



Belgium

Global merger control handbook – update

APRIL 2020

Merger control legislation updates since 1 July 2018

Amendments to the Belgian Code of Economic Law, which took effect on 3 June 2019 (Law of 2 May 2019), introduced the following changes to Belgian merger control procedural rules:

- The Belgian Competition Prosecutor can now “stop-the-clock” during its statutory review at any stage of the proceedings (not only in Phase I proceedings as it was the case prior to that change).
- The Belgian Competition Prosecutor has five additional working days to submit its comments to the Competition College in cases where the notifying parties submit a remedy proposal.
- Parties can now submit remedies to the Competition College also after the investigation phase and are allowed to modify the structure of the transaction until the end of the oral hearing.

The Belgian Competition Authority has also eased the conditions for the application of the simplified procedure (the below additional rules entered into force on 20 January 2020). The Competition Prosecutor may apply the simplified procedure (his written decision will be notified to the parties) in the event that:

- (i) the combined market share of the undertakings concerned by the concentration does not exceed 50% (horizontal overlap) and (ii) the increase of the Herfindahl-Hirschman Index (HHI) does not exceed 150;
- (i) the combined market share of the undertakings concerned by the concentration does not exceed 50% (horizontal overlap) and (ii) the increment resulting from the concentration is less than 2%;
- there are no doubts about the admissibility of the concentration and the concentration does not raise any objections, in the following cases: (i) where two or more of the parties to the concentration are active in the same product

and geographic market and the combined market share that would result from the concentration is more than 25% but less than 40% (horizontal relationships); (ii) where one or more of the parties to the concentration are active in a product market which is upstream or downstream with respect to a product market in which one or more other parties are active and the market share of one or all of the parties on either of these two levels is more than 25% but less than 40% (vertical relationships).

Landmark merger control cases since 1 July 2018

No landmark cases.

Web link to the national competition authority

Competition Authority: <https://www.abc-bma.be/fr>

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