

ANNEX

Form PK/VMP()

FILING A COMPLAINT OR REQUEST pursuant to article 44, § 1°, 2° and 3° of the act on the protection of economic competition, consolidated on 15th September 2006

This form indicates the information which must be provided when submitting a complaint or request to the College of Competition Prosecutors, within the meaning of the act on the protection of economic competition, consolidated on 15th September 2006 and of the royal decree of 31st October 2006 concerning the submission of a complaint or request to which this form is annexed. The text of that act as well as that of its implementing decrees is shown on the "competition" page of the site of the FPS Economy, SMEs, Self-Employed and Energy <http://www.economie.fgov.be> or on the site of the Competition Council. You will also find on those sites the address of the registry of the College of Competition Prosecutors. (Erratum, see Official Belgian Gazette, 22-12-2006, p. 73840).

I. Information regarding the complainant or party submitting a request and the undertaking or association of undertakings giving rise to the complaint or request

1. Give full details on the identity of the legal or natural person submitting the complaint or request. Where the complainant or party submitting the request is an undertaking, identify the corporate group to which it belongs and provide a concise overview of the nature and scope of its business activities. Provide a contact person (with telephone number, postal and e-mail address) from whom supplementary explanations can be obtained.
2. Identify the undertaking or association of undertakings whose conduct the complaint or request relates to, including, where applicable, all available information on the corporate group to which the said undertakings belong, and the nature and scope of the business activities pursued by them. Indicate the position of the complainant or party submitting a request vis-à-vis the undertaking(s) or association of undertakings concerned by the complaint or request (for example, customer, competitor).

II. Details of the alleged infringement and evidence

3. Set out in detail the facts from which, in your opinion, it appears that there exists an infringement of article 2 or 3 of the law on the protection of economic competition and, if applicable, of article 81 or 82 of the EC Treaty. Indicate in particular the nature of the products (goods or services) affected by the alleged infringements and explain, where necessary, the commercial relationship concerning these products. Provide all available details on the agreements or practices of the undertakings or associations of undertakings to which the complaint or request relates. Indicate, to the extent possible, the relative market positions of the said undertakings.
4. Submit all documentation in your possession relating to or directly connected with the facts set out in the complaint or request (for example, texts of agreements, minutes of negotiations or meetings, terms of transactions, business documents, circulars, correspondence, notes of telephone conversations, etc.). State the names and address of the persons able to testify to the facts set out in the complaint or request, and in particular of persons affected by the alleged infringement. Submit statistics or other data in your possession which relate to the facts set out, in particular

¹ Delete as applicable: PK = complaint; VMP = interim measure

where they show developments in the marketplace (for example, information relating to prices and price trends, barriers to entry to the market for new suppliers, etc.).

5. Set out your view about the geographical scope of the alleged infringement and explain where that is not obvious, to what extent trade in Belgium or between Member States of the European Community may be affected by the conduct reported by you.

III. Finding sought from the Belgian Competition Authority and legitimate interest

6. Explain what finding or action you are seeking as a result of proceedings brought by the Belgian Competition Authority.

7. Set out the grounds on which you claim a legitimate interest as a complainant in accordance with article 44, § 1°, 2° of the act. State in particular how the conduct which is the subject of your complaint affects you and explain how, in your view, intervention by the Belgian Competition Authority would be likely to remedy the alleged grievance.

IV. Proceedings before national or Community competition or regulatory authorities or courts

8. Provide full information about whether you have referred the same or closely related subject matters to any other competition authority and/or whether a lawsuit has been brought before a national or Community court for the same or closely related subject matters. If so, provide full details about the competition or regulatory authority or court concerned and your submissions to the said authority or court, and if applicable their ruling.

Declaration that the information given in this form and in the annexes thereto is given entirely in good faith.

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Date and signature

Seen to be annexed to our decree of October 31, 2006 on the filing of complaints and requests referred to in article 44, § 1°, 2° and 3° of the act on the protection of economic competition, consolidated on 15th September 2006 ².

By the King:
The Minister for Economy,

M. VERWILGHEN

² **This is an unofficial translation in English of the official Dutch and French version of the act. This translation is merely for your information. Only the texts published in the Belgian Official Gazette are authentic.**
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