Purchasing groups: the Autorité de la concurrence launches, for the first time, a competitive assessment of the AURA and CONCORDIS buying alliances

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Background

The *Autorité* is launching a competitive assessment of the AURA and CONCORDIS buying alliances, on the basis of Article L. 462-10, II of the French Commercial Code (*Code de commerce*).

The competitive assessment will focus on the effects of the alliances, on the one hand, in the upstream market for the supply of consumer goods and, on the other hand, in the downstream market for the retail distribution of consumer goods. At the same time, the *Autorité* will examine the impact of the alliances on the end consumer, in particular any price cuts in downstream markets.

Interested third parties may send their comments to the Investigation Services of the *Autorité de la concurrence* by email until 6 March 2026 for the AURA alliance (AURA.bilan@autoritedelaconcurrence.fr) and until 31 July 2026 for the CONCORDIS alliance (CONCORDIS.bilan@autoritedelaconcurrence.fr).

What is a competitive assessment?

In recent years, food retail banners have concluded buying alliances in order to pool their purchases and obtain favourable commercial terms from a varying

range of suppliers.

In Opinion 15-A-06 on joint purchasing and listing agreements in the food retail sector, the *Autorité* provided an analysis framework to help stakeholders better understand the competition issues at stake and, where appropriate, adjust their behaviour accordingly. Without characterising the specific behaviour of any particular economic operator, the *Autorité* identified several competition risks in the upstream and downstream markets arising from such alliances[1].

In line with the recommendations made by the *Autorité* in Opinion 15-A-06, the Macron Law of 6 August 2015 introduced Article L. 462-10 into the French Commercial Code (*Code de commerce*), requiring the prior notification of buying alliances exceeding certain turnover thresholds before their effective implementation.

The competitive assessment, provided for in Article L. 462-10, II of the French Commercial Code, is a legislative measure introduced by the Egalim I Law of 30 October 2018.

It supplements the obligation to notify a buying alliance prior to its implementation by enabling the *Autorité* to **assess the actual effects of such an alliance on the functioning of competition after its implementation**.

A competitive assessment differs from an opinion in that a competitive assessment is intended to assess each alliance individually, from a competition standpoint.

What is the analysis framework?

The purpose of a competitive assessment is to **weigh the economic benefits generated by the alliance against any potential harm to competition**, in order to determine whether, ultimately, the alliance, as implemented, adversely affects competition.

To analyse the impact of each alliance, the competitive assessment will look at the effects of the alliances:

- on the one hand, in the **upstream market for the supply of consumer goods**, in particular with regard to the risks of limiting supply, altering quality or reducing suppliers' incentives to innovate or invest; and
- on the other hand, in the **downstream market for the retail distribution of consumer goods**, in particular with regard to the risks of coordination between operators and the standardisation of purchasing conditions.

At the same time, the competitive analysis will also examine **the impact of the alliances on the end consumer**, in particular any price cuts in downstream markets.

Which alliances are concerned?

Recently, major buying alliances have been formed between French food retail banners.

On 23 September 2024, **Intermarché, Auchan and Casino** signed a ten-year comprehensive purchasing cooperation agreement called **"AURA"**, covering food products, including both manufacturer brand products and retailer own-label products, and the negotiation of international services. Its implementation began during the 2025 commercial negotiations[2]. In addition, AURA forms part of a broader cooperation at European level, having joined the European purchasing group **EVEREST** in 2025.

On 30 July 2025, **Carrefour, Cooperative U and the German retail group RTG** signed a cooperation agreement called **"CONCORDIS"**, covering the purchase of manufacturer brand products and the negotiation of international services. The agreement is intended to be implemented as from the 2026 commercial negotiations.

The *Autorité* has decided, for the first time, to trigger the mechanism provided for in Article L. 462-10, II of the French Commercial Code and to conduct a

competitive assessment of each of the alliances and, where applicable, of the international structures in which the alliances participate.

How to send comments to the Investigation Services

The launch of the competitive analysis has been made public, so that interested third parties have the opportunity to submit any comments on the alliances. **Interested third parties can submit their comments to the Investigation Services using the email addresses below.** Please note there is a specific email address for each alliance:

- For the "AURA" alliance, no later than 6 March 2026: AURA.bilan@autoritedelaconcurrence.fr
- For the "CONCORDIS" alliance, no later than 31 July 2026: CONCORDIS.bilan@autoritedelaconcurrence.fr

The competitive assessment will be made public by the *Autorité* by the end of 2026 as regards the AURA alliance and in 2027 as regards the CONCORDIS alliance.

[1] Opinion 15-A-06, paragraphs 136 to 223.

[2] At the request of the Investigation Services, certain suppliers – all medium-sized companies (*entreprises de taille intermédiaire* – ETI) – have been excluded by AURA from the scope of the buying alliance, meaning – for the ETIs concerned – a return to separate negotiations as from the 2026 commercial negotiations. (See press release of 26 November 2025).

Contact(s)

Nicola Crawford
Communications Officer
+33155040151
Contact us by e-mail