

Court bailiffs: the *Autorité* issues two decisions for anticompetitive agreements

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Following the complaint from court bailiffs' offices, today the *Autorité* issues two decisions imposing fines on the Bureau de signification de Paris ("BSP") and some of its members for anticompetitive agreement practices, all holding office as court bailiffs in Paris (75), as well as the 'Société civile de moyens des études et groupement des huissiers de justice de Seine-Saint-Denis' ("SCM 93") and all of its members, all holding office as court bailiffs in Seine-Saint-Denis (93).

The *Autorité* considered that the membership conditions in the BSP and SCM 93 were anticompetitive insofar as, firstly, membership in these joint offices confers a significant competitive advantage on their members, and secondly, these conditions were laid down or applied in a non-objective, non-transparent and discriminatory manner.

In this regard, by offering immediate access to a pooled service by sworn clerks, membership in the BSP and SCM 93 allows affiliated offices to significantly reduce their operating costs, while significantly improving the quality of service offered to their customers. Since this significant competitive advantage cannot otherwise be enjoyed, membership in the BSP and SCM 93 is of strategic interest to all court bailiffs' offices in their respective departments, especially for newly established offices.

Moreover, the BSP and SCM 93 proposed and then implemented the non-objective, non-transparent and discriminatory membership conditions that were adopted by their members at their general meeting, in particular for court bailiffs holding office pursuant to the "Macron Law". Specifically, the accused demanded from the candidates for membership, primarily court bailiffs holding

office pursuant to the "Macron Law", payment of a prohibitive entry fee (between €100,000 and €300,000).

The *Autorité* also imposed a sanction on SCM 93 and its members under the prohibition of cartels, for having inserted a customer allocation clause in the internal rules of procedure of SCM 93.

In Paris, the BCS and its members did not dispute the fact that they had adopted membership requirements that were laid down or applied in a non-objective, non-transparent and discriminatory manner. They therefore benefited from a settlement procedure, following which the *Autorité* imposed fines on them, totalling €320,000 euros for the BCS, and a cumulative amount of €538,800 for the various members concerned (i.e. 51 court bailiffs holding office in Paris).

In Seine-Saint-Denis *département*, the accused were handed down penalties for two cartel practices (pertaining to membership conditions and customer allocation, respectively). They incurred financial penalties, respectively, of €396,888 for SCM 93, and a cumulative amount of €595,700 for the various members concerned (i.e. 26 court bailiffs holding office in Seine-Saint-Denis). However, having been placed under judicial liquidation, no fine was imposed on SCM 93, in accordance with the decision-making practice of the *Autorité*. Similarly, the cumulative amount of the fines imposed on its members was reduced to €485,350, taking into account the financial difficulties that some of them were in.

The fines imposed:

BCS Paris and its members: €858,800

Members of SCM 93: €485,350

Total: €1,344,150



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