The Autorité de la concurrence creates a guide for SMEs

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The Autorité wishes to develop, as part of a preventive approach, the knowledge of competition law held by all companies, in order for them to avoid breaching the law and for them to be able to use the tools of competition law to fight cartels or abuses that they might be the victims of.

However, the challenge for SMEs is even bigger. It is more difficult for them to implement compliance policies and to understand how to play by the rules.

However, the application of competition laws to SMEs can have a considerable impact on their development and *a fortiori* on the economy.

Within a pedagogical approach, the Autorité has launched an online space, solely dedicated to SMEs with a tripartite goal:

- **Explain competition rules** in order to increase awareness of SMEs thus preventing breaches of the law, by negligence or ignorance of the rules of play;

- **Help SMEs to act** when they have crossed a red line;

- **Guide SMEs** when they are victims of anticompetitive practices.

The objective of this approach

When it comes to competition, all companies, whatever their size, are subjected to the same rules- those of competition law.

In case of an infringement, SMEs – like every other company- can be fined, and the amount of the fine can be high. It is therefore essential that they know and understand competition rules in order to avoid failing to comply with them by ignorance. One of the objectives of the guide is precisely to help them in this task, even though they do not always have a legal department or internal means to increase their staff's awareness on the matter.

Through examples, this guide explains in a concrete and educational manner what constitutes cartel behaviour – between competitors or between a supplier and its distributors – and the practice of abuse of a dominant position. It also underlines the red lines that must not be crossed and the « poor excuses » behind which companies can hide in order to exempt themselves from responsibility. Finally, it explains in an accessible way, the different procedures which can be utilised when an SME commits an infringement.

But SMEs must also be able to benefit from the protection and tools arising from competition law. SMEs are often the victims, without knowing it, of illegal practices ; this guide gives them tools to know how to act and how to lodge a complaint.

In particular, disparagement, denial of access to an essential facility or predatory prices can constitute forms of abuse of a dominant position which hamper the business development of an SME or marginalize it. An SME may also be barred from access to a new geographical market because of a collective boycott by already established competitors. It can also be the victim of a cartel on intermediary products that it buys, which increases its production cost and encumbers its competitiveness.



« « Competition law advocacy is at the

heart of the action of the Autorité. Creating a guide dedicated solely to SMEs is a strong signal which marks a new step in our desire to explain rules to companies and their professional associations. » »

Emmanuel Combe,

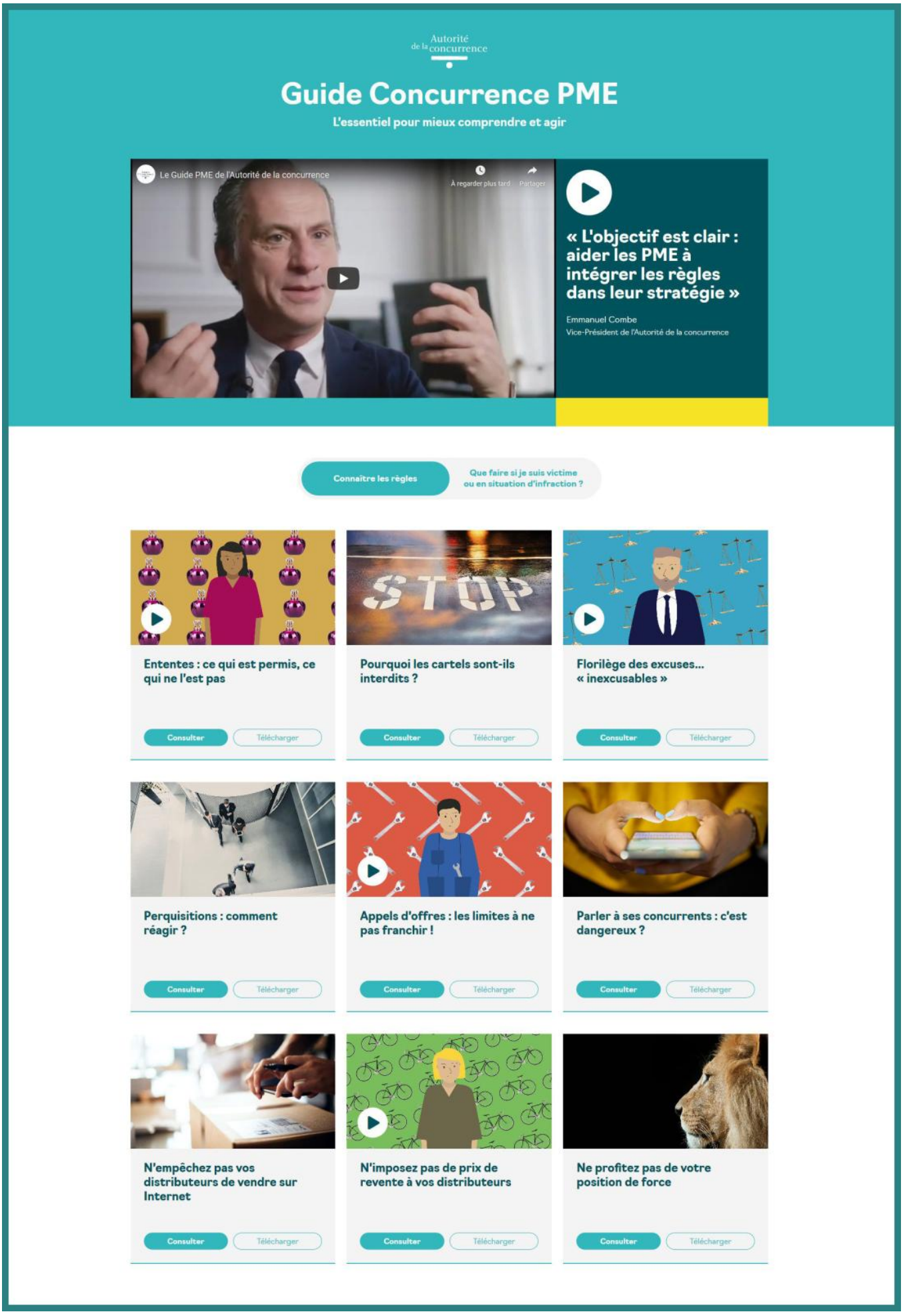
Vice-President of the Autorité de la concurrence

The method

This guide was created from the practice of the Autorité (analysis of the infringements committed by SMEs) and a consultation exercise with the representative trade bodies (MEDEF, CGPME).

The set up

The new online space is composed of downloadable practical information sheets and pedagogical videos:



A leaflet that gathers all of the rules is part of the set up.



Tout savoir sur la concurrence

Télécharger le guide

BETTER UNDERSTANDING COMPETITION RULES

Guide for SMEs

Access the guide

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