

The background of the cover is a light grey with various mechanical and data-related icons. There are several gears in shades of blue, red, and grey. A large blue gear is prominent on the left side. In the center, there is a red gear with a white circle and a red hexagonal pattern inside. To the right, there are several smaller gears and icons, including a pie chart, a bar chart, and a network diagram. The text 'RAPPORT ANNUEL 2023' is written in large, bold, white letters on a red and blue background. Below this, the logo of the 'AUTORITÉ DE LA CONCURRENCE GRAND-DUCHÉ DE LUXEMBOURG' is visible, featuring a blue and red shield-like shape.

RAPPORT ANNUEL 2023

The logo of the Authority of Competition is a stylized shield or book shape, colored in blue and red.

AUTORITÉ DE LA
CONCURRENCE
GRAND-DUCHÉ DE LUXEMBOURG

A red, distressed-style stamp with the words 'ENGLISH VERSION' written in a bold, sans-serif font, tilted upwards to the right.

**ENGLISH
VERSION**

Forword by the President

The year 2023 has been a period of profound transformation and major significant challenges for the Competition Authority of the Grand Duchy of Luxembourg. It was marked by a crucial step that consolidated our position as an institution. Our increased autonomy as an independent public institution has not only enhanced our operational efficiency, but has also enabled us to better represent the interests of Luxembourg businesses and consumers.

This transitional period has also required us to adapt to new governance and accountability structures, posing challenges in terms of internal restructuring and resource management. It has prompted us to develop new operating procedures, while reinforcing the ongoing training of our teams so as to bring our practices into line with our new legal obligations. In addition, our new status has increased our visibility and public interest in our activities. As a result, the Authority is placing greater emphasis on maintaining irreproachable transparency and integrity.

Over the past year, the legislator has entrusted us with important new responsibilities with the implementation of the Digital Markets Act (DMA) and the Digital Services Act (DSA). These regulations are crucial to rebalancing the influence of the digital giants and ensuring healthy competition in these markets. Preserving fairness and equal opportunities for digital players is essential, on the one hand, for innovation by European and Luxembourg businesses and, on the other, for consumer protection.

Thanks to these new remits, the Authority will have a global view of the range of practices on digital markets, thus making it better equipped to identify and take action against abuses that could have an impact on both the regulation of digital services and on competition. This ability to intervene on both fronts is crucial to ensuring a safe, fair and competitive digital market.

2023 also saw the adoption of the Foreign Subsidies Act, which has extended our powers to respond more effectively to distortions of competition caused by aid granted by non-EU countries. This legislative development is essential if we are to maintain equal competition on our market. In addition, a merger control bill has been tabled, aimed at filling a legal void and preventing mergers from harming competition.

In parallel, significant steps have been taken with regard to whistleblowers, a fundamental factor to maintain a transparent and fair market. The recent law on the protection of persons who report breaches of EU law strengthens our legal framework, providing robust protection for those who bravely report irregularities. This measure has enriched our arsenal, enabling more effective monitoring and strengthening confidence in our economy and our institutions.

Finally, we have sought to raise awareness among small operators in the agricultural and food supply chain about the protection they can enjoy from against unfair trading practices by their more powerful buyers. In a particularly tense socio-economic context, we have sensed the need of farmers and small suppliers for better information about the tools available to them to correct the existing imbalances between their bargaining power and that of large retailers.

I would like to express my gratitude to all the members of the Authority for their hard work and dedication, which have been essential to our achievements in 2023. Thanks to everyone's skill and commitment, we keep on moving towards our goals with confidence and determination.

As we look to the future, I am confident that the Authority will continue to play a leading role in promoting competition.

I hope you enjoy reading this annual report, which not only describes our achievements and challenges, but also provides an overview of our future plans to foster an environment in which innovation and prosperity can flourish.

Pierre Barthelmé

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PRESENTATION OF THE COMPETITION AUTHORITY

NEW ORGANIC LAW

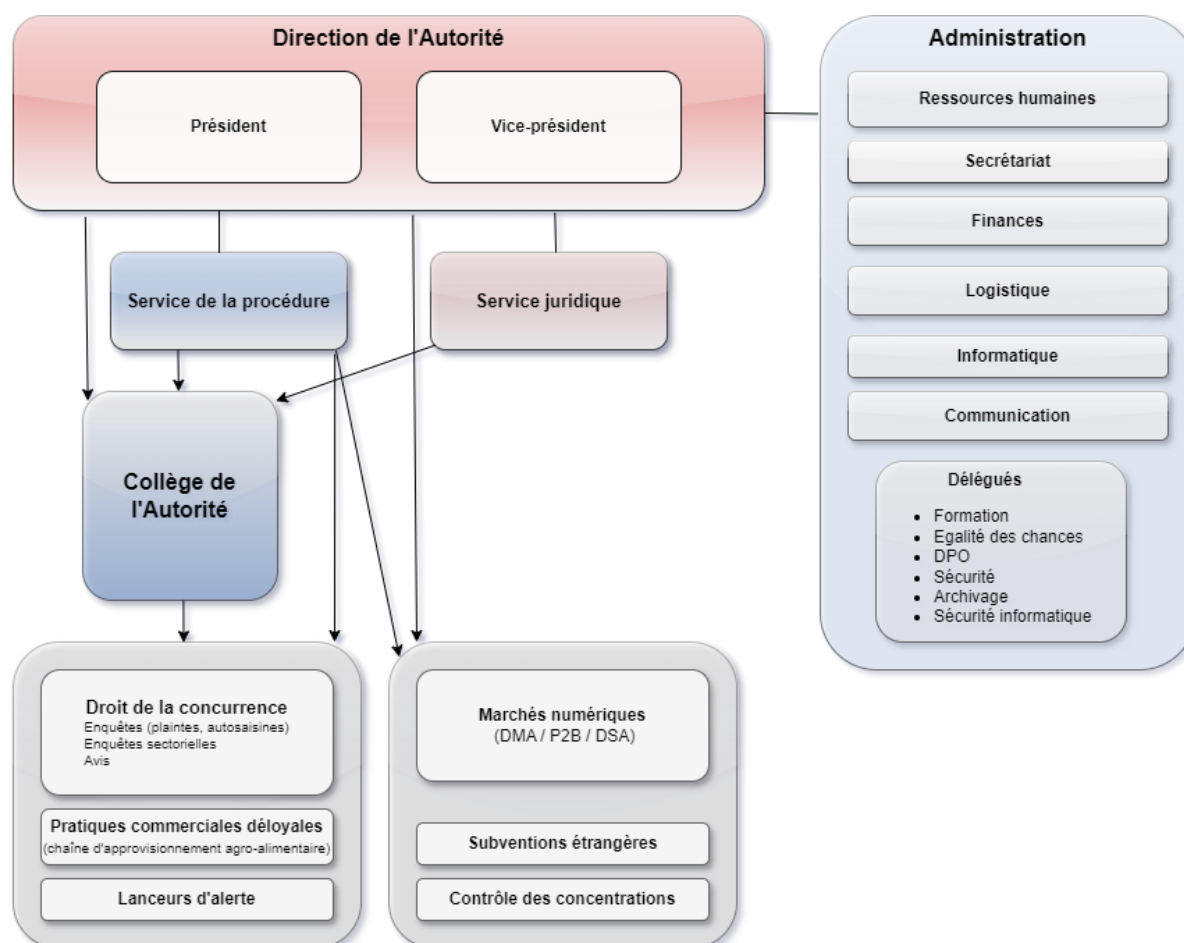
Until 31 December 2022, the Competition Council (*Conseil de la Concurrence*) was an independent administrative Authority governed by the amended law on competition of 23 October 2011.

Following the entry into force of the law on competition of 30 November 2022 on 1 January 2023, the Council became the Competition Authority (*Autorité de la Concurrence*). The Authority is an independent public institution with legal personality and financial and administrative autonomy.

