolution of this ongoing consolidation process. Furthermore, the BCA will not hesitate to take action against anti-competitive practices involving healthcare institutions and professionals, particularly in regard to unregulated fees and restrictions with regards to the employment of healthcare professionals.

The pharmaceutical industry also remains a priority for the BCA. In this sector, the BCA will continue to look closely at all the links in the value chain: prices set by laboratories, competition among wholesaler-distributors and competitive dynamics at pharmacy level. In the latter case, it will pay particular attention to consolidation into larger pharmacy networks, and their impact on aspects such as accessibility, the range of products offered and the service provided to patients.¹⁶

13. Art. 57 of the Law of 29 March 2024, implementing Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector, and amending Directives (EU) 2019/1937 and (EU) 2020/1828, and amending various provisions on the organisation and powers of the Belgian Competition Authority, Belgian Official Gazette, 3 May 2024, 49179.

14. Decision BCA-2024-CC-24 dated 1 July 2024, GZA Ziekenhuizen - Ziekenhuis Netwerk Antwerpen / Ziekenhuis aan de Stroom.

15. These conditions, which include guarantees of future (maximum) levels of fees and room supplements, as well as a general guarantee to preserve the autonomy of the merged hospital vis-à-vis the other hospitals, were deemed necessary in order to address the competition concerns that were identified.

16. Decision BCA-2025-CC-05 dated 5 February 2025, Multipharma/Popelin (Goed Pharmacies).



Basic services, including regulated professions, financial and banking services, energy, and transportation

Service markets are an important part of the Belgian economy. Many services provide consumers or businesses with the support they need when making other commercial decisions. Examples include financial services, including banking/payment and insurance services, legal services, audit services, security services and quality control bodies. Several of these services and professions are regulated in order to protect consumers. This means that only individuals or companies that meet the necessary requirements are allowed to provide the service. Protecting quality in this way is important for users, but it does not necessarily provide for the necessary guarantees of a well-functioning market. It may even restrict or distort the market, as was stated, for example, in the BCA's opinion on the banking sector,¹⁷ and also in the surveys carried out by the Price Observatory for legal services, accounting services, architectural and engineering services, real estate agents and notaries.¹⁸

The BCA will continue to monitor compliance with competition law in the various service sectors, and will also continue to advocate the revision of regulations in specific markets and professions where these are more restrictive than necessary to safeguard the relevant public interest goals. In the coming legislature, the BCA will assist the government by making recommendations and addressing areas of market dysfunction, including information asymmetries between licenced companies and professionals on the one hand and consumers on the other hand, as well as addressing the existence of barriers that limit customers' mobility and freedom of choice when it comes to switching to another provider.¹⁹

The BCA will also continue to pay attention to each link in the energy value chain. Within the regulatory framework overseen by the sector regulator, CREG, it is important that competition among market players is maintained for the benefit of the economy as a whole and to promote the energy transition. Competition among electricity producers is an important factor in the implementation of infrastructure projects. Competition at the generation level also affects the competitiveness of local businesses and consumer purchasing power. Competition in energy services will also facilitate the energy transition. Competition between suppliers can be strengthened: one approach is to promote price transparency, for example through price comparison platforms that make it easier for households to switch between energy suppliers.

Finally, the BCA will continue to pay particular attention to important basic services for citizens and (semi-)public institutions that are partially or fully funded through public procurement procedures, including those within the public transport sector and various security services, an area where it will focus its efforts (see hereunder under strategic priorities).

17. BCA (2023), "Opinion of the Belgian Competition Authority on retail banking services" (original version: "Avis de l'Autorité belge de la Concurrence relatif aux services bancaires de détail").

18. Price Observatory (2018): "Analysis of Prices Annual Report 2017 of the Institute for National Accounts: Analysis of market functioning in regard to legal services, accounting services, architectural services and engineering services"; Price Observatory (2020), "Analysis of Prices Annual Report 2019 of the Institute of National Accounts: Part IV. Analysis of market functioning in regard to estate agents in Belgium"; Price Observatory (2021), "Analysis of prices - The functioning of the notarial sector in Belgium."

