

The Autorité de la concurrence announces its priorities for 2019

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The Autorité has defined several priority actions for 2019. Further, it has committed to an extensive strategic review exercise of its legal framework and methods of operation.

SECTORS AND LINES OF ACTION

Digital sector

The digital sector will remain a priority in 2019.

Considering the digital sector from the perspective of competition law will be one of the priorities for **France's G7 Presidency** this year, in which the Autorité de la concurrence will be involved.

The Autorité continues to invest in decryption and anticipating digital challenges, particularly through the joint project on **algorithms** that was launched with Germany's national competition authority, the Bundeskartellamt, and is due to be completed in 2019.

The **online advertising** sector, which was subject to a sector-specific Opinion in 2018, will continue to undergo an in-depth examination as part of litigation investigations opened at the end of 2018 that will look in particular at the use of data.

At the request of the French Telecommunications and Posts Regulator (ARCEP), the Autorité will also issue an **opinion on Hertzian broadcasting services**, the conventional means of broadcasting in France, in a context where TV consumption on the Internet has grown significantly in recent years.

From early 2019, the Autorité will also look into the major impact of digital technology on the **audiovisual and media sector** by issuing the opinion requested by the National Assembly's Committee on Cultural Affairs (Commission des affaires culturelles de l'Assemblée nationale), which will make recommendations on adapting the framework of audiovisual regulations.

Healthcare

The **healthcare** sector is facing new competitive and economic challenges. In early 2019, the Autorité will issue an opinion on the sectors of medicinal product distribution and chemical pathology.

Distribution

Distribution is also a priority sector for action, in particular regarding purchasing and reference listing offices. The recent Law 2018-938 of 30 October 2018 for a balance of trade relations in the agricultural and food sector and for healthy, sustainable food that is accessible to all has strengthened the Autorité's means of controlling these agreements by granting it new courses of action. Furthermore, the Autorité de la concurrence has opened several investigations, which are still ongoing, relative to joint purchasing agreements in the predominately food mass retail distribution sector. The results of these investigations will focus in particular on the issues identified in Opinion 15-A-06 of 31 March 2015 by the Autorité on purchasing offices.

Energy

In the **energy** field, the Autorité de la concurrence will also soon issue an opinion on the future regulated access to incumbent nuclear electricity (ARENH) system.

French overseas departments

Competition issues in **overseas departments** will be another priority line of action. At the request of the government, the Autorité will issue an opinion in the first half of 2019 on the competition process for imports and the distribution of consumer products in the overseas departments.

Regulated professions

Continuing its work to implement the reform of regulated professions under Law 2015-990 of 6 August 2015 for Growth, Activity and Equal Economic Opportunities, which has shown its first effective results with regard to, among other things, opening up the professions of notaries and lawyers to the French Administrative Supreme Court (Conseil d'Etat) and French Supreme Court (Cour de cassation), the Autorité will in 2019 **revise the maps showing the location of court bailiffs and judicial auctioneers' offices.**

MODERNISING THE AUTORITÉ

For several months, the Autorité de la concurrence has been pursuing **a wide-ranging strategic review of its legal framework and its modes of operating.**

Merger control

In 2018, after consulting with stakeholders, the Autorité de la concurrence developed an ambitious project to simplify merger control, which will make it possible to reduce the information required from companies in a large number of cases, to issue more decisions more quickly and to set up a fully electronic notification procedure. 2019 will be dedicated to implementing these reforms. In addition, in early 2019, the Autorité will be required to state its position on the introduction of a new ex post merger control, which could serve as an additional tool for meeting the challenges of the digital economy.

Greater powers

A strengthening of the Autorité's powers is being discussed as part of the government bill on the growth and transformation of companies, which is due to be considered by the Senate in the coming weeks. The bill primarily aims to transpose by order the European ECN+ directive adopted on 11 December 2018, which increases the powers of all European competition authorities. It aims then at increasing the effectiveness of the Autorité's action by overhauling certain investigation and decision-making procedures, enabling it to be ever more responsive.

Advocacy

In 2019, the Autorité will pursue its work on competition advocacy. After having specified the rules on “loyalty rebate” practices in 2018, the Autorité will soon publish a study on behavioural remedies in merger law and anticompetitive practices. The Autorité will also hold a “Rendez-vous” with stakeholders (companies, lawyers, legal experts) to draw the first lessons from the development of actions for damages relative to anticompetitive practices. Finally, it will publish a guide designed to clarify competition law to SMEs.

International

In 2019, the Autorité will continue to be committed to the **European and international competition community**. As co-chair of the working group on cartels within the International Competition Network (ICN), the Autorité will be particularly involved in the project on big data, in order to consider ways to better detect cartels and identify collusive practices to manipulate algorithms.

Finally, March 2019 will see the tenth anniversary of the creation of the Autorité de la concurrence: an opportunity to make an initial assessment of the progress made so far and envisage the next steps to come.

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