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

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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.

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