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Subject: Comments in response to the Autorité de la Concurrence's public consultation regarding its draft framework for competition compliance programmes

Dear Ms. Gauthier,

The International Chamber of Commerce (ICC) Global Competition Commission together with the ICC France Competition Commission, and the USCIB Competition Committee (hereinafter "ICC" or "we") are pleased to offer the comments below in response to the Autorité de la Concurrence ("Autorité") 11 October 2021 public consultation regarding its proposed framework for competition compliance programmes ("Framework").[1]

About the ICC

ICC is the institutional representative of more than 45 million companies in over 100 countries. ICC's core mission is to make business work for everyone, every day, everywhere. Through a unique mix of advocacy, solutions and standard setting, we promote international trade, responsible business conduct and a global approach to regulation, in addition to providing market leading dispute resolution services. Our members include many of the world's leading companies, SMEs, business associations and local chambers of commerce.

The ICC Global Competition Commission, as one of the leading voices of business in global competition policy, aims to provide a forum for businesses to engage in constructive discussions on practical/technical issues that could help enhance trade and investments across borders, and thereby preserve economic growth globally. Bringing together over 300 leading experts in the field of competition law from 42 countries, the commissions seeks to increase the efficiency of antitrust enforcement at a global level both from a legal and economic perspective, and to enhance the harmonisation and convergence of antitrust laws with the aim to minimise regulatory costs for international companies. As such, the commission is recognised as a venue for exchange and innovation, and regularly shares the voice of business on competition law issues with intergovernmental forums such as the

[1] Document-cadre du 11 octobre 2021 sur les programmes de conformité aux règles de concurrence https://www.autoritedelaconcurrence.fr/sites/default/files/conformite_nouveau%20doc_cadre_0.pdf

European Union, ICN, OECD as well as competition agencies on competition law issues with intergovernmental forums such as the European Union, ICN, OECD as well as competition agencies.

The ICC France Competition Commission ensures that business needs and the realities of markets are taken into account in the formulation and implementation of competition laws and policies.

The USCIB Competition Committee promotes international legal policies that favour an open and competitive environment for U.S. business.

Comments

ICC commends the Autorité for issuing a public consultation on the Framework. We agree with and support the Autorité's view that competition compliance is a goal shared by competition enforcers, private competition lawyers and companies alike. What competition agencies call "enforcement", in-house competition counsel call "compliance". Vigorous competition compliance programmes are key to increasing such competition compliance in the marketplace.

Below, ICC offers its substantive comments on the draft, and these comments are accompanied by a proposed redline of the draft with suggestions for edits that implement these comments.

1. **Companies do not comply merely "to avoid fines".** As currently drafted, the Framework suggests that the main goal of companies' competition compliance programmes is to avoid fines. However, ICC members' collective experience is that the impetus for competition compliance is much broader. Companies are highly motivated to instill an internal culture of ethical compliance and business integrity because they want to do the right thing, because such a culture is constructive for business and also to avoid reputational damage and personal liability and career consequences for their senior leadership. We submit that these additional considerations should be reflected in the draft.

2. **The regulatory framework directly affects funding for competition compliance programmes**. Companies' resources are limited. Even companies with seemingly enormous resources must decide where those resources are prioritised. Since compliance in other areas of law, such as anti-bribery and anti-corruption compliance has long been recognised, the regulatory framework should positively reward competition compliance programmes, so that this important area is clearly seen as being valued by regulators and society and to avoid competition law compliance being perceived as a less valuable area for investment.

    a. **The agency's role in promoting compliance programmes: recognition for compliance programmes.** Due to the corporate dynamics described above, the potential to recognise robust compliance programmes in a positive way (in terms of mitigation) is key to helping competition counsel get them funded (irrespective of the point at which a programme is put in place). We therefore respectfully recommend that the Autorité provide, at its full discretion, the opportunity to

recognise vigorous compliance programmes or delay prosecution. Such recognition should always be in the sole discretion of the Autorité.

We believe such recognition for robust compliance programmes would be complementary to leniency rather than mutually exclusive, for a number of reasons. First, the agency would always have full discretion of whether to recognise the programme. Second, leniency only applies to cartels, while compliance programmes are also helpful for preventing non-cartel competition violations. Third, a company may invest heavily in compliance and still, perfectly legitimately, decide that applying for leniency is not the appropriate course of action in a particular case.

