Playstation: the Autorité considers that the commitments proposed by Sony do not adequately address the identified competition concerns. The case is returned for investigation.

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As part of a litigation procedure before the *Autorité de la concurrence*, Sony had proposed commitments to address the competition concerns identified by the Investigation Services.

Competition concerns

The preliminary assessment by the Investigation Services identified competition concerns involving two types of practices implemented by Sony. First of all, from November 2015, Sony began implementing a technical countermeasure system to affect the operation of third-party controllers that Sony presumes to be counterfeit. Secondly, certain companies wishing to market controllers compatible with the PlayStation 4 console were refused membership to Sony's official licensing programme.

The Investigation Services therefore considered that, by implementing these two practices, Sony was likely to have exploited its dominant position in the market for eighth-generation static video game consoles to hinder, prevent or even deter the entry and development of third parties in the market for game controllers compatible with the PlayStation 4 console.

Commitment proposals

To address these competition concerns, Sony submitted a first commitment proposal to the *Autorité*, which was subject to a public consultation (market consultation of 22 November 2019).

Following a hearing and once the final commitment proposal submitted by Sony had been assessed, the Board of the *Autorité* considered that the commitments proposed could not be accepted since they did not adequately address the competition concerns identified by the Investigation Services.

Consequently, the Board returned the case so that the investigation could resume.

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