It thus takes over from the Competition Council the task of enforcing national and European antitrust rules prohibiting agreements between market operators that would restrict competition and the abuse of dominance. It is also responsible for enforcing the ban on unfair practices in the agricultural and food supply chain, defending the collective interests of businesses in relation to freedom of establishment and freedom to provide services, and in relation to digital platforms and search engines.

In 2023, it was also given three new powers: to assist the European Commission, where necessary, in ensuring that gatekeepers comply with the Digital Markets Act (DMA) and in enforcing the Foreign Subsidies Regulation, and to receive external reports of any breach of the law in a professional context, for all of its areas of competence.

STRUCTURE OF THE AUTHORITY



ORGANISATION CHART OF THE COMPETITION AUTHORITY AS OF 31 DECEMBER 2023

MEMBERS OF THE COLLEGE
7-year renewable term of office

President

Pierre Barthelmé (01/01/2023 - 31/12/2029)

Vice-President

Marco Estanqueiro (01/01/2023 - 31/12/2029)

Effective advisors

Jean-Claude Weidert (01/01/2023 - 30/05/2023)

Mattia Melloni (01/01/2023 - 31/12/2029)

Tom Mannes (01/01/2023 - 31/12/2029)

Sven Frisch (01/03/2023 - 28/02/2030)

Anabelle Marxen (15/07/2023 - 14/07/2030)

Substitute advisors

Théa Harles-Walch (01/01/2023 - 31/12/2023)

Christiane Junck (01/01/2023 - 31/12/2023)

Pierre Calmes (01/01/2023 - 14/09/2024)

Thierry Hoscheit (01/01/2023 - 31/12/2029)

Thierry Lallemand (01/01/2023 - 31/12/2029)

Anick Wolff (01/01/2023 - 31/12/2029)

Jean-Claude Weidert (01/06/2023 - 31/05/2030)

Carole Besch (01/11/2023 - 31/10/2030)

Anne Morocutti (01/11/2023 - 31/10/2030)

Thierry Schiltz (01/11/2023 - 31/10/2030)

NON-GOVERNMENTAL ADVISORS (NGAS)

2-year renewable mandates

Marc Barennes (2/01/2023 - 31/12/2024)

Thierry Reisch (2/01/2023 - 31/12/2024)

Vivien Terrien (2/01/2023 - 31/12/2024)



International
Competition
Network

WORKFORCE

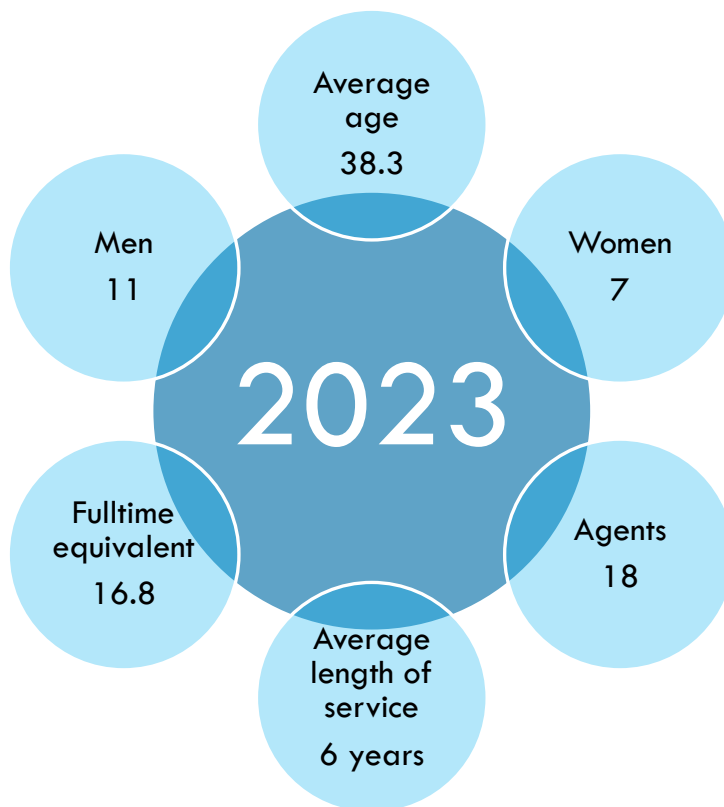
At 31 December 2023, the Authority had **18 permanent staff members**, including:

- the President;
- the Vice-President;
- four effective advisors;
- four administrative staff;
- a legal advisor; and
- seven investigators.

In addition to the Authority's permanent staff, there are **11 temporary contributors**:

- eight substitute advisors, mainly from the judiciary, who sit on decision-making panels, and
- three *non-governmental advisors*, who represent the Authority in the *International Competition Network*.

In 2023, the Authority also welcomed **five interns** studying competition law and **a student studying** digital content.



TASKS OF THE AUTHORITY

Far from dealing exclusively with competition law issues, the Competition Authority's remit has broadened over time as legislation has adapted to current economic challenges and realities, such as digitalisation, concentration in the retail sector, freedom to provide services and the need to protect whistleblowers.

In accordance with its Organic Law¹, the Authority currently covers three main areas of competence, namely competition law, the regulation of digital markets and unfair commercial practices in the agri-food supply chain. It also defends the collective interests of businesses in relation to freedom of establishment and freedom to provide services, and protects whistleblowers in all the above areas.

COMPETITION LAW

In the field of **competition law**, the Competition Authority's remit includes :

- ✓ investigating and sanctioning anti-competitive practices such as prohibited agreements between companies or abuse of a dominant position;
- ✓ carrying out analysis, consultation or awareness-raising activities;
- ✓ assisting the European Commission, where necessary, in monitoring foreign subsidies that distort the operation of the Single Market².

DIGITAL MARKETS

With regard to **digital markets**, the Competition Authority's remit includes :

- ✓ defending the collective interests of businesses using online platforms (Platform to Business - P2B)³ ;
- ✓ assisting the European Commission, where necessary, to ensure compliance with the rules governing digital market access controllers (Digital Markets Act - DMA)⁴.

UNFAIR TRADING PRACTICES

With regard to the **agricultural and food supply chain**, the Competition Authority is responsible for protecting farmers and small businesses against **unfair trading practices** (UTP) by their more powerful buyers⁵.

¹ Law of 30 November 2022 on competition

<https://legilux.public.lu/eli/etat/leg/loi/2022/11/30/a588/consolide/20230404>

² Law of 29 March 2023 [...] on the implementation of Regulation (EU) 2022/2560 on foreign subsidies distorting the internal market

<https://www.legilux.public.lu/eli/etat/leg/loi/2023/03/29/a181/jo>

³ Amended Law of 5 March 2021 on [the] implementation of Regulation (EU) No 2019/1150 [...] promoting fairness and transparency for business users of online intermediation services

<http://data.legilux.public.lu/eli/etat/leg/loi/2021/03/05/a185>

⁴ Law of 29 March 2023 amending the Act of 30 November 2022 on competition with a view to [...] implementing Regulation (EU) 2022/1925 on digital markets

<https://www.legilux.public.lu/eli/etat/leg/loi/2023/03/29/a181/jo>

⁵ Law of 1 June 2021 on relations between businesses in the agricultural and food supply chain

<https://legilux.public.lu/eli/etat/leg/loi/2021/06/01/a403/jo>

COLLECTIVE INTERESTS OF BUSINESSES

With regard to **freedom of establishment** and **freedom to provide services**, the Authority protects the collective interests of businesses in the Single Market⁶.

WHISTLEBLOWERS

With regard to the **reporting of breaches of European and national law in a professional context**, the Competition Authority is responsible for receiving and processing external reports from whistleblowers in all areas falling within its remit⁷.

NEW MISSIONS

In addition to the pre-existing tasks associated with the transformation of the former Competition Council into an independent institution and the new areas of competence entrusted to the Authority since 2023, the Competition Authority's remit could be further extended in 2024.

In 2023, the government has tabled two bills that will give the Competition Authority new responsibilities: merger control and the enforcement of the Digital Services Act (DSA). The Authority has therefore reorganised itself to prepare for these future activities.

MERGER CONTROL

[Bill 8296](#), tabled by the government on 23 August 2023, provides for the introduction of prior merger control under Luxembourg law.