19. Federal Coalition Agreement 2025 - 2029, Purchasing Power Section, p.28ff.



Digitalisation of the economy, digital infrastructures and the telecommunications sector

- **Digitalisation of the economy**

The BCA will continue to focus on the digital economy as a top priority, with an initial emphasis on the activities of local players. This will be done in close cooperation with regulators that have particular expertise and powers in the area of digital policy, as well as with the other competition authorities.

Digitalisation is increasingly penetrating all sectors of the economy, from online services and digital platforms to the integration of digital components, products and processes, including in traditional industries such as heavy industry, manufacturing, construction, logistics and trade. In these areas the BCA will pay particular attention to the impact of this digital transformation. To illustrate, the emergence of online platforms as key intermediaries in e-commerce has created new forms of dependency for both consumers and businesses. These digital companies are often characterised by large economies of scale, direct and indirect network effects that increase their potential market power, and the ability to improve their services and algorithms through their access to sufficiently detailed data, including personal data. Among other things, the BCA will closely monitor any abuse of dominance or economic dependency by local platforms. There are also specific challenges in ensuring a healthy competitive dynamic with regard to the digitalisation of after-sales services. This concerns both B2B and B2C agreements, in particular on access to data and software, but also on interoperability between different digital systems. Finally, the BCA will monitor possible cases of abuse of dominant position and economic dependence in the Belgian market involving AI companies, and ensure that access to key inputs for the development and training AI models continues to be guaranteed, such as repositories of high-quality data, computing power and infrastructure (e.g. accelerator chips and cloud services), as well as skilled talent and expertise.

The BCA will continue to actively contribute to the implementation of the Digital Markets Act (DMA),²⁰ in close cooperation with the European Commission. The BCA has published a specific guide to explain the opportunities offered by this regulation for tech challengers, with the aim of stimulating innovation in the European digital sector. Topics covered in this guide include the various obligations of gatekeepers, with information on where and how aggrieved companies can report non-compliance with the DMA rules. The specific roles and responsibilities of the BCA and other institutional players are also clearly explained.²¹

A more detailed presentation of the BCA's enforcement policy in the digital sector will be published in the course of 2025.

20. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector, and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Regulation).
21. The Digital Markets Regulation (DMA) | A short guide for tech challengers, 18 December 2024, an initiative of the Belgian Competition Authority.



- **Digital infrastructures and the telecommunications sector²²**

The telecommunications sector remains a priority for the BCA in two areas: (i) monitoring, from a competition law perspective, the deployment of new infrastructures (fibre optic and 5G infrastructure), and (ii) improving the competitive dynamics in various telecommunications services for both residential and business users, covering price, quality and other aspects.

Starting from a so-called "inhibitory head start" (with widespread VDSL and DOCSIS technology for fixed networks) which has delayed the replacement of fixed networks, Belgium is currently considered to be lagging behind in the deployment of fibre optic networks. At the same time, Belgium is catching up in the deployment of 5G networks. The BCA has expressed its willingness to evaluate collaborative projects that facilitate the deployment of fibre optic networks and to work closely with the Belgian Institute of Postal Services and Telecommunications (BIPT) to assess the risks and benefits of these collaborative projects, including the conditions for access to the network. The BCA remains open to allowing such cooperation of this kind within the existing legal framework, if the conditions are appropriate.

High prices for electronic communications services remain a legitimate concern in Belgium. The arrival of a new network operator (DIGI Belgium) in December 2024 is shaking up the Belgian telecommunications landscape, which is currently putting downward pressure on prices. However, it is still too early to assess the longer-term impact of DIGI's presence in the market, including the impact on the quality of its offerings and associated services, nor is it known whether and to what extent the current intensification of price competition in the sector will continue. Nevertheless, initial observations show that the impact of an additional telecommunications operator with its own network has the potential to significantly enhance competition. The evolution of telecommunications markets will therefore be monitored closely, in collaboration with the European Commission and the BIPT.

In general, the BCA will be particularly vigilant and will not hesitate to take appropriate action against possible attempts to raise barriers to entry and/or expansion in the telecommunications sector.

22. Horizontal screening by FPS Economy has identified a series of sectors that require special attention, including telecommunications (NACE 61): Price Observatory (2022), "Market forces in Belgium and evolution of margins," with service sectors including wired telecommunications (6110) as the sector with the highest composite indicator and wireless telecommunications (6120) as one of the sectors in which net margins have grown.

