

PRIORITIES PAPER – 2026

This paper was prepared by the Executive Committee of the Belgian Competition Authority (BCA) in accordance with Article IV.25 of the Code of Economic Law (CEL). The priorities paper provides an overview of the sectors in which the BCA will exercise particular vigilance. It further outlines the strategic policy priorities for 2026, including the specific deployment and development of its instruments with a view to strengthening its enforcement policy and adapting it to the current economic context and the new challenges arising in the enforcement of competition law.

Context

In the wake of the uncertain economic climate and geopolitical instability, a rebalancing of global economic powers takes place. The evolving geopolitical situation, combined with persistent inflationary pressure and high energy costs, increased uncertainty in international trade, ongoing digitalisation and the need for a transition to a more sustainable economy with attention to social impact, present numerous challenges for the Belgian economy, while also creating a range of opportunities. Without undermining the key pillars of our broader societal prosperity, productivity, resilience and innovation across all sectors will be essential in the coming years to protect our country's economic position, with particular attention to the competitiveness and sustainability of our industrial assets, as well as the important role of the service sector as a driver of economic growth. This calls for a decisive, pro-competitive industrial policy that addresses future challenges from different angles and across policy areas.

Competition policy plays an essential role in this regard, beyond enforcement and advocacy. Ensuring a proper combination of competition policy with a broader industrial policy is equally necessary to keep Belgium competitive and resilient. The importance of economies of scale in some sectors cannot be overlooked, and where economies of scale are pro-competitive and lead to increased productivity, greater investment opportunities and new innovation efforts, they should be encouraged. However, the promotion of economies of scale must not come at the expense of effective competition. Competition is an essential factor to ensure that, on the one hand, the benefits of economies of scale are passed on to clients and consumers, notably in the form of lower prices, improved quality or new products and services, and, on the other hand, that incentives to remain productive and innovative are not undermined by the acquisition and exercise of excessive market power.

Through its various instruments, the BCA contributes to stronger growth and enhanced competitiveness, including by ensuring efficient and effective merger control tailored to the specific needs of each sector. In this context, the BCA encourages companies to carefully balance the various expansion opportunities, especially in highly consolidated markets, and to prioritise merger opportunities where the risks of restricting competition can be considered limited.¹ The BCA invites companies to remain open to an early dialogue on possible commitments or corrective measures that could render an otherwise problematic concentration admissible.

Mergers and acquisitions are not the only way to achieve economies of scale. In some circumstances, the necessary increase in scale or scope can also be achieved through

1. See, among other things, the joint MIDs statement, published on 22 April 2025, in which the Belgian Competition Authority, together with other European authorities, confirms that competition is crucial for innovation, investment and well-functioning markets, especially in strategic sectors such as telecommunications: "Therefore, far-reaching and structural consolidation that takes place within a single Member State continues to require careful scrutiny. When harmful to competition, a merger must be blocked or approved only under conditions fully and effectively remedying the competition concerns identified. (...) Furthermore, mergers across Member States can be pro-competitive while also deepening the Single Market, without compromising competition at national level. Hence, competition law enforcement does not, and will not, prevent cross-border mergers that can benefit European businesses and consumers."

cooperation agreements. The roll-out of fibre optic networks in Flanders² and Wallonia³ is an example in this regard and will play a key role in the competitiveness of many economic sectors. The BCA has invested considerable resources in facilitating and assessing these important infrastructure projects from a competition law perspective, in close cooperation with the Belgian Institute for Postal Services and Telecommunications (BIPT). These projects will result in a faster and more widespread roll-out of fibre optic networks in our country, as well as more favourable network access conditions, which are expected to lead to better prices for both business and private users.

In other areas, such as sustainability or research and development, the BCA also aims – where possible – to provide greater predictability to industrial and commercial partners who wish to cooperate on new projects. Concrete examples in this regard are the BCA's recent guidelines on the exchange of information in the context of combination therapies⁴ and sustainability agreements.⁵ In addition, the updated guide on public procurement and competition law will help various authorities to identify and, where possible, prevent anti-competitive behaviour in the context of public procurement.⁶

In addition to supervising mergers and cooperation agreements, the BCA will intervene decisively against anti-competitive practices that hinder market growth and innovation by actual and potential market players in order to support a competitive economy. Belgium has a range of successful companies, including many SMEs, which must be able to maintain free access to necessary inputs, technologies, labour and customers in order to further develop their activities, under fair, reasonable and non-discriminatory conditions.

