

Unclassified

English - Or. French

22 June 2026

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE**

Case Prioritisation and Prosecutorial Discretion – Note by France

25 June 2026

This document reproduces a written contribution from France submitted for Item 6 of the 149th OECD Competition Committee meeting on 24-26 June 2026.

Ori SCHWARTZ
Email : Ori.Schwartz@oecd.org

JT03589736

France

1. In a context of growing budgetary constraints and the increasing number of challenges facing competition authorities (the rise of digital markets, the climate emergency, the protection of purchasing power, etc.), the optimal allocation of resources has become a major strategic concern for the effectiveness of competition policy.

2. The Autorité de la concurrence (hereinafter ‘the Autorité’) has jurisdiction to apply both national competition rules and the competition rules of the European Union (hereinafter ‘the EU’), and is a member of the European Competition Network (hereinafter ‘the ECN’). It is within this framework of action that its practice as regards prioritisation and the exercise of discretion in the investigation of cases should be examined.

3. This framework evolved with the transposition into French law, by the ordonnance of 26 May 2021¹, of Directive 2019/1 of 11 December 2018, known as the ‘ECN+ Directive’². Article 4(5) of the Directive permits, in particular, the national competition authorities of the EU to set their enforcement priorities in the application of EU competition rules and, where national law requires them to examine formal complaints, to reject such complaints on the grounds that they do not consider them to be an enforcement priority. As recital 23 of the Directive emphasises, these provisions are intended to strengthen the effectiveness of public action by enabling authorities to allocate their resources optimally and to focus their efforts on conduct affecting competition in the internal market.

4. This contribution sets out the Autorité’s approach in this area, in the exercise of its full range of functions, around three strands: the identification of strategic priorities and their operational implementation (1.), the exercise of discretion in the investigation of cases (commonly referred to as ‘prosecutorial discretion’) (2.), and the optimisation of action through the finely-tuned management of cases within the Investigation Services (3.).

1. The identification of strategic priorities and their operational implementation

1.1. The annual setting of strategic priorities

5. In order to perform its functions effectively, the Autorité sets its priorities for the enforcement of competition law each year, in consultation with the Heads of units. These priorities are then subject to ongoing monitoring, in order to reconcile long-term objectives with the need to adapt to developments in both the market and the institutional and economic context.

6. In defining its priorities, the Autorité takes a range of criteria into account, including:

- the likely consequences of its action for the Autorité itself, for consumers, for businesses and for the competition community at European and international level;

¹ Article 2 of ordonnance No 2021-649 of 26 May 2021 on the transposition of Directive (EU) 2019/1, JORF No 0121 of 27.05.2021, p. 3948 (NOR: ECOC2105247R).

² Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market, known as the ‘ECN+ Directive’, OJ L 11, 14.1.2019, pp. 3-33.

- the balance between costs and benefits, including both market impacts (fostering compliance through deterrent enforcement of the law or awareness-raising initiatives) and non-market effects (for example, management, communication, influence on peers or sector-specific regulators, influence on national policy-making);
- the strategic importance of the sector for the French or European economy;
- consistency with the Autorité’s overall programme of work and established practice;
- information gathered through formal or informal complaints; and
- the expectations of stakeholders (public authorities, sector-specific regulators, businesses, associations, consumers, etc.).

7. Since 2019, these priorities have been made public. Initially announced through press releases, since 2022 they have taken the form of an annual roadmap setting out the Autorité’s strategic orientations, typically comprising between four and eight areas identified as priorities. As far as possible, the Autorité’s departments seek to align their enforcement initiatives with the priorities set out in this roadmap.

8. Since the transposition of the ECN+ Directive, four areas have consistently been identified as priorities: the digital sector (including artificial intelligence), sustainability, purchasing power (notably in relation to the food retail sector) and the French overseas territories. The 2025-2026 roadmap³ is accordingly structured around these major priorities.

9. The roadmap, which is published on the Autorité’s website and presented alongside its annual report, serves a dual function. On the one hand, it promotes transparency vis-à-vis economic operators and the general public by signalling the areas in which the Autorité intends to concentrate its efforts. On the other hand, it performs an internal steering function, guiding the choice of *ex officio* investigations and opinions and, more broadly, the allocation of the Autorité’s resources. It does not, however, constitute a rigid framework, since the Autorité may intervene in other areas whenever circumstances so warrant.

