

Annual Report 2020



CONSEIL DE LA
CONCURRENCE

According to article 7, paragraph 5 of the amended Competition Act of 23 October 2011, « *the Council draws an annual report of its activities which records its own important decisions, taking care to specify if these decisions are final. The report is forwarded to the Minister [dealing with economic affairs] and the Luxembourg Parliament. It will be available to any interested person* ».

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Foreword of the President

Competition is a pillar of our economic and social order. The Competition Council, as an independent institution for the protection of competition, ensures that companies compete on the merits for customers and revenues. It is responsible for preventing and sanctioning cartels and abuses of a dominant position.

Since the beginning of 2020, the crisis linked to the Covid-19 virus has not only impacted the daily life of everyone, but also the framework conditions of the economy. In this context, competition law has proved to be a flexible instrument. In many sectors, companies currently have to cooperate with each other in order to be able to react to bottlenecks in production, warehousing, logistics and distribution of goods. Indeed, the revival of activities may indeed justify cooperation between competitors or close coordination with suppliers in a way that, under normal circumstances, might not be acceptable from the point of view of competition law. Together with the European Commission and national competition authorities in Europe and beyond, we have made it clear that exceptional economic conditions are also taken into account in the assessment of cartels. Undertakings rightly ask for legal certainty and quick and easily understandable advice in the context of the current crisis. Therefore, the Council and the competition authorities of the European Network have issued a joint communication aimed at providing guidance to undertakings in the European Union on the interpretation and application of the competition rules during the Covid-19 crisis.

However, it is paramount that the exceptions to the competition rules are limited to what is necessary and that they only exist for a transitional period of time. Therefore, we are taking particular care to ensure that no cartel is formed to the detriment of consumers and that undertakings do not abuse their market power.

Moreover, the Council has also participated in the national effort to control the health situation by closely monitoring the markets for protective masks and hand sanitizers.

We are all facing an exceptional and unprecedented situation affecting every part of the economy. In this regard, I would like to congratulate the commitment of all members of the Council during this particular period. I would also like to extend my gratitude to our Minister of Economy, Mr Franz Fayot, for his visit that enabled a constructive exchange of views on the Council's current and future priorities and on the national and European initiatives related to the evolution of competition law.

Over the past years we have been paying particular attention to digitalization and its impact on the economy. Last year, we dealt with several complaints against Amazon. Together with our German and Austrian colleagues, we have achieved considerable improvements in the sales conditions for merchants active on this platform.

In the same vein, competition authorities continued their efforts to adapt the legal framework in the digital field. Notably, the European Commission presented the *Digital Services Act* and the

Digital Markets Act, which propose a set of new and adapted rules to improve and strengthen the single market for digital services.

On national level, 2020 was also marked by the imposition of record fines by the Council, who sanctioned undertakings active in the food distribution sector for fixing their resale prices.

Furthermore, our authority will soon face many changes. Several draft laws will impact the Council's missions by extending them to a certain extent to aspects of consumer protection and unfair trading practices. In addition, the transposition of the so-called “*ECN+*” Directive and the complete revision of our national competition law will soon be effective.

The future holds global, European and national challenges for the Competition Council, which it is prepared to meet in order to fulfil its mission at the service of competition and consumers.