STRATEGIC PROJECTS AND AREAS FOR ACTION IN 2025



Sector research, policy papers and policy guidelines to strengthen detection and advocacy policies;



A comprehensive enforcement strategy to combat bid rigging;



Strengthening the legal framework and the policy tools available;



Increased national and international cooperation to improve the BCA's effectiveness ;



A visible, accessible authority with a broad reach to relevant target groups.



Sector research, policy papers and policy guidelines to strengthen detection and advocacy policies

Pursuant to Article IV.47 of the Code of Economic Law, the BCA may conduct general or sectoral investigations if there is evidence of market failure. The BCA wishes to use this power more systematically to identify market dysfunctions and distortions in a timely and proactive manner and make concrete proposals to remedy these distortions. Following the publication of its advice on the retail banking sector in October 2023, the BCA has carried out internal preparatory work to structure and plan the exercise of this power.

Accordingly, an initial general inquiry into sectoral price revision and indexation mechanisms in the Belgian economy will be conducted in 2025. For several years, Belgium has been facing inflationary trends that are often more significant than those of neighbouring countries. Although factors related to the international situation (such as the COVID-19 pandemic and the energy crisis) largely account for this phenomenon, structural problems specific to Belgium, such as the widespread use of sectoral price indexation mechanisms, may also be contributing factors. This first general investigation by the BCA will identify the existing sectoral price review and indexation mechanisms and practices that are used in Belgium, and then identify which of these mechanisms and practices, as regards their structure, development, implementation or effects are potentially contrary to competition law. In doing so, the BCA will assess how these practices may affect the price levels of the products and services of the concerned undertakings and, ultimately the distribution of wealth between economic operators, and the welfare of Belgian consumers in particular.

Next to sectoral investigations, the BCA will also continue its practice of publishing policy papers and guidelines aimed at helping companies and other stakeholders comply with competition law. The purpose of policy guidelines is to analyse new or complex issues that arise under competition law in order to improve the predictability and transparency of enforcement. Guidelines on sustainability (which are particularly important in the agri-food sector), the BCA's digital policy, and the clarification of competition rules in the context of employee mobility (including the use of no-poach agreements) are among those that will be prepared in 2025.



A comprehensive enforcement strategy to combat bid rigging

When public entities wish to place orders with companies for specific services, supplies and/or works, it must comply with public procurement regulations. Alongside their other aims, these strict regulations are intended to promote free access, equal treatment and transparency, thereby creating a level playing field for all the interested bidders. The European Commission estimates that the value of public procurement in each Member State is about 14 percent of gross domestic product. For Belgium, this currently amounts to over 80 billion euros. The monetary impact of these public procurement procedures on the economy is therefore significant.

Bid rigging, or collusion between companies when submitting bids - for example, in the form of market allocation - as well as interference in the drafting of tender specifications, runs counter to the objectives of public procurement procedures and undermines free and undistorted competition. This results in increased costs for contracting authorities and is detrimental to society as a whole. Given the nature of the products or services purchased and the particular vulnerability of public institutions and end users (some of the public institutions that are adversely affected provide essential or even life-saving goods and services to society, such as hospitals, schools, nursing homes and public transportation), it is necessary to take decisive action when infringements occur. Furthermore, such procedures sometimes concern very complex, expensive and long-term projects, for which significant information asymmetries exist between the (public) entities issuing invitations to tender on one side, and the bidders on the other. This makes it more difficult to assess whether the bids are truly market compliant.

In 2024, the BCA adopted two settlement decisions. The undertakings involved had been found to have participated, among other things, in a collusion around public procurement. These illegal practices concerned essential services in the private security and fire protection sectors. The BCA imposed fines of more than 47 million euros and 2.2 million euros respectively in these cases.²³ The BCA will continue to take action against undertakings that engage in bid rigging.