DIGITAL SERVICES ACT (DSA)

Regulation (EU) 2022/2065 on a single market for digital services ("Digital Services Act") aims to combat the **distribution of illegal or harmful content on the Internet**. Hate speech, child pornography, the sale of counterfeit goods: what is illegal offline must also be illegal online. The DSA sets out certain obligations for all **intermediary service providers**. The DSA has been applicable to very large online platforms and search engines (VLOPSEs) since 25 August 2023 and came fully into force on **17 February 2024**.

On 11 September 2023, the Minister of the Economy presented to the press the implementation of the [European legislative package on digital services in Luxembourg](#). According to the draft law adopted on 8 September 2023 by the Government Council, the Competition Authority will act as **Digital Services Coordinator (DSC)** for Luxembourg and will monitor compliance with the obligations incumbent on intermediary service providers established in Luxembourg and covered by the DSA. The Ministry of the Economy estimates that 240 online platforms will be affected.

⁶ Amended Law of 24 May 2011 on services in the internal market

<https://legilux.public.lu/eli/etat/leg/loi/2011/05/24/n1/consolide/20211206>

⁷ Law of 16 May 2023 transposing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law

<https://legilux.public.lu/eli/etat/leg/loi/2023/05/16/a232/jo>

ADMINISTRATION

In 2023, following the entry into force of the law of 30 November 2022 on competition, the Competition Authority's staff underwent an in-depth structural reorganisation to take over all the administrative tasks previously carried out by the Ministry of the Economy and the Ministry of the Civil Service.

HUMAN RESOURCES

RENEWAL OF CONTRACTS AND AGREEMENTS

As of 1 January 2023, the Authority has renewed all contracts and agreements previously managed by the Ministry of the Economy or the Ministry of the Civil Service:

- Orders appointing civil servants ;
- Contracts for state employees ;
- Telework agreements ;
- swearing-in of members of the College, etc.

INTERNALISATION OF HUMAN RESOURCES MANAGEMENT TASKS

The Authority has also internalised all the human resources management tasks previously carried out by the Ministry of the Civil Service:

- Calculation, declaration and payment of remuneration, social security contributions, deductions at source and pension funds;
- Declarations to the Social Security Centre (*Centre commun de la sécurité sociale*), etc.

SECRETARIAT, FINANCE AND LOGISTICS

In terms of financial and logistical management, the Authority has taken over the former Council's contracts and reassigned the new responsibilities to the designated staff members.

RENEGOTIATION OF EXISTING COOPERATION AGREEMENTS

As regards ongoing contracts and agreements, the Authority's administration has negotiated new agreements:

- With the Government IT Centre (*Centre des technologies de l'information de l'État - CTIE*) for all IT services;
- With the State Centre for Human Resources and Organisation Management (*Centre de gestion du personnel et de l'organisation de l'État - CGPO*) for the calculation of salaries, monitoring of staff careers, etc. ;
- With the Ministry of the Economy for the rental of service cars, meeting rooms, etc.

CHANGES TO CONTRACTS FOR THE SUPPLY OF GOODS AND SERVICES

The Authority has taken over all former contracts from the Competition Council:

- Electricity supply ;
- Rental lease ;
- Cleaning ;
- Car park rental, etc.

NEW ADMINISTRATIVE AND FINANCIAL TASKS

Since 1 January 2023, the Authority has been handling its own annual budget and has taken over all the financial management tasks previously carried out by the State Treasury or the Ministry of the Economy:

- Opening an account ;
- Payment of invoices ;
- Remuneration of the staff ;
- Accounting ;
- Fiduciary contract, auditor.

BUDGET RESOURCES 2023 ⁸ €2,310,400
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COMMUNICATION AND ADVOCACY

ONLINE PRESENCE

WWW.CONCURRENCE.LU

Pending a complete graphic overhaul, the Authority has restructured the content of its website to reflect its evolving remit:

A simplified, consistent style

https://concurrency.public.lu/fr/regles-concurrency/concurrency/abus.html

A clearer structure

https://concurrency.public.lu/fr/regles-concurrency.html

69 news items published

https://concurrency.public.lu/fr/actualites.html

9 opinions and investigation reports published
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https://concurrency.public.lu/fr/avis-enquetes.html

⁸ State budget voted for 2023

<https://legilux.public.lu/filestore/eli/etat/leg/loi/2022/12/23/a649/jo/fr/pdfa/eli-etat-leg-loi-2022-12-23-a649-jo-fr-pdf.pdf>

EFFICIENT COLLABORATION WITH [GUICHET.LU](http://guichet.lu) AND [MYGUICHET](http://myguichet.lu)

The Authority has been working with guichet.lu and myguichet.lu to make its procedures available to the public in French, English and German on guichet.lu :

"Unfair trading practices (UTP) - Protection of farmers and small businesses
<https://concurrency.public.lu/fr/regles-concurrence/pratiques-commerciales-deloyales/pratiques-commerciales-deloyales.html>

"Protection of whistleblowers
<https://concurrency.public.lu/fr/regles-concurrence/whistle-blower/protection.html>

A NEW ONLINE SERVICE ON [GUICHET.LU](http://guichet.lu)

Complaint against unfair commercial practices in the agricultural and food supply chain
<https://formulaire-gsa.services-publics.lu/content/forms/af/formulaires-guichet-lu/MEC/AC/soumission-plainte-pratiques-commerciales-deloyales-v2.html>

A NEW REPORTING PLATFORM FOR WHISTLEBLOWERS ON [MYGUICHET](http://myguichet.lu)

Secure alert system without authentication on MyGuichet
https://demarches.services-publics.lu/fpgsa-fo/jsp/activate_service?serviceType=ECO_ACALERTE_GSA&lang=FR

MONTHLY NEWSLETTER

222 subscribers
All the latest news from the Competition Authority at the end of each month
<https://concurrency.public.lu/fr/support/newsletter.html>

SOCIAL NETWORKS

LinkedIn - 1300 followers
+ 38% in one year

Twitter / X - 580 followers
https://twitter.com/concurrency_lux

Followers from the 4 corners of the world:

Paris, Brussels, London, Madrid, Amsterdam, New York, Warsaw, Rabat, New Delhi, Bucharest, Rome, Berlin, Ankara, Brasilia, Dublin, Mexico City, Bogota, Berlin, Tunis, Lima, Belgrade, Helsinki, Santiago, Stockholm, Sofia, Ottawa, Kuala Lumpur, Budapest, etc.

International followers from a wide range of sectors:

- Lawyers / Legal Services (30%)
- Government departments (16%)
- Higher education / Research (6.8%)
- Banking / Financial sector (7.6%)
- IT / Business consulting / Accounting (5.4%)
- Judicial institutions (3%)
- Property / Construction (1.6%)

INFORMATION SESSIONS, COURSES AND TRAINING PROVIDED BY THE AUTHORITY

MIDI DE LA CONCURRENCE

As part of the "Midi de la concurrence" series of events, the Authority offers training and information sessions on topical issues in its areas of expertise.

Midi de la concurrence - "Presentation of the Law of 30 November 2022 on the organisation of the Competition Authority".
09/02/23 - Luxembourg

Midi de la concurrence - "Proving an infringement of competition law"
30/11/23 - Luxembourg

Midi de la concurrence - "Whistleblowers and the Competition Authority's new reporting".
07/12/23 - Luxembourg

SEMINAR AT THE STRASBOURG INSTITUTE OF POLITICAL STUDIES (SCIENCE PO)

In 2023, the Authority has continued its cooperation with Science Po Strasbourg by organising a 'Moot Court' seminar for students of the [Master II - Economic and Regulatory Law in Europe](#).

This simulated competition law procedure enables students to analyse a case from the investigation stage through to the decision stage.

Master of European Law – Specialisation in European Economic and Regulatory Law
IEP Science Po Strasbourg
<https://www.sciencespo-strasbourg.fr/nos-formations/nos-autres-formations/diplomes-nationaux-de-master/masters/droit-europeen/parcours-droit-de-leconomie-et-de-la-regulation-en-europe-PR1353-22565?tab=cours>

SEMINAR AT THE UNIVERSITY OF LORRAINE IN NANCY

For several years now, the Authority has been running courses on European competition law for students of the [Master II in International and European Business Law \(JAIE\)](#) programme.

