



Les inspections de concurrence (FEDUCI) (French Edition)

Nathalie Jalabert-Doury

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Les autorités de concurrence détiennent des pouvoirs d'inspection très larges au sein des entreprises et elles exercent aujourd'hui ces pouvoirs à un niveau d'efficacité maximale afin de détecter et de sanctionner rapidement les atteintes les plus graves aux règles de concurrence.

Ces inspections de concurrence sont le plus souvent non annoncées et peuvent être spectaculaires, les inspections les plus lourdes mobilisant fréquemment une dizaine d'enquêteurs de concurrence, des représentants des forces de l'ordre, des informaticiens, voire d'autres techniciens spécialisés. Pour faire face à un tel événement, l'entreprise doit s'organiser en amont afin que l'ensemble de la chaîne hiérarchique concernée par une inspection – des hôtesse d'accueil jusqu'aux principaux dirigeants – adopte les bonnes réactions.

Ce n'est qu'à cette condition que l'entreprise pourra « gérer » l'inspection, ce qui implique :

- de satisfaire rigoureusement à ses obligations,
- d'assurer le respect de ses droits,
- de mettre en œuvre le niveau de coopération qui aura été décidé en amont,
- d'éviter la désorganisation de ses services opérationnels.

L'ouvrage apporte aux Directions Juridiques les éléments nécessaires à la mise en œuvre d'une telle préparation et sert de guide en cas d'inspection en leur fournissant les réponses aux questions les plus récurrentes. C'est la raison pour laquelle l'ouvrage est conçu de manière résolument pratique, avec des encadrés fournissant des exemples, des dos and don'ts, des graphiques et des annexes très complètes.

Cet ouvrage fait le point sur les textes et la jurisprudence, dans une matière qui a considérablement évolué ces dernières années, tant au niveau européen que français.

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