4 December 2015: Launch of a public consultation by the European Commission

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The European Commission has launched a public consultation on how to ensure that national competition authorities effectively enforce competition law.

The Autorité de la concurrence invites all relevant stakeholders to contribute to the consultation.

> Version française

The Autorité de la concurrence wishes to inform all relevant stakeholders – consumer associations, companies, professional organisations, think-tanks, researchers, academics or competition practitioners – of the European Commission's recent initiative to launch a public consultation on the need and means to ensure the effective enforcement of Articles 101 (anticompetitive agreements) and 102 (abuse of dominance) of the Treaty on the Functioning of the European Union (TFEU) by the national competition authorities (NCAs).

This is an important and necessary step in the achievement of an internal market in which all economic operators are ensured merit-based competition in the same way, to the benefit of both consumers and companies, in order to boost competitiveness, innovation and growth.

This public consultation comes one year after the adoption of the European Commission's communication on the tenth anniversary of Regulation 1/2003 (http://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:52014DC0453&from=EN), which took stock of the many achievements of the decentralisation of the enforcement of European competition law, while identifying several priority areas for action, in particular on

the procedural level, in order to guarantee an effective and deterrent enforcement of competition law, regardless of which NCA is in charge.

Since then, the European Commission has refined its analysis, building on the work conducted within the European Competition network (ECN). This preliminary review suggests that some improvements could be achieved in order to strengthen implementation and fining tools and bridge the differences between national systems. Indeed, several NCAs cannot accept commitments, nor can they carry out searches of non-business premises or seize electronic documents. Significant divergences likewise appear in terms of sanctions, in particular with regard to the maximum amount of fines or the legal entity which can be held liable for the practices or penalised.

Stakeholders are invited to express their views on potential improvements aiming to:

- empower all national competition authorities with adequate tools to detect and sanction violations of competition rules;

- ensure the effectiveness of leniency programmes;

- safeguard the independence of NCAs and ensure they have the resources and staff needed to do their work.

The Autorité de la concurrence encourages the relevant stakeholders to take part in the public consultation, available at: http://ec.europa.eu/competition/consultations/2015_effective_enforcers/index_fr.htm

Contributions can be submitted until 12 February 2016.

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