23. The first settlement decision resulted in penalties for participants in a complex cartel scheme in the private security sector, involving not only the distortion of public procurement procedures, but also price fixing and unlawful non-solicitation provisions. See Decision BCA-2024-I/O-25-AUD of 2 July 2024, *Private beveiliging (Private Security)*. In the second decision, the BCA penalised companies operating in the fire protection sector in Belgium for manipulating public procurement procedures over more than seven years, mainly in regard to the sale, rental and/or maintenance of fire extinguishers and fire hose reels. This case also involved essential goods and services for the protection of public safety and the bid rigging affected vulnerable institutions such as schools, municipalities, social assistance centres and companies providing social housing and public transportation. See Decision BCA-2024-I/O-27-AUD of 8 July 2024, *Protection incendie (Fire protection)*



The BCA will also continue to invest in both cartel awareness and detection techniques to develop and improve its policies on both prevention and intervention. A lack of focus on and knowledge of these practices can have unintended adverse consequences, such as reduced vigilance among undertakings and/or the victims of cartels, or simply insufficient awareness of the fact that cartels (which can take various forms) constitute a serious violation of competition law. To educate buyers working for government bodies about the dangers of such collusion in public procurement, the BCA published a guide in 2017 that includes the description of market conditions that can facilitate bid rigging and tips on identifying and preventing such arrangements.²⁴ In addition to updating this guide, the BCA is now focusing on new tools to improve detection, in cooperation with other competition authorities and the European Commission, with the emphasis on the use and analysis of e-procurement data. The BCA is also developing an outreach policy to guide people working in procurement in identifying and reporting suspicious practices.

24. Belgian Competition Authority (2017), "Collusion in public procurement: A guide for government buyers".



Enhancing the legal framework and policy instruments

In collaboration with the Competition Department of the FPS Economy, significant emphasis will be placed on strengthening the legal framework to increase the effectiveness of the BCA's enforcement of competition rules in the Belgian market is an important area for attention. In 2025 the BCA plans to focus on the area of merger control. Mergers and acquisitions can have an irreversible impact on the competitive structure of markets and affect the dynamics of the economic sectors in which they take place. An in-depth review of such mergers involving key players in the concerned industry is therefore crucial. It is also important for undertakings to ensure that the merger control procedure works efficiently and that the associated administrative burden is kept to a minimum.

In light of these considerations the BCA envisages to review the rules on merger control in Book IV of the Code of Economic Law. More specifically, the BCA proposes to modify the notification form, based on the the experience gained since 2013 and the recent revision of the European Commission (DG COMP) notification form. The BCA also proposes to review the criteria for the application of the simplified merger control procedure and to conduct an overall evaluation of the normal merger control procedure. In cooperation with the Competition Department of the FPS Economy, the BCA will also evaluate, whether it is expedient to introduce a "call in" competence (comparable to such competence in some other Member States), to allow the BCA to examine the competitive impact of a merger that fails to reach the European and Belgian notification thresholds. While the Belgian notification thresholds are relatively high, a trend can be observed in several sectors of large players acquiring smaller competitors without requiring prior notification to the BCA (in "roll-up" and "killer" acquisitions), in a way that is detrimental to the competitiveness of our economy.

The BCA will additionally explore the possibility of introducing the so-called "New Competition Tool" in collaboration with the government. On the basis of such an instrument, the BCA could be requested to develop measures to remedy market distortions it has previously identified as a result of a general or sectoral investigation. The advice on the retail banking sector published in the autumn of 2023 and the general inquiry into sectoral price revision and indexation mechanisms in the Belgian economy that was initiated recently are examples of such initiatives. In this context, the ability to impose binding remedies, where appropriate, could increase the effectiveness of this tool.



Increased national and international cooperation to improve the BCA's effectiveness

While the BCA has maintained a strong commitment to partnerships with various agencies and organisations within Belgium and internationally for several years now, the increase in the workforce in recent years lends itself to deepening these partnerships. This is further supported by the new Federal Coalition Agreement. According to this agreement, in the next few years, the federal government not only plans to strengthen the BCA, but also deepen the existing cooperation framework involving the BCA, the Price Observatory and the Economic Inspection.²⁵ These frameworks for intensified collaboration will make it possible to identify sectors with serious market distortions more quickly and seek the most appropriate remedies to address such distortions. Sectoral expertise will also be exchanged more easily between departments, allowing them to join forces to work on larger-scale projects. Finally, collaboration with the Economic Inspection will be particularly helpful in exposing practices that may be caught by both competition law and/or consumer protection law more quickly so that these can, where necessary, be addressed using the most efficient means.

