

The Autorité issues a conditional opinion on a collective agreement in the PHV sector and recommends that an impact study be carried out before the agreement is approved

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The *Autorité de la concurrence* received a request from the Minister of the Economy, Finance and Industrial and Digital Sovereignty, on the basis of Article L. 462-1 of the French Commercial Code (*Code de commerce*), for an opinion on a collective agreement signed on 19 December 2023 as part of the social dialogue framework specific to the private-hire vehicle services sector (hereinafter "PHV").

Under the law, the French employment platforms social relations authority (*Autorité des relations sociales des plateformes d'emploi* – ARPE) is responsible for approving each agreement signed, i.e. for approving whether or not each agreement is extended to all players in the sector. The ARPE can refuse to do so "*for reasons of general interest, in particular excessive harm to free competition*". In that context, and in accordance with Article L. 7343-50 of the French Labour Code (*Code du travail*), the ARPE asked the Minister of the Economy to refer the matter to the *Autorité de la concurrence*, which was asked to issue an opinion on a collective agreement of this type for the first time.

Under the agreement in question, platforms will have to implement a system enabling each driver to choose a minimum income per kilometre of travel, from which the platform will make journey proposals ranked by preference. Signed by a single professional platform entity (whose main member is Uber, a player with a very strong position in the market) and by two of the seven driver trade unions that took part in the negotiations, the agreement – once approved – would lead to the widespread application of a system that only Uber seems able to

implement.

The *Autorité de la concurrence* considers that while the agreement does not in itself undermine free competition, many questions remain unanswered. As things stand, it is impossible to say whether the acquisition of such a system could constitute exclusionary conduct or whether the working conditions of self-employed PHV drivers would actually be improved.

For these reasons, the *Autorité* calls on the ARPE to be vigilant as the *Autorité* cannot rule out the possibility that extending the agreement to the entire sector could undermine competition, which would trigger the liability of the State. The *Autorité* advises that an in-depth impact study of the economic, social and financial consequences of the agreement be carried out prior to any approval. As the *Autorité* is not in a position to carry out such a study, the *Autorité* calls on the French government to provide the ARPE with the necessary legal and financial resources.

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Consulted for the first time at the request of the French employment platforms social relations authority (ARPE), the *Autorité de la concurrence* issues a conditional opinion on a collective agreement in the PHV sector and recommends that an impact study be carried out before the agreement is approved

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