

The Autorité de la concurrence revises its procedural notice on fines

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The *Autorité* is today publishing a new procedural notice on the method for determining fines, which repeals and replaces the previous notice of 16 May 2011. This new notice was the subject of a public consultation which opened on 11 June.

In particular, it draws the consequences of the new applicable statutory provisions resulting from Ordinance No. 2021-649 of 26 May 2021 transposing the ECN+ Directive. With this directive, the European legislator wanted to strengthen European integration and harmonisation in the field of competition, by ensuring that the national competition authorities all have means of effective action to punish infringements of Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU), in particular by having the possibility of imposing fines that can reach deterrent amounts. The Directive also leads to greater harmonisation of the fines imposed by national competition authorities, which must now take account of the duration and seriousness of infringements. In addition to the adjustments made necessary by the new legal framework (elimination of economic damage, new regime applicable to fines imposed on professional organisations), the *Autorité* makes a number of additional adjustments. These are based on its practice over the ten years since the previous notice, the case law and doctrine to date of the review courts and the practice of the European Commission (based in particular on its Guidelines on the calculation of fines imposed pursuant to Article 23(2)(a) of EC Regulation 1/2003 of 1 September 2006).

This Notice is thus an important further step towards the convergence of competition rules and will promote a consistent application of fines between the *Autorité* and the European Commission.

PRESS RELEASE

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