1.2. The operational implementation of priorities

10. The priorities identified by the Autorité guide the choice of *ex officio* investigations and opinions, as well as the development of novel tools aimed at ensuring the effective implementation of these priorities.

1.2.1. *Ex officio* investigations in enforcement matters

11. Pursuant to Article L. 462-5(III) of the French Commercial Code, the Autorité may act on its own initiative in respect of facts liable to constitute practices that it has the power to investigate and sanction⁴. The decision whether to initiate such proceedings lies within its discretion. This power, conferred by law, enables the Autorité to steer competition

³ [Autorité de la concurrence Roadmap 2025-2026](#), published on 10 July 2025.

⁴ Article L. 462-5(III) of the French Commercial Code.

policy. The Autorité is not, moreover, required to state reasons for its decision to open an *ex officio* investigation⁵, nor to notify that decision to the parties.

12. As regards the priority relating to **purchasing power**, one *ex officio* investigation has been opened on average each year since 2019. For example, in 2021 the Autorité opened an *ex officio* investigation into suspected practices in the sector for the supply, storage and distribution of fuel in Corsica, which led, in November 2025, to fines totalling €187.5 million being imposed on several operators in the sector for participating in an anticompetitive agreement⁶.

13. As regards the priority relating to the **French overseas territories**, an average of one *ex officio* investigation has also been opened since 2019. Several of these investigations have already resulted in decisions, in a range of sectors: the distribution of wines and spirits in La Réunion⁷, inter-island passenger air transport in the Caribbean⁸, and the supply of electric cables across all of the French overseas departments and territories⁹. Other investigations are still under way, such as the case relating to the disposal of potentially infectious medical waste in La Réunion¹⁰.

14. As regards the priority relating to the **digital sector**, an *ex officio* investigation was opened, for example, in the graphics cards sector in 2023¹¹, following the Autorité's increased focus on competition issues in cloud computing, developed in particular through a sector-specific inquiry that led to the publication of an opinion on these services¹².

15. As regards the priority relating to **sustainability**, the Autorité fined several operators following an *ex officio* investigation in the sector for the manufacture and sale of foodstuffs in contact with materials that may contain, or may have contained, Bisphenol A and its substitutes¹³. An investigation is also currently under way in the sector for the audit and certification of financial and non-financial data and reports, which include – in

⁵ [Decision No 06-D-07 of 21 March 2006](#) regarding practices implemented in public procurement contracts in the Île-de-France region.

⁶ [Press release, "Fuel products in Corsica: the Autorité imposes a fine of €187.5 million on TotalEnergies Marketing France, two companies in the Rubis group and EG Retail for an anticompetitive agreement"](#), published on 17 November 2025.

⁷ [Decision No 21-D-23 of 7 October 2021](#) regarding practices in the champagne and spirits marketing sector in La Reunion (Cattier).

⁸ [Decision No 24-D-10 of 4 December 2024](#) regarding practices implemented in the inter-island passenger air transport sector.

⁹ [Decision No 26-D-04 of 2 April 2026](#) regarding practices implemented in the electric cables sector in the French overseas departments and regions (DROM).

¹⁰ [Press release, "Potentially infectious medical waste in the French overseas territories: the General Rapporteur announces that an objection concerning an anticompetitive agreement has been notified regarding an agreement that lead to the creation of a monopoly"](#), published on 2 October 2024.

¹¹ [Press release, "The General Rapporteur of the Autorité de la concurrence indicates that an unannounced inspection was carried out in the graphics cards sector"](#), published on 27 September 2023.

¹² [Opinion No 23-A-08 of 29 June 2023](#) on competition in the cloud sector.

¹³ [Decision No 23-D-15 of 29 December 2023](#) relating to practices in the sector for the manufacture and sale of foodstuffs in contact with materials that may contain or may have contained Bisphenol A.

particular pursuant to the EU Corporate Sustainability Reporting Directive (CSRD)¹⁴ – sustainability-related components¹⁵.

16. The transposition of the ECN+ Directive also gave the Autorité the power to adopt **interim measures** on its own initiative¹⁶, without the need for a complainant to make a request to that effect in parallel with the filing of a complaint on the merits. In practice, the initiative to seek interim measures *ex officio* lies with the Investigation Services, which submit a request to the Board. The Board may accept or reject the request, or adopt such other measures as it deems necessary. This prerogative was exercised for the first time in a decision of 7 June 2022¹⁷ in the sector for services provided to auction operators. On that occasion, the Board found that the conditions for ordering interim measures were not met.

