The Autorité de la concurrence publishes a new procedural notice on its leniency programme

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The *Autorité de la concurrence* has published a new procedural notice on the leniency programme. This notice consolidates and details the applicable legal framework in order to encourage undertakings to use the leniency procedure by providing greater clarity and predictability about the processing of applications. It replaces the procedural notice of 3 April 2015 to take account of changes arising from the ECN+ Directive, the DDADUE Law and Decree 2021-568 of 10 May 2021.

Firstly, the procedural notice acknowledges the abolishment by the DDADUE Law of the leniency notice issued by the Board, and details the new procedure whereby the General Rapporteur informs the undertaking of its eligibility for full or partial immunity from the fines incurred, which the Board may confirm when it issues its decision on the merits.

Secondly, the procedural notice provides greater clarity on a number of key points. It sets out the new eligibility conditions for the different types of immunity introduced by the decree, clarifies the practice of using a marker so that an applicant can retain its place in the leniency queue, and specifies the guarantees conferred on leniency beneficiaries with regard to their civil or criminal liability.

Lastly, it modernises the procedure for submitting and collecting leniency applications by providing for the possibility of submitting information electronically.

In addition to the recent introduction of the procedure for collecting and processing whistleblower reports, the updated leniency procedural notice provides a new, effective framework for the detection of anticompetitive

practices by the *Autorité*.

PRESS RELEASE OF 15 DECEMBER 2023

The Autorité de la concurrence publishes a new procedural notice on its leniency programme

See the press release