

Federal Public Service Economy, SMEs, Self-Employed and Energy

Ministerial decree (31/10/2006) on the method of transmitting the Competition Council's file to the Brussels Court of Appeal (1).

The Minister for Economy,

Given the act on the protection of economic competition, consolidated on 15th September 2006 in particular article 76, § 3;

Given the urgency owing to the fact that the act of 10th June 2006 on the protection of economic competition enters into force on 1st October 2006 and repeals on the same date the act on the protection of economic competition, coordinated on 1st July 1999 and the act of 10th June 2006 creating a Competition Council also enters into force on the same date. Accordingly, in order to ensure that the provisions of the said new laws are fully implemented, it is necessary for the implementing decrees to enter into force on the same date at the latest and to be published beforehand. Otherwise it would be impossible to apply the new legislation, which would result in a legal vacuum which would seriously impede the economic activities of undertakings, deprived of legal certainty, which would undermine the Belgian Competition Authority's credibility. The State could be held liable for this situation and make itself liable to judicial proceedings and a formal warning from the Commission of the EC for non-compliance.

Given the opinion 41.400/1 of the Council of State, given on 28th September 2006 pursuant to article 84, § 1st, clause 1^o, 2^o, of the consolidated acts on the Council of State;

¹ ***This is an unofficial translation in English of the official Dutch and French version of the ministerial decree. This translation is merely for your information. Only the texts published in the Belgian Official Gazette are authentic.***

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BE IT THEREFORE ENACTED

Single article: The registry of the Competition Council shall transmit the file to the clerk of the Brussels Court of Appeal, by messenger or by recorded delivery, against acknowledgement of receipt.

Brussels, 31 October 2006.

M. VERWILGHEN