These partnerships also provide an opportunity for students to complete their final year internship with the Competition Authority.

In 2023, the Authority has welcomed five interns from various universities.

Master in International and European Business Law
University of Lorraine
<https://formations.univ-lorraine.fr/fr/diplomes-et-formations/bac4-bac5/master/2367-master-juriste-d-affaires-international-et-europeen.html>

CONFERENCES

EUROPEAN COMPETITION DAY (ECD)

Conferences organised during each Presidency of the Council of the European Union, bringing together representatives of the European competition authorities, the European Commission, ministries, politicians, businesses and experts in the field of competition policy. It aims to raise awareness of the importance and impact of competition rules on the economy and society.

European Competition Day
05/05/23 - Stockholm
https://youtu.be/Ex8EU2A8_uQ

European Competition Day 17/10/23 - Barcelona
<https://concurrency.public.lu/fr/actualites/2023/10-23-competition-day.html>

CONFERENCE "20 YEARS OF REG. 1/2003: A (R)EVOLUTIONARY TALE" 20/06/23 - Brussels
<https://concurrency.public.lu/fr/actualites/2023/06-30-20yearsreg1.html>

Celebration of 20 years of EU antitrust enforcement under Regulation 1/2003 organised by DG Competition with leading experts to discuss and reflect on the achievements, needs and challenges of the current procedural framework for anti-competitive practices.

DACHLIELUX

07-08/09/23 - Vienna

<https://concurrency.public.lu/fr/actualites/2023/09-12-dachlielux.html>

Participation of the President of the Authority in the regional meeting of the heads of the competition authorities of Germany, Austria, Switzerland, Liechtenstein and Luxembourg (DACHLieLux) organised in Vienna by the Austrian Federal Competition Authority.

SEMINAR "INDEPENDENT ADMINISTRATIVE AUTHORITIES UNDER DISCUSSION: REGULATION, INDEPENDENCE, RESPONSIBILITY"

22/09/23 - Luxembourg

Speech by a Competition Authority member on the *independence of Luxembourg's competition and economic regulation authorities* at this seminar organised by the University of Luxembourg, the Council of State, the Administrative Court and the University of Strasbourg as part of the lecture series "Crossed perspectives on Luxembourg administrative law".

"DIGITAL CONSTITUTIONALISM" CONFERENCE

17/11/23 - Pointe-à-Pitre

<https://univ-droit.fr/recherche/actualites-de-la-recherche/manifestations/50795-le-constitutionnalisme-numerique>

A member of the Competition Authority gave a lecture about "*Abuse of dominant position by platforms: from competition law to constitutional law*" at a conference organised by the Faculty of Law and Economics of Guadeloupe in Pointe-à-Pitre. The aim of the conference was to examine digital constitutionalism from three angles: the emergence of a digital constitutional law; the role of private digital players in the exercise of public functions and the corresponding changes in administrative law; and respect for fundamental rights in the digital context, particularly in the light of the accelerating development of artificial intelligence.

ERA - ANNUAL CONFERENCE ON EUROPEAN COMPETITION LAW 2023

07-08/12/23 - Trier

<https://www.era.int/>

ANALYSIS AND CONSULTATION

SECTOR INQUIRIES

Pursuant to Article 65 of the law of 30 November 2022 on competition, the Competition Authority may conduct an investigation into a particular sector of the economy or into a particular type of agreement in different sectors where trade trends, price rigidity or other circumstances give rise to a presumption that competition may be restricted or distorted. At the end of the investigation, it may publish a report setting out its findings.

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

SECTOR INQUIRY IN THE RESIDENTIAL PROPERTY SECTOR - 19/07/2023

<https://conurrence.public.lu/fr/actualites/2023/07-19-enquete-immo.html>

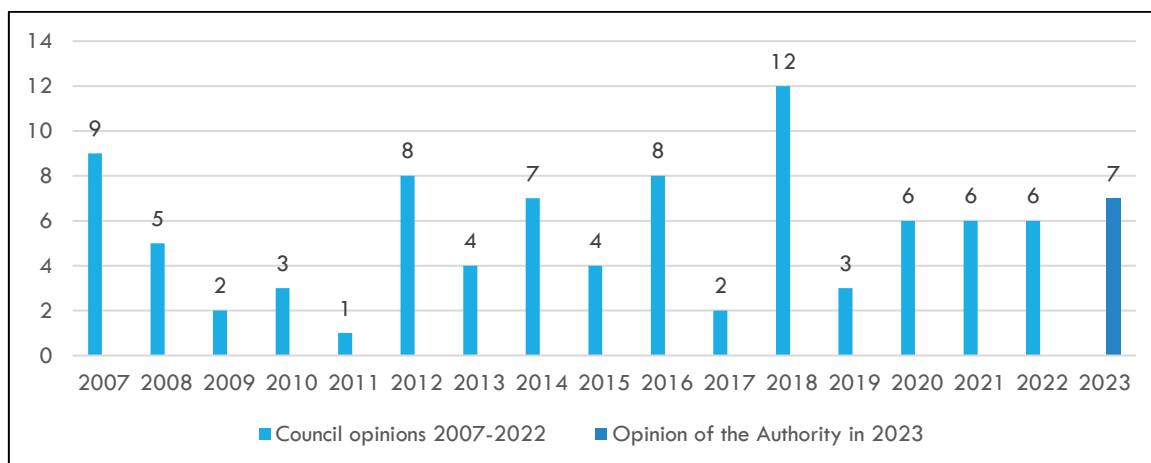
After initially analysing the building and public procurement sectors in 2021, the Authority (formerly the Competition Council) conducted an investigation into the residential property sector in the Grand Duchy of Luxembourg in 2022. The investigation focused on the analysis of the **property developer's business**, at the heart of the housing creation value chain, and its interconnections with other players in the chain.

Following various requests for information and interviews, as well as an analysis of the legislation and various relevant studies, the Competition Authority published around ten recommendations.

OPINIONS

Under article 64 of the law of 30 November 2022 on competition, the Authority may issue opinions on any matter relating to competition, either on its own initiative or at the request of a minister.

In 2023, the Authority issued opinions on various bills of law.



NUMBER OF OPINIONS ADOPTED BY THE COUNCIL/AUTHORITY BETWEEN 2007 AND 2023

PRE-EMPTION RIGHTS BILL : PROPOSALS TO INCREASE HOUSING SUPPLY WHILE
MINIMISING THE IMPACT ON PRIVATE MARKET PLAYERS - 06/11/23

<https://concurrency.public.lu/fr/actualites/2023/11-13-avis-2023-av-06.html>

In its opinion of 6 November 2023 on Bill of law n° 8216 on the right of pre-emption to promote housing, the Authority has not expressed an opinion on the choice of the instrument to be used.

It has, however, made proposals to maximise the effectiveness of the use of the right of pre-emption in order to increase the supply of affordable housing, while minimising its impact on private market players.

DRAFT LAW AMENDING THE CONSUMER CODE: NO OBJECTIONS ON COMPETITION
GROUNDS - 11/07/23

<https://concurrency.public.lu/fr/actualites/2023/07-18-avis-code-consommation.html>

In its opinion of 11 July 2023 on Bill of law n° 8255 amending the Consumer Code, the Authority considers that the proposed amendments aimed at simplifying and improving the transposition into national law of the various directives relating to the legal protection of consumers, do not raise competition issues.

The Authority has also pointed out that consumers' rights are protected by the Consumer Code, which aims to redress the significant imbalance between consumers, who are weaker parties to contracts, and professionals, who impose their conditions.

