

Setting the scene – Code of Economic Law



March 2023

Setting the scene



Previously

- > Commercial Code (1807) and patchwork of legislations governing economic life
- > Assumption that B2B relationships were quite free compared to B2C (consumers being deemed particularly fragile)



Now

- > Perception that B2B relationships should be (increasingly) regulated
- > Centralisation of (key) economic legislations in one place: the Code of Economic Law
- > Purposes = codification, modernisation and clarity
- > Certain individual economic legislations still exist outside of the CEL

Structure of the Code of Economic Law : An overview of the Books



Book I

Definitions

- > General definitions applicable through the CEL
- > Definitions specific to certain Books of the CEL



Book II

General principles

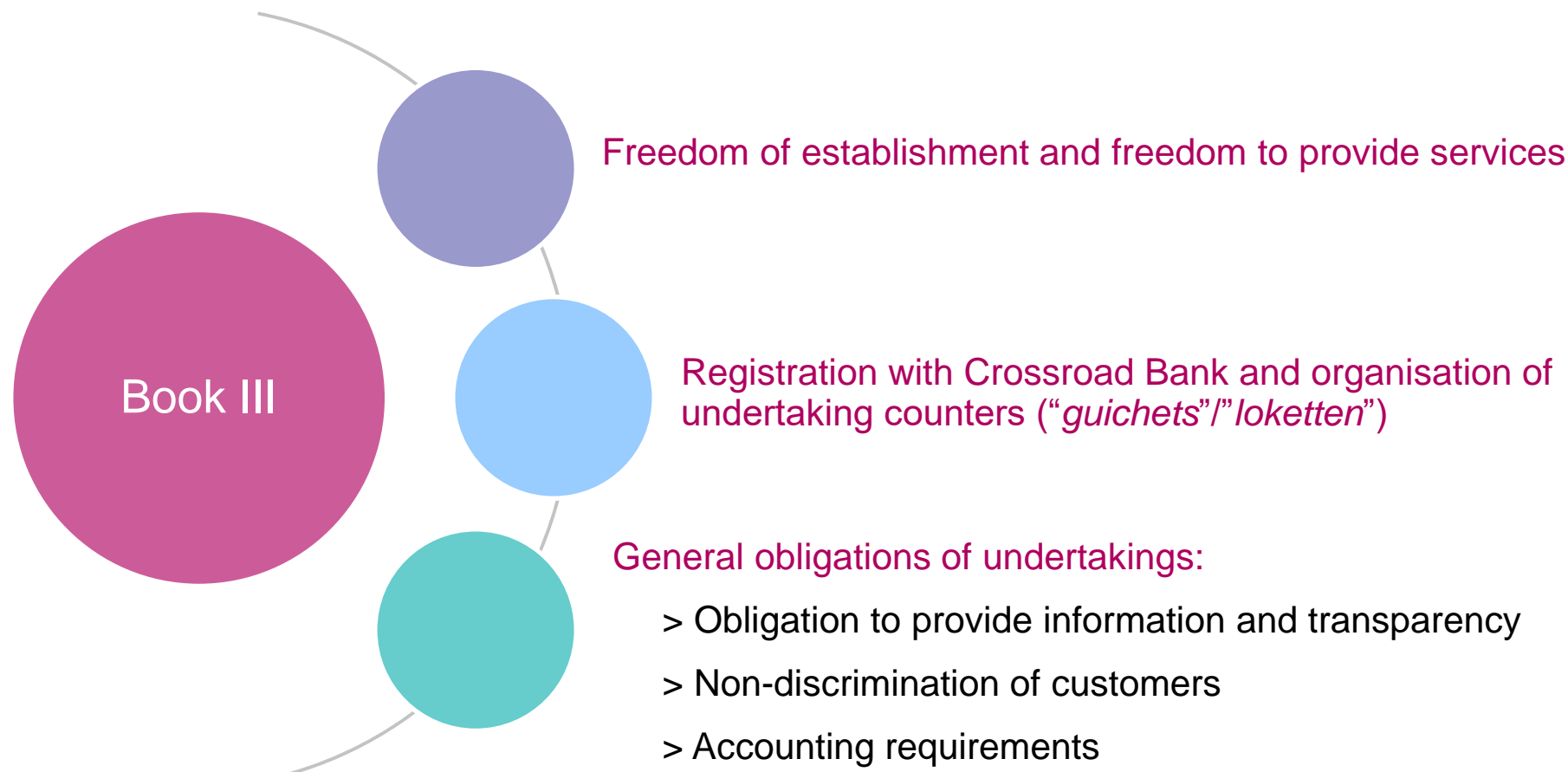
- > Freedom of enterprise (abolishment of the d'Allarde Decree of 1791)
- > Fairness of economic transactions
- > Consumer protection



Book III

Freedom of establishment, freedom to provide services, and general obligations of undertakings

Structure of the Code of Economic Law: Focus on Book III



Structure of the Code of Economic Law



Book IV

Competition protection

- > Infringements on competition law
- > Mergers.
- > Applicable procedures.



