Europe and international

The challenges of a globalised economy in which corporate behaviour transcends geographical borders mean that competition authorities have to cooperate and share information in order to ensure that competition law is fully effective and maintain a level playing field in terms of competition.

This permanent dialogue at international and European level has two main purposes: to contribute to the dissemination of best practice and the convergence of tools and analysis frameworks; and to provide a forum for joint reflection and the development of harmonised responses to new challenges posed by the economy.

Aware of the importance of this cooperation between competition authorities, the *Autorité* joined the various international and European networks at a very early stage, and has also signed bilateral agreements with different competition authorities to foster the spread of a competition culture and support the development of the most recently created agencies.

France, a driving force within Europe

Since the European Competition Network (ECN) was created, the *Autorité* has been heavily involved in its development and operation. This discussion forum, the rules of which were established by Regulation (EC) No 1/2003, is a key factor in the uniform enforcement of European competition law throughout the single market.

The *Autorité* participates actively in the ECN's work. It is one of the most active members in terms of European competition law enforcement, in particular being

the authority that has opened the largest number of investigations based on EU law.

See the statistics on the European Commission's ECN website



European Competition Network (ECN)

The ECN is used by the national competition authorities (NCAs) and the European Commission mainly to:

- **keep each other informed of new cases involving cartels or abuses that could affect trade between Member States**, and share problems encountered in the enforcement of European competition law. Pooling information enables members to identify potential cross-border cartels, and ensures that cases can be assigned to the authority best placed to investigate;
- **coordinate with one another and provide mutual assistance with investigations, and exchange information on open cases.** The *Autorité* may seek assistance from its counterparts with dawn raids outside France. It can also perform dawn raids on their behalf in France. In addition, it can assist the European Commission when the Commission conducts investigations in France;
- **guarantee the coherence of EU competition policy.** All the NCAs have direct powers to enforce European competition law (Articles 101 and 102

TFEU). Mechanisms have therefore been set up to ensure they interpret and apply these measures consistently and to involve the NCAs in the adoption of the European Commission's decisions on competition matters, through advisory committees. Within this framework, the NCAs are called upon to give their opinion on any draft decision imposing fines, making commitments binding or imposing periodic penalty payments concerning anticompetitive practices, or any draft Phase 2 merger control decision;

- **work together on general or sector-specific topics** within working groups, for example on merger laws, fighting cartels, abuses of dominant position, procedural safeguards, or digital, healthcare and telecommunications.

The ECN+ Directive: a new stage for the ECN

The ECN is an example of successful cooperation within the European Union. 15 years after its creation, Member States wanted to enter a new stage with the adoption in January 2019 of Directive (EU) No 2019/1, known as the ECN+ Directive.

The Directive aims to consolidate and strengthen the NCAs by harmonising and expanding their powers, means of intervention and operating rules. It demonstrates the shared desire of the Member States to strengthen European competition policy.

Find out more about the transposition of the Directive into French law

International reach

The *Autorité de la concurrence* plays a high-profile, influential role within the international competition community. It maintains close relationships with many competition authorities in the context of bilateral and multilateral activities, and works with them to promote convergence of approaches and tools.



Multilateral exchanges

France has a strong presence within international competition forums and networks. In particular, the *Autorité* participates actively in the work of the OECD Competition Committee, and the International Competition Network (ICN).

International Competition Network (ICN)

The *Autorité* is a founding member of the ICN, set up in 2001, which represents more than 140 competition authorities. The ICN aims to promote convergence between competition laws and policies as well as cooperation between competition authorities, to improve the effectiveness of competition regulation internationally.

The *Autorité* has been a member of the Steering Group since the network was set up and has co-chaired the Unilateral Conduct Working Group since October 2021, after having co-chaired the Cartel Working Group for three years (prior to

this, the *Autorité* had co-chaired the Merger Working Group and the Advocacy Working Group).

For more information, see the Appendix to the 2021 Annual Report of the *Autorité* (page 58) (in French).

More information about the ICN

Enhanced cooperation within the ICN on procedural fairness

The ICN has established a Framework on Competition Agency Procedures (CAP), which is a cooperation tool to promote procedural fairness. The CAP establishes common procedural principles ensuring a high level of safeguards for companies, contributes to the convergence of national systems for competition law enforcement, and promotes greater legal certainty. The Autorité joined the CAP in May 2019.

Find out more

OECD Competition Committee

The *Autorité* is active within the OECD Competition Committee and the Global Forum on Competition, which every year brings together experts from more than 100 competition authorities across the world. The *Autorité* participates in the Forum by making written contributions, which are published, and by speaking during sessions.

Intergovernmental Group of Experts (IGE) at UNCTAD

Every year, the *Autorité* participates in the meeting in Geneva of the Intergovernmental Group of Experts (IGE) on Competition Law and Policy, set up within the United Nations Conference on Trade and Development (UNCTAD).

Bilateral exchanges

The *Autorité de la concurrence* cooperates with many competition authorities across the world. For example, it regularly hosts foreign delegations that come to attend training courses lasting one or more days within its different services, and responds to requests from newly-formed agencies throughout the world that want to enhance their expertise.

The *Autorité* also participates in twinning programmes jointly financed by the European Commission in the field of technical assistance on competition law and policy.

Particular assistance to authorities in French overseas territories

The Autorité maintains close links with recently-created "sister" competition authorities in French overseas territories, assisting with their roll-out by providing technical assistance and sharing expertise. For example, it supported the operational launch of competition authorities in New Caledonia and French Polynesia by sending case officers and running multiple training actions.

More information about the Autorité polynésienne de la concurrence
More information about the Autorité de la concurrence de la Nouvelle-Calédonie