

## LUXEMBOURG



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<b>1. Legislation</b>	
<b>Topic:</b>	Competition, Pricing, Dominant Position
<b>Who:</b>	All market players
<b>When:</b>	17 May 2004
<b>Where:</b>	Luxembourg
<b>What Happened:</b>	<i>Law of 17 May 2004 on competition:</i> Luxembourg has finally enacted a specific piece of legislation dealing with competition issues. The law applies to all manufacturing and distribution operations as well as to service providers.
<b>Comments:</b>	<p>The new law on competition modernises largely ineffective competition rules in Luxembourg and put such rules in compliance with EU standards and regulations.</p> <p>The law addresses a number of issues, including the freedom of pricing goods and services, anti-competitive behaviours, exceptions to such practices, dominant position abuses.</p> <p>The law also creates a new competition authority (<i>Conseil de la concurrence</i>) responsible for the implementation of both the new law and the European antitrust legislation. The new authority is independent from the government and has the power to impose penalties up to 10% of a company's annual revenues.</p> <p>The new law finally is an important step in the direction of a co-operation between the European Commission and the authorities of Luxembourg, mainly in connection with the implementation of Articles 81 and 82 of the EC Treaty (<i>Council Regulation (EC) n°1/2003 of 16 December 2002</i>)</p>

<b>2. Case Law Report / Legislation</b>	
<b>Topic:</b>	No case law yet under new advertisement rules
<b>Who:</b>	Luxembourg courts and public authorities
<b>When:</b>	September 2004
<b>Where:</b>	Luxembourg
<b>What Happened:</b>	Since the implementation of the new more relaxed legal framework for advertisement in Luxembourg in late 2003, the Luxembourg courts have not yet rendered any published judgment.

<b>3. Self-Regulation</b>	
<b>Topic:</b>	Data protection
<b>Who:</b>	Processors of data
<b>When:</b>	March 2004
<b>Where:</b>	Luxembourg

<b>What Happened:</b>	The <i>Commission Nationale pour la Protection des Données</i> (CNPD), authority in charge of control, authorization and reception of notifications of processing of personal data, has made available to the public the possibility to notify processing by electronic means. <a href="http://www.cnpd.lu">http://www.cnpd.lu</a>
<b>Comments:</b>	This measure has been announced earlier in 2004 but, due to technical problems, was not fully operational until recently