BILL INTRODUCING AN AID SCHEME FOR FIRST-TIME ENTREPRENEURS: POTENTIALLY
DISCRIMINATORY CRITERIA - 24/04/23

<https://concurrency.public.lu/fr/actualites/2023/04-27-aide-primis-creation.html>

In its opinion of 24 April 2023 on Bill of law n° 8115 introducing an aid scheme for first-time entrepreneurs, the Authority welcomed the introduction of an aid scheme for newly-created micro-enterprises and considered that the amount limited to €12,000 is unlikely to disturb the competitive balance of the market.

However, it recommends ensuring that the criteria for granting aid benefit entrepreneurs in a non-discriminatory way, and recommends reviewing the definition of a newly created business and relaxing the conditions for granting aid relating to the entrepreneur's income and the requirement for business premises.

DIGITAL MARKETS ACT BILL: NEW POWERS CONSISTENT WITH THE COMPETITION
AUTHORITY'S REMIT - 21/03/ 23

<https://concurrency.public.lu/fr/actualites/2023/03-21-avis-dma.html>

In its opinion of 21 March 2023 on Bill of law n° 8164 concerning the implementation of Regulation (EU) 2022/1925 and Regulation (EU) 2022/2560, the Authority points out that the purpose of the Bill is to designate the Competition Authority as the competent Authority to assist the European Commission in the application of the Digital Markets Act (DMA) and the Regulation on foreign subsidies distorting the internal market.

As the assistance that the Competition Authority will provide to the Commission upon request is consistent with the powers it already has, the Authority agrees with the bill.

AMBULATORY CARE BILL: HOSPITAL SUPERVISION CONTRARY TO FREEDOM OF TRADE, INDUSTRY AND ESTABLISHMENT - 21/02/23

<https://concurrency.public.lu/fr/actualites/2023/avis-2023-av-02.html>

In its opinion of 21 February 2023 on Bill n° 8009 on the shift to ambulatory care, the Authority recommended that doctors be given the freedom to acquire medical imaging equipment and offer medical imaging services, possibly under contract, without being subject to the supervision of a hospital centre.

This measure would help to broaden the range of medical care on offer, reduce waiting times for MRI scans, cover more ambulatory care needs, reduce pressure on hospital system capacity and reduce the operating costs of the hospital system associated with this branch of medical activity.

SCHOOL TRANSPORT AND SPECIAL TRANSPORT FUNDING BILLS: VIGILANCE AGAINST THE RISKS OF COLLUSION IN THESE MARKETS - 20/02/23

<https://concurrency.public.lu/fr/actualites/2023/avis-2023-av-01.html>

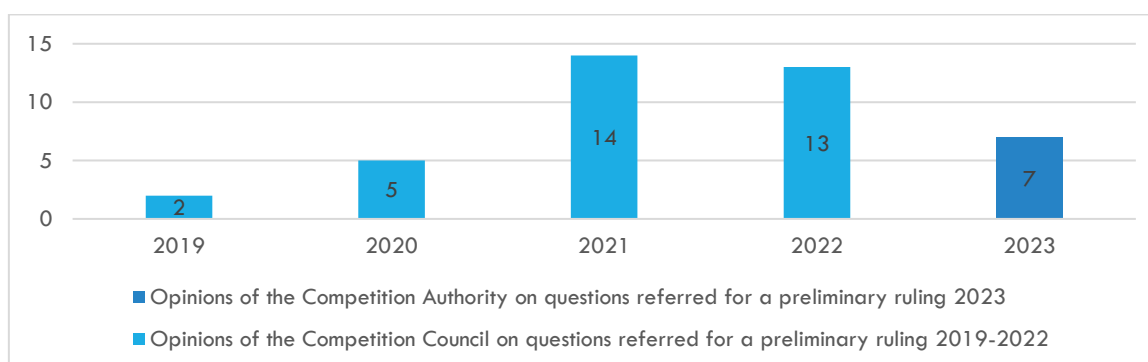
In its opinion of 20 February 2023 on Bills of laws n° 8062 on the financing of the operation of school bus transport and n° 8124 on the financing of the operation of specific specialised regular transport services, the Authority recalls the general principles governing the award of a public transport contract, warns of the risks of collusion in public contracts and highlights the lessons to be learned from a previous case before the Competition Authority ([TUL case, decision no. 2017-E-01](#)).

The Authority also points out the possibility of awarding public contracts whose specifications include environmental and social criteria.

QUESTIONS FOR PRELIMINARY RULING

In 2023, the Authority, in cooperation with the Ministry of the Economy and the Ministry of Foreign and European Affairs, has analysed a number of questions for preliminary ruling:

Number of the reference for a preliminary ruling	Referring court	Provisions concerned
C-469/22	Portugal	Directive 2014/24/EU on public procurement
C-2/23	Austria	Directive 2014/104/EU on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union. Directive (EU) 2019/1 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market
C-21/23	Germany	Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data
C-293/23	Germany	Directive (EU) 2019/944 on common rules for the internal market for electricity
C-296/23	Germany	Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products
C-253/23	Germany	Article 101 TFEU Article 4 of the Treaty on European Union Article 47 of the Charter of Fundamental Rights of the European Union Directive 2014/104/EU on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union
C-128/23	Germany	Directive 2014/24/EU on public procurement



NUMBER OF QUESTIONS FOR A PRELIMINARY RULING ANALYSED BETWEEN 2019 AND 2023

COMPETITION

Competition law contributes to the smooth functioning of markets by ensuring **free competition**. In a competitive market, businesses have an incentive to constantly innovate in order to offer consumers the best possible products and services at the most advantageous prices.

In particular, the Competition Authority monitors companies' compliance with the free play of competition and can sanction anti-competitive behaviour, such as [abuse of a dominant position](#) or [agreements between companies](#).

In the field of competition law, the Authority supervises **all the companies that make up Luxembourg's economic base**, in particular :

- **41,000 companies**⁹ in the non-financial market economy;
- **foreign companies producing goods and services** with an economic activity on Luxembourg territory;
- **121 banks**¹⁰ .

INVESTIGATING AND SANCTIONING ANTI-COMPETITIVE PRACTICES

The Authority can take binding decisions to enforce competition law. In particular, it can take interim decisions known as precautionary measures, decisions accepting commitments and decisions requiring undertakings to put an end to an infringement and imposing penalties. The purpose of these decisions is to prevent or bring to an end an anti-competitive practice.

The Authority has **investigative powers** to investigate and sanction possible anti-competitive practices.

[STATEMENT OF OBJECTIONS IN THE SECURITY AND GUARD SERVICES SECTOR - 08/05/23](#)
<https://conurrence.public.lu/fr/actualites/2023/05-08-griefs.html>

On 8 May 2023, the investigating advisor of the Autorité sent a statement of objections to certain undertakings and associations of undertakings active on the Luxembourg market for security and guarding services.

The companies in question are suspected of having colluded to restrict and/or distort competition by raising their prices in a coordinated manner.

[MARKET TEST – ORDER OF ARCHITECTS AND CONSULTING ENGINEERS \(ORDRE DES ARCHITECTES ET DES INGÉNIEURS-CONSEILS\)](#)

16/11/23

⁹ STATEC - Luxembourg in figures 2023 (latest data available in 2020)

<https://statistiques.public.lu/fr/publications/series/luxembourg-en-chiffres/2023/luxembourg-en-chiffres-2023.html>

¹⁰ STATEC - Luxembourg in figures 2023 (latest data available in 2022)

<https://statistiques.public.lu/fr/publications/series/luxembourg-en-chiffres/2023/luxembourg-en-chiffres-2023.html>

<https://conurrence.public.lu/fr/avis-enquetes/test-de-marche/2023/10-16-consultation.html>

From 16 October to 16 November 2023, the Authority invited interested parties to submit their comments on a proposal for commitments by the Order of Architects and Consulting Engineers (*Ordre des Architectes et des Ingénieurs-Conseils - OAI*) aimed at addressing the competition concerns identified in the course of the investigation.

DECISIONS

Among the decisions adopted in 2023, the Authority has issued three important decisions.

