The Conseil d'Etat confirms the decision regarding the fine handed down to Fnac Darty for non-compliance with its commitments

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In a judgment dated 7 November 2019, the Conseil d'Etat confirmed the whole of the decision 18-D-16 by which the Autorité fined Fnac Darty €20 million for failing the divestiture of three stores, pre-condition for clearance in the acquisition of Darty by Fnac in 2016 (see press release of 27 July 2018).

As a reminder, in its decision from 2016, the Autorité had, for the first time, integrated into the same market physical store sales and online sales and subjected its green light to the divestiture of 6 stores in Paris. At the end of the period granted to meet its commitments, 3 store divestitures could not be realised, leading the Autorité to hand down a €20 million fine in 2018. This decision was the first decision specifically related to the non-compliance with structural divestiture commitments.

The judgment of the Conseil d'Etat, which has been given very recently, confirms that the commitments undertaken before the Autorité must be very strictly applied and respected by companies, subject to strong penalties.