Pierre Barthelmé

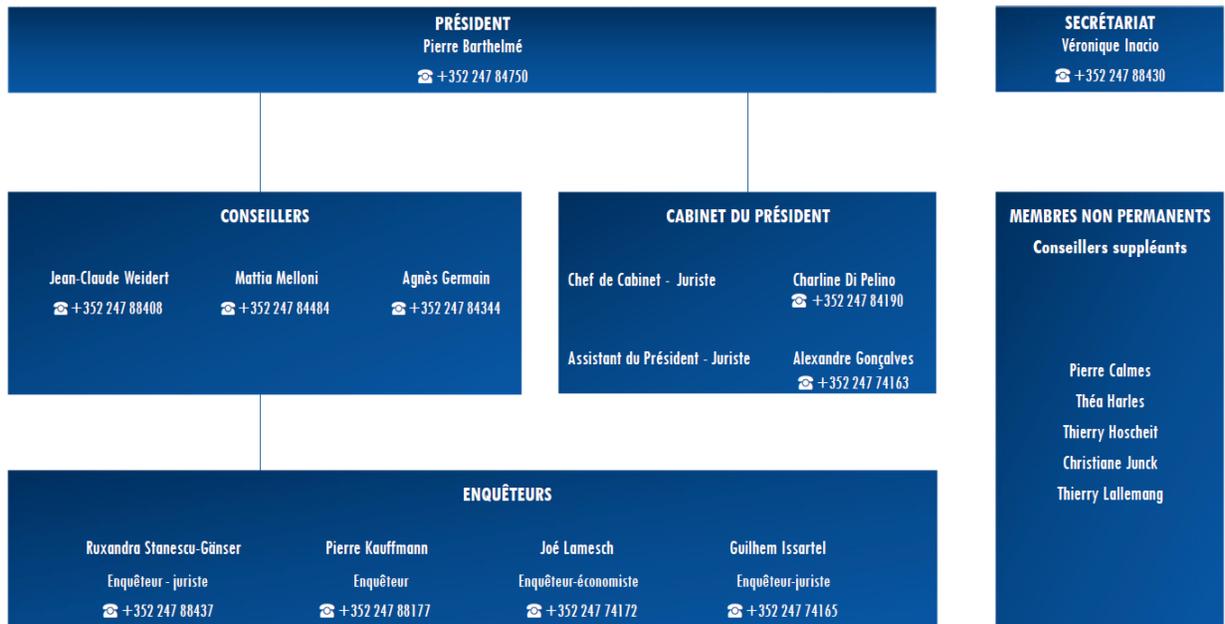
I. Presentation of the Council

A. Organization

Structure of the Competition Council

The Competition Council (hereinafter: the "Council") is an independent administrative authority whose role is to guarantee free competition and to ensure the proper functioning of the markets. The Council is ruled by the amended Competition Act of 23 October 2011 (hereinafter: the "Competition Act").

On 31 December 2020, the Council had a total of nineteen staff members, whereof four effective councillors (including a President), five substitute councillors (mainly from the judiciary and called upon to sit on the collegial decision-making body), seven permanent staff members and three "*non-governmental advisors*", who represent the Council within the framework of the *International Competition Network*, namely Marc Barennes, Thierry Reisch and Vivien Terrien.



Role of the effective councillors

The President provides leadership to the Council. He or she shall convoke and chair the meetings of the College, ensure the smooth conduct of discussions, oversee that the Council's decisions are implemented and ensure the proper functioning of the service. He represents the Council in all judicial and extra-judicial acts.

For each case, he appoints an effective councillor responsible for the investigation phase. The designated councillor collects incriminating and exculpatory evidence relating to the practices under investigation.

In order to guarantee the principle of separation between the investigation and decision-making phases, the councillor who has investigated a case may not take part in the collegial decision-making process. The same principle prevents the President from taking on investigative missions.

Role of the substitute councillors

Substitute councillors shall be called upon to participate in the decision-making process if one effective councillor is absent or unable.

Role of investigators

The Council's investigators assist the councillors in their missions.

B. Fields of competence

In carrying out its missions, the Council seeks to protect not only the interests of consumers but also the interests of undertakings against anti-competitive behaviour by competitors that may have the object or effect of restricting competition.

Article 6 of the Competition Act defines the tasks, competences and powers of the Council, which can be summarized as follows:

- the Council applies Articles 3 to 5 of the Competition Act, as well as Articles 101 and 102 of the Treaty on the Functioning of the European Union (hereinafter: "TFEU"), namely the prohibition of cartels and abuses of dominant position;

- it represents the Grand-Duchy of Luxembourg within the ECN, the European network of competition authorities;

- it drafts opinions on any draft legislative or regulatory text or any other measure relating to competition issues;

- it may carry out an investigation into a particular sector of the economy or a particular type of agreement in different sectors when the development of trade, price rigidity or other circumstances give rise to a presumption that competition may be restricted or distorted;

- it may inform undertakings of the interpretation it intends to give to Articles 3 to 5 in relation to new and unresolved issues by means of informal information letters;

- it cooperates with the European Commission as well as the competition authorities of other Member States, in accordance with the provisions of Regulation (EC) n° 1/2003 of 16 December 2002.

In 2020, several draft bills filled in Parliament are expected to impact this list of competencies. If the respective laws are adopted, the Council will have additional competences in terms of unfair trading practices and consumer protection.

Unfair trading practices

The draft law n°7646, tabled on 7 August 2020 at the Parliament, provides for the transposition into national law of the EU Directive 2019/633 of 17 April 2019 on "*unfair trading practices in business-to-business relationships in the agricultural and food supply chain*". The directive establishes a minimum list of prohibited unfair trade practices between buyers and suppliers in the agricultural and food supply chain and lays down minimum rules on the application of these prohibitions. It aims to prevent large undertakings from exploiting small and medium-sized suppliers because of their weaker bargaining power and to prevent the burden of these practices from falling on primary producers. The Competition Council is designated as the competent authority to ensure the correct application of the future legislation.

