

The Investigation and Prosecution Service of the BCA has submitted a draft decision in a case concerning a behaviour of “l’Ordre des pharmaciens – Orde der apothekers” resulting in a restriction of competition on the market for pharmacists’ services

The Investigation and Prosecution Service of the Belgian Competition Authority (BCA) has submitted a draft decision to the Competition College on 31 October 2018. This draft decision follows the opening of the investigation on 15 April 2016 concerning potential restrictive practices implemented by “l’Ordre des pharmaciens - Orde der apothekers “ against the MediCare-Market group.

The National Council of “l’Ordre des pharmaciens - Orde der apothekers“ is responsible for developing the general principles and rules relating to the morality, honour, discretion, probity, dignity and dedication indispensable to the exercise of the profession, which constitute the code of pharmaceutical ethics.

The market for pharmacists' services is a highly regulated market in which competition is reduced.

In her draft decision, the competition prosecutor alleges the existence of an anticompetitive behaviour attributable to “l’Ordre des pharmaciens - Orde der apothekers“, that consists in, on the one hand, excluding MediCare-Market’s business model from the market and /or preventing the development of its business model and, on the other hand, in indirectly imposing on MediCare-Market a minimum price for the sale of medicines. Such conduct would be contrary to Article IV.1 CEL and Article 101 TFEU.

This case will now be examined by the Competition College, before which “l’Ordre des pharmaciens - Orde der apothekers“ will have the opportunity to defend itself against these objections. It may submit written comments to the College and will be heard at a hearing. The College will decide whether or not there is an infringement of competition law. The draft decision does not prejudice this decision.

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The Belgian Competition Authority (BCA) is an independent administrative authority that contributes to the definition and implementation of competition policy in Belgium. Concretely, the BCA pursues anti-competitive practices, such as cartels and abuses of a dominant position, and reviews the main merger operations. The BCA cooperates with the other competition authorities of the member states of the European Union and the European Commission within the European Competition Network (ECN)