

The leniency program of the French *Autorité de la concurrence* (1/2)

- Leniency was introduced in France by law (15th May 2001);
- Explanatory notes since 2006 (lastly amended on 3rd April 2015): description of application of the leniency program in practice;
- Threshold to be met by immunity applicants:
 - If CA has no information on cartel beforehand: submission of information and material evidence to enable the CA to conduct dawn-raids;
 - If CA has already information on cartel (but received no other leniency application): submission of sufficient evidence to establish the infringement.
- Threshold for subsequent leniency applicants (not « agreement » → if threshold not met, application will be rejected): applicant must provide evidence with significant added value;
- Possibility of « partial immunity »: applicant must provide additional elements which have a direct bearing on the amount of the fine imposed (ex: if subsequent applicant brings forward evidence for a longer duration of the cartel, he will not be fined for the additional duration he helped to establish).

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- Some statistics:
 - 11 decisions adopted on cartels discovered by leniency;
 - Over 120 leniency applications;
 - Fines issued following leniency applications: nearly 3 billion euros.
- Recent issues raised in relation to the French leniency program:
 - What entity is covered by the leniency application? Notion of “undertaking” at the moment of the leniency submission.
 - What consequence to draw from a breach of duty to cooperate? Lessening of the reduction of the fine; withdrawal of immunity.
 - Coordinating case reallocation within the European Competition Network and handling “summary applications”.