

# KINGDOM OF BELGIUM

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

Royal decree (31/10/2006) relating to the payment and recovery of the administrative fines and penalties provided for in the act on the protection of economic competition, consolidated on 15<sup>th</sup> September 2006 <sup>(1)</sup>.

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 article 91, clause 3;  
Given the royal decree of 10<sup>th</sup> May 1993 concerning the payment and recovery of the administrative fines and penalties provided for in the act of 5<sup>th</sup> August 1991 on the protection of economic competition;

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

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<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 officielle 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 ».*

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State could be held liable for this situation and make it liable to judicial proceedings and a formal warning from the Commission of the EC for non-compliance.

Given the opinion 41.373/1 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 from our Minister for Finance and our Minister for Economy,

Be it therefore enacted:

Article 1. For the purposes of this decree, the following definitions shall apply:

1° the law: the act on the protection of economic competition, consolidated on 15<sup>th</sup> September 2006;

2° the competition prosecutor: the member of the College of Competition Prosecutors referred to in Chapter III, Section 1, Subsection 4 of the act;

3° administrative fines: the fines provided for in Chapter IV, Section 8, of the act;

4° penalties: the penalties provided for in Chapter IV, Section 8, of the act.

Art. 2. § 1. Administrative fines must be paid within thirty days from the day after the date of notification by registered letter of the decision imposing them.

§ 2. The amounts of administrative fines shall be paid by bank transfer, with all charges, if applicable, to be borne by the originator, to the bank account of the Caisse des Dépôts et Consignations/Deposito- en Consignatiekas.

§ 3. The receipt issued by the Caisse des Dépôts et Consignations/Deposito- en Consignatiekas shall be sent without delay to the competition prosecutor by the person, undertaking or association of undertakings concerned, as proof of payment of the administrative fine.

Art. 3. If a penalty is due, the competition prosecutor shall notify the amount by registered letter to the person, undertaking or association of undertakings concerned. The latter shall have thirty days, from the day after the date of notification of the penalty, to pay the penalty in accordance with the method and rules set out in article 2, §§ 2 and 3.

Art. 4. If an administrative fine or penalty is not paid within the time prescribed, as applicable, in article 2, § 1, or article 3, the competition prosecutor shall transmit the decision to the Administration for Value Added Tax, Registration and Public Property, with a view to obtaining recovery of the amount due.

Art. 5. The royal decree of May 10, 1993 concerning the payment of the administrative fines and penalties provided for in the act of 5<sup>th</sup> August 1991 on the protection of economic competition is rescinded.

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

Art. 7. Our Minister for Economy and our

Minister for Finance are charged, within the framework of their respective competences, with the implementation of this decree.

Done at Châteauneuf-de-Grasse, 31/10/2006.

By the King:

The Minister of Finance,

D. REYNDERS

The Minister of Economy,

M. VERWILGHEN