Next to formal enforcement actions, the BCA will take new initiatives to better guide companies, governments and citizens in the correct application of competition law, including through new guidelines and the further development of its informal policy. The BCA also remains available to Parliament to share expertise and provide advice from a competition law perspective on legislative proposals that have an impact on market functioning and competition dynamics. Finally, the BCA endorses the various government and public initiatives that promote pro-competitive industrial policy. In this regard, it refers in particular to the intergovernmental plan "MAKE2025-2030", which aims to "strengthen Belgian industry by positioning it as an essential driver of national economic competitiveness". Acting in its capacity as an independent authority, the BCA wishes to actively support this plan through concrete policy recommendations and actions, in order to ensure that the measures under "MAKE2025-2030" contribute to an open, competitive and well-functioning market that benefits all public and private actors.

The following sections provide further details on the priority sectors as well as the strategic policy priorities and their corresponding action points for 2026.

2. BCA Press Release No. 42/2025 of 15 October 2025: "Cooperation project for the roll-out of fibre optics in Flanders: the Belgian Competition Authority launches a public consultation on the commitments proposed by Proximus/Fiberklaar and Telenet/Wyre".

3. BCA Press Release No. 33/2025 of 31 July 2025: "The Belgian Competition Authority opens an ex officio investigation into the draft cooperation agreement between Proximus and Orange Belgium for the roll-out of fibre optics in Wallonia".

4. BCA Press Release No. 36/2025 of 9 September 2025: "Communication from the Belgian Competition Authority concerning the exchange of information between pharmaceutical companies in the context of the procedure for applying for reimbursement of combination therapies".

5. BCA Press Release No. 38/2025 of 6 October 2025: "The Belgian Competition Authority is holding a public consultation on its draft guidelines for sustainability agreements". The publication of the final guide, taking into account the results of this public consultation, is scheduled for the first four months of 2026.

6. To be published in 2026.

PRIORITY SECTORS

With a view to making optimal use of its resources, the BCA focuses its interventions on areas where the expected positive effect of its actions is the largest, taking into account the resources needed to carry out these actions successfully.⁷ Although any sector can be the object of enforcement actions, the BCA assigns priority to certain sectors, partly because of their strategic importance for the Belgian economy or because the sector is characterised by a higher risk of market distortions, in particular if it concerns essential goods and services.

To identify the list of priority sectors, the BCA draws on its expertise and experience from previous and/or ongoing investigations, the sectoral screening by the Price Observatory,⁸ and information from stakeholders, other authorities, research institutions and academia.



7. However, the fact that a specific case falls within a sector mentioned in this priorities paper does not prevent the BCA from dismissing the case if it does not constitute an enforcement priority or does not justify an investigation in view of the available resources. The complete analytical framework for determining priority cases is explained in detail in the appendix.

8. The horizontal screening carried out by the Price Observatory examines which sectors show an increased risk of less efficient competition in the market.



The agri-food sector

Maintaining a healthy level of competitive dynamism across the entire agri-food chain will remain a priority for the BCA in 2026. The agri-food sector is an essential pillar of the Belgian economy in terms of added value, employment and export. The agri-food chain is also closely interconnected with numerous other economic sectors, including the packaging industry, logistics and transport. Food products generally continue to exert significant upward pressure on the overall inflation rate, and various activities within the sector present a higher risk of potential market distortions, as evidenced by our own research⁹ and various studies by the Price Observatory.¹⁰ Particular vigilance in the sector therefore remains necessary, both in terms of the swift and effective detection and remediation of competition law infringements, and in maintaining strict merger control.

Several formal and informal cases are currently ongoing, concerning possible abuses of dominant position or economic dependence, as well as anti-competitive agreements, across various food sectors and at different stages of the chain. In early 2025, commitments offered by the trade association of Belgian potato traders and potato processors were declared binding regarding the functioning of a specific price quotation system.¹¹ This decision, together with the results of the general investigation into sectoral price revision and indexation mechanisms in the Belgian economy¹², is relevant for other agricultural sectors. In this context, the BCA also remains available to the FPS Economy (in particular the Price Observatory) to provide advice on the assessment of specific cost indices in the agri-food sector from a competition perspective.

The BCA also remains vigilant with regard to further consolidation, particularly in food sectors and at stages of the chain that are already highly consolidated today.¹³ Increased vigilance is notably needed, amongst others, at the production level, where certain transactions have been abandoned in recent years after the BCA expressed serious concerns about their potential anti-competitive effects on the market.¹⁴ As regards large-scale retail, strict merger control with a focus on local markets and the interaction with upstream activities remains necessary to safeguard healthy competitive dynamics.

