

**23 March 1993 - Royal Decree relating to the Notification of Concentrations of Undertakings referred to in Article 12 of the Act on the Protection of Economic Competition coordinated on 1 July 1999 (Belgian Official Gazette, 31 March 1993) as amended by the Royal Decrees of 22 January 1998 (Belgian Official Gazette, 24 April 1998), 11 March 1999 (Belgian Official Gazette, 19 May 1999) and 18 June 1999 (Belgian Official Gazette, 12 October 1999)**

*Unofficial coordination*

Article 1. - For the purpose of this Decree, the following definitions shall apply :

- Act : the Act of 5 August 1991 on the Protection of Economic Competition;
- Office : the Competition Office referred to in Article 14 of the Act;
- Corps : the Corps of Examiners referred to in Chapter III, Section 1 of the Act;
- Council : the Competition Council established by the Act.

Art. 2. - § 1. Pursuant to Article 12, § 1 of the Act, the natural and legal persons referred to in Article 12, § 2 of this Act shall be under a duty to notify a concentration.

§ 2. Where the notification is signed by representatives of natural or legal persons, such representatives shall produce written authority stating their power of representation.

§ 3. In the event of a joint notification, notification shall be made by a joint representative invested with the power to transmit and receive documents on behalf of all the notifying parties.

§ 4. The notifying parties or their representatives shall provide an address in Belgium to which all correspondence shall be sent.

Art. 3. - § 1. Notifications shall be submitted in the manner prescribed by Form CONC C/C - 1, as shown in the Annex to this Decree. Joint notifications shall be submitted on a single form.

§ 2. Ten copies of the each notification and of the Annexes thereto shall be submitted to the Council at the address indicated in Form CONC C/C - 1.

Such communication shall be made to the Council during its opening hours by registered letter or by courier against acknowledgement of receipt.

§ 3. The documents annexed to the notification shall be either originals or copies of the originals : in the latter case, the notifying parties shall certify that they are true copies of the originals and complete.

§ 4. If the natural or legal person making the notification is not domiciled or has no establishment in Belgium, the notification shall be drawn up in one of the national languages.

The documents annexed to the notification shall be submitted in their original language. Where the original language is not one of the national languages or English, a translation into the language of the notification shall be attached.

If the examiner appointed by the Corps or the Council deems it necessary, the notifying parties may be required to provide a translation of all or part of the documents supplied in English.

Art. 4. - § 1. Notifications shall contain the information required by Form CONC C/C - 1. Accurate and complete information shall be provided.

§ 2. Material changes in the facts contained in the notification which the notifying parties know or ought to know shall be communicated to the Office voluntarily and without delay.

§ 3. Inaccurate or distorted information shall be considered to be incomplete information.

Art. 5. - § 1. Without prejudice to § 2, notifications shall become effective on the date on which they are received by the Council.

§ 2. Without prejudice to § 4, where the examiner appointed by the Corps finds that the information contained in the notification is incomplete in a material respect, he shall without delay inform the notifying parties or their joint representative in writing of this fact and shall fix an appropriate time limit for the supply of full information. In such case, the notification shall become effective from the day after the date on which the complete information is received by the examiner appointed by the Corps.

§ 3. The provisions of § 2 to § 4 of Article 3 of this Decree shall apply to any reply to a letter sent by the examiner appointed by the Corps by virtue of § 2 of this Article.

§ 4. The examiner appointed by the Corps may dispense with the obligation to provide any particular information required by Form CONC C/C - 1 where he considers that such information is not necessary for the examination of the case. The examiner appointed by the Corps or the Council may nonetheless request such particular information afterwards but failure to communicate such information in the notification shall not make the notification incomplete within the meaning of § 2 of this Article.

§ 5. The Council shall without delay acknowledge in writing by registered letter to the notifying parties or their joint representative receipt of the notification mentioning the registration number and the date on which it is transmitted to the Corps.

§ 6. The examiner appointed by the Corps shall without delay acknowledge in writing by registered letter to the notifying parties or their joint representative receipt of any reply to a letter sent by him by virtue of § 2.

Art. 6. - § 1. Where the Council concludes that the operation notified does not constitute a concentration within the meaning of Article 9 of the Act, he shall record that finding by means of a decision. In such cases, if the notifying parties so request in writing, the notification shall be treated, as required by circumstances and without prejudice to § 2, as an application for negative clearance within the meaning of Article 6 of the Act or as a notification intended to obtain an exemption within the meaning of Article 7 of this Act.

§ 2. In the cases referred to in § 1, second sentence of this Article, the examiner appointed by the Corps may require that the information given in the notification be supplemented within an appropriate time limit set by him in so far as this is necessary for assessing the operation on the basis of the above-mentioned provisions. The application or notification shall be deemed to fulfil the requirements within the meaning of these provisions from the date of the original notification, where the examiner appointed by the Corps receives the additional information within the time limit fixed.