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.

PRESS RELEASE OF 20 FEBRUARY 2025

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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