9. See, e.g., BCA (2024), 'Recent Trends in Fast Moving Consumer Good Prices in Belgium and a Comparison with the Netherlands, France and Germany Descriptive Statistics on Retailer and Manufacturer Selling Prices Euromonitor Passport Data', Working Study CET Working Study CET-24-001, as well as the formal and informal investigation files in the sector.

10. Price trends and margins in the food chain: an analysis of the price transmission mechanism for Belgium (2024) | FPS Economy

11. BCA Press Release No. 4/2025 of 29 January 2025; "The Belgian Competition Authority has declared Belgapom's commitments binding in relation to the operation of the Belgapom listing (price index for potatoes)". In its decision, the BCA recognises that price quotations can remove some of the uncertainties resulting from the unpredictability of the agricultural sector and the resulting price volatility for growers and processors, and that they can significantly remedy situations of opaque and asymmetric information. However, it also points out the importance of price quotation mechanisms complying with Belgian and European competition law.

12. BCA Decision of 6 February 2025 to open a general investigation into sectoral price review and indexation mechanisms and practices in Belgium.

13. In this context, reference can be made, among other things, to several recent investigations into highly consolidated links in food production and processing that have given rise to serious competition concerns, including the merger control of the acquisition of Campofrio Food Group by Terbeke NV in the processed meat sector (see: BCA Decision of 4 July 2022, BMA-2022-CC-22, Acquisition of sole control by Terbeke-Pluma N.V. over Campofrio Food Group Netherlands Holding B.V. and Imperial Meat Products VOF) and, more recently, the proposed acquisition by Dossche Mills of Ceres' artisan bakery activities in early 2025 (see: BCA Decision of 16 June 2025, BMA-2025-RPR-21-AUD, Dossche Mills/Ceres). This case concerned the concentration between the two largest producers of soft wheat flour for the artisan bakery segment in Belgium. After the preliminary conclusions were communicated, the parties decided to terminate the proposed transaction (see also BCA Press Release No. 30/2025 of 29 July 2025).

14. For example, a recent study conducted by the Monopolkommission on the functioning of the food industry market in Germany confirms the importance of effective merger control and the harmful and difficult-to-reverse consequences of excessive consolidation on, among other things, the price level of food products across the value chain. Competition in the Food Supply Chain Special Report 84 Report of the Monopolies Commission pursuant to § 44 Abs. 1 S. 4 GWB.



Finally, the BCA pays special attention to the challenges of the sector in its transition towards more sustainable production and consumption patterns, taking into account the vulnerable position of certain players within the chain. In this context, the sustainability guidelines and informal opinions should provide further clarification on which forms of cooperation are possible in order to address this challenge.¹⁵

15. See footnote 5.



Digitalisation of the economy, digital infrastructures and the telecommunications sector

- **Digitalisation of the economy**

The digitalisation of the economy continues to advance across numerous industries and service sectors, ranging from online services and digital platforms to the integration of digital components, products and processes in traditional industries, including heavy industry, manufacturing, construction, logistics and trade. It offers many opportunities for businesses, governments and citizens. This results in the emergence of new technologies and processes (including the adoption of artificial intelligence (AI)), smoother and broader accessibility, enhanced access to data and information. The use of such data in sophisticated data analyses, notably through machine learning, positively impacts the productivity, growth and innovation potential of businesses. Belgium already scores well in certain areas, including extensive 5G coverage which now exceeds the EU average. Furthermore, Belgian companies are open to new technologies, with almost one in four companies using at least one AI technology in 2024, and 83.7% of SMEs achieved a basic level of digital intensity, well on their way toward meeting the European target of 90% by 2030.¹⁶

The digital transition, however, also brings challenges including in the area of competition. As in previous years, the BCA will therefore continue to pay particular attention to the impact of digital transformation on market dynamics in both existing and new markets, including access to secure, sustainable and interoperable cloud infrastructures and services. This will be carried out in close cooperation with the competent regulatory authorities for this sector, with competition authorities of other countries and with the European Commission, which is responsible, in particular, for enforcing the Digital Markets Act (DMA).

The emergence of online platforms as intermediaries in e-commerce and the service sector in general is creating new dependencies for both consumers and businesses. Online platforms are often characterised by significant economies of scale and by direct and indirect network effects that reinforce their potential market power. They also frequently have the ability to improve their services and algorithms through access to detailed (personal or not) data. In addition to applying the DMA to global digital “gatekeepers” in cooperation with the European Commission, the BCA will therefore remain vigilant for any abuse of dominant position or economic dependence by such online platforms.