17. This new procedural tool is particularly useful for putting the Autorité’s priorities into practice, as it enables competition concerns to be addressed swiftly through appropriate measures, with a view to restoring the conditions for the competitive functioning of the market concerned.

18. The transposition of the ECN+ Directive also introduced a provision enhancing the visibility of the Autorité’s priorities in the public domain. Article L. 464-6 of the French Commercial Code permits the Autorité to **publish brief information about its investigations**, in particular at the time of dawn raids, where such disclosure is in the public interest and subject to strict compliance with the presumption of innocence¹⁸. Thus, the Autorité may disclose, without waiting for the outcome of the proceedings, the opening of *ex officio* investigations, thereby contributing to the credibility of its prioritisation approach. Several recent communications illustrate this practice. In relation to purchasing power, the Autorité announced dawn raids in the private passenger transport sector¹⁹ and the food supplements and dermo-cosmetic products sectors²⁰. In the digital sector, it announced that a statement of objections had been issued to the Meta group in the online advertising sector²¹. As regards the priority relating to the French overseas territories, it also announced that a statement of objections had been issued in the market for the treatment of potentially infectious medical waste in one of the French overseas territories²².

¹⁴ Directive 2022/2464 of 14 December 2022 amending Regulation (EU) No 537/2014 and Directives 2004/109/EC, 2006/43/EC and 2013/34/EU, as regards corporate sustainability reporting.

¹⁵ [Press release, “The General Rapporteur of the Autorité de la concurrence indicates that unannounced inspections were carried out in the sector for the audit and certification of financial and non-financial data and reports”](#), published on 14 January 2026.

¹⁶ Article L. 464-1 of the French Commercial Code, as amended by ordonnance No 2021-649 of 26 May 2021.

¹⁷ [Decision No 22-D-11 of 7 June 2022](#) regarding a request for interim measures submitted by the Investigation Services in the sector for services provided to operators of public, judicial or voluntary auction sales of movable property (in French).

¹⁸ Article L. 464-6 of the French Commercial Code.

¹⁹ [Press release, “The General Rapporteur of the Autorité de la concurrence indicates that an unannounced inspection was carried out in the private passenger transport sector”](#), published on 18 February 2026.

²⁰ [Press release, “The General Rapporteur of the Autorité de la concurrence indicates that unannounced inspections were carried out in the food supplements and dermo-cosmetic products sectors”](#), published on 6 May 2026.

²¹ [Press release, “Online advertising sector: the General Rapporteur announces that an objection has been notified to the Meta group”](#), published on 9 July 2025.

²² [Press release, “Potentially infectious medical waste in the French overseas territories: the General Rapporteur announces that an objection concerning an anticompetitive agreement has been notified regarding an agreement that lead to the creation of a monopoly”](#), published on 2 October 2024.

1.2.2. *Ex officio opinions*

19. While the Autorité may be asked by the government, parliament, regulatory authorities or professional organisations to examine the competitive functioning of a sector, it may also, pursuant to Article L. 462-4 of the French Commercial Code, take the initiative of issuing an opinion on any matter relating competition law²³. This power is frequently exercised where an area identified as a priority calls for in-depth analysis, as part of a sector-specific inquiry.

20. In the **digital sector**, which has been consistently designated as a priority since 2019, the Autorité has opened several sector-specific inquiries into the competitive functioning of the cloud computing sector²⁴, the generative artificial intelligence sector²⁵, and the French online video content creation sector²⁶. As a continuation of this work, the Autorité announced, in January 2026, the launch of a study into the competitive functioning of the conversational agents sector²⁷.

21. In the area of **sustainability**, the Autorité has issued several opinions on the competitive functioning of the land passenger transport sector²⁸ and the electric vehicle charging infrastructure sector²⁹, and on rating systems designed to provide consumers with information on the sustainability-related characteristics of consumer products and services³⁰. As part of its market monitoring work, and in conjunction with the digital priority, it has also published a study on the competition issues surrounding the energy and environmental impact of artificial intelligence³¹.

22. With regard to the protection of **purchasing power**, the Autorité recently launched, on an *ex officio* basis, a competitive assessment of retailers' buying alliances³². This assessment will examine the effects of these alliances both on the upstream market for the supply of consumer goods and on the downstream retail distribution market, as well as their impact on the final consumer.

