27 July 2017 : Funeral services in the Ain département

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The *Autorité de la concurrence* fines funeral company €80,000 for anti-competitive practices

The *Autorité de la concurrence* fined funeral company Comtet that, at the time of the alleged events, was running the crematorium in the town of Viriat in the Ain *département* under a public service franchise agreement with the municipal council, for two abuses of a dominant position.

- Firtsly, between 2011 and 2016, Comtet practised price discrimination by charging its competitors extra fee for its franchised cremation services. This additional fee (+20% compared with the charge for Comtet's own customers) did not correspond to any specific service or reflect any difference in bereaved families' circumstances.

- Secondly, between 2011 and 2013, Comtet sustained various practices to maintain confusion between its role as a public cremation service provider and its competitive business supplying funeral products and services, leading bereaved families to believe that it was the only undertaker that could provide a funeral including cremation.

The authority therefore fined Comtet €80,000.

Local market practices

Since 2008, the Minister of Economy has had the power to deal with anti-competitive practices affecting local markets engaged in by businesses with annual turnover of €50 million, in the case of an individual firm, or €200 million in the case of several firms being involved, by ending such practices and imposing fines of up to €150,000 per firm (subject to a limit of 5% of annual turnover).

In the present case, the DGCCRF (Directorate General for competition policy, consumer affairs and fraud control) informed Comtet that it intended to issue proceedings against it and sent it a settlement proposal by letter on 9 October 2014. The firm failed to respond within the one-month timescale for accepting or rejecting the proposed measures, thereby thwarting any settlement, which led to the case being referred to the *Autorité de la concurrence* by the DGCCRF.

> Read the full text of decision 17-D-13 of 27 July 2017 regarding practices in the funeral services sector in the département of Ain.

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