10 May 2007: Sector for cereal collection

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**The Conseil de la concurrence penalizes
3 farming organisations for having distributed a price table for corn drying and 4 collecting cooperatives for having restricted competition between them towards farmers**

>Version française

Following a referral by the Ministry of Economy, relative to practices implemented in the sector for cereal collection, the Conseil de la concurrence has issued a decision condemning 3 farming organisations for having created and distributed an indicative interprofessional price table for corn drying. Besides, the Conseil de la concurrence penalizes 4 farming cooperatives for having signed a clause forbidding its members to canvass customers.

A table which encourages price alignment for corn drying services

Three organisations: the Fédération du négoce agricole (FNA), the Fédération française des coopératives agricoles de collecte, d'approvisionnement et de transformation (FFCAT) and the Association générale des producteurs de maïs (AGPM) have been condemned for having created and distributed, within an interprofessional committee, a price table for drying corn among collecting organisations.

In the present case, the Conseil decided that this table was anticompetitive as it encouraged price alignment and restricted competition among collecting organisations.
The Conseil condemned the FNA to 13, 500 euros, the FFCAT to 31, 600 euros

and the AGPM to 36, 000 euros.

A clause prohibiting canvassing : a factor for market share crystallisation

The coopérative drômoise de céréales, the coopérative Terres dioises, the coopérative agricole de la Drôme provençale, et the coopérative agricole l'Ardéchoise have been penalized for having introduced a non-competition clause in the rules of the economic interest group (Unisilo), which prohibited its members to canvass cooperators of each of the other cooperatives.

This clause prevented the farmers, who reached the end of their contract with a cooperative, to change for another more effective cooperative.

The Conseil penalized the coopérative drômoise de céréales to 150, 000 euros, the coopérative Terres dioises to 10, 000 euros, and the coopérative agricole de la Drôme provençale to 65, 000 euros, and the coopérative agricole l'Ardéchoise to 90, 000 euros.

> ***For more details on the case, please consult the decision in full 07-D-16 of 9 may 2007***



> See decision of the Paris Court of Appeal (17th September 2008)