23. These opinions enable the Autorité to identify emerging competition risks, inform public debate and shape its future action, both in enforcement matters and at the regulatory level.

²³ Article L. 462-4 of the French Commercial Code.

²⁴ [Opinion No 23-A-08 of 29 June 2023](#) on competition in the cloud sector.

²⁵ [Opinion No 24-A-05 of 25 June 2024](#) on the competitive functioning of the generative artificial intelligence sector.

²⁶ [Opinion No 26-A-02 of 18 February 2026](#) on competition in the online video content creation sector in France.

²⁷ [Press release, "Conversational agents: the Autorité starts inquiries ex officio with a view to issuing an opinion"](#), published on 9 January 2026.

²⁸ [Opinion No 23-A-18 of 29 November 2023](#) on the competitive functioning of the land passenger transport sector.

²⁹ [Opinion No 24-A-03 of 30 May 2024](#) on the electric vehicle charging infrastructure sector.

³⁰ [Opinion No 25-A-01 of 9 January 2025](#) on rating systems designed to provide consumers with information on the sustainability-related characteristics of consumer products and services.

³¹ [Study on competition issues surrounding the energy and environmental impact of artificial intelligence \(AI\)](#), published on 17 December 2025.

³² [Press release, "Purchasing groups: the Autorité de la concurrence launches, for the first time, a competitive assessment of the AURA and CONCORDIS buying alliances"](#), published on 9 January 2026.

1.2.3. The creation of a new tool: informal guidance on sustainability

24. The exercise of the power of prioritisation is not limited to the use of existing instruments. The Autorité has also innovated by designing a new tool to implement its priorities, namely the adoption of informal guidance on sustainability.

25. The Autorité observed that undertakings wishing to develop projects pursuing a sustainability objective could be held back by uncertainty as to their compatibility with the competition rules. In order to remove these obstacles and further formalise its ‘open door’ policy, the Autorité introduced, following a public consultation, a mechanism for providing informal guidance, the conditions of which are set out in a notice published on 27 May 2024³³. Any undertaking, professional association or non-governmental organisation may submit, to the Autorité’s General Rapporteur, the terms of such a project, whether unilateral or collective, including agreements between competitors. The notice establishes a flexible framework to support requesters and provide legal certainty for their approach in the event of difficulty during the self-assessment of their project’s compliance with competition law. It describes the substantive and procedural conditions for submitting a request, the criteria by which requests are assessed, and the content and scope of the informal guidance letter – which may, moreover, set out conditions subject to which the project would appear to be compatible.

26. The informal guidance tool was implemented for the first time in respect of a request concerning a project for a standardised methodology for measuring the environmental footprint in the animal nutrition sector³⁴. Since then, four further informal guidance letters have been issued³⁵.

2. The various means of rejecting complaints

2.1. The legal framework for rejection on the grounds of lack of priority

2.1.1. The introduction of rejection on the grounds of lack of priority into French law

27. The transposition of the ECN+ Directive into French law amended Article L. 462-8 of the French Commercial Code³⁶ to provide that the Autorité may “*reject a complaint by reasoned decision where it considers that the alleged facts are not supported by*

³³ [Notice of 27 May 2024 on informal guidance from the Autorité in the area of sustainability.](#)

³⁴ [Informal guidance No 24-DD-01 of 14 June 2024](#) on a standardised methodology for calculating product’s environmental footprint in the animal nutrition sector.

³⁵ [Informal guidance No 25-DD-01 of 29 January 2025](#) on the creation of a system for the collective financing of the additional costs and risks associated with the agro-ecological transition; [informal guidance No 25-DD-02 of 23 October 2025](#) on the creation of a platform for collecting and sharing data on suppliers’ carbon footprints in the French retail sector; [informal guidance No 26-DD-01 of 4 February 2026](#) on a project to deploy a standardised deposit-return scheme for food packaging in France; [informal guidance No 26-DD-02 of 20 March 2026](#) on the adoption and implementation by retailers of a voluntary charter of commitments to promote products with strong sustainability performance.

³⁶ Article 2 of ordonnance No 2021-649 of 26 May 2021 on the transposition of Directive (EU) 2019/1. The explanatory memorandum to the bill ratifying the ordonnance specifies that the objective is to improve the Autorité’s responsiveness, in particular by enabling it to ‘better manage its enforcement priorities (possibility of rejecting certain complaints)’.

