The Autorité de la concurrence fines the EIG of Antibes Juan-les-Pins' taxis for anticompetitive agreements

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The radio-taxi EIG of Antibes Juan-les-Pins is an association gathering the majority of the city's self-employed taxi drivers. Its main mission is to centralize customer requests and to assign them to available taxis, via a 24/7 radiotelephone central unit.

Following an investigation on anticompetitive agreements led by the Directorate General for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF) in the Antibes Juan-les-Pins taxi sector, the Radio-taxi EIG of Antibes Juan-les-Pins was offered a settlement procedure, which it declined. The DGCCRF then referred the case to the Autorité de la concurrence, pursuant to Article L. 464-9 of the French commercial code (Code de commerce).

Anticompetitive agreements implemented by the radio-taxi EIG Antibes Juan-les-Pins

From 2008 to 2018, the EIG conditioned taxis' accession to the EIG to a sponsorship of two members and a unanimous vote. Furthermore, the EIG included grounds for exclusion in its constitutive contract aiming at preventing its members from developing their own client basis or an additional activity. Moreover, the IEG has applied this clause in practice by excluding one of its members for having developed an activity of LOTI (French law of orientation of national transport) and of VTC (car transport service provided by a chauffeur), in parallel with its taxi activity.

Practices which led to prevent taxis from developing additional activities

The Autorité has considered the accessing conditions to the EIG as non-objectives, non-transparent and discriminatory and that the exclusionary grounds could have dissuade members from expanding and from differentiating themselves from others in term of variety of service quality, thus preventing the rise of new modes of transport in the city and its area.

In light of these facts and the length (10 years) of the practices, the Autorité de la concurrence fined the EIG 75,000€.

Local dimension practices

Since 2008, the French Minister for the Economy and Finance has been vested with the power of injunctions and settlement for the ruling of local anticompetitive practices. It has thus the faculty, for anticompetitive practices affecting local markets and committed by companies with a sales revenue under 50 million euros on an individual level and under 200 million euros for all companies if several are concerned by the practices, to put an end to them and to fine them up to 150 000 euros per company (subjected to a limit of 5% of their sales revenue).

> See the full text of Decision 19-D-05 of 28 March 2019 regarding practices implemented in the Antibes Juan-les-Pins taxi sector (in French)

Press contacts:
Bertille Gauthier +33 1 55 04 00 39 / Email
Chloé Duretete + 33 1 55 04 01 20 / Email

> This decision was submitted before the cour d'appel de Paris (pending case)