The draft law n°7537 aims at implementing the EU Regulation 2019/1150 "*on promoting fairness and transparency for business users of online intermediation services*", in force since 12 July 2020. This regulation introduced provisions to make commercial practices of platforms more transparent, providing effective safeguards to regulate certain practices, such as the unexplained suspension or deletion of a seller's account on a platform. The draft bill designates the Council as the public body that can represent the injured party and bring injunctions against online platforms that fail to comply with legal obligations.

Consumer protection

The draft law n°7456 "*implementing Regulation (EU) 2017/2394 of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection*"

laws” proposes to invest the Council with the right to put an end to any act contrary to the provisions of the amended law of 24 May 2011 on services in the internal market (the "*Services Directive*").

The Council has closely followed these draft laws, which give it additional powers. Making use of its advisory power, the Council issued an opinion on each of the draft laws. These opinions are listed on page 15 of this report.

C. Impact of the Covid-19 crisis on the Council's activity

From the outset of the global pandemic linked to the Covid-19, the Council reacted and exercised a targeted market surveillance.

As a first step, it warned undertakings through its communication channels that the economic context, although difficult, could not justify the implementation of anti-competitive practices.

At the same time, the Council issued a joint statement adopted within the European Competition Network. This declaration informed undertakings:

- that cooperation between competitors may be necessary to secure the supply chain and avoid imminent disruptions in the supply of scarce products;
- that the Council would give priority to complaints linked to the Covid-19 crisis and
- that the Council could be contacted at any time for any question relating to the interpretation of competition law.

Also in the context of the Covid-19 pandemic, in April 2020, the Council issued a guidance document for undertakings that clarifies :

- the Council's priorities for action ;
- the manner in which the Council intended to interpret the criteria for exemption from the application of rules on anti-competitive practices, and
- the extent to which the Council would intervene to prevent harm to consumers resulting from any behaviour that would seek to exploit the crisis in an opportunistic manner.

Furthermore, this public health episode demonstrated the adaptability of the Council, which was able to modify its functioning, while continuing to work actively in the interest of competition law.

Attentive to the upheavals of markets impacted by the Covid-19 crisis, the Council conducted an analysis of the markets for protective masks and hydro-alcoholic gels. It concluded that after some initial temporary disruptions, these markets would remain stable in Luxembourg and that they were already in a situation of normal competition and without any obvious distortions.

It should also be noted that from the start of the health crisis, following the government recommendations of the Grand-Duchy, the Council's activity was adapted to the health situation by the introduction of teleworking. The staff has adapted to ensure effective telephone availability and the Council has given priority to remote telecommunications and meetings, in order to protect the health of its staff and contacts.

II. Activities of the Council in 2020

A. Litigation activities

The decisions adopted by the Council in 2020 are set out hereafter.

For confidentiality reasons, this report does not include cases that are still under investigation or at the decision-making stage.

- Decision n°2020-C-02 – Ville de Dudelange

On 31 January 2020, the Council acknowledged receipt of a complaint from Pompes Funèbres Principales du Luxembourg ERASMY S.à r.l., which denounced the concession granted by the City of Dudelange to the company Ruhl for the provision of funeral transport services on its territory. This concession, set out in the municipal regulations of the City of Dudelange, prevented the complainant from providing the same services.

During the investigation by the Competition Council, the Municipal Council of the City of Dudelange amended its regulations so that the services of transporting mortal remains on the territory of the City of Dudelange could be provided by any undertaker with the necessary authorisations to carry out this type of activity on the territory of the Grand-Duchy of Luxembourg.

In view of these changes and the swift and effective cooperation shown by the City of Dudelange in responding to the competition concerns identified by the designated councillor, the Council closed the complaint without further action.

- Decisions n°2020-FO-03 Bahlsen Auchan, n°2020-FO-04 Bahlsen Cactus et n°2020-FO-05 Bahlsen Delhaize

In three separate decisions dated 18 November 2020, the Council sanctioned the companies Bahlsen, on the one hand, and Auchan, Cactus and Delhaize, on the other, for a total of 3.3 million euros for fixing retail prices of Bahlsen products between 2011 and 2015 on the territory of the Grand-Duchy of Luxembourg.

These sanction decisions were adopted following an *ex officio* investigation launched in 2015. Following the inspection carried out by the Council at its premises, Bahlsen had applied for leniency.

The total amount of EUR 3,356,656 breaks down as follows:

Decision Bahlsen Auchan	Bahlsen	Auchan
Fines	150 839 €	246 558 €

Decision Bahlsen Cactus	Bahlsen	Cactus
Fines	1 083 253 €	1 384 413 €

Decision Bahlsen Delhaize	Bahlsen	Delhaize
Fines	268 251 €	223 342 €

The total amount of the fines imposed is the highest the Council has ever imposed.

