The Autorité de la concurrence publishes a new study on the leniency programme

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Background

The *Autorité de la concurrence* is today publishing its third study on the leniency programme, drawing on insights gathered from lawyers specialising in competition law.

The study provided the *Autorité* with a clearer understanding of the experiences of practitioners involved in the application of the leniency programme and offered a foundation for considering potential enhancements to the programme, where appropriate.

The leniency programme was first introduced in 2001. Under the programme, the *Autorité* may grant full or partial immunity from fines to a company involved in an anticompetitive agreement within the meaning of Article L. 420 1 of the French Commercial Code (Code de commerce) or Article 101 of the Treaty on the Functioning of the European Union, provided said company cooperates in establishing the existence of the infringement. The number of leniency applications has risen in recent years.

The *Autorité* previously conducted two similar studies, in 2014 and 2018. The latest edition offers an opportunity to review the application of the leniency programme over the past decade, with particular emphasis on the protections afforded to leniency applicants and the factors that encourage companies to

apply for leniency.

The study shows that, while certain factors – such as the increase in the number of damages actions – have grown in importance over the past ten years, the main drivers of leniency applications remain the potential for level of fine reduction and the fact that dawn raids have already been conducted. The study also highlights that factors absent in 2014, such as the ability to collect reports from whistleblowers, are beginning to play a greater role and are likely to have a lasting impact on the leniency programme.

Find out more: What is the leniency programme?

Study on the leniency programme
Third study on the French leniency programme, conducted by the Leniency and Europe Division of the Autorité de la concurrence (in French)