The Autorité de la concurrence sanctions the French National Confederation of Tobacconists (Confédération nationale des buralistes de France) for organising boycott practices aimed at hindering the distribution of FDJ games by the Florajet florist network

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Background

Following the transmission by the Directorate General for Competition Policy, Consumer Affairs and Fraud Control of a report prepared by the local network of the Minister of the Economy, the *Autorité de la Concurrence* has imposed a penalty of 750,000 euros on the French National Confederation of Tobacconists (CNBF) for cartel practices in the games of chance distribution sector.

These practices involved organising boycott operations to hinder the opening of alternative distribution points for games of chance, planned as part of a partnership between FDJ and Réseau Fleuri (Florajet florists).

FDJ's initiative to diversify games of chance sales points: the partnership with Réseau Fleuri

In 2013, FDJ began to develop a contractual relationship with the Réseau Fleuri remote flower delivery company (7,500 member florists), authorising online sales of the "Bouquet Chance" (a bouquet accompanied by scratchcards).

Following this initial experience, a broader partnership was signed between the two entities at the end of 2015, enabling florists in the Florajet network to distribute certain scratchcards and draw games (Loto, EuroMillions and Keno grids).

The reaction of tobacconists to counter the emergence of "exotic" sales points

FDJ's approval of sales points outside the tobacconist network caused major dissatisfaction among tobacconists. Considering that the "*Florajet affair*" necessitated "*very tough action against FDJ*", and that "*their new game, due out in September, had to be crushed*", the CNBF launched and organised operations to boycott the validation of FDJ games; these operations were relayed at local level by regional federations and chambers of tobacconists.

Boycotts were organised during the launch of the new "EuroMillions" game formula on 27 September 2016 and the validation of online games (Loto, Loto sportif and EuroMillions) in the Eastern Federation on 22 September 2016.

Serious practices on the part of a professional trade union organisation

By seeking to foreclose potential competitors to tobacconists, the CNBF overstepped the boundaries of its legitimate trade union activity by intervening in the market.

The *Autorité* considered this behaviour to be particularly serious and therefore imposed a fine of 750,000 euros for the period of the practices in question, from 23 August to 27 September 2016. Lastly, the *Autorité* ordered it to publish a summary of its decision on the home page of its website and in a newsletter sent to its members.

See full text of the decision

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