Cross-Channel freight transport: the Autorité considers that the anticompetitive purpose of a capacity-sharing agreement is not established

Published on September 11, 2025

Following a complaint filed by France Manche SA and The Channel Tunnel Group Limited (operating under the commercial name "Eurotunnel"), the Investigation Services notified an objection based on Article 101 of the Treaty on the Functioning of the European Union (TFEU) and Article L. 420-1 of the French Commercial Code (*Code de commerce*) to DFDS A/S and DFDS Seaways (hereinafter "DFDS") and P&O Ferries Holdings Limited, P&O Short Sea Ferries Limited and P&O Ferries Division Holdings Limited (hereinafter "P&O Ferries").

P&O Ferries and DFDS were accused of having entered into an agreement to share capacity on their respective fleets operating on the Calais-Dover route, provide a joint service to freight transport customers and introduce a mechanism to correct any imbalances in the capacity delivered by each party to the agreement (rebalancing mechanism).

The *Autorité* considered that, in light of the elements in the case file, it was not established that the agreement had an anticompetitive purpose, in view of its content, objectives and economic and legal context. The agreement notably allowed for P&O Ferries and DFDS to share capacity, with each party being able, at any time, to use an amount of capacity in the vessels of the other party that was proportional to the amount of capacity made available in its own vessels, with the respective amounts of capacity provided by each party likely to be adjusted from time to time. The agreement, therefore, had no impact on the incentives for P&O Ferries and DFDS to optimise their operational costs, improve their services and offer competitive prices.

DECISION 25-D-04 OF 11 SEPTEMBER 2025

regarding practices implemented in the short-sea cross-Channel freight transport

Read the full text of the decision (in French)

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