

**Report to the Federal Parliament:**  
***Towards an efficient control of restrictive competition practices – follow-up audit***

**15 December 2011 - The Court of Audit has published on its website the results of a follow-up audit on the functioning of the Belgian Competition Authority. The Court of Audit notes that the recommendations of its 2006 audit report have helped this Authority to develop a better management. However, new measures would improve the organization of the investigation of files and allow files on restrictive competition practices to be processed faster.**

In June 2006, the Court of Audit published a report on the functioning of the Belgian Competition Authority (*Towards an Efficient Control of Restrictive Competition Practices*). It concluded i.a. that the investigation of files concerning restrictive competition practices (agreeing concerted prices, abuse of a dominant position, for instance) was not adequately followed up. It also stated that the processing of files often required more than 7 years, from the moment the complaint was lodged. Moreover, only one sanction had been imposed.

Since 2006, the law of 5 August 1991 on the protection of economic competition has undergone important alterations, which enabled the Belgian Competition Authority to focus on restrictive competition practices.

The Court's follow up audit shows that its recommendations of 2006 have been taken into account and have helped the Belgian Competition Authority to develop a better management. The Council has cleared the backlog and has sanctioned restrictive practices. Moreover the Council and the Directorate-General for Competition have taken initiatives that increase the visibility of the implemented policy.

The Court of Audit is also of the opinion that new measures are required for a better organization of the investigation of files and for reducing the processing time of files on restrictive competition practices that are transmitted to the Council for Competition. Such measures might include a reorganization of the investigation management or setting up an independent authority for competition. The Court of Audit formulates recommendations for both options.

In its reply, the Minister for Enterprise and Administrative Simplification welcomed this contribution to the future policy on competition. He also emphasized the necessity to find additional means for that policy, regardless of the chosen option.