The cumulative fines imposed on Bahlsen totalled 1 502 343 €. Bahlsen's cooperation in the investigation was to some extent rewarded with a reduction of fines.

These decisions are subject to appeal.

- Decision 2020-MC-06 – Laboratoire National de Santé

By decision of 17 December 2020, the President of the Competition Council rejected a request for interim measures.

The complaint concerned the behaviour adopted by the Laboratoire National de Santé vis-à-vis Bionext S.A. in the context of the Covid-19 health crisis. According to the complainant, Laboratoire National de Santé allegedly committed practices constituting an abuse of a dominant position, prohibited by Article 5 of the Competition Act and Article 102 of the TFEU.

On the two relevant markets (the market for the provision of medical biology analyses and the market for the supply of biology equipment, reagents and consumables), the condition relating to the existence of a *prima facie* infringement of competition law could not be demonstrated by the complainant.

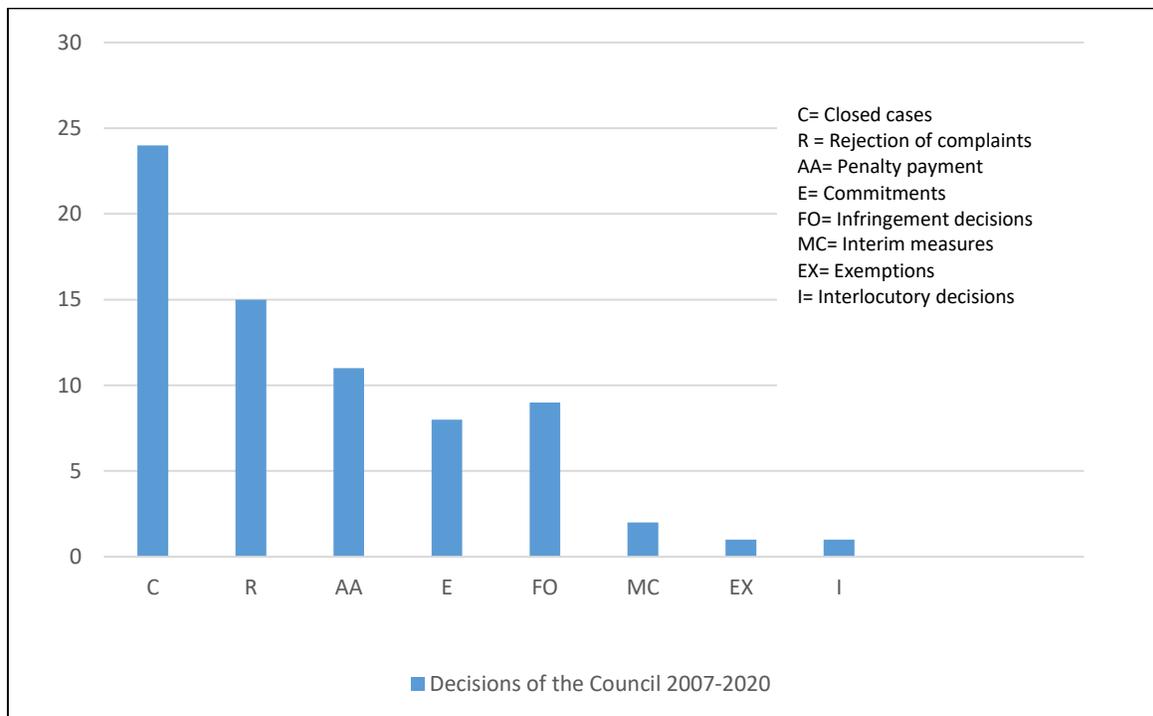
This decision to reject the interim measures in no way prejudices the solution that will ultimately be adopted by the Council on the merits, following an investigation.