The BCA will also continue to monitor the preservation of healthy competitive dynamics in the digitalisation of after-sales services, both at the level of B2B and B2C agreements. Access to data and software, interoperability between different digital systems (including to enable “multihoming”), and the ability to switch to alternative providers must be guaranteed. The BCA encourages user groups to report any potential competition concern related to this transition.



The interaction between competition and the use of artificial intelligence by companies also creates new challenges. In the coming months, the BCA will pay particular attention to the growing use of advanced algorithms by companies. To this end, the BCA is closely monitoring new insights and developments in algorithmic decision-making, automated and dynamic pricing, and market monitoring tools. These techniques may facilitate new forms of coordination between companies, even in the absence of explicit contact.

- **Digital infrastructures and the telecommunications sector**

Advanced digital network infrastructures are essential to enable further digitalisation in a smooth, cyber-secure, economically viable and affordable way. The telecommunications sector therefore remains an enforcement priority at two levels: (i) providing continued guidance from a competition law perspective on the roll-out of new infrastructures (fibre optic and 5G infrastructure), and (ii) improving the competitive dynamics for the various telecom services, for both residential and business users, particularly with regard to price and quality.

Despite strong progress in certain areas of digitalisation, Belgium still needs to make additional efforts on several key indicators. For example, Belgium faces a significant lag in the roll-out of fibre-optic networks. A rapid and widespread roll-out of high-performance fibre optic networks, while maintaining access to these networks under fair, reasonable and non-discriminatory (FRAND) conditions to ensure healthy competition further downstream in the chain, is nevertheless essential for the competitiveness and continued digital development of businesses and of the economy as a whole.

In downstream markets, vigilance remains necessary with regard to price levels for electronic communications services. Although the entry of a new network operator (DIGI Belgium) in December 2024 is exerting downward pressure on prices (so far mainly on mobile services), it is still too early to assess the long-term effects, including the impact on the service quality and the related customer support, as well as whether, and to what extent, price competition in the sector will increase and extend to fixed services.

For this reason, the BCA continues to closely monitor developments in the telecommunications markets, in cooperation with the BIPT and the European Commission. In general, the BCA will be particularly vigilant and will not hesitate to take appropriate action against possible attempts to raise barriers to entry and/or expansion in the telecommunications sector.



Healthcare

A well-functioning, easily accessible and high-quality healthcare sector contributes to the performance of the economy and to the well-being of society as a whole. Despite the high degree of regulation, the various players in the sector must retain the necessary incentives to continue providing high-quality care under the best possible conditions. Public funds must also be used as efficiently as possible in the interests of patients. This applies both to healthcare provision itself – such as hospitals, doctors and other healthcare providers – and to the production and supply of medicines, medical devices and related products and services. Despite the extensive regulation of the pharmaceutical industry, market players throughout the value chain remain subject to competition law. Healthy and fair competition ensures a wider availability of medicines at better prices and provides manufacturers with the incentives needed to continue innovating and bringing new products to market. The BCA will therefore continue to pay close attention to all market players in this sector.

At the level of pharmaceutical manufacturers, this concerns not only pricing but also the protection of fair competition between suppliers of biological medicines on the one hand, and suppliers of biosimilar and generic alternatives, on the other, to the extent that these products are considered sufficiently equivalent by the regulatory authorities. To support innovation in the sector, the BCA recently published a communication¹⁷ for manufacturers on the exchange of information between pharmaceutical companies in the context of reimbursement applications for combination therapies. This communication sets out the framework within which companies may exchange specific and necessary information for the purpose of jointly submitting a reimbursement application to the National Institute for Health and Disability Insurance (NIHDI), without infringing competition law, thereby promoting the availability of these innovative treatments for patients in Belgium.

The BCA will also remain vigilant with regard to competition among wholesalers-distributors, considering the high degree of market transparency and the resulting risks of tacit coordination, including with regard to pricing and market allocation, as well as the competitive dynamics at the level of pharmacies. With regard to the latter, the BCA will pay particular attention to the ongoing consolidation of larger pharmacy networks and its implications for accessibility, the range of products offered, and the quality of services provided to patients.¹⁸

As regards the hospital sector, the BCA will continue to fully exercise its remaining powers and closely monitor the further consolidation taking place within the sector.¹⁹ The BCA will also not hesitate to take action against anti-competitive practices by healthcare institutions and professionals, in particular with regard to potential agreements on unregulated fees and costs, as well as restrictions on the freedom of employment of healthcare professionals.

