

LUXEMBOURG

(2000)

Changes in legislation

1. The Ministry of Economic Affairs is finalising a bill which will completely overhaul the amended law of 17 June 1970 on restrictive business practices. The bill should come before Parliament in the second half of next year. The modernisation of competition law in Luxembourg should ensure that Community competition law can be applied by the country's new competition authority and promote the objective of decentralisation embodied in the Council proposal regarding the implementation of the competition rules established under articles 81 and 82 of the Treaty, and which amended regulations (CEE) n° 1917/68, (CEE) n° 2988/74, (CEE) n° 4056/86 and (CEE) n° 3975/87. The draft regulation implies major changes to Luxembourg law, which explains why the draft reform has fallen somewhat behind schedule.

Restrictive Business Practices Commission ("CPCR")

2. The Ministry of Economic Affairs has noted that the number of cases brought before the CPCR has risen. The most noteworthy cases are as follows:

- The first relates to an alleged abuse of dominant position by a Luxembourg-owned firm specialising in cleaning products. As the CPCR was unable to establish that the firm's practices were intended to, or in fact did, restrict market competition in Luxembourg, the Ministry for Economic Affairs shelved the case, in line with the CPCR's recommendation that the complaint did not fall within the scope of the amended law of 17 June 1970.
- Two other cases were also brought before the CPCR, but are both still being investigated and a judgement will not be handed down until 2001. The first case relates to alleged breaches of the amended law of 17 June 1970 in the field of car accident claim assessments, while the second involves an alleged abuse of dominant position by a Luxembourg-owned firm in the area of bank card charges.