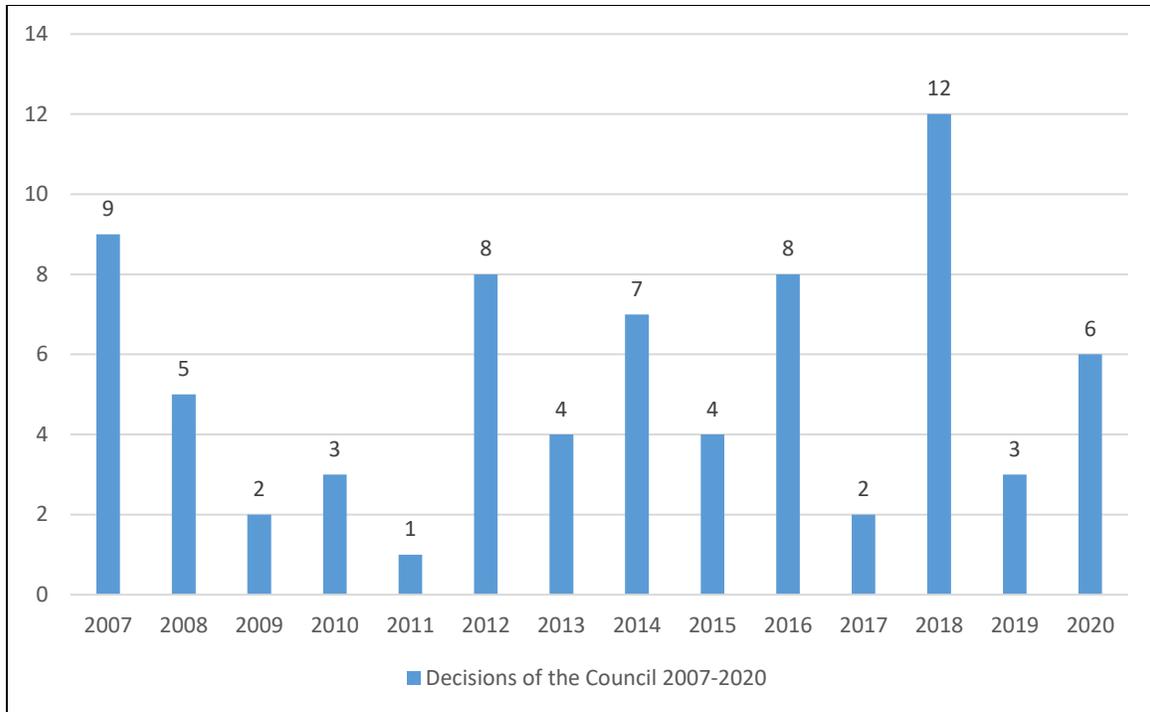
Summary table of decisions adopted in 2020

Date	Case	Decision	Appeal
23/07/2020	2020-C-02 – Ville de Dudelange	Dismissal of the complaint	No
18/11/2020	2020-FO-03 – Bahlsen, Auchan 2020-FO-04 – Bahlsen, Cactus 2020-FO-05 – Bahlsen, Delhaize	Decision of infringement	*
17/12/2020	2020-MC-06 – Laboratoire National de Santé	Dismissal of the request for interim measures	*

* The time limit for filing an appeal is still pending.

Chart of decisions adopted by the Council between 2007 and 2020





B. Advisory activities

According to Article 29 of the Competition Act, the Council has an advisory function. Within the framework of this mission, it may issue an opinion, on its own initiative or at the request of the Minister of Economy, on any question concerning competition.

In 2020, the Council issued the following opinions:

- Opinion 2020-AV-01 on the draft regulation ILR/T20/XX amending regulation ILR/T19/2 of 13 March 2019 on the conditions of application and implementation of the economic reproducibility test.
- Opinion 2020-AV-02 on the markets for protective masks and hydro-alcoholic gels.
- Opinion 2020-AV-03 on the draft regulation ILR/T20/XX on the definition of the relevant market for the wholesale supply of high-quality access at a fixed location (market 4/2014), the identification of the operator with significant market power on this market and the obligations imposed on it in this respect.
- Opinion 2020-AV-04 on the draft law n°7537 relating to certain implementation modalities and to the sanction of Regulation (EU) n° 2019/1150 of the European Parliament and of the Council of 20 June 2019 promoting fairness and transparency for business users of online intermediation services.

- Opinion 2020-AV-05 on the draft law n°7650 on the introduction of a class action system in consumer law.
- Opinion 2020-AV-06 on the draft law n°7646 transposing Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain.
- Opinion 2020-AV-07 on the draft law n°7456 implementing Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 and amending
 - the Consumer Code,
 - the amended law of 11 April 1983 regulating the marketing and advertising of medical products,
 - the amended law of 27 July 1991 on electronic media,
 - the amended law of 14 August 2000 on electronic commerce,
 - the amended law of 24 May 2011 on services in the internal market, and
 - the law of 23 December 2016 on sales during sale periods, sales on sidewalks and on misleading and comparative advertising.
- Opinion 2020-AV-08 on the draft regulation ILR/T20/XX on the setting of tariff ceilings for the wholesale provision of high-quality access at a fixed location (Market 4/2014).
- Opinion 2020-AV-09 on draft regulation ILR/T20/XX on the definition of the relevant market for the wholesale provision of high-quality access at a fixed location (Market 1/2014), the identification of operators with significant market power (SMP) on that market and the obligations imposed in that respect.
- Opinion 2020-AV-10 on the draft regulation ILR/T20/XX on the definition of the relevant market for wholesale voice call termination on individual mobile networks (Market 2/2014), the identification of operators with significant market power on this market and the obligations imposed on them in this respect.