Book V

Competition and evolution of prices

- > General rules on price setting
- > Specific rules for medicines prices



Book VI

Market practices and consumer protection

- > B2C rules (unfair terms, contracts at a distance, off-premises contracts, unfair practices, etc)
- > B2B rules (unfair terms, unfair practices, etc)

Structure of the Code of Economic Law

Book VII

Payment services and credit services

- > Payments
- > Basic banking services
- > Consumer credits
- > Mortgage loans

Book VIII

Quality of products and services

- > Normalisation
- > Units, standards and measurement instruments

Book IX

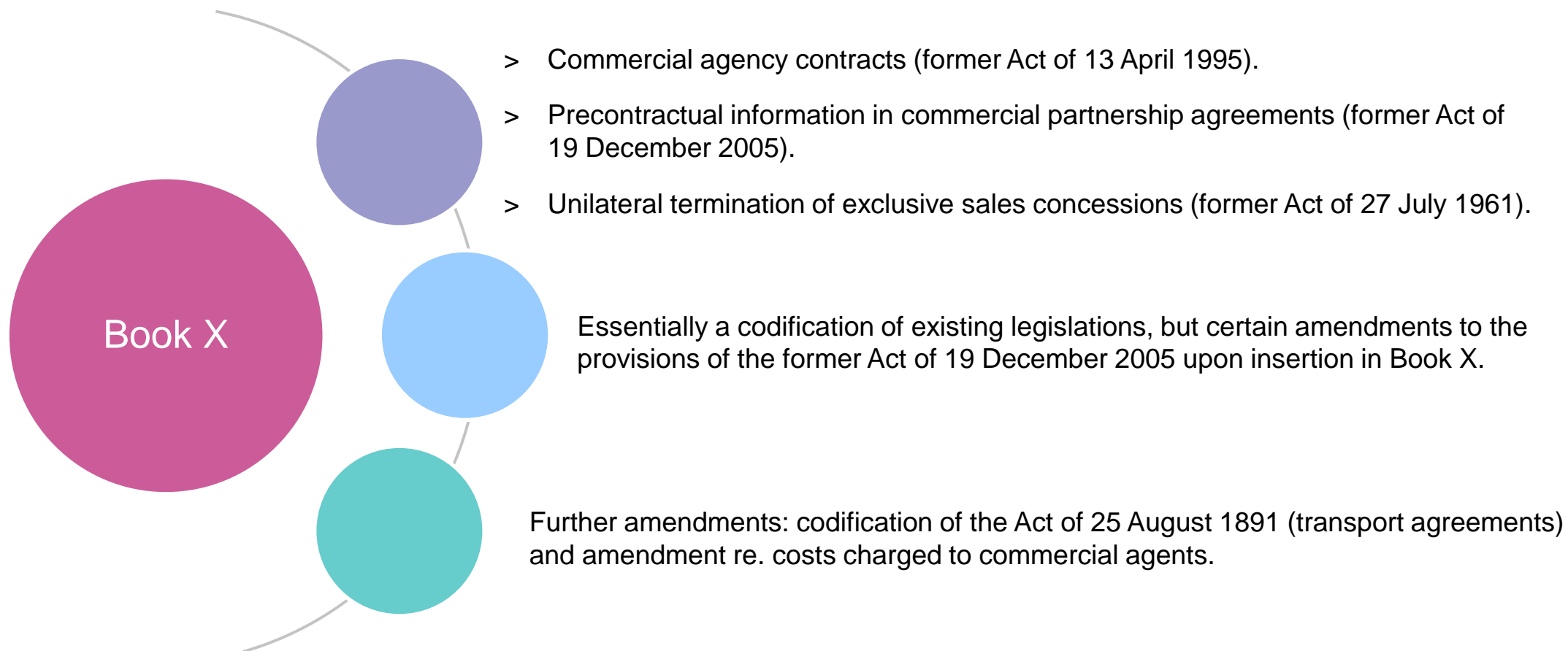
Security of products and services

- > Transposition of Directive 2001/95/EC
- > General safety requirements for products and services

Book X

- > Agency
- > Precontractual information in commercial partnership agreements
- > Termination of exclusive sales concession
- > Transport contract

Structure of the Code of Economic Law: Focus on Book X



Structure of the Code of Economic Law

Book XI

Intellectual property and trade secrets

- > Patents
- > SPC
- > Breeders' rights
- > Copyright and related rights
- > Computer programs
- > Database rights
- > Semiconductors' rights

Book XII

Electronic economy law

- > Fundamental rights
- > Information and transparency
- > E-advertising
- > Liability of intermediary service providers
- > Electronic identification and trust services

Book XIII

Concertation (between public authorities and economic authorities):

Central Economic Council and special advisory commissions

Book XIV

[Market practices and consumer protection as regards persons exercising a liberal profession]

Book abolished in 2018 – liberal professions are since then in scope of Book VI, like all other activities carried out by undertakings

Structure of the Code of Economic Law



Book XV

Application of the law

- > Monitoring, research and establishment of offences
- > Warnings and corrective measures
- > Settlement
- > Administrative sanctions
- > Criminal offenses



Book XVI

Extrajudicial settlement of consumer disputes

- > Transposition of Directive 2013/11
- > Handling of complaints by undertakings
- > Out-of-court settlement of consumer disputes
- > Consumer Mediation Service



Book XVII

Specific judicial procedures

- > Injunctions
- > Class actions
- > Compensatory actions for breaches of competition law

Structure of the Code of Economic Law



Book XVIII

Instruments for crisis management

(former Articles 3 and 4 of the Act of 1945 on economic regulation and prices)



Book XIX

[Draft book on consumer debt]

(amicable recovery of consumer debts) currently being discussed in Parliament



Book XX

Insolvency of undertakings

- > Detection of undertakings in difficulty
- > Judicial reorganisation
- > Bankruptcy
- > Liability
- > Prohibition and rehabilitation rules