ICC would like to remind the Autorité that, in the past, as provided under the 10 February 2012 Guidelines on the Settlement Procedures, the agency officially undertook to reduce the fines in the framework of settlement procedures when companies committed to put in place or to significantly improve a compliance programme. It appears that under the new guidelines issued on 19 October 2017,[2] this kind of commitment no longer plays a role in determining the fines in case of settlement, which led to the disappearance of the only recognition mechanism that existed in France. This is regrettable, all the more since this practice is now widely seen as a best practice by a growing number agencies across the world. ICC respectfully encourages the Autorité to either reinstate this mechanism or put in its place another way of ensuring that its fining policy take into account companies' good faith compliance efforts.

b. **The agency's role in promoting compliance programmes: evaluation criteria**. ICC commends the inclusion of evaluation criteria in the Framework and finds the proposed criteria helpful and appropriate. We do, however, recommend supplementing the listed criteria with the following criteria: (1) sufficient independence and authority of the competition compliance corporate officer(s), that shall not fall below those of the parallel non-competition compliance officers in the company; (2) adequate financial and resource support for the competition compliance programme, depending on the evaluated risk; and (3) adjusting the benchmark against which competition compliance programmes are measured to reflect the size and nature of the company concerned, since smaller companies will naturally have less resources.

In addition, we suggest that the Autorité increase guidance and encourage robust competition compliance programmes by including an evaluation of the target company's compliance programme before the violation was caught in enforcement decisions.

3. **Even vigorous and robust competition compliance programmes cannot entirely prevent individual violations**. ICC members' experience is that even vigorous and robust competition compliance programmes cannot entirely prevent individual violations.

[2] Available at https://www.autoritedelaconcurrence.fr/sites/default/files/communique19oct17_transaction_conformite.pdf.

Nonetheless, a vigorous compliance programme helps reduce, detect and address competition violations.[3] We suggest that the Framework recognise this reality.

Conclusion

ICC appreciates the opportunity to comment on the Framework and would be happy to answer any questions or further engage with the Autorité on this important issue.

Annex: redline with suggested edits

[3] See U.S. Department of Justice, Antitrust Division, Evaluation of Corporate Compliance Programs in Criminal Antitrust Investigations (July 2019) https://www.justice.gov/atr/page/file/1182001/download ("Although an antitrust compliance program may not prevent every violation, an effective compliance program should be able to detect and address potential antitrust violations. Moreover, effective antitrust compliance programs not only prevent, detect, and address antitrust violations, they also further remedial efforts and help foster corporate and individual accountability").

Framework document of 11 October 2021 on competition compliance programmes

Compliance, a well-established term in practice nowadays, refers to a process and an objective altogether. The goal of compliance, for a company, is to fully respect the rules, in particular that of competition, in order to install and reinforce an overall corporate culture of ethics and compliance and avoid heavy fines, the constraints related to investigations, as well as the risk of reputational damages. The term "compliance" also refers to an internal process put in place within companies and organisations on a permanent basis, which is based, notably, on compliance programmes.

Ten years after the publication of its framework document of 10 February 2012, the Autorité de la concurrence (hereinafter "**Autorité**") wishes to adopt a new document highlighting the importance of competition compliance and providing all players with benchmarks on the objectives, the definition, and the implementation of these programmes. Compliance means, under its second definition, programmes aimed at disseminating the culture of competition, ensuring compliance with the rules, and empowering economic actors to compete on the merits. These programmes intend as much to prevent the risks of infringements of the competition rules as to detect and address potential infringements. Thus, compliance combines two components: a preventive dimension as well as a curative dimension although the first aim of the programme will always be prevent infringements in the first place.

Compliance is everyone's business. The implementation of an effective (i.e. a credible, robust and genuine) compliance policy by each of the concerned players contributes to the competitiveness and the good functioning of the economy. Even vigorous and robust compliance programmes cannot entirely prevent individual violations. However, they nonetheless helps reduce, detect and address competition violations.

The Autorité believes that it is the duty, and in the interest, of economic actors to take all the necessary measures to conduct their activities in compliance with competition rules. It considers that if the development of compliance and competition culture in recent years has endowed economic actors with competition compliance programmes, it remains appropriate to keep encouraging companies to put in place a competition compliance programme, whether on a stand-alone basis or by integrating it into a general compliance policy (as part of the fight against corruption and money laundering, data protection, environmental policy, etc.), and to ensure its success by devoting the necessary resources.

