Sustainability: the Autorité de la concurrence publishes informal guidance on the adoption and implementation by retailers of a voluntary charter of commitments to promote products with strong sustainability performance

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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.

In the present case, the French environmental and energy agency (ADEME) asked the General Rapporteur for guidance on the implementation of a voluntary charter of commitments for the distribution of household electrical and electronic products sold in France, aimed at promoting the distribution of products with higher environmental and energy performance.

The General Rapporteur concluded the project was compatible with competition rules, with the exception of the prominence given to regulatory rating systems. Nevertheless, he draws the attention of the requestor and the charter signatories to the following points:

- **Retailers' freedom to define their sustainability strategy**: while participation in the charter is presented as open, voluntary and non-exclusive, the signatories must, in practice, retain the freedom to define their own individual commitments and go further than proposed in the charter.
- **The need to define individual commitments that genuinely contribute to the achievement of sustainability objectives**: the definition and tracking of individual commitments must prevent any greenwashing.

- **Exchanges between stakeholders in the implementation of the charter**: at all stages of implementation, retailers and the ADEME must ensure that no commercially sensitive information is exchanged between competitors.
- **Taking into account the potential impact on consumers and suppliers**: when defining and implementing their commitments, retailers must remain vigilant to the possible risks: a reduction in the range of choices available to consumers, and increase in average prices and the exclusion of suppliers that offer predominantly less sustainable products.

Lastly, the General Rapporteur noted that participants should refrain from making a collective commitment to limit the development of their own rating systems and favouring regulatory rating systems, as such a commitment could constitute a restriction of competition.

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