DECISION CONCERNING PRACTICES IN THE COFFEE DISTRIBUTION SECTOR IN LUXEMBOURG: €3 MILLION FINE - 17/07/23

<https://conurrence.public.lu/fr/actualites/2023/07-24-decision-cafe.html>

In a decision dated 17 July 2023, the Authority imposed a fine of more than €3 million on coffee importer Peter Hennen G.m.b.H. for entering into a [cartel](#) with 13 distributors between 2015 and 2020 in order to set minimum resale prices.

This practice prevented prices from being set by the free play of competition and is therefore contrary to the competition law.

One of the thirteen distributors was granted immunity from fines under the Authority's [leniency programme](#).

This decision is currently under appeal.

FILING DECISION - NATIONAL HEALTH LABORATORY (LABORATOIRE NATIONAL DE SANTÉ) - 20/04/23

On 17 December 2020, the President of the Competition Council rejected a request for interim measures submitted by Bionext S.A. against the National Health Laboratory for an alleged abuse of a dominant position on the market for the provision of routine medical biology tests, as well as on the sub-segment relating exclusively to COVID-19 tests.

The referral on the merits in this case was the subject of a decision to close the case in 2023 by the examining magistrate pursuant to Article 35 of the amended Competition Act of 30 November 2022.

DECISION TO DISMISS - BAHLSEN /CACTUS - 9/11/23

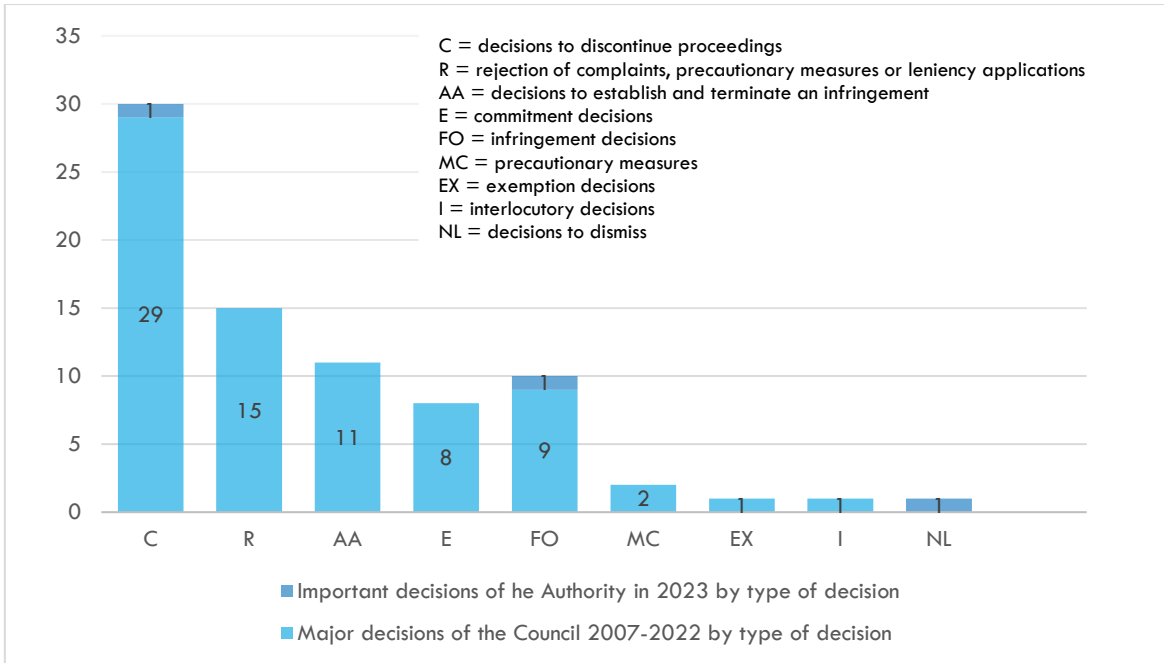
In three [decisions dated 18 November 2020](#), the Competition Council fined Bahlsen and the supermarkets Auchan, Cactus and Delhaize a total of €3.3 million for the prices charged for the resale of Bahlsen products in the Grand Duchy of Luxembourg between 2011 and 2015.

The Council found that the supplier Bahlsen and each of its distributors, Auchan, Cactus and Delhaize, had colluded for five years to fix the selling prices of Bahlsen-branded products, resulting in an increase in the prices paid by consumers.

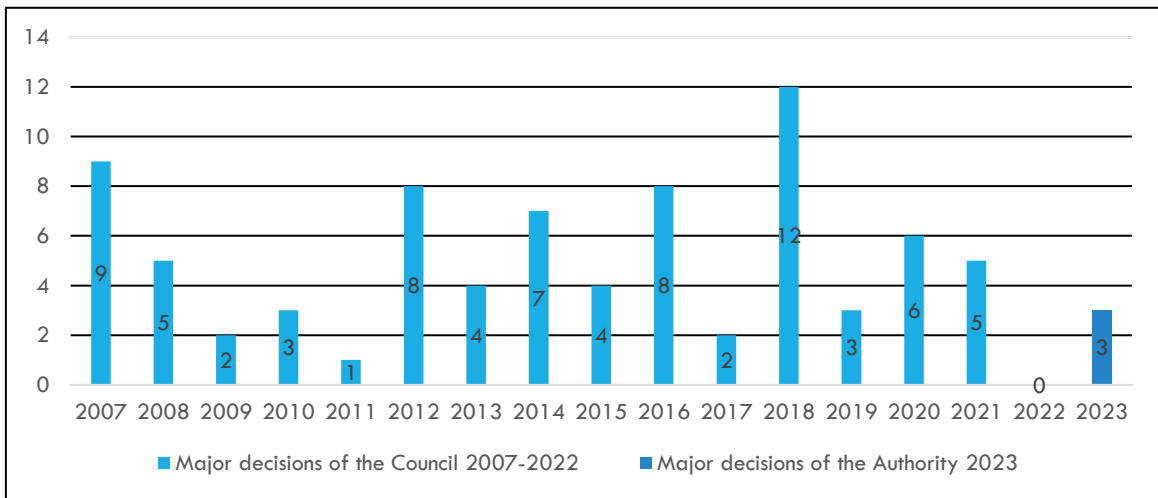
In two rulings of 14 December 2022, the Administrative Court partially overturned two of the Council's decisions on the grounds that it had wrongly refused to grant leniency to Bahlsen. The Administrative Court upheld the remainder of the two decisions.

In a third ruling on 14 December 2022, the Administrative Court annulled the third decision, in which the Competition Council had found resale price maintenance practices between Bahlsen and Cactus, and referred the case back to the Council.

By [decision dated 9 November 2023](#), the Competition Authority dismissed the case against Bahlsen and Cactus.



MAJOR DECISIONS ADOPTED BETWEEN 2007 AND 2023 BY TYPE OF DECISION



NUMBER OF MAJOR DECISIONS ADOPTED BETWEEN 2007 AND 2023

REPRESENTATION WITHIN THE EUROPEAN COMPETITION NETWORK (ECN)

The Authority participates actively in the implementation of European competition policy by representing the Grand Duchy of Luxembourg within the [European Competition Network](#) (ECN).

The ECN brings together the national competition authorities of the Member States of the European Union and the European Commission.

The work of the ECN within the various horizontal and sectoral expert groups is steered by the General Managers' meetings, which are prepared during the plenary meetings.

GENERAL MANAGERS' MEETINGS (GMS)

The *Directors General meetings* ("DGs' meetings") bring together the chairmen/directors of the national competition authorities (NCAs) and the Director-General of DG Competition, who chairs the meetings. Representatives of the national ministries responsible for competition policy may also be invited to certain parts of these meetings, when they concern general policy discussions.

The DG meetings examine strategic issues relating to the application of competition rules, cooperation and competition policy. They also approve working documents submitted by the plenary and prepared by the ECN's sectoral working groups and sub-groups.

PLENARY MEETINGS

The purpose of the ECN plenary meetings is to review the work of the ECN working groups and to adopt common policies.

ECN BRUSSELS ECN PLENARY MEETING

25/05/23 - Brussels

ECN "HORIZONTAL" EXPERT GROUPS

These groups bring together representatives of each NCA and the European Commission to discuss specific issues, with a view to promoting greater consistency in their decision-making practices.

