

# KINGDOM OF BELGIUM

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

Royal decree (31/10/2006) concerning the issuing of copies of files in accordance with the act on the protection of economic competition, consolidated on 15<sup>th</sup> September 2006 (1).

ALBERT II, KING OF THE BELGIANS,

To all present and future subjects, Greetings.

Given the act on the protection of economic competition, consolidated on 15<sup>th</sup> September 2006 in particular articles 48 § 8, and 57, § 5;

Given the royal decree of 29<sup>th</sup> April 1993 concerning the issuing of copies of files in accordance with the act of 5<sup>th</sup> August 1991 on the protection of economic competition, amended by the royal decree of 26<sup>th</sup> December 1998;

Given the urgency owing to the fact that the act of 10<sup>th</sup> June 2006 on the protection of economic competition enters into force on 1<sup>st</sup> October 2006 and repeals on the same date the act on the protection of economic competition, consolidated on 1<sup>st</sup> July 1999, and the act of 10<sup>th</sup> 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.

---

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

*Ceci est une traduction officieuse en anglais de la version officielle en néerlandais et français. Cette traduction est uniquement à titre d'information. Seule fait loi la législation belge publiée au « Moniteur belge ».*

*Dit is een officieuze vertaling in het Engels van de officiële Nederlandse en Franse versie van het KB. Deze vertaling is enkel bedoeld als informatieve ondersteuning. Enkel de teksten gepubliceerd in het Belgisch staatsblad zijn rechtsgeldig.*

Given the opinion 41.372/1 of the Council of State, given on 28<sup>th</sup> September 2006 pursuant to article 84, § 1, clause 1°, 2°, of the consolidated acts on the Council of State;

On a proposal of our Minister for Economy ,

Be it therefore enacted:

Article 1 § 1. The registry of the Competition Council shall issue, upon request, a copy of all or part of the dossier, to the persons or undertakings referred to in articles 48, §§ 1 and 2, and 55, § 5, clause 2, of the act on the protection of economic competition, consolidated on 15<sup>th</sup> September 2006 against payment of a fee of 0.74 euro per page.

§ 2. Such copies are to be collected from the registry of the Competition Council by any person duly authorised for that purpose.

However, upon request, copies may be sent by post.

In the case of airmail deliveries or mailing to a non European Community country, the fee shall be 1.98 euros per page.

Art. 2. Fees may be paid by bank cheque, free of all charges, or by postal cheque, free of all charges and validated by the Post Office. All cheques must be denominated in Euro and made out to the order of: "FPS Economy, the Competition Service, Copies".

Payment may also be made by transfer to account n° 679-2005887-24 (IBAN code: BE81679200588724, BIC code: BPOTBEB1) opened by the Competition Service with the Post Office under the same account name as in clause 1.

Art. 3. The time required for copies to be obtained by the parties concerned shall not affect the calculation of the procedural time limits specified in the act on the protection of economic competition, coordinated on 15<sup>th</sup> September 2006 and by its implementing decrees.

Art.4. The Minister with responsibility for economy may adapt the fees provided for under article 1 of this decree, according to fluctuations

in the consumer price index, postal charges and other components of the cost price.

Art. 5. The royal decree of 29<sup>th</sup> April 1993 concerning the issuing of copies of files in accordance with the act of 5<sup>th</sup> August 1991 on the protection of economic competition, amended by the royal decree of 26<sup>th</sup> December 1998 is rescinded.

Art. 6. This decree shall enter into force on 1<sup>st</sup> October 2006.

Art. 7. Our Minister for Economy is charged with the implementation of this decree.

Done at Châteauneuf-deGrasse, 31/10/2006.

By the King:

The Minister for Economy,

M. VERWILGHEN