

# **The Autorité de la concurrence publishes a study on professional bodies**

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To mark new provisions coming into force that expose professional bodies to heavier and more dissuasive sanctions, and as part of an approach aimed at promoting compliance, the *Autorité* has dedicated a study to the application of competition law to these stakeholders.

## **An exposed activity and structural risk**

The operation of professional bodies may be conducive to anticompetitive activities, such as price agreements, information exchanges or shared actions that aim to block the development of competition. Many cases have shown that trade unions and professional bodies can fairly easily become the catalysts or facilitators of prohibited practices, either as a support or instigator. This risk is structural insofar as these bodies bring together the stakeholders within a market, who are each other's competitors.

## **An important change to the cap on fines in 2021**

In France, until now the total fine imposed upon a business association could not exceed 3 million Euros. The cap on the fine incurred has been increased to 10% of the total turnover of member companies of the bodies, since the adoption of the ECN+ Directive. Professional bodies and their member companies are now consequently exposed to very heavy fines in the event of an offence.

## **Raising awareness to prevent the antitrust risk**

The *Autorité* has decided to support this change by dedicating a study to professional bodies. Drawing on decision-making practice and case law, the aim is to analyse all behaviours that may be opposed to competition law and to present alongside them the pro-competitive actions that can be taken by professional bodies.

### **Promoting compliance**

More than ever, professional bodies are invited to become active in promoting compliance, by informing their members of the antitrust risk through their training and information actions. In order to prevent any risks in this area, they must take additional care regarding their internal discussions and rules, notably those relating to membership, and in their external communication, to ensure that their practices do not suffer humiliating defeat at the hands of competition law.

« Under the impetus  
of the new European

framework, the  
“antitrust risk” has  
now been increased  
tenfold for  
professional bodies if  
they engage in  
agreements or other  
anticompetitive  
practices. We wanted  
to anticipate this  
change by providing  
policymakers with an  
educational study,  
consisting of an  
analysis framework of  
authorised and  
prohibited  
behaviours. In one  
word, it is a “turnkey”  
tool to promote  
compliance. The  
study is accompanied  
by a vade mecum

listing good and bad practices. I hope that this work will be useful and will help professional bodies and all their members to prevent the “antitrust risk” inherent in their activity. »

Isabelle de Silva

President of the Autorité de la concurrence

**STUDY - PROFESSIONAL BODIES**

[Access the study \(In French\)](#)

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