The Loste group fined €900,000 for obstructing the Autorité's dawn raids

Published on October 09, 2024

Background

The *Autorité de la concurrence* (hereafter the "*Autorité*") has fined the Loste group for obstructing the dawn raids conducted on 16 and 17 November 2023.

During the preliminary phase of the dawn raids, the head of the Loste group and its Legal Director provided inaccurate or incomplete information to the *Autorité*'s case officers (*rapporteurs*), thus hindering the raids.

The fine, which amounts to €900,000, is imposed jointly and severally on Loste and CA Conseils et Services (hereafter the "Loste group"), as perpetrators, and on their parent company, CA Animation.

Hindering of dawn raids

On 16 November 2023, the *Autorité* conducted dawn raids at the Paris premises of the Loste group and the French Federation of Charcuterie Meat Producers, Delicatessens and Meat Processors (*Fédération française des industriels charcutiers, traiteurs, transformateurs de viandes* – FICT), as part of an investigation launched in 2021 into the salted charcuterie sector.

During the dawn raids, the *Autorité*'s case officers found that:

- the Legal Director of CA Conseils et Services, designated as the occupantof the Loste group's premises, provided information that she knew to be inaccurate to the *Autorité*'s case officers on site, indicating that the head of the Loste group was not present, even though she had previously seen him and informed him that the *Autorité*'s case officers were on the premises;
- similarly, the head of the Loste group, who is also Vice-President of the FICT, provided information that he knew to be inaccurate to the *Autorité*'s case officers present at the FICT's premises, when he said that he was away on business in the UK, whereas he was, at the time, at the Loste group's premises in Paris.

Serious conduct

The above-described conduct, which could entail a real risk of evidence being lost or tampered with, and which could have compromised the efficiency of the Investigation Services' work, took place during the preliminary phase of the dawn raids. The *Autorité* stresses the particular importance of the preliminary phase of the investigation, as it determines the success of the dawn raids and the rest of the investigation as a whole. It therefore requires the full cooperation of the company subject to the dawn raids.

The provisions on obstruction are crucial in ensuring the effectiveness of the *Autorité*'s investigative and fact-finding powers. Companies under investigation must therefore refrain from providing incomplete or inaccurate information, in accordance with the provisions of paragraph 2 of section V of Article L. 464-2 of the French Commercial Code (*Code de commerce*).

The Loste group fined €900,000

In view of the above, the *Autorité* has imposed a fine of €900,000 jointly and severally on Loste and CA Conseils et Services, as the perpetrator companies, and on CA Animation, as the parent company.

In determining the amount of the fine, the *Autorité* took into account the seriousness of the offence of obstruction, which hinders its work to curb anticompetitive practices. It also considered all the circumstances of the case, in particular the fact that the obstruction was the result of conduct by the head of the Group and its long-serving Legal Director.

> This decision does not prejudge the Loste group's culpability in the alleged practices that led to the dawn raids. Only an investigation on the merits will establish whether or not the company is liable.



DECISION 24-D-08 OF 24 SEPTEMBER 2024

regarding obstruction practices implemented by the Loste group

See the full text of the decision (in French)

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