17. See footnote 4.

18. BCA decision of 4 February 2025, BMA-2025-CC-05, Multipharma/Popelin.

19. See Priorities paper 2025, p.7 for further explanation.



Finally, the BCA remains attentive to the impact of digitalisation and the growing importance of health technology on competition in the sector, particularly with regard to the role of (access to) IT applications and data. In this context, the BCA has recently opened a formal investigation into a possible abuse of a dominant position by IQVIA, a company active in providing technological solutions and data analytics to support pharmaceutical, biotechnology and medical device companies in the development and commercialisation of their products.²⁰



Basic services, including regulated professions, financial and banking services

The service sector is the main driver of economic growth in Belgium. Many services provide essential support to consumers or companies in making their commercial decisions. These services include financial services (such as banking, payment services and insurance services), legal services (e.g., bailiffs and notaries), accounting and auditing services, security services and quality control operators, medical services, including healthcare providers, pharmacists and veterinarians.

Several of these services and professions are regulated to protect consumers. This means that only individuals or companies that meet the necessary regulatory requirements are permitted to offer these services. While such quality safeguards are important for users, they do not necessarily provide sufficient guarantees for effective market functioning and competition (particularly when it comes to ensuring the smooth entry of new players into the market).²¹

The BCA will continue to ensure that competition law, including the application of professional rules, is respected across the various service sectors. Where necessary, the BCA will advocate for the revision of specific market regulations and professional rules when these are more restrictive than required to safeguard the objectives of general economic interest.

21. This was indicated, among other things, in the BCA's banking advice (2023), "Advice from the Belgian Competition Authority on banking services for private individuals" and analyses by the Price Observatory: "Analysis of prices Annual Report 2017 of the National Accounts Institute: Analysis of market forces for legal services, accounting services, architectural services and engineering services"; Price Observatory (2020), "Analysis of prices - Annual Report 2019 of the National Accounts Institute: Part IV. Analysis of market forces for estate agents in Belgium"; Price Observatory (2021), "Analysis of prices - The functioning of the notarial sector in Belgium".



Sport, media and entertainment

Sport, media and entertainment are important economic sectors that generate significant employment and added value, while also serving as an essential social connector. These sectors are closely interconnected, as various media channels often constitute an important or even the sole gateway for accessing sports and entertainment content. They are also undergoing major transformations driven by commercial and technological developments, which require providers to adapt their business models and innovate in the way they distribute their content. Ensuring compliance with competition rules therefore remains essential to keeping the range of offerings diverse, affordable, high-quality and innovative.

In recent months, the BCA has undertaken several formal or informal actions concerning possible infringements in specific sports competitions as well as their broadcast in the media. Where appropriate, swift intervention may be crucial, given the harm that those involved may suffer when competition or sporting rules are distorted in an anti-competitive manner.

Furthermore, the BCA will continue to closely monitor that no competition distorting practices emerge that could result in a refusal of access to sport and entertainment events, including their media coverage, or in services being offered at unreasonable prices. Supporting the transformation of the media sector and assessing its impact on society as a whole remains a priority for the BCA.

21. This was indicated, among other things, in the BCA's banking advice (2023), "Advice from the Belgian Competition Authority on banking services for private individuals" and analyses by the Price Observatory: "Analysis of prices Annual Report 2017 of the National Accounts Institute: Analysis of market forces for legal services, accounting services, architectural services and engineering services"; Price Observatory (2020), "Analysis of prices - Annual Report 2019 of the National Accounts Institute: Part IV. Analysis of market forces for estate agents in Belgium"; Price Observatory (2021), "Analysis of prices - The functioning of the notarial sector in Belgium".

STRATEGIC PROJECTS AND AREAS FOR ACTION



Revision of rules by governing merger control



Guidelines and advocacy policy



Knowledge building and detection



Deepening cooperation and strengthening accessibility for social and economic stakeholders



Revision of rules by governing merger control

Certain concentrations can seriously distort market functioning, resulting in higher prices, lower quality, fewer choices or reduced incentives to innovate, among other effects. Efficient and effective merger control enables the swift and targeted identification of potentially anti-competitive transactions, and allows for appropriate remedial actions where necessary, or in the most serious cases, for the transaction to be prohibited.

Since 2022, a dedicated Merger Task Force (MTF) has been established within the BCA, with specific responsibility for merger control. The MTF's current enforcement practice is guided by the “big on big, small on small” principle, whereby resources are allocated according to the importance of the case. Cooperation, transparency and “pragmatism without shortcuts” serve as its core principles. This approach is reflected in regular contact with the companies involved in the concentrations under review, as well as with interested third parties, and in the improved alignment of the scope and timing of the investigative process and the applicable analytical framework with the identified competition risks and the market dynamics of the relevant economic sector(s).

