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

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On 15 December 2021, the Autorité de la concurrence launched an investigation into practices in the road fuel distribution sector in Corsica. After receiving a complaint from Ferrandi in September 2022, it then combined its own investigation and the complaint into a single case.

In its decision, the Autorité sanctions several companies, which are shareholders of Dépôts Pétroliers de la Corse (hereinafter "DPLC") and active in the supply, storage and distribution of road fuels in Corsica, for implementing an anticompetitive agreement consisting of a written agreement to reserve a right of passage within Corsican fuel depots for their sole benefit.

In doing so, DPLC shareholders engaged in an anticompetitive practice that was likely foreclose their non-shareholder competitors. These competitors were forced to purchase their fuel at conditions imposed by their own rivals, and also incurred higher costs due to the accumulation of markups.

This situation harmed their competitiveness and was ultimately detrimental to consumers, as it led to higher fuel prices at the pump. In this regard, the Autorité stresses in its decision that the sanctioned practices took place in a specific context. As it already noted in an opinion issued in 2020[1] , on the one hand, the fuel distribution sector in Corsica is highly concentrated, with only three operators (Total, Rubis/Vito and Esso/Ferrandi), and, on the other hand, unlike mainland France, the service station network in Corsica is not subject to

competitive pressure from, in particular, food retail operators. The practices therefore impacted household budgets in Corsica, where consumers are particularly dependent on their cars for getting about.

The total amount of fines imposed is €187,490,000.

[1] Opinion 20-A-11 of 17 November 2020 on the level of market concentration in Corsica and its impact on local competition.

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