WORKING GROUP ON COOPERATION AND PROCEDURAL SAFEGUARDS

Procedures of each NCA and areas of convergence in order to ensure a more effective implementation of Articles 101 and 102 of the TFEU.

- Reform of Regulation 1/2003 - Conference on 12/10/23, Brussels
- Coordination of NCA decisions with cross-border effects
- Protection of personal data and processing by NCAs in the light of the recent Meta Platforms case law (C-252/21) of the Court of Justice of the European Union, etc.

WORKING GROUP ON ANTITRUST

Develop and consolidate a genuine European antitrust policy within each NCA.

WORKING GROUPS 101 TFEU AND 102 TFEU

Specific and topical issues for NCAs concerning anti-competitive horizontal or vertical practices and abusive behaviour.

- Exclusionary abusive practices, the notion of "as efficient competitor"
- Restrictions by object
- Consequences for NCAs of the [ECJ ruling in Towercast¹¹](#) (C-449/21), etc.

MERGER TASK FORCE

Exchange of experience and views on merger control.

- Exchange of experience on the handling of different cases
- Ongoing policy initiatives: Luxembourg bill of law establishing a merger control regime.

¹¹ Judgment of the CJEU: confirmation for national competition authorities of their competence for ex post merger control - 16/03/23
<https://conurrence.public.lu/fr/actualites/2023/03-17-cjue.html>

CHIEF ECONOMISTS WORKING GROUP

Economic aspects of competition law and their role in the work of public authorities.

DIGITAL MARKETS WORKING GROUP

Issues raised by the handling of cases involving companies and digital platforms.

DIGITAL MARKETS ACT WORKING GROUP

Preparations for the entry into force of the Digital Markets Act (DMA) :

- Process for designating gatekeepers
- Cooperation between the Commission and the Member States
- Coordination between the new regulation and traditional competition cases.

ECN "SECTORAL" EXPERT SUB-GROUPS

The ECN also has several working groups focusing on specific economic areas or sectors.

AGRI-FOOD SECTOR

PHARMACEUTICALS AND HEALTHCARE

BANKING AND FINANCE

ENVIRONMENT SECTOR

TELECOMMUNICATIONS SECTOR

ENERGY SECTOR

OTHER EUROPEAN AND INTERNATIONAL COOPERATION INITIATIVES

ADVISORY COMMITTEE ON RESTRICTIVE PRACTICES AND ABUSE OF DOMINANT POSITION

The Advisory Committee on Restrictive Practices and Abuse of Dominant Positions is the forum in which experts from several competition authorities examine specific cases and general issues relating to European competition law.

It helps to ensure that European competition rules are applied consistently.

ADVISORY COMMITTEE ON CONCENTRATIONS

The Advisory Committee on Concentrations assists the Commission in the application of the [Merger Regulation 139/2004](#). It is consulted prior to any final decision or the imposition of a fine.

It is composed of representatives of the competent authorities of the Member States and helps to ensure that the European competition rules are applied consistently.

EUROPEAN ASSOCIATION OF COMPETITION AUTHORITIES (ECA)

The [European Association of Competition Authorities](#) (ECA), founded in 2001, is an informal association that serves as a discussion forum for the competition authorities of the European Economic Area (EEA), which includes the Member States of the European Union, the European Commission, the EFTA (European Free Trade Association) Member States and the EFTA Surveillance Authority.

The aim of the ECA is to improve cooperation between competition authorities and to contribute to the effective application of national and European competition rules.

ECA - ANNUAL MEETING

09-10/03/23 - Lisbon

- The role of competition authorities in digital markets
- Collusive behaviour affecting social rights
- Competition and anti-inflation policies

ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD)

The OECD addresses competition issues through meetings of the *Competition Committee* and the *Global Forum on Competition*.

The [Competition Committee](#) promotes the exchange of views and analysis on competition policy issues.

The OECD [Global Forum on Competition](#) brings together competition officials from over 100 authorities and organisations from around the world to discuss key issues and recent trends in competition law.

OECD - GLOBAL FORUM ON COMPETITION

07-08/12/23- Paris

<https://www.oecd.org/fr/concurrence/forum-mondial/>

OECD - WORKSHOP ON PROCEDURAL SAFEGUARDS IN COMPETITION CASES

22/02/23 - Paris

<https://www.oecd.org/daf/competition/workshop-on-procedural-safeguards-in-competition-enforcement.htm>

OECD - COMP LAB FOR JUDGES - STEPPING UP WITH THE FUNDAMENTALS OF COMPETITION LAW: KEY DEVELOPMENTS IN DIGITAL MARKETS AND REGULATED INDUSTRIES

30-31/04/23 - Budapest

<https://oecdgvh.hu/contents/news/comp-lab-for-judges--stepping-up-with-the-fundamentals-of-competition-law-key-developments-in-digital-markets-and-regulated-industries>

On 30 and 31 May, a member of the Autorité de France spoke on the subject of abuse of a dominant position at the "Comp Lab for Judges - Stepping up with the fundamentals of competition law: Key developments in digital markets and regulated industries" seminar organised by the Regional Centre for Competition (OECD-GVH) in Budapest. The aim of the seminar was to provide national judges with an overview of the latest developments in the application of competition law to digital and regulated industries.

OECD - COMPETITION MEETINGS

12-16/06/23 - Paris

<https://concurrence.public.lu/fr/actualites/2023/06-21-oecd.html>

INTERNATIONAL COMPETITION NETWORK (ICN)

At international level, the Competition Authority actively participates in the work of the *International Competition Network*.

The ICN brings together various national competition authorities from around the world and serves as a forum for discussion of issues relating to the application of competition law.

22ND ANNUAL CONFERENCE OF THE INTERNATIONAL COMPETITION NETWORK 18-20/10/23- Barcelona
<https://concurrency.public.lu/fr/actualites/2023/10-23-icn.html>

In 2023, the President of the Competition Authority participated in the [22^d annual conference of the International Competition Network](#) (ICN) organised in Barcelona by the Spanish ANC (the National Commission for Markets and Competition - CNMC).

UNFAIR TRADING PRACTICES IN THE AGRI-FOOD SUPPLY CHAIN

In addition to competition law, the Competition Authority is responsible for defending the interests of **suppliers in the agricultural and food supply chain** vis-à-vis their more powerful buyers.

Certain large operators in the agricultural and food supply chain who have considerable bargaining power over their suppliers could be tempted to abuse their position to impose unfair commercial practices.

In order to better protect farmers and small businesses from such practices, the [Law of 1 June 2021 on relations between businesses in the agricultural and food supply chain](#) prohibits ten black unfair trading practices between suppliers and purchasers of agricultural and food products and lists six grey unfair practices that may only be permitted if agreed beforehand in a clear and unambiguous manner.

This law transposes [Directive \(EU\) 2019/633 on unfair trading practices in business-to-business relations within the agricultural and food supply chain](#) into Luxembourg law.

A supplier who believes that he has been the victim of unfair trading practices prohibited by law may lodge a complaint with the Competition Authority.

The Authority is therefore responsible for defending the collective interests of all potential suppliers of companies that may be the subject of investigations, namely :

- **around twenty large food retailers**¹² with sales of more than €2 million;
- **around sixty businesses** (wholesalers, importers, processors, cooperatives, farmers' associations, etc.) identified as intermediaries,
- around **1,870 farms**¹³ (agriculture, viticulture, horticulture, etc.) and
- **241 craft businesses in the food sector**¹⁴, all potentially protected by law.

ADVOCACY AND ONLINE COMPLAINTS SERVICE

In 2023, the Authority endeavoured to disseminate information to the public on the protection offered to the affected operators by publishing a comprehensive information page on its website, specifically dedicated to operators in the agricultural and food supply chain.

It has also worked with the editorial team of [guichet.lu](#) to disseminate this information directly on [guichet.lu](#) in French, German and Luxembourgish and to set up an online complaints service.

