Agreement in the market for luncheon-vouchers :the Conseil de la concurrence penalises the three main distributors of vouchers

Published on July 17, 2001

In a decision dated 11th July 2001, following a referral by the Minister of Economy, Finance and Industry, the *Conseil de la concurrence* ruled that the company Accor, the company Sodhexo Chèques et Cartes de services and the company Chèque-déjeuner had implemented anticompetitive market sharing and price agreements. It imposed fines totalling 8,5 million FF.

The practices observed :

Market sharing

Between May 1996 and December 1998, the three companies concerted to share the market for luncheon-vouchers. The inquiries and the investigation revealed that regular meetings had taken place to “compensate” gains and losses of customers between the sales departments. The ultimate aim of these meetings was to consolidate the market shares acquired by the three companies (Accor : 38.3% - Chèque-Déjeuner : 36% - Sodhexo : 19.4%, of the French market in 1997).

This behaviour was notably observed on the markets for the URSSAF in Marseilles, the SIRIF (Syndicat interhospitalier régional d'Ile-de-France, the Ile-de-France Regional Interhospital Union) and the Esquirol Hospital in Saint Maurice. It led the companies concerned alternatively to practise “coverage” offers (offers that are deliberately irregular, incomplete or made at prices higher than those of the secretly nominated company) for the benefit of one of them, or to refrain from taking part in calls for tender.

The inquiry also revealed that the company Accor had agreed on a particular price level with the company Sodhexo, prior to responding to calls for tender launched by the Valence Town Hall.

Uniform fixing of commission rates charged to restaurant owners

The companies Accor, Sodhexo Chèques et Cartes de services and Chèque-Déjeuner concerted to fix, within the CRT (Centrale de règlement des titres, Voucher payment centre), a commission tariff to be applied to all restaurant owners.

The CRT, an association created jointly by the 3 companies, reimburses restaurants for luncheon-vouchers, deducting a percentage for the service provided.

The Conseil de la concurrence took the view that this practice had an anticompetitive aim, insofar as it led to a uniform rate of commission for companies with different costs. It also took account of the fact that this rate does not correspond to the real cost of processing vouchers by the CRT, and is in fact higher.

The companies Accor, Sodhexo Chèques et Cartes de services and Chèque-Déjeuner are the three biggest distributors of luncheon-vouchers on a highly concentrated market, which represented 15 billion FF at the time of the facts. The CRT managed over 90% of the market on their behalf (13.5 billion FF).

The Conseil de la concurrence emphasised that the sharing of the luncheon-voucher market on a national level constitutes a serious anticompetitive practice, and is included among the agreements described as “unjustifiable” by the OECD Recommendation of 25th March 1998.

The Conseil ordered this decision to be published in two newspapers and imposed fines of 4,000,000 FF on the company Accor, 2,500,000 FF on the company Chèque-Déjeuner, 2,000,000 FF on the company Sodhexo Chèques et Cartes de services and 100,000 FF on the CRT.