At the national level, the BCA will continue to work on more intensive collaboration with other public authorities, initially within the Federal Public Service Economy and with the various sectoral regulators. The BCA will continue to share information with the main professional federations and also with consumer organisations. The BCA's aim in doing this is to conclude formal cooperation agreements with specific institutions and organisations to achieve a more efficient approach to certain common challenges. In 2025 the BCA aims to conclude an agreement with the Data Protection Authority on similar terms to those in the cooperation agreements that are in place with the BIPT and the CREG. There is a clear need for coordinated application of competition rules and personal data protection legislation by the BCA and the Data Protection Authority. With the entry into force of the European Media Freedom Act ("EMFA") this year, the BCA will also take the necessary initiatives together with FPS Economy to ensure a coordinated approach with media regulators when assessing future mergers within the media sector.

Alongside its efforts at the national level, the BCA will continue to develop several international cooperation initiatives in 2025. In particular, the BCA actively contributes to the work of the ECN, the OECD and the ICN (in collaboration with the FPS Economy). The BCA has recently also forged stronger informal ties with competition authorities of EU Member States whose socioeconomic characteristics closely resemble those of Belgium, namely medium-sized open economies including the Netherlands, Austria, Portugal, the Czech Republic and Greece. In some respects, these countries face different competition policy challenges in comparison with larger Member States. Several cooperation projects on specific common themes are already in preparation, where manpower can be pooled across the authorities. Work is also being done to develop shared policy positions to ensure that the voices of medium-sized Member States are sufficiently heard in the political debate

²⁵. *Ibid.*, footnote 6.



A visible, accessible authority with a broad reach

It is essential for a public institution like the BCA to be well-known and easily accessible for the general public in order to be able to implement an efficient and relevant enforcement policy. This means that businesses and citizens must be sufficiently aware of the existence of competition law and of the possible infringements that could be brought to the attention of the BCA. To this end, the further development of the BCA's communication policy will be the main focus in 2025, with the appointment of a communication officer, the revision of the BCA's visual identity and the improvement of communication channels including the launch a comprehensive review of the website and social media channels. This will allow the BCA to communicate its achievements and policy recommendations more quickly and clearly to all stakeholders, demonstrating that competition law is accessible to everyone and to the benefit of undertakings and citizens across all sectors.

As part of its advocacy policy, the BCA will continue to focus on improving transparency of its competition policy towards its stakeholders regarding its enforcement policies. This may take the form of informal advice or contacts (via the President and/or the Investigation and Prosecution Service) when new questions arise about the application of competition law, or it may involve publication of guidelines as mentioned above, as well as attending various forums (conferences, training sessions or colloquia) to explain its views on competition law.

Appendix: Analysis framework for identifying priority cases

In order to make the best use of its resources, the BCA will focus its intervention on cases where its actions have the greatest expected positive impact, taking into account the resources that are needed to implement these interventions successfully. In doing this, it needs to find the right balance:

- between relatively simple cases involving prosecutions for the most obvious infringements and more complex or innovative cases where there is added value in terms of jurisprudence;
- between cartel agreements, vertical restrictions and abuses of dominance and economic dependency;
- between cases that can be concluded within a relatively short period of time and those requiring a longer period of investigation;
- between different economic sectors, to ensure a balance between strategic sectors of macroeconomic importance on the one hand, and other sectors that may be of less strategic importance, but which involve particular risks or infringing practices.

Like other competition authorities, the BCA takes four factors into consideration in its assessment of the importance of a case:

- **Impact** – The BCA assesses the potential harm caused by the alleged infringement that is brought to its attention to the industry in question. This considers both direct effects on pricing and non-price related parameters such as product or consumer service quality or innovation. Its assessment will also take into account several indirect effects, such as the dissuasive effect with respect to infringements in related sectors, and the effect on the entire value chain involved.
- **Strategic interest** – Launching an investigation into an alleged infringement may be strategically useful to the BCA if it views the concerned sector as a priority (see the list of priority sectors for 2025 above), or if it wishes to clarify the interpretation of the law so that the case can provide a valuable precedent. If the BCA determines that other institutions are better placed to handle the specific problem, the problem will be considered of lesser strategic importance.
- **Risks** – The BCA will be less inclined to devote resources to investigating an infringement when there is a real risk that the investigation will not yield a useful result.
- **Resources** – The BCA will also consider the resources that are needed to initiate or continue an investigation, as well as the calendar of all ongoing investigations.