*sufficiently probative evidence or, in the case of complaints received pursuant to paragraphs II and IV of Article L. 462-5, where it does not regard them as a priority*³⁷.

28. However, under the terms of that article, read in conjunction with the provisions of Article L. 462-5 of the same code, rejection on the grounds of lack of priority does not apply to referrals from the Minister of the Economy.

29. The exercise of this power to reject a complaint is accompanied by a number of procedural safeguards. The decision to reject is taken by the Board, or by the President of the Autorité acting alone (or by a Vice-President acting pursuant to a delegation of powers), after the parties have been heard. The decision must be reasoned and is notified to the parties and to the Minister of the Economy, who may bring an action for annulment or amendment before the Paris Court of Appeal³⁸. Decisions to reject on the grounds of lack of priority are published on the Autorité's website³⁹.

2.1.2. The criteria for assessing the priority of a complaint

30. In October 2022, the Autorité published a notice on the application of its power to reject complaints on the grounds of lack of priority⁴⁰, providing economic operators with greater transparency as to its approach. The notice explains that the priority of a complaint is assessed by balancing the interest presented by the case against the resources required for its investigation. In assessing the interest of a case, the Autorité may take into account, in particular, four factors.

31. First, the **potential seriousness of the practices** is taken into account. The Autorité gives priority to the investigation of serious infringements of competition law. The seriousness of the practices is assessed in light of the nature of the infringement (anticompetitive agreement, abuse of a dominant position, etc.), the parameters of competition affected (price, quality, innovation), the nature of the activities, sectors or markets concerned, the categories of persons likely to be affected, the objective characteristics of the alleged infringement, and its presumed duration.

32. Second, the **scale of the case** constitutes a further criterion and is assessed by reference to the volume of business affected and the economic significance of the issues at stake.

33. Third, consideration is given to whether the case raises a **legal or economic issue requiring clarification**. The Autorité assesses whether investigating the complaint would provide an opportunity to resolve a novel question or to further develop its decision-making practice.

34. Fourth, the **strategic interest of pursuing the case** is taken into account. In particular, the Autorité considers whether another body (such as a civil, commercial or administrative court, or a sector-specific regulator) would be better placed to address the issue, whether the complaint is sufficiently serious, whether the Autorité is in a position to assess the actual or potential effects of the alleged practices, and whether the same or a similar practice is currently under examination or has already been the subject of a decision by the Autorité.

³⁷ Article L. 462-8, second paragraph of the French Commercial Code.

³⁸ Article L. 464-8 of the French Commercial Code.

³⁹ Article D. 464-8-1 of the French Commercial Code, adopted pursuant to Article L. 490-11 of the same code.

⁴⁰ [Notice of 20 October 2022 on the application of the power to reject complaints on grounds of lack of priority](#) (in French).

2.2. The concrete translation into decision-making practice

35. Since the introduction of this prerogative into French law, the Autorité has issued four decisions rejecting complaints on the grounds of lack of priority.

36. This power was exercised for the first time in the Culture Presse/La Poste decision⁴¹ of 20 October 2022. The complaint concerned allegations that La Poste, which holds a monopoly in the market for the issuance of postage stamps, had abused its dominant position by granting certain tobacconists more advantageous commission rates than those offered to newsagents in the postage-stamp distribution sector. In light of the limited impact of the alleged conduct on consumers and on the competitive functioning of the market, the Autorité considered that the case did not constitute a priority.

37. In the Mediapro/Groupe Canal Plus decision of 4 October 2023⁴², the Autorité noted that the objections raised by Mediapro were essentially based on claims for damages, that the complainant had been placed in compulsory liquidation and that the impact of the alleged practices on consumers and on the competitive functioning of the market appeared limited.

38. The Valocôme/TDF decision of 1 February 2024⁴³ enabled the Autorité to clarify the interplay between prioritisation and sector-specific regulation. The complainant alleged a set of practices constituting, in its view, an abuse of a dominant position by TDF in the upstream wholesale market for digital terrestrial television (DTT) broadcasting. The Autorité noted that this market was already subject to *ex ante* regulation by the sector-specific regulator, before which TDF had, moreover, entered into commitments, and that there was no strategic justification for its intervention.

