28th January 2005 : The Conseil de la concurrence and the Direction générale de la concurrence, de la consommation et de la répression des fraudes sign a charter on co-operation and shared aims

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In the fight against anticompetitive practices, the *Conseil de la concurrence* and the DGCCRF have distinct but interdependent roles. Their ability to work together effectively to enforce economic rules depends largely on the mechanisms for mutual collaboration and co-operation that exist between them.

Consequently, the *Conseil de la concurrence* and the DGCCRF have decided to set down the principles governing this co-operation in a formal document, in an effort to improve the effectiveness of measures taken to combat anticompetitive practices.

A commitment to deadlines

The primary aim of the charter is to reduce the average time taken to deal with cases, by introducing changes in two areas : the initial inquiry and the full investigation. Target deadlines must be achieved by 1st January 2007 at the latest. As things currently stand, proceedings pending before the *Conseil* and inquiries in progress at the DGCCRF require a transitional period of 2 years.

- *Initial inquiry deadline*

  The deadline for conducting an initial inquiry without applying article L. 450-4 (inspections and seizures) of the code of commercial law (*code de commerce*) will be less than 8 months, whilst the deadline for a major inquiry

(with application of art. L. 450-4) will be less than 11 months. This objective must be achieved by the end of 2006.

During the transitional period, the DGCCRF undertakes to complete old inquiries rapidly. At the end of 2005, no inquiry must have been ongoing for more than 18 months.

- *Full investigation deadline*

The deadline for dealing with substantive cases on the merits, excluding the initial inquiry, will be no more than 2 months for ordinary cases and no more than 18 months for major cases. If an investigation on the merits follows a decision granting interim measures, the case must imperatively be handled within 12 months. This objective must be achieved by the end of 2006.

During the transitional period, the *Conseil* undertakes to reduce the stock of old cases as a priority. By the end of 2005, the stock of cases pending must be brought down to the equivalent of 18 months of activity.

The introduction of streamlined procedures known as "rapid checks"

Where investigations have already been conducted following requests for interim measures, cases on the merits can be dealt with more quickly.

In some cases, these investigations involve the examination of substantial quantities of case elements supplied by the parties concerned. Consequently, the subsequent investigation on the merits can be restricted to straightforward complements such as : data on the pertinent market, market share, the production of contracts or hearings for third parties.

To this end, a rapid checks procedure has been introduced. The case officer requests solely those elements missing from the investigation file compiled in relation to the request for interim measures. The inquiry services gather these elements on a priority basis and within a maximum period of 6 months.

In addition to these ambitious procedural objectives, the two institutions have formally indicated their shared desire to strengthen communications between inquirers and case officers, organise joint training sessions, and co-ordinate their

participation in the European Competition Network more effectively.