Sustainability: the Autorité de la concurrence publishes informal guidance on the ReUse project to deploy a standardised deposit-return scheme for food packaging in France

Published on February 23, 2026

Background

The *Autorité de la concurrence* has today published informal guidance in the area of sustainability, provided under the notice adopted on 27 May 2024.

Citeo asked the General Rapporteur for informal guidance on the deployment, across France, of a standardised deposit-return scheme for certain food packaging sold in supermarkets.

The General Rapporteur indicated that an examination of the compatibility of the planned project with competition rules was not possible because the information provided was insufficient or too ambiguous. Nevertheless, he considered the request for informal guidance to be admissible and that, in view of the status of the project and the information brought to his attention, an analysis framework could be provided to assist the stakeholders in developing the planned project.

In his letter to the requester, the General Rapporteur draws its attention to the following points:

- **The role of eco-organisations**: as a dominant player on the market, Citeo must not favour the planned scheme to the detriment of other reuse initiatives and or adopt foreclosure conduct. As competitors, eco-organisations should not, in principle, exchange commercially sensitive information.

- **Structuring around deposit-return service providers and suppliers**: selection criteria should be objective, transparent and non-discriminatory; contracts should be fixed term or without exit penalties; and contracts should be divided into lots to promote effective competition. The General Rapporteur also emphasises the need for all stakeholders to refrain from exchanging commercially sensitive information and from coordinating their commercial strategies.
- **The allocation of responsibilities and the associated costs across the various stages of the scheme**: exchanges of individual cost data should be avoided, insofar as such data constitutes commercially sensitive information and measures to safeguard competition – such as the appointment of a third party to review the information – appear feasible. The way the costs associated with the scheme are allocated among the various stakeholders must comply with competition law.

Origin and content of the request

Citeo, an eco-organisation active in the household packaging and graphic papers sector, consulted the General Rapporteur on the compatibility with competition law of the ReUSE project to deploy, across France, a standardised deposit-return scheme for certain food packaging sold in supermarkets.

The planned scheme would be structured around one or several service providers that would coordinate all the steps involved in the deposit-return of the standardised food containers included in the scheme.

A regional pilot was launched in June 2025. For the purposes of the pilot, a service provider was selected, the consortium “Go! Réemploi”. The member companies of the consortium are responsible for managing the IT system, as well as washing the reusable packaging and overseeing transport logistics.

The General Rapporteur proposes an analysis framework to assist the stakeholders in examining the compatibility of the project with competition law

In his letter to the requester, the General Rapporteur indicates that an examination of the compatibility of the planned project with competition rules was not possible because the information provided was insufficient or too ambiguous.

However, the General Rapporteur proposes an analysis framework to assist the stakeholders in developing of the project.

The General Rapporteur calls on the stakeholders to be vigilant in the development of the project

Firstly, given the presence of competing eco-organisations and notably of Criteo that occupies a dominant position in the membership market, the General Rapporteur notes that:

- in order to avoid any foreclosure conduct or any practices that would favour the planned scheme, Criteo should pay particular attention to the terms of its participation in the deposit-return scheme, especially since the mere pursuit and achievement of reuse objectives cannot, in themselves, constitute efficiency gains that would offset any restriction of competition;
- competing eco-organisations should not exchange commercially sensitive information to determine the cost for non-Citeo-member marketers to participate in the scheme, except where such exchanges are objectively necessary for and proportionate to the objectives pursued or are eligible for an exemption;
- competing eco-organisations should not exchange commercially sensitive information or coordinate the amount of the competitiveness grants to be offered to their members to promote the deposit-return scheme, unless it can be established that such conduct constitutes an ancillary restriction or

qualifies for an exemption.

Secondly, given the potential impact of the scheme on market structure, contracts should be fixed term or without exit penalties and divided into lots to promote effective competition, while all deposit-return players that participate in the ReUSE scheme should be selected based on objective, transparent and non-discriminatory criteria.

Thirdly, when assessing amounts by cost category, marketers must ensure that no commercially sensitive information is exchanged. In that regard, the General Rapporteur notes that measures to safeguard competition – such as the appointment of a third party to review such information – could be implemented, where appropriate. The allocation of said cost categories among partners should also be examined, with a preference for bilateral arrangements if a collective allocation presents competition risks.

Information for undertakings

Since 2020, the *Autorité* has been committed to an "open door" policy. Players wanting to develop virtuous projects, but for which the analysis in terms of competition rules is particularly complex, can ask the *Autorité* for guidance in order to better self-assess the compatibility of their projects with competition rules.

In order to better support undertakings in their efforts, the *Autorité* published a notice on 27 May 2024, following a large public consultation. The notice is based on the chapter of the new European Commission horizontal guidelines dedicated to sustainability agreements, while taking a broader scope that covers all competition-related matters, with the exception of mergers.

Informal guidance 26-DD-01 of 4 February 2026
on a project to deploy a standardised deposit-return scheme for food packaging in France (in French)

Contact(s)

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