¹² Competition Council - questionnaire on the law of 1^{er} June 2021 on relations between businesses in the agricultural and food supply chain (2022)

¹³ Chambre d'agriculture - Luxembourg agriculture in figures (2021)
<https://www.lwk.lu/fr/consommateur/lagriculture-luxembourgeoise-en-chiffres>

¹⁴ Chamber of Trades Key figures for the Craft Industry 2022
<https://www.cdm.lu/mediatheque/media/chiffres-cles-de-l-artisanat-2022>

Unfair trading practices (UTP) - Protection of farmers and small suppliers

<https://concurrency.public.lu/fr/regles-concurrency/pratiques-commerciales-deloyales/pratiques-commerciales-deloyales.html>

In parallel with the dissemination of its information text on its website and on guichet.lu, the Competition Authority has contacted a number of competent authorities to ask them to inform their members about the existing protection and to invite them to take part in a [Commission survey](#) aimed at assessing the effectiveness of the measures taken by each Member State.

INFORMAL COOPERATION WITH THE CHAMBER OF AGRICULTURE

In 2023, the Authority sought to establish targeted cooperation with the actors potentially covered by the protection offered by the law on relations between businesses within the agricultural and food supply chain.

The Authority therefore worked closely with the [Chamber of Agriculture](#) to translate its information brochure on the protection offered by the law into German and distribute it to the Chamber's members.

Leitfaden zu unlauteren Geschäftspraktiken in der Agrar- und Lebensmittelversorgungskette

<https://concurrency.public.lu/fr/publications/documents/fournisseurs-agricole-alimentaire/leitfaden.html>

DIGITAL MARKETS

In 2023, the French Competition Authority (Autorité de la concurrence) adapted to the expansion of its remit to oversee **digital markets**.

Since 2021, the Authority has been responsible for ensuring compliance with Regulation (EU) 2019/1150 on [relations between platforms and businesses](#) (known as "Platform to Business" or "P2B")¹⁵. In this context, it defends the collective interests of businesses that use online platforms and search engines. Businesses or users of company websites who believe they have been harmed by a practice prohibited by law may bring an action for an injunction before the Authority.

In 2023, the Authority's powers have been extended to include the supervision of gatekeepers in accordance with Regulation (EU) 2022/1925 on the Digital Markets Act (DMA)¹⁶. In this context, the Authority will, if necessary, assist the Commission in ensuring compliance with the Regulation.

Lastly, the Authority devoted a large part of its 2023 activity to reorganising and preparing for the entry into force of Regulation (EU) 2022/2065 on digital services ("Digital Services Act" or "DSA"), which aims to [regulate platforms to ensure a safe online environment](#). As part of this, it acts as coordinator for digital services in Luxembourg. Any user of a platform can lodge a complaint with the Commission about a breach of the DSA.

When it comes to regulating digital markets, the Authority supervises, coordinates and even protects a large number of players, including :

- around **240 Luxembourg platforms** concerned by the DSA¹⁷
- **Companies using online platforms** (P2B);
- **professionals vis-à-vis GAFAM** (DMA);
- **Internet users and minors with regard to illegal content on the Internet** (DSA)

¹⁵ Act of 5 March 2021 on certain arrangements for implementing Regulation (EU) No 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
<https://legilux.public.lu/eli/etat/leg/loi/2021/03/05/a185/consolide/20230101>

¹⁶ Act of 29 March 2023 to implement the regulation on digital markets
<https://legilux.public.lu/eli/etat/leg/loi/2023/03/29/a181/jo>

¹⁷ Ministry of the Economy estimate (11 September 2023)
https://meco.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniqués%2B2023%2B09-septembre%2B11-fayot-paquet-ue-espace-numerique.html

ADVOCACY

In 2023, the Authority was keen to raise awareness of the new regulatory provisions among the public, the press and other stakeholders by publishing detailed information on the P2B, DMA and DSA regulations on its website, along with a more detailed guide for online platforms covered by the DSA.

P2B - Protection for companies using online platforms

<https://concurrency.public.lu/fr/regles-concurrency/digital/p2b.html>

DMA - Digital Market Access Controller **NEW!**

<https://concurrency.public.lu/fr/regles-concurrency/digital/dma.html>

DSA - Regulating platforms for a safe online environment **NEW!**

<https://concurrency.public.lu/fr/regles-concurrency/digital/dsa.html>

[FULL GUIDE: Digital Services Act - new rules for digital players](https://concurrency.public.lu/fr/publications/documents/dsa.html)

<https://concurrency.public.lu/fr/publications/documents/dsa.html>

DIGITAL MARKETS ADVISORY COMMITTEE

Formed on 13 January 2023, the [Digital Markets Advisory Committee](#) assists the Commission in implementing the [Digital Markets Act](#) (DMA).

Each Member State is represented by a delegation of experts from the competent national authorities.

THIRD (HYBRID) MEETING OF THE DIGITAL MARKETS ADVISORY COMMITTEE
03/04/ 23 - BRUSSELS

<https://ec.europa.eu/transparency/comitology-register/screen/meetings/CMTD%282023%29485/consult?lang=en>

WHISTLEBLOWERS

Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law aims to create a uniform European legal framework to protect whistleblowers in certain EU policy areas.

In accordance with the law of 16 May 2023, which transposes this directive, whistleblowers who report breaches of the law of which they have become aware in a professional context are protected against all forms of reprisal.

Luxembourg has 22 authorities competent to receive such reports, each in its own area of expertise, including the Competition Authority.

The Authority has therefore had to adapt its procedures and designate, from among its existing staff, people responsible for putting in place the tools needed to collect and process alerts.

A report to the Authority may come from any whistleblower in a professional context, i.e. from all employees, self-employed workers or service providers who have a professional relationship with one of the stakeholders covered by the Authority's remit.

ADVOCACY AND THE COMPETITION AUTHORITIES'S WHISTLEBLOWER PLATFORM

In the weeks following the law's entry into force, the Authority published an information page on its website about the new provisions and the protection offered.

In September 2023, the Authority, in collaboration with the Government IT Centre (*Centre des technologies de l'information de l'État - CTIE*), launched the first wizard on MyGuichet.lu enabling whistleblowers in the areas under its jurisdiction to report cases without authentication.

Whistleblowers can now report such breaches either internally via the channels set up by their company/administration, or externally to one of the 22 competent authorities in Luxembourg if an internal report could be prejudicial to them.

The *Autorité de la concurrence's* new [whistleblowing platform](#) enables anonymous reports to be received concerning breaches falling within the *Autorité's* remit.

Whistleblowers: the *Autorité de la concurrence* sets up a secure system for collecting whistleblower reports
<https://concurrence.public.lu/fr/actualites/2023/09-18-whistleblowers.html>

COLLECTING AND PROCESSING ALERTS

Between 18 September and 31 December 2023, the Authority received **6 alerts** via its alert platform.

Some of these alerts have been transferred to other competent authorities, or closed without action for lack of relevance, lack of substance or failure to respond to requests for further information.

Whistleblowers
6 reports

NETWORK OF COMPETENT AUTHORITIES RESPONSIBLE FOR IMPLEMENTING THE LAW ON THE PROTECTION OF WHISTLEBLOWERS

The Network of Competent Authorities for the Implementation of the Whistleblowers Protection Act was set up by the Whistleblowers Office to bring together representatives of the authorities competent to collect and process whistleblower reports in accordance with the Whistleblowers Protection Act of 16 May 2023.

It enables the various competent authorities to discuss common issues relating to the application of the law on the protection of whistleblowers.

1^{ÈRE} MEETING OF THE NETWORK OF COMPETENT AUTHORITIES RESPONSIBLE FOR IMPLEMENTING THE LAW ON THE PROTECTION OF WHISTLEBLOWERS 22/11/23 - Brussels

At the 1st meeting of the network of authorities responsible for whistleblowing, the Autorité de la concurrence presented the development process for its new whistleblowing platform and the issues that had to be addressed to set it up (means of communication, secure storage, access restrictions).

The authorities then addressed the remaining issues, in particular the secure transmission of alerts and cooperation between the relevant authorities.



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