The allocation of dedicated resources to merger control, together with a more standardised approach, has enabled a more effective, efficient and consistent handling of cases. However, in addition to internal organisation, the legal framework and the associated procedures and notification requirements are also important to adequately align merger control with today's challenges. Building on the experience of the past three years, the BCA will conduct a comprehensive evaluation of the national merger control procedure in the coming months, including a modernisation of the notification forms.

As part of this evaluation, the BCA will examine, in collaboration with the Competition Service of the FPS Economy, whether it would be appropriate to complement the statutory thresholds that determine whether a transaction is subject to notification by introducing a call-in power for certain transactions that fall below those thresholds. In Belgium, these (individual) thresholds are indeed very high. In certain sectors, however, a clear trend can be observed whereby larger players gradually acquire smaller competitors without triggering any prior notification requirement to the BCA. Such acquisition strategies (known as “roll-up” or serial acquisitions) – whether intentional or not – may lead to the gradual build-up of significant market power by the large player, resulting in harmful effects on competition. Furthermore, so-called “killer acquisitions” may also occur below the notification thresholds, whereby a company with market power acquires a smaller, innovative company to eliminate the future competitive threat it may pose.

Finally, the BCA will continue to cooperate fully with the European Commission in the context of the revision of the EU Merger Guidelines, the first draft of which is expected to be released for consultation before the summer of 2026.



Policy documents and guidelines to strengthen enforcement and advocacy policy

Through guidelines, practical guides and targeted communication campaigns, the BCA aims not only to enhance transparency and legal certainty, but also to actively foster a culture of compliance with competition rules as part of its enforcement and advocacy policy. Several initiatives launched in 2025 will be completed in the first half of 2026, and will be followed by additional initiatives.

- **Sustainability guidelines**

Based on the contributions received during the public consultation on the draft guidelines (between 6 October and 20 November 2025), a specific simplified legal framework for cooperation between companies on sustainability objectives will be published. The guidelines will clarify how companies can contribute to the green transition without infringing competition rules and will provide support for self-assessment and compliance. In addition to the benefits for consumers, collective benefits for the society as a whole will also be taken into account when assessing a cooperation agreement.²² The BCA is analysing the responses to the consultation and incorporating its findings into the final guidelines to ensure that they are fully aligned with the needs of companies and other stakeholders. Publication of the final guidelines is scheduled for the first four months of 2026.

In addition, the BCA continues to actively support companies through its informal policy on sustainability. This includes, on the one hand, providing informal opinions and, on the other, issuing advice by the Prosecution & Investigation Service for specific projects, even when these are already being implemented. In this way, the BCA aims to provide clarity and contribute to the correct and predictable application of competition law.

With this approach, the BCA aims to encourage companies to pursue ambitious sustainability initiatives within a predictable legal framework, while preserving the benefits of effective competition.

- **Advocacy to prevent bid rigging**

Bid rigging or collusion between companies in the context of public procurement remains a major concern for the BCA. Given the nature of the products or services procured and the particular vulnerability of public institutions and end users (many of which provide essential or even life-saving goods and services to society, such as hospitals, schools, retirement homes and public transport), strong action must be taken against violations. However, prevention is also necessary in order to disseminate good practices and promote a competition culture that benefits public purchasers and society as a whole.

22. Such as, for example, the reduction of negative externalities (e.g. reduction of CO2 emissions, improvement of air quality, etc.).



In early 2026, the BCA will publish a revised guide on public procurement and competition law. This guide provides contracting authorities with practical tools to recognise and prevent collusion, bid rigging and other anti-competitive practices in a timely manner. The guide covers not only the tender submission phase and potential warning signs of collusion or manipulation at that stage, but also the crucial preparatory phases, such as market consultation and the drafting of specifications, where the foundations for healthy competition in the procurement process are laid. The guide places particular emphasis on high-risk sectors, such as construction, security services and IT, and offers concrete examples and recommendations for avoiding collusion. The public consultation on the draft guide runs until the end of February. The responses will then be reviewed and incorporated into the final version before publication.

The BCA will further launch a training programme for contracting authorities and supervisory bodies. These training sessions will help administrations detect suspicious patterns more quickly and respond appropriately to suspected infringements, in cooperation with the BCA while respecting confidentiality.

With these actions, the BCA aims to strengthen the integrity of public procurement, improve the efficiency of public spending and build sustainable cooperation with contracting authorities as partners in the fight against anti-competitive practices.

