The Autorité de la concurrence has opened an investigation into alleged practices in the fuel supply, storage and distribution sector in Corsica

Published on December 21, 2021

In decision 21-SO-17 of 15 December 2021, the *Autorité de la concurrence* opened an investigation into alleged practices in the fuel products supply, storage and distribution sector in Corsica.

In an opinion dated 17 November 2020 (Opinion 20-A-11 on the level of market concentration in Corsica and its impact on local competition), the *Autorité* had already examined the functioning of competition in this sector. The decision to start proceedings ex officio follows an investigation carried out by the Investigation Services in the same area in recent months. If they suspect anticompetitive practices, it gives them the option to pursue them by notifying the undertakings or professional bodies concerned. Where appropriate, such notification shall open inter partes proceedings allowing one or more of the entities concerned to exercise their rights of defence.

This decision to start proceedings ex officio does not pre-suppose the guilt of any undertaking or professional body. If objections are eventually notified, only an inter partes investigation that respects the rights of defence of the parties concerned would enable the Board to determine, after exchanging written observations and following an oral hearing, whether or not these objections are well-founded.

The *Autorité de la concurrence* will not comment further on the suspected practices or on the identity of the undertakings or professional bodies potentially concerned.

The Autorité is now authorised to communicate on its ex officio proceedings

Article L. 463-6 of the French Commercial Code (Code de commerce) provides that the *Autorité* may publish summary information relating to the acts it carries out with a view to investigating, establishing or punishing anticompetitive practices, where the publication of such information is in the public interest and in strict compliance with the presumption of innocence of the undertakings or professional bodies concerned.

This possibility results from a modification to the French Commercial Code (Code de commerce) in Ordinance No 2021-649 of 26 May 2021 on the transposition of Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market.

Other European competition authorities use this option, including the European Commission, the Austrian, Belgian, Greek, Dutch and Portuguese competition authorities.

What are ex officio proceedings?

When economic stakeholders infringe competition law, in particular in the case of cartels or abuse of a dominant position, the *Autorité* may be referred to by:

- the French Minister of Economy,
- companies,
- local and regional authorities,
- professional organisations and chambers,

- trade unions,
- consumer organisations,
- mayors within the framework of their prerogatives in terms of commercial town planning.

The *Autorité* may also start proceedings ex officio, on a proposal from its General Rapporteur.

Contact(s)

Bertille Gauthier
Communications Officer
+33155040039
Contact us by e-mail