In this framework document, the Autorité hence makes available to all economic actors a set of "good practices" with the view to contribute to the effectiveness of these programmes. After a reminder on the benefits of compliance programmes (I), this document specifies the conditions and criteria which, in the opinion of the Autorité, must be met to ensure their effectiveness (II); and it presents the role that different compliance actors can play in order to contribute to the effectiveness of these programmes (III).

Compliance and implementation by the Autorité of its institutional means of action

1. The legislative provisions governing the Autorité do not refer to compliance as such. However, Article L. 461-1 of the French Commercial Code instructs the Autorité to ensure the good competitive functioning of the economy. This mission is to see to it that the freedom of economic

actors to innovate, produce and disseminate goods and quality services at the best price do not give rise to agreements or abuses that could undermine the competitive functioning of the economy, as well as other businesses, consumers and ultimately, the growth and well-being of the community as a whole. It implies the continued application of a market surveillance policy to direct behaviour towards compliance with competition rules, but also to promote the prevention, the detection, the correction and the punishment of infringements of these laws.

2. The Commercial Code allocates various means to the Autorité to carry out this policy. These tools are not of the same nature, although they have the common aim of encouraging economic actors to conduct and develop their activity in accordance with the objectives which serve as a basis for the establishment of competition rules by law and by the Treaty on the Functioning of the European Union ('TFEU') on the one hand, and to deter them from infringing those rules on the other hand. Some of these instruments are essentially repressive or curative by nature. Others take into account, under specific conditions, certain initiatives taken by economic actors to prevent, remedy or assist infringements the Autorité to detect, stop and punish them.

3. The first and second paragraphs of point I of Article L. 464-2 of the French Commercial Code give the Autorité the power to order undertakings and associations of undertakings that engage in anti-competitive practices prohibited by Articles L. 420-1, L. 420-2 and L. 420-5 of the Commercial Code, and by Articles 101 and 102 TFEU, to terminate and impose on them financial penalties[4].

4. Point IV of Article L. 464-2 of the Commercial Code nevertheless gives the possibility to the Autorité to grant, by way of leniency, a total or partial exemption from the pecuniary penalty to an undertaking or association of undertakings that contribute to the detection and the criminalisation of an agreement in which it participated.[5]

5. The settlement procedure, provided for in point III of Article L. 464-2, allows companies that do not dispute the facts of which they are accused to obtain the imposition of a sanction within a range proposed by the General Rapporteur and which has given rise to an agreement of the parties. While the choice of whether or not to use this procedure is free, the company in question may, by seeking the benefit, highlight its constructive attitude and engage more quickly in the path of bringing its practices into compliance with competition law.

I. Competition Compliance Programmes: WHY?

6. Compliance programmes are programmes through which companies or business associations express their attachment to certain rules, as well as to the values or the objectives on which they are built and put in place concrete measures to develop a culture of compliance with standards in order to prevent possible breaches, detect and stop them.

7. These programmes are tangible examples of proactive governance strategies, by which economic actors express their determination to instill an internal culture conductive business ethically and with integrity - not only to ensure the compliance of their behaviour with the rules of law, but also

4 The practical arrangements for setting financial penalties are described in the press release of the Autorité de the competition of 30 July 2021 relating to the method of determining financial penalties, available on the Autorité's website.

5 The practical details of this procedure are described in the press release of the Autorité de la concurrence of the 3 April 2015 on the French leniency programme. This document is intended to be updated on the basis of Decree No. 2021-568 of 10 May 2021 on the procedure for total or partial exemption from financial sanctions provisions provided for in IV of Article L. 464-2 of the Commercial Code.

to prevent risks infringement of these rules and to deal with them without delay when the infringement could not be avoided.

8. The benefits of competition compliance programmes are threefold: they contribute to establishing free and undistorted competition in the marketplace (A), they enable the prevention of certain proven risks (B) they facilitate the detection of violations that have occurred, if any (C) and they can reduce their impact through leniency (C).

A. Allow free and undistorted competition

9. Compliance with competition rules allows the establishment of free competition, which encourages companies to best meet the expectations of their customers, ~~companies~~ their investors, and consumers. This competitive dynamic can take different forms: companies can compete on price and offer more attractive prices; they can also differentiate themselves from one another by their innovations, which promotes the emergence of a more diversified offer in terms of both products and services. This competition, which aims to conquer new markets, helps to create new opportunities for growth and jobs while ensuring attractive prices for consumers.