- **Impact of competition law on labour-related issues**

The BCA will also publish a communication on agreements and practices that restrict worker mobility, such as “no poach” agreements and similar clauses, which may infringe competition law. Agreements between companies not to solicit or hire each other's staff, whether actively or passively, can distort competition in the labour market. Such practices limit employees' freedom of choice, increase search costs and weaken their bargaining power, which can lead to an inefficient allocation of talent, reduced productivity and fewer opportunities for career development and wage progression.

The BCA's communication will outline the relevant competition law framework, provide examples of recent Belgian and international cases, and offer practical guidance to identify potential risks. It will be distributed to employers, sector federations, and HR professionals with the aim of raising awareness of the legal risks and assisting them in establishing internal compliance procedures. The communication will also emphasise that collective labour agreements fall outside the scope of competition law.

- **Advocacy campaign on Retail Price Maintenance**

Through a targeted awareness campaign, the BCA aims to alert companies to the illegality of vertical price fixing (retail price maintenance, hereafter “RPM”), whereby minimum or fixed resale prices are imposed. Such practices can distort competition in various ways: they drive up prices, increase the risk of collusion between suppliers and distributors, lead to the exclusion of smaller



competitors, and hinder innovation at the distribution level. Sellers must remain free to set their own prices independently in order to compete fairly in the market. These practices therefore constitute a serious infringement of competition law and may result in severe sanctions. Particular attention will be paid to the increased risks of such infringements in online commerce and in the context of price comparison systems.



Proactive knowledge building, timely identification of market distortions and further development of detection techniques

Effective competition law enforcement begins long before formal investigations are opened. Many infringements are difficult to detect without proactive monitoring. Moreover, market distortions and dysfunctions may arise from factors other than anti-competitive behaviour. For this reason, it is necessary for a competition authority to continue investing in deeper knowledge of market functioning in specific sectors, as well as in tools and techniques that can improve and accelerate the detection of anti-competitive behaviour.

- **Sector inquiries**

Under Article IV.47 CEL, the BCA may conduct general or sector-specific investigations if there are indications that a market is not functioning properly. In the coming years, the BCA will make more systematic use of this power to detect market dysfunctions or distortions in a timely and proactive manner and to formulate concrete proposals to remedy them.

In 2025, the BCA launched its first general investigation examining sector-specific price review and indexation mechanisms in the Belgian economic context, where inflationary trends are often higher than in other European countries. The BCA is investigating which of these mechanisms and practices may be contrary to Belgian and European competition law due to their structure, development, implementation, or effects. Based on the thorough investigation carried out over the past year, including an extensive survey of various stakeholders on specific sectoral mechanisms and their potential market-distorting or competition-restricting effects, the BCA is currently preparing a draft report with its main findings and recommendations, including best practices and examples of conduct to avoid or that are prohibited. A public consultation on the draft report will follow in the course of 2026.

- **Detection techniques and data analytics**

The growing digitalisation offers competition authorities a range of new opportunities to further develop and optimise their detection policy and methods, as well as the tools used for quantitative (economic) analysis, enabling faster and more accurate identification of market distortions and infringements. In recent years, the BCA has made several essential investments, both by establishing a dedicated detection unit, reinforced with forensic and data analytics experts, and by acquiring new investigative technologies and applications.

In 2026, the BCA will make several important additional investments to advance its detection and analysis capabilities. A series of IT tools will be deployed to enable: (i) greater computing capacity through a virtual lab, allowing for large-scale (economic) analyses based on extensive data sets and/or advanced analytical techniques (e.g. for machine learning, geographical analyses, etc.);



(ii) the automated exchange and statistical analysis of certain databases relevant to detecting bid rigging (in close cooperation with administrative authorities that hold these databases); and (iii) the automated collection and statistical analysis of publicly available information or data obtained from private providers (e.g. to detect collusion in priority markets, to identify unnotified concentrations, etc.).

- **Exchange of market expertise with the Price Observatory, the Economic Inspection and sector regulators**

To support its broader market and sector expertise, the BCA works closely with the Price Observatory, the Economic Inspection, and sector regulators, whose specific mandates create strong synergies with the BCA's activities. This enhanced cooperation enables the faster identification of sectors where competition may not be functioning optimally and helps in identifying the most appropriate solutions to address serious market distortions or infringements. Cooperation with the Economic Inspection allows practices that may fall within the scope of competition law and consumer protection to be identified more quickly and, where necessary, addressed using the most efficient and effective tools. The constructive and intensive cooperation with the BIPT, including in the context of cooperation projects on the roll-out of fibre optics in Flanders and Wallonia, will also continue.



