

Royal Decree of 23 March 1993 relating to the applications and notifications referred to in Articles 6 and 7 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 28 December 1999 (Belgian Official Gazette, 1 February 2000)

Unofficial coordination

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

- Act : the Act on the Protection of Economic Competition, coordinated on 1 July 1999;
- Office : the Competition Office referred to in Article 14 of the Act;
- Corps : the Corps of Examiners established by the Act;
- Council : the Competition Council established by the Act.
- application : the application for negative clearance referred to in Article 6 of the Act;
- notification : the notification referred to in Article 7 of the Act;
- undertaking : an undertaking as defined by Article 1 of the Act.

Art. 2. § 1. Any undertaking or association of undertakings party to agreements, decisions or practices referred to in Articles 2 and 3 of the Act is entitled to submit an application or a notification.

If the application or notification is submitted only by some of the participating undertakings or associations of undertakings, these shall inform the other undertakings or associations of undertakings of this fact.

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

§ 3. Joint applications or notifications shall be submitted by a joint representative invested with the power to transmit and receive documents on behalf of all the applicant and notifying parties.

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

Art. 3. § 1. Applications and notifications shall be submitted using Form CONC E/A - 1, a model of which is annexed to this decree, and complying with the notes and instructions attached thereto. Joint notifications shall be submitted on a single form.

§ 2. Ten copies of each application and notification and of the Annexes thereto shall be submitted to the Council at the address indicated in Form CONC E/A - 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 application or notification shall be either originals or copies of the originals : in the latter case, the applicant or notifying parties shall certify that they are true copies of the originals and complete.

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

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

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

Art. 4. - § 1. Applications and notifications shall contain the information required by Form CONC E/A - 1 and by the Additional Note. The information shall be correct and complete.

Applications concerning the enforceability of Article 3 of the Act shall include a full account of the facts specifying, in particular, the practice concerned and the position of the undertaking(s) within the Belgian market concerned or in a substantial part thereof in regard to the products or services to which the practice relates. Form CONC E/A - 1 may be used for this purpose.

§ 2. Material changes in the facts contained in the application or notification which the applicant or notifying parties know or ought to know shall be communicated to the examiner appointed by the Corps voluntarily and without delay.

Art. 5. § 1. Without prejudice to 4, § 1, applications and notifications shall become effective on the day they are received by the Council.

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

§ 3. The Secretariat of the Corps shall communicate the name and address of the examiner appointed by the Corps to the applicant or notifying parties without delay by normal mail or by fax.