C. Sector inquiries

According to Article 30 of the Competition Act, the Council may carry out an investigation into a particular sector of the economy or a particular type of agreements in different sectors when the development of trade, price rigidity or other circumstances give rise to a presumption that

competition may be restricted or distorted. At the end of the investigation, the Council may publish a report setting out its findings.

For confidentiality reasons, this report will not refer to ongoing sector enquiries.

However, the Council points out that a report on the enquiry into the pharmaceutical sector was due to be published in 2020. Due to the upheavals associated with the Covid-19 crisis, the Council considered it preferable to take into account the effects of the pandemic in updating the results of its survey, which will be published in due course.

The Council believes that sector-specific surveys are an excellent starting point for targeting future cases. For these reasons, it intends to use this tool more frequently in the future.

III. Cooperation activities

1. ECN meetings

The current crisis has not prevented the Council from taking an active part in the development of European competition policy within the European Competition Network.

This part of the annual report gives an overview of the debates in which the Council has participated within this network.

Plenary and Directors-General meetings (DG meetings)

The meetings of the Directors-General are prepared during the plenary meetings. These are held virtually, like those of the DG meetings.

The priority topics were those related to the health crisis in general, the prioritisation of cases and the functioning of the National Competition Authorities (NCAs) during the pandemic in particular. The NCAs, for their part, presented the state of progress at the national level of the transposition of the “ECN+” Directive. New Commission initiatives on the Digital Markets Act¹ and the Digital Services Act² were also discussed.

« Horizontal » working groups

These groups bring together representatives of each national competition authority and the Commission around specific themes, with the aim of promoting greater consistency in their decision-making practice.

Working group on Cooperation Issues and Due Process

This working group, whose aim is to study the national procedures of each NCA and to identify areas where potential convergence efforts could arise in order to ensure greater effectiveness in the implementation of Articles 101 and 102 TFEU, has met virtually over the past year.

¹ <https://eur-lex.europa.eu/legal-content/fr/TXT/?qid=1608116887159&uri=COM%3A2020%3A842%3AFIN>.

² <https://eur-lex.europa.eu/legal-content/en/TXT/?qid=1608117147218&uri=COM%3A2020%3A825%3AFIN>.

The activity of this working group focused mainly on mutual assistance between NCAs and on the method of calculating fines.

Working group on « Horizontal and abuse »

The aim of this working group is to identify specific and topical issues for NCAs with regard to horizontal anti-competitive practices and abusive behaviour. During the 2020 meetings, which were held virtually, discussions focused in particular on the notion of restriction of competition "*by object*". The purpose of the October meeting was to present the work of several of the network's authorities on the consideration of sustainability issues in the implementation of competition law.

Working group on Digital Investigations and Artificial Intelligence

The objective of this working group is to deepen ECN cooperation on digital surveys, including intelligence, survey data analysis and digital processes in general.

The NCAs also shared their respective experiences in the use of digital investigation tools.

Working group on Vertical Restraints

This working group deals with issues relating to so-called vertical anti-competitive practices, i.e. between companies active at different levels of the production or distribution chain.

The work of the meetings was entirely devoted to the recasting and updating of Regulation n°330/2010, known as "*VBER*". The regulation is of particular importance for Luxembourgish companies, as it concerns anyone who was faced with territorial restrictions imposed by suppliers.

Working group on Digital Markets

The reflection and exchange group on the digital economy took stock of the current investigations against digital companies and addressed the issue of algorithms deployed on online platforms.

Working group of « Chief Economists »

The annual meeting of the ECN Economists Group also took place in virtual form. The Group discussed the relationship between complementary and substitutable products, non-compete provisions, market power of large buyers, joint ventures between several companies in optical fiber networks and excessive pricing practices.

Working group on Mergers

This working group discusses all issues related to merger control in Europe. Even though the Grand-Duchy of Luxembourg does not have merger control provisions in its national legislation, the Council has participated in the meetings of this group, with the aim of staying fully informed about relevant topics.

Issues discussed in 2020 included the impact of the Covid crisis on merger control, as well as the evaluation of the applicable European regulation and possible areas for improvement. At the national level, the competition authorities discussed current developments in merger control policy, jurisdictional issues and some recent cases.