39. The most recent application of this prerogative dates from the decision of 18 March 2024 regarding practices in the everyday consumer goods sector⁴⁴. Following a complaint brought by Coopérative U Enseigne against Carrefour, the Autorité rejected the complaint on the dual grounds that the materiality of the facts was not established and that it was not the authority best placed to deal with the dispute, which was contractual in nature. This decision illustrates that the inclusion of a sector among the Autorité's strategic priorities is not sufficient to confer priority status on every complaint relating to that sector, as the assessment remains case specific.

2.3. A procedural toolbox pre-dating the ECN+ Directive

40. Even before the adoption of the ECN+ Directive, the Autorité could reject certain cases by recourse to procedural tools that are still regularly used.

41. Upon receipt of a complaint, the Procedural Unit conducts an initial assessment of its admissibility and substance. This enables the rapid identification of complaints that are clearly liable to be rejected, including where the Autorité manifestly lacks jurisdiction, where there is no *prima facie* evidence, where the facts are clearly time-barred, or where

⁴¹ [Decision No 22-D-19 of 20 October 2022](#) regarding practices implemented in the postage stamp distribution sector (Culture Presse / La Poste).

⁴² [Decision No 23-D-10 of 4 October 2023](#) regarding practices implemented in the pay-television sector (Mediapro / Groupe Canal Plus).

⁴³ [Decision No 24-D-01 of 1 February 2024](#) regarding practices implemented in the sector for digital terrestrial television (DTT) broadcasting (Valocôme / TDF).

⁴⁴ [Decision No 24-D-04 of 18 March 2024](#) regarding practices implemented in the everyday consumer goods sector.

the procedure is being misused. An informal exchange then takes place with the complainant to explain the outcome of this initial assessment.

42. Following this exchange, the complainant may consider it preferable to withdraw the complaint rather than risk a public decision that could prove unfavourable. If the complaint is maintained, it is formally registered and forwarded to the Investigation Services.

43. Beyond this preliminary and informal stage, the Autorité has a range of grounds for rejecting complaints that are distinct from lack of priority. Accordingly, the scope of rejection on the grounds of lack of priority must be assessed with nuance. The introduction of this prerogative has given the Autorité a new margin of discretion. It may now formally reject a complaint on the basis that the case does not constitute a priority in light of its strategic orientations. A clear distinction is therefore drawn between, on the one hand, situations in which a complaint does not appear relevant given the competitive scenario presented or the weakness of the evidence provided, and, on the other hand, those in which it does not appear appropriate to devote the Autorité's constrained resources to its examination.

3. The optimisation of action through case portfolio management

44. The effectiveness of the Autorité's action is also underpinned by a third factor, namely the management of the case portfolio within the Investigation Services.

45. This case portfolio management is reflected, in particular, in the annual identification of priority cases based on criteria that evolve over time, in line with the composition of the portfolio, and that may themselves be adjusted during the year to optimise the allocation of resources to needs. While these criteria include the sector concerned or the existence of one of the Autorité's priorities, others may also be taken into account.

46. First, there may be **case-specific factors**. The Autorité thus takes into account (i) the value of a swift decision enabling the markets concerned to return to a more optimal competitive functioning, (ii) the need to act expeditiously in order for its intervention to remain useful, for example in light of the age of the alleged practices or the risk that evidence may disappear or be altered, and (iii) difficulties in gathering evidence.

47. Second, there may be **factors relating to the Autorité**. Beyond its stated priorities, this category includes the value, for its decision-making practice, of examining a case presenting a particular specificity or raising a novel question with regard to the conduct investigated.

48. Lastly, there may be **factors relating to resources**. The optimisation of investigation timetables, in light of available resources, is a relevant consideration in the prioritisation of cases. Resource availability – assessed at the opening of each case but also throughout the investigation, and dependent on the dynamic allocation of resources (in particular on account of procedures requiring a significant and immediate mobilisation of resources, such as opinions or interim measures) – may therefore require a fine-tuned adjustment of a case's investigation timetable.

49. The application of these criteria enables the General Rapporteur to determine which cases are to be handled as a priority during a given year and, where appropriate, to revise this prioritisation during the year. This necessarily implies that some cases are deferred or, where it is considered appropriate, suspended.

50. This internal management of the case portfolio, combined with the setting of enforcement priorities and the exercise of the powers of discretion in the investigation of cases, forms a coherent and integrated system in which each of the three strands reinforces the others, ensuring the effectiveness of the Autorité's action in the context of necessarily constrained resources.