The Autorité de la concurrence has opened an investigation ex officio into potential practices in the sector of pay TV and the acquisition and broadcast of cinematographic works

Published on October 03, 2024

By decision 24-SO-10 of 25 September 2024, the *Autorité de la concurrence* opened an investigation *ex officio* into potential practices in the sector of pay TV and the acquisition and broadcast of cinematographic works.

The start of *ex officio* proceedings opens a phase of the investigation, at the end of which the Investigation Services may notify objections to the companies or associations of companies concerned or advise the Board not to pursue the case.

The decision to open an investigation *ex officio* does not prejudge the guilt of any company or association of companies. If objections are eventually notified, only an *inter partes* investigation, respecting the rights of defence of the parties concerned, would enable the Board to determine, after exchanging written observations and following an oral hearing, whether the objections are well-founded.

The *Autorité de la concurrence* will not comment further, either on the suspected practices or on the identity of the companies or associations of companies potentially concerned.

The Autorité is now authorised to communicate on ex officio proceedings

Article L. 463-6 of the French Commercial Code (*Code de commerce*) provides that the *Autorité* may publish brief information relating to the actions that it takes with a view to the investigation, observation or sanction of anticompetitive practices, when the publication of this information is carried out in the public interest and in strict compliance with the presumption of innocence of the companies or associations of companies concerned.

This possibility results from an amendment to the French Commercial Code (*Code de commerce*) by ordinance (*ordonnance*) 2021-649 of 26 May 2021 relating to the transposition of Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 aiming to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market.

Other European competition authorities use this option, such as the European Commission and the Austrian, Belgian, Dutch, Greek and Portuguese competition authorities.

Find out more:

Types of referrals to the *Autorité de la concurrence*

When economic stakeholders infringe competition law, in particular in the case of cartels or abuse of dominant position, the *Autorité* may start proceedings after receiving referrals from:

- the French Minister of Economy;

- companies;

- local and regional authorities;

- professional organisations and chambers;

- trade unions;

- consumer organisations;

- mayors within the framework of their prerogatives in terms of commercial town planning.

The *Autorité* may also start proceedings *ex officio*, on a proposal from the General Rapporteur.

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