B. Prevent financial and reputational risks

10. Ignorance of competition rules not only entails substantial financial risks (both through fines and private damages), but also a significant risk of damage to the reputation of companies and business associations involved, which a compliance programme should help avoid.

11. From a financial standpoint, the violation of competition rules, as provided for by law French and by European Union law, may expose legal persons to pecuniary sanctions, up to 10% of their worldwide turnover. The public and private persons who are victims of a cartel or abuse of a dominant position are, in addition, entitled to obtain compensation for their damage, exposing the condemned companies to the additional burden of having to pay damages. This risk has been increased ten times in recent years, particularly in view of the modification of the applicable legislation framework resulting from the damages directive (article L. 481-1 of the commercial code).

In addition, the ECN+[6] directive transposed on May 26, 2021[7] made the financial risk much larger with regard to associations which companies are members of.[8]

12. It is also noted that Article L. 420-6 of the Commercial Code provides for penalties up to four years of imprisonment and a € 75,000 fine for physical persons having fraudulently taken a personal and decisive part in the design, the organisation or implementation of anti-competitive practices.

[6] Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 aimed at providing authorities with competition among Member States means to more effectively enforce competition rules and to guarantee the proper functioning of the internal market.
[7] Ordinance No. 2021-649 of May 26, 2021 relating to the transposition of Directive (EU) 2019/1 of the Parliament
European Union and the Council of 11 December 2018 aimed at providing the competition authorities of the Member States means of implementing competition rules more effectively and ensuring the proper functioning of the internal market.
[8] Study on professional organizations available at the following address:
https://www.autoritedelaconcurrence.fr/sites/default/files/2021-09/essentiels-organismes-professionnels-fr.pdf

C. Promoting the detection and reporting of infringements in order to benefit from the leniency procedure

13. By enabling the early detection of potential anti-competitive practices, ~~the~~ a robust compliance programme also offers companies the possibility of benefiting from a favorable treatment, under the leniency procedure provided for in point IV of Article L. 464-2 and Articles R. 464-5 et seq. of the Commercial Code, and the provisions of the notice of procedure relating to the leniency programme. Companies and associations of companies can thus be granted full or partial exemption from pecuniary sanctions when they inform the Autorité of the existence of illegal agreements and cooperate with it in order to end it. In addition, since the transposition of the ECN+ Directive, the incentive for companies to report possible secret agreements is further strengthened since immunity, or reduction, of criminal sanctions can also be obtained, under condition, by the natural persons belonging to the staff of the company which is the first to file a request for leniency.

In addition to detection, the educational nature of compliance programs can and does also prevent future competition violations before they event occur.

II. Competition Rules Compliance Programmes: HOW?

14. The Autorité considers that it is the duty of the economic actors themselves, and in their interest, to take all possible measures to conduct their activity in accordance with the rules of competition and to prevent possible breaches of these rules. It considers that the setting up an effective (i.e. a genuine and robust) compliance programme can play a key role in this regard, while giving increased guarantees of responsibility and security to shareholders and the large public, in particular when the company, or the group to which it belongs, is listed in stock exchange or state-controlled.

15. The Autorité, which attaches great importance to the educational and preventive dimension of its competition enforcement mission, therefore invites economic players who already have a compliance programme to ensure it includes a set of measures on competition rules. It encourages those who do not yet have one to put it in place, emphasizing that compliance with competition rules is only one of the many aspects of compliance, which may merit an integrated treatment.

16. For compliance programmes to be effective, the Autorité believes that they must strive to pursue two objectives: prevent or reduce the risk of infringement on the one hand and give them means of detecting and deal with cases of infringement that could not be avoided, on the other hand.

17. The impetus and dissemination of a culture of respect for the rules must be the cornerstone of compliance programmes.

18. These programmes cannot therefore be limited to providing for measures intended to inform corporate officers, managers, executives, other employees and agents of the company or the business association involved in the content of the rules and the need to abide by them.

19. This first approach should be supplemented by a set of concrete and effective measures establishing that the company or the association of companies is really involved and proactive at all hierarchical levels, in order to foster a culture of compliance with competition rules, to detect cases of non-compliance, for example by means of legal audits issues, and to provide adequate responses. Failing to do so, the internal incentives to act in accordance with the law ~~would~~ may

remain weak and the compliance could be deemed ineffective or even artificial. So it is a combination of two preventive and curative components of the added value of compliance programmes.