Deepening cooperation and strengthening accessibility for social and economic stakeholders

- **National and international cooperation**

The major economic challenges ahead call for a decisive, flexible and coordinated policy that emphasises rapid and effective intervention, constructive dialogue and a long-term strategic vision. The BCA will play an active role in this by strengthening cooperation with other competent policy bodies and institutions, as well as with its key stakeholders, including business, employee and consumer organisations, and the press.

In 2026, the BCA will continue the legislative process to simplify the conclusion of cooperation agreements with other public authorities. Removing unnecessary legal and administrative barriers will make information exchange and cooperation with other authorities more efficient and effective. An important milestone is the finalisation of the cooperation protocol with the Data Protection Authority, which will allow for better coordination between the application of competition law and personal data protection. In addition, existing cooperation protocols and royal decrees are being reviewed and updated. This applies, among others, to cooperation with the Commission for Electricity and Gas Regulation (CREG), the recent protocol with the FPS Public Health on hospital concentrations, and cooperation with the BIPT.

Internationally, the BCA continues to place strong emphasis on cooperation, knowledge sharing, and a coordinated approach to important societal and economic challenges. The BCA actively participates in international networks such as the International Competition Network (ICN), the European Competition Network (ECN) and the OECD Competition Committee. Exchanges within informal forums (such as the MIDs, which bring together competition authorities from medium-sized European economies) and pan-European initiatives will also continue. In 2025, for example, the BCA welcomed several foreign delegations, including from China, Japan, South Korea and the Philippines, to exchange experiences and best practices. Cooperation with the countries of the West African Economic and Monetary Union (UEMOA) is also being strengthened. These exchanges enable the development of joint positions on current issues, such as digital markets and artificial intelligence, as well as on enforcement priorities and specific practices. The BCA will contribute to working groups on merger control, enforcement and emerging challenges in the digital economy throughout 2026.

- **Visibility and communication**

Identity, visibility, and accessibility are essential for assuming and promoting an active policy role and for fostering dialogue. In 2026, the BCA will continue the modernisation of its external communication through a new corporate identity and website, with strong emphasis on proactive and transparent outreach across multiple channels: (i) website: serving as the central hub for



decisions, press releases, guidelines, market tests and practical information; (ii) LinkedIn: providing accessible updates on cases, sector priorities and compliance guidance; (iii) thematic campaigns: addressing priority sectors and current themes such as sustainability, the labour market, public procurement and the digital economy; and (iv) events: participation in national and international forums, conferences and training sessions to strengthen knowledge and dialogue. Through consistent and multilingual communication, the BCA aims to clearly reinforce its role as an independent and expert authority.

Appendix: Analytical framework for identifying priority cases

In order to make the best use of its resources, the BCA will focus its intervention on cases where its actions have the greatest expected positive impact, taking into account the resources that are needed to implement these interventions successfully. In doing this, it needs to find the right balance:

- between relatively simple cases involving prosecutions for the most obvious infringements and more complex or innovative cases where there is added value in terms of jurisprudence;
- between cartel agreements, vertical restrictions and abuses of dominance and economic dependency;
- between cases that can be concluded within a relatively short period of time and those requiring a longer period of investigation;
- between different economic sectors, to ensure a balance between strategic sectors of macroeconomic importance on the one hand, and other sectors that may be of less strategic importance, but which involve particular risks or infringing practices.

Like other competition authorities, the BCA takes four factors into consideration in its assessment of the importance of a case:

- **Impact** – The BCA assesses the potential harm caused by the alleged infringement that is brought to its attention in the industry in question. This considers both direct effects on pricing and non-price related parameters such as product or consumer service quality or innovation. Its assessment will also take into account several indirect effects, such as the dissuasive effect with respect to infringements in related sectors, and the effect on the entire value chain involved.
- **Strategic interest** – Launching an investigation into an alleged infringement may be strategically useful to the BCA if it views the concerned sector as a priority (see the list of priority sectors for 2026 above), or if it wishes to clarify the interpretation of the law so that the case can provide a valuable precedent. If the BCA determines that other institutions are better placed to handle the specific problem, the problem will be considered of lesser strategic importance.
- **Risks** – The BCA will be less inclined to devote resources to investigating an infringement when there is a real risk that the investigation will not yield a useful result.
- **Resources** – The BCA will also consider the resources that are needed to initiate or continue an investigation, as well as the calendar of all ongoing investigations.