Working groups on specific sectors

In 2020, the Council followed the work of specific groups related to the agri-food sector, the pharmaceutical and health sector and the banking and financial sector. Various ad-hoc meetings were also held on the issues of market definition and the "*New Competition Tool*".

Food sector

In the framework of the *Food Working Group*, several NCAs presented the cases and sectoral investigations they had closed in the agri-food sector during the year.

Health and Pharma sector

This working group met in January in Brussels. This meeting was an opportunity to exchange views on the recent decisions adopted in this area by the various competition authorities. Several practices (*pay for delay, excessive pricing, killer acquisitions*) were at the heart of the discussions.

Financial services sector

This group met in May. The European Commission and NCAs reviewed the guidelines established by the European Banking Association on a common approach to credit moratoria. State-guaranteed loans and the issue of insurance contracts were also discussed.

Ad hoc exchanges

The Council participated in various ad-hoc meetings on the subject of market definition and the *New Competition Tool*.

In 1997, the European Commission published the "*Commission Notice on the definition of the relevant market for the purposes of Community competition law*" intended to provide guidance to

competition authorities and companies on market definition methodology when analysing mergers and applying Articles 101 and 102 of the TFEU. As our economies have evolved considerably since then, the Commission is updating this Notice. A public consultation was launched in 2020, in which national competition authorities participated.

Two ad-hoc meetings also took place in 2020 concerning the introduction of an ex-ante tool capable of solving certain structural competition problems identified by the Commission, which cannot be addressed or dealt with effectively by the current competition rules. The European Commission had opened a public consultation on this matter from 3 June to 8 September 2020. In December, the Commission unveiled its "*Digital Markets Act*" which introduces rules for platforms that act as gatekeepers in the digital sector. The Commission, however, did not use this publication to introduce such a tool.

Advisory Committee

Created by Article 14 of Regulation 1/2003, this committee brings together the Commission services (representatives of the Legal Service and DG COMP) and representatives of national competition authorities in order to enable the latter to give their opinion on draft Commission decisions.

Indeed, when adopting a decision ordering the cessation of an infringement or accepting commitments, the Commission must consult this Advisory Committee. The Committee may also be called upon to give its opinion on any draft text relating to the Union's competition rules, such as Commission notices or guidelines. However, its opinion is not binding.

The Council did not participate in meetings of the Advisory Committee in 2020.

2. The Competition Day

The Presidency of the Council of the European Union traditionally organises the European Competition Day, in conjunction with the European Consumer Day. The Council participated in this event on 7 and 8 September 2020. The topics of the conference focused on the issue of foreign subsidies granted to companies operating in the internal market, the digital economy and finally on the challenges posed by the Covid-19 pandemic to competition policy and national competition authorities.

3. Organisation for Economic Co-operation and Development (OECD)

The OECD deals with competition issues through meetings of the Competition Committee and the Global Forum on Competition.

The Competition Committee promotes exchanges of views and analysis on competition policy issues.

The OECD Global Forum on Competition brings together competition officials from more than 100 international authorities and organisations to discuss key issues and recent trends in competition law. In 2020, the Forum was held from 7-10 December and included a reflection on the need for competition law reform, abuses of dominance in digital markets, economic analysis in merger control and market research.

The Council also participated in the OECD Competition Open Day. An opening panel discussed the future of competition policy in the digital economy, focusing in particular on the potential role of pro-competitive regulation. The second panel was devoted to the role of Big Tech and the application of competition law to the field of algorithms, Big Data and blockchains. The discussions then turned to competition law in the labour market and on mergers in dynamic markets.

4. Annual meeting of European Competition Authorities (ECA)

Due to the public health context, the annual meeting of the European competition authorities has been postponed to 2021.

5. Contributions of the Competition Council to EU public consultations

The Competition Council has provided its contribution with regard to the revision of the block exemption regulation applicable to vertical agreements - Regulation n°330/2010 - which will expire on 31 May 2022 and whose recasting had already been launched in 2019. This regulation is of particular importance for the Grand-Duchy, where many companies claim that they are still subject to territorial restrictions by their international suppliers. The Council participated in the efforts of the Benelux countries to draw the attention of the European Commission to this very sensitive issue for the proper functioning of the internal market.

Following the consultation of companies and NCAs on the application of this regulation, the Commission selected four areas of application that require updating in view of the evolution of the markets over the last ten years: restrictions on online distribution, restrictions applied to selective and exclusive distribution networks, bans on prices charged on digital platforms and the practice of fixed prices.

