

The Autorité de la concurrence provides whistleblowers with a framework for collecting and processing reports

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Background

In accordance with [Decree 2022-1284](#) of 3 October 2022, the *Autorité de la concurrence* has set up a specific framework for the collection and processing of whistleblower reports, which is also accessible from its website.

The "Whistleblower" framework is reserved for identified private individuals who report or disclose, without direct financial compensation and in good faith, information concerning cartel practices, abuses of a dominant position and State aid. This framework guarantees whistleblowers anonymity, confidentiality and protection from legal proceedings or professional retaliation.

Whistleblower status

The European directive 2019/1937 of 23 October 2019 on the protection of persons who report breaches of Union law was implemented by [Law 2022-401 of 21 March 2022](#), which aims at improving the protection of whistleblowers, strengthens the protection of whistleblowers enshrined insofar in the "Sapin 2" law of 2016. In this context, [Decree 2022-1284](#) of 3 October 2022 on the procedures for collecting and processing whistleblower reports designated the *Autorité de la concurrence* as the competent authority for receiving reports on

anticompetitive practices and State aid.

Whistleblowers are guaranteed confidentiality regarding their identity and are protected against retaliation, including disciplinary measures. They are also not criminally liable if the report has resulted in the violation of a protected secret or civilly liable for any damage caused as a result of their report, in particular with regard to the company or companies that are the subject of the alert.

Conditions for this status

Before the *Autorité de la concurrence*, whistleblower status is reserved for identified individuals who report or disclose, without direct financial consideration and in good faith, information concerning a violation of the rules prohibiting anticompetitive practices or State aid incompatible with the internal market.

If the information was not obtained in the course of professional activities, the whistleblower must have had personal knowledge of it. The report must relate to events that have already occurred or where there is a strong probability that they will occur.

Practices that may be the subject of a report to the *Autorité de la concurrence*

Reports made by whistleblowers to the *Autorité de la concurrence* must concern a breach of the rules prohibiting:

- **cartels** (including in the field of public procurement), which may take the form of price-fixing between competitors, allocation of geographic or customer markets, rigging of tenders, exchange of commercially sensitive information, restriction of commercial outlets or technical progress, restriction of market access or of the free exercise of competition by other companies.

- **abuses of a dominant position**, which may take the form of refusal to sell, tying, discriminatory sales conditions, unjustified termination of established trade relations, predatory pricing or loyalty rebates.
- **State aids** incompatible with the internal market.

How to report to the *Autorité de la concurrence*

There are now several ways for whistleblowers to report to the *Autorité*:

- **directly on the *Autorité de la concurrence* website** using a specific form;
- **by telephone**, on a dedicated number (+33 1 55 04 00 05) where the whistleblower can record a message setting out the facts;
- **by post**, using a double envelope system (in accordance with the instructions on our page "Find out more about the whistleblower framework").

The *Autorité* now has a new tool for detecting anticompetitive practices, which complements the *Autorité's* leniency programme

The new framework will enable whistleblowers to inform the *Autorité de la concurrence* directly when they witness an anticompetitive practice, without having to report it internally to their company.

This new detection tool complements the *Autorité's* leniency programme, which allows a company to disclose its involvement in an anticompetitive cartel in exchange for immunity or a reduced fine.

The benefits of the whistleblower procedure, which provides protection for private individuals, may also be combined with the benefits of the leniency programme, which provides immunity or a reduction in fines for companies that are legal entities. This will be particularly the case if the whistleblower chooses to make a report internally, within his or her company, which may then hope to be the first to inform the *Autorité* of an anticompetitive agreement and thus benefit from immunity from fines.

ABOUT THE “WHISTLEBLOWER” SYSTEM

[See the page](#)

Find out more about the system and the follow-up given to reports

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