



14 July 2024

In December 2023, the French Competition Authority published a procedural notice relating to its leniency program, providing clarifications and new features to its previous version of April 2015.



## Purpose of the program

Encourage the companies concerned to sign up to the scheme, in order to benefit from a total or partial exemption from the financial penalties incurred.

## Exemptions



### Total:

#### No Inspections, Seizures or Searches « Type 1 A »

Neither the Directorate General for Competition, Consumer Affairs and Fraud Prevention (DGCCRF) nor the French Competition Authority already possess sufficient information to carry out inspection and seizure operations or, where such operations or searches have not already been carried out in connection with criminal proceedings relating to the practice at stake.

#### Company's first initiative « Type 1 B »

Neither the DGCCRF nor the French Competition Authority has sufficient evidence to establish the existence of the practice at stake. The company that first provides the DGCCRF with sufficient information to establish the existence of the practice at stake, provided that no other party has already fulfilled the conditions for obtaining a total exemption from financial penalties in a Type 1 A case.



### Partial: « Type II »

Previously required conditions continue to apply – notably the information brought by the leniency applicant should bring significant added value compared to the information that the authorities already have.

## Leniency application procedure

### What's new



### Additional submission time

It is possible to obtain additional time to gather the necessary elements to support the application, during which the applicant maintains its position according to the order of their arrival.

## Types of evidence

### What's new



### Concealed audio recordings may be accepted.

## Guarantees granted

### Details

Guarantees granted to leniency beneficiaries with regard to their liability:

#### In criminal matters:

Exemption from the penalties provided for in article L420-6 of the French Commercial Code, for executives, managers and other members of staff of a company that has obtained total exemption from financial penalties, provided that they have actively cooperated with the French Competition Authority and the Public Prosecutor's Office.

#### In civil matters:

In the event of an action for damages brought by a victim of anti-competitive practices

- Limitation of the joint liability of the company that obtained a total exemption from the sanctions incurred.
- Protection of the leniency statement, to which the judge responsible for the case cannot order disclosure.

## Conclusion

Recent changes and clarifications are designed to make the leniency program more attractive.