It also contributed to the revision of the block exemption regulations applicable to horizontal agreements - Regulations 1217/2010 and 1218/2010 - which will expire on 31 December 2022. The Commission opened a public consultation from 6 November 2019 to 12 February 2020.

A final version of the results of the Commission's assessment is expected in the first quarter of 2021.

6. International Competition Network (ICN)

At the international level, the Council actively follows the work of the International Competition Network ("ICN").

The ICN brings together different national competition authorities at the global level and serves as a forum for discussion on matters relating to the application of competition law.

Non-governmental officials appointed by the Council participate in meetings and discussions within this network. Marc Barennes, Vivien Terrien and Thierry Reisch have been appointed in this capacity for two years.

During the year, the Council continued its involvement with the ICN CAP (Competition Agency Procedures), which it joined in 2019. This procedural framework is a genuine cooperation tool designed to promote procedural fairness by ensuring effective cooperation between national competition authorities. A meeting was organised in 2020 to analyse the benefits of this tool.

IV. Awareness-raising and communication actions (*advocacy*)

A. Website

The Council's website www.concurrence.lu, a contact point between the administration and its users, provides information on the Council's activities and the most important aspects of competition law in Luxembourg:



As part of the implementation of the new ICN procedures, aimed at greater transparency in communication, in 2020 the Council continued its reflections on an overhaul of its website.

B. Newsletter

Throughout 2020, the Council continued to send out its newsletter entitled "*Competition issues in Luxembourg and abroad*".

In some issues, the Council wrote articles on particular topics, such as digitalization or the impact of the Covid-19 crisis on competition law and the functioning of competition authorities.

All the newsletters issued by the Council are available on its website at:

<https://concurrency.public.lu/fr/support/newsletter.html>.

C. Social media

Since 2019, the Council is active on Twitter (https://twitter.com/concurrency_lux)

and LinkedIn (<https://www.linkedin.com/company/concurrencelux/>).

D. Midi de la concurrence

As part of the "Midi de la concurrence" event series, the Council aims to provide a platform for stakeholders to discuss current competition issues.

The first event in 2020 took place on 12 February. Entitled "*Buchungsportale, MFNs und Ranking* (Booking Platforms, MFNs and Ranking)", it brought together regulators, policy makers and representatives of the hotel industry to discuss the effect of online booking platforms on the market. On this occasion, the Council was pleased to invite Dr. Reinhold Kesler from the University of Zurich to present his latest research on the subject. The effects of MFN clauses and the functioning of the hotel ranking on the platforms were among the topics discussed.

The second "Midi de la concurrence", on the subject of abuse of economic dependence, brought together speakers from a wide range of backgrounds on 9 October 2020. The successive presentations by Mr Gloden and Mr Veranneman from the Luxembourg law firm Elvinger Hoss Prussen, Ms Luc, Vice-President of the French Competition Authority, Mr Walckiers, economist with E.CA Economics (Belgium), and finally Mr Utzschneider and Mr Ernewein from the law firm White & Case Paris, presented the various possible ways of intervening, in the name of economic public order, in unbalanced commercial relations. A discussion-debate on the modalities of implementation of the different mechanisms took place following the presentations.

V. Learning activities

A. Seminars provided by the Council

Seminar at the Institut d'Etudes Politiques de Strasbourg (IEP)

This year, the Council continued its cooperation with the IEP of Strasbourg, by providing students of the Master II in *European Economic and Regulatory Law* with a "Moot Court" type seminar, giving students the opportunity to analyse a case from its investigation to the decision-making phase.

Seminar at the Université de Lorraine de Nancy

For several years now, the Council has been offering students of the Master II *International and European Business Lawyer* programme a course in European competition law.

These collaborations are also an opportunity for students to join the Council for an internship. In the course of 2020, the Competition Council thus welcomed four students from various universities.

B. Learning courses attended by the Council's staff

Official visit to the Directorate-General for Competition of the European Commission

The Competition Council participated for the second time in the exchange programme between the European Commission and the European Competition Authorities. This year, a staff member of the Competition Council joined the "*Payment systems*" unit of the Directorate-General for Competition (Unit D1).

Summer Course on European Antitrust Law

Every year, the Council offers its staff training courses on competition law organised by the ERA (Europäische Rechtsakademie). Two employees of the Council were able to follow this seminar, organized online.

Webinars

Once again this year, the Competition Council closely followed several webinars on competition law.

Starting in April 2020, a series of webinars dedicated to the European Commission's response to the health and economic crisis have been organised. The Council participated in webinars on specific competition issues in the framework of Covid-19.

The Competition Council has also attended webinars on more specific issues, such as the European Union's industrial policy.