20. Economic actors will thus reap the intended benefits of a compliance programme if the latter is designed by and for the company (A) and includes all the elements necessary for its efficiency (B).

A. A compliance programme designed by and for the company

21. It is critical to the success of a compliance programme that it is designed by and for the company: it is a "tailor-made" project, which must be adapted to the markets, to the activities and products, internal organisation and culture, as well as the decision-making chain and fashion governance.

22. It is also essential for the company to anticipate new risks that may arise and all the more necessary to be proactive, by carrying out regular monitoring, which will identify and address major compliance issues in competition. This can, moreover, fluctuate over time, depending on the evolution of the legislative framework, case law or decision-making practice of competition authorities, but also on the specific situation of the company and the markets in which it operates. A company that was not dominant can therefore become dominant following an increase in its market shares, and thus will have to exercise particular vigilance on behavior that it adopts. The compliance programme should, if necessary, be updated in light of the developments that will have been examined. These successive evaluations and the modifications which arise must be documented.

B. A compliance programme is built on key points

23. The Autorité considers that a competition compliance programme must, in addition, rely on five pillars in order to create the right reflexes in the company: a public company commitment (1), internal relays and experts (2), information, training and awareness (which will necessarily involve a risk assessment) (3), control and alert mechanisms (4) and a monitoring system (5).

1. *A public commitment by the company*

24. A clear, firm and public position taken by the management bodies and, more generally, of all managers and corporate officers on the need to respect the rules of competition and supporting the company's compliance programme is the first pillar of success.

25. Leadership from Management is essential in order to involve all the teams and drive the business to actually engage in compliance. All levels of the company must be concerned: General Management, technical departments (legal and information technology in particular) and the sales teams in the field.

2. Internal ~~relays~~ compliance roles and experts

26. The designation by the management bodies, when the structure of the company allows it, of persons responsible internally for the management of the compliance program also constitutes a key to success.

27. These persons should:

- be appointed by the management bodies and have the authority and indisputable competence within the company or association of companies;

- have the necessary time and powers, as well as human resources and sufficient financial resources to ensure the effective implementation of the compliance programme;

- have the ability to directly access the management bodies of the company or the business association (for example, in the event of a discovery of an infringement).

- have sufficient seniority and authority within the company to signal the importance of competition compliance and ensure adherence to it

- Enjoy autonomy and independence – not report to a business unit

3. Information, training and awareness

28. The implementation of information, training and awareness measures for all relevant employees of the company or members of the association of companies is the third pillar of an effective compliance programme. This training programme necessarily requires a risk assessment by the company so that the training may be adapted to areas of greatest potential risk for the company.

29. It is necessary to provide information on:

- the existence, purpose and content of the compliance programme ; the meaning and practical scope of the competition rules;

- the importance and interest of complying with these rules within the framework of the business activity;

- internal mechanisms for obtaining advice or alerting to the existence of actual or potential violations of these rules.

30. This information must be accompanied by training and awareness actions on the rules of competition and the actual operation of the compliance programme. It is important that these exercises are adapted to each internal target audience, depending on the professions and responsibilities exercised.

4. *Control and alert mechanisms*

31. The establishment of effective monitoring and alert mechanisms is also a key element to an effective compliance programme.

32. The control mechanisms must provide for compliance training and support at all levels of the company. They can, for example, take the form of provisions incorporated into the internal regulations, clauses inserted in employment contracts or more individual certificates of conformity.

33. The alert mechanisms must, for their part, meet the necessary conditions to allow employees of the company or members of the association of companies to communicate appropriately with those designated responsible for compliance, whether to ask them for advice or alert them to proven or possible infringements. The creation of a hotline allowing the transmission and processing of information, according to established procedures, is an example of good practice in this area.

5. A monitoring system

34. The success of a compliance programme depends, finally, on the ability of the company or the business association to monitor its implementation.

35. Such a device must include the establishment of:

- a procedure for handling requests for advice and alerts (what type of examination is conducted and what type of answer is provided);

- a sanction procedure in the event of non-compliance with the compliance programme.

III. Competition Rules Compliance Programmes: WHO?

36. The Autorité recognises the crucial role played by compliance actors who, at their level, makes specific contributions to the dissemination of a culture of compliance: companies and lawyers (A), professional associations (B) and institutional partners (C).

