

## **Commitments in anti-competitive practices**

According to article LP 641-2 I of the Competition Code, the Authority can accept commitments offered by the companies or organizations involved in order to put an end to anti-competitive practices.

Thus, if the Authority considers that the commitments proposed by the party involved are credible, verifiable and likely to put an end to the practices reported, it may decide to put an end to the procedure.

The benefit of this commitment procedure can only be requested before receiving the notification of grievances, as commitments made after this stage come under the mechanism whereby grievances are not contested provided for in article LP 641-2 III of the Competition Code.

Following the observations of the Board of the Authority, the commitments can however be modified during the hearing.

In practice, under the terms of article A 640-2 of the Competition Code, the Investigation Department communicates a preliminary assessment of allegedly anti-competitive practices to the parties. The parties then have a deadline set by the rapporteur, which may not be less than one month, in order to submit to the Authority commitments to remedy the practices reported.

The Investigation Department forwards the content of the commitments to the author of the submission, to the Government Commissioner and publishes on the PCA website a press release summarizing the case and the commitments to allow third parties to present their observations.

The commitment proposal is then examined in session and the decision is made by the Board.

In the event of non-compliance with commitments, the Authority may impose a financial penalty, in accordance with the provisions of article LP 641-2 I of the Competition Code.