The Autorité de la concurrence fines the Syndicat national des moniteurs du ski français (SNMSF) €3.4 million for imposing an exclusivity obligation on its member instructors, prohibiting them from exercising their profession outside ESF ski schools

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The *Autorité de la concurrence* has fined the French ski instructor union (*Syndicat national des moniteurs du ski français* – SNMSF) €3.4 million for imposing an exclusivity obligation on its member instructors, prohibiting them from exercising their profession outside ski schools run by *École du ski français* (ESF).

This obligation, which was particularly broad in scope, stemmed from an exclusivity clause added in 2006 to the standard agreement for ESF instructors. This clause prohibited member instructors from teaching skiing for a competing school or on an individual basis outside ESF ski schools. Such an infringement of the freedom of enterprise of instructors, who are self-employed, constitutes a generalised restriction of competition liable to foreclose the French national ski instruction market. As such, it constitutes an anticompetitive practice by object within the meaning of Article 101(1) of the Treaty on the Functioning of the European Union (TFEU) and Article L. 420-1 of the French Commercial Code (*Code de commerce*).

With the decision issued today, the *Autorité* reiterates that sporting activities are not exempt from the application of competition law, as the Court of Justice of the European Union (CJEU) confirmed in its judgments of 21 December 2023, *Royal Antwerp Football Club* (C-680/21), 21 December 2023, *European Superleague Company* (C-333/21) and 4 October 2024, *FIFA v. BZ* (C-650/22).

This decision also highlights the harmful effects of agreements designed to limit workers' mobility and competition between the companies using their services. It therefore follows on from the decision issued by the *Autorité* in 2025 on no-poach practices in the engineering, technology consulting and IT services sectors (Decision 25-D-03 of 11 June 2025).

In addition, in accordance with the new provisions of Article L. 464-2 of the French Commercial Code, the *Autorité* has, for the first time, determined the amount of the fine in relation to the total worldwide turnover of all SNMSF member instructors active in the affected market, up to a limit of 10% thereof. Applying a provision of Title VI of the same article, the *Autorité* has also ordered the SNMSF – in the event the union is unable to pay all or part of the fine – to call for contributions from its members, in order to guarantee payment of the fine.

PRESS RELEASE OF 17 MARCH 2026

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