A. Companies and lawyers

37. Companies are at the heart of the compliance process. If it requires an impulse clearly given by senior management, the compliance function is based, in practice, on action compliance officers who carry out this mission on a daily basis. It is important that the latter have all the necessary means (sufficient internal authority, as well as the human and financial resources necessary) for this purpose. Anyone in charge of compliance holds a demanding profession which calls for both pedagogical qualities and authority, faculties of advice and dialogue, ability to adapt to culture and technical skills of each internal division of the company and at the same time, the ability to control service activity and decision-making.

38. The company's unique knowledge of the product, service, market and sector can be reinforced by advice from outside experts, in particular lawyers, who provide additional know-how in the service of compliance.

39. Lawyers (both in-house and external) can get involved at different stages. It can be to advise the company or the business association when designing its general compliance policy, to help to the concrete implementation of compliance programmes, explain these programmes and make all staff aware of their objectives through training, to carry out regular assessment of compliance programmes and business behaviour or business associations through legal audits in order to detect and correct possible malfunctions of their program or infringements of competition law. Lawyers (both in-house and external) also have an essential advisory role so that the company or the association of companies adopts the right reflexes when an infringement has been detected.

40. Since smaller companies will naturally have less resources than larger ones, the Autorité may adjust the benchmark against which it evaluates a competition compliance programmes of a smaller company to reflect its size and nature. In addition, for small businesses that cannot appoint compliance managers either on a part-time or full-time basis, relying on external lawyers can help outsource the compliance function and related services.

B. Professional associations

41. Professional associations are organisations which aim to bring together all companies in the same profession, or in the same sector, and organisations' trade unions representing companies. Their primary objective is to represent and defend the interests of all companies in a given profession or sector.

42. These associations can fully contribute to the dissemination of good practices among their members and must be able to serve as additional referents in terms of compliance for companies. In order for such an exchange to be successful, it is important that companies make their needs known on the one hand, and that professional associations organise their assistance according to appropriate modalities9, on the other hand.

43. Professional associations themselves should have a "compliance function" to their own activities in order to avoid any practice contrary to competition law.

44. Other collaborative organisations should also consider having an antitrust policy to aid compliance.

IV. Competition Compliance Programmes: THE AUTORITÉ PERSPECTIVE

The existence of a vigorous compliance programme does not immunise companies, collaborative groups or individuals from enforcement actions and sanctions imposed by the Autorité or from competition law liability more broadly.

However, at the Autorité's sole and full discretion, credible and vigorous compliance programmes may be considered in determining the most appropriate means to resolve cases, including violations where the exercise of due diligence is a defence, including:

• how to proceed against companies including recommendations on the fine that should be imposed; or

• the magnitude of remedy to seek with respect to non-cartel matters.

Consideration, and therefore the potential benefits, will be greater in most circumstances for a company with a pre-existing robust and vigorous compliance programme, than for a company that waits until it is caught before implementing a vigorous competition compliance programme.

A compliance programme will be considered credible and effective when the company can demonstrate that it was reasonably designed, implemented and enforced in the circumstances.

The burden of establishing this will rest on the company. Companies that make such claims do so voluntarily and on the understanding that the Autorité will test the credibility and effectiveness of the compliance programme and may or may not find them effective.

The consideration of robust compliance programmes will apply in both cartel and non-cartel matters.

45. The Competition Autorité and the DGCCRF are partner institutions of businesses and professional associations. More broadly, they are also partners of the private competition bar, as they share the goal of improving competition compliance in the marketplace.

[9] See Study on professional organizations, mentioned above.

46. In several ways, the Autorité supports economic players in their compliance efforts:

    - by pronouncing on contentious cases, it develops a robust decision-making system which serves as a reference for the application of the rules of competition ; its decisions aim to serve an educational purpose, to shed light not only for the company involved, but for all companies that could be concerned.

    - it produces opinions and conducts sectoral inquiries in which it issues recommendations, which provide a reference on the issues identified;

    - it writes guides and studies that detail its analysis and practice on various themes.

    - Autorité decisions may include an evaluation of the target company's compliance programme before the violation was caught and investigated

47. The Autorité communicates widely on competition rules and their virtues, as well as on its decisions and opinions. It includes "Compliance" boxes in its press releases in order to make operators more aware of vigilance points . Its website also has a space dedicated to compliance which includes many resources to educational vocation such as publications but also infographics, podcasts and videos that appeal to different types of audiences.

48. The DGCCRF also acts to promote procedures for compliance with the rules of competition as closely as possible with the players on the ground, in particular those involved in public procurement and SMEs.