RÉPUBLIQUE FRANÇAISE
Autorité de la concurrence

# A look back at a term:
# the presidency of the Autorité de la concurrence, 2016-2021

**Isabelle de Silva**

**11 October 2021**

I would like to thank all of you here tonight. After five years of an eventful mandate, I wanted to take stock of it with you and look at some of the prospects for the future. The last five years have been incredibly fulfilling and, at the same time, have gone by very quickly; I feel like I have run a sprint and a marathon at the same time.

In your diversity, you represent the various facets of the position I have held. First of all, business leaders. I have spent a lot of my time talking with you, at your initiative or mine, to understand your difficulties, your projects, the way in which you see the economy evolving, or the competitive landscape. These exchanges, sometimes lively, always instructive, never failed to captivate me. I always tried to approach them with a spirit of openness and dialogue. I firmly believe that the Autorité can only fulfil its role properly if it fully understands businesses - the largest players, the dominant firms, but also the new entrants. Certain sectors have attracted a lot of attention - telecoms, audiovisual, mass retail distribution, the agrifood industry, energy, digital. Whatever the subject, I have endeavoured to identify as accurately as possible the situations that might justify intervention by the Autorité. The Autorité is often referred to as a "competition watchdog". I personally prefer the term "referee". To do this job well, you have to like companies, even if you sometimes have to punish them or say "no". Like a referee on a sports field, we facilitate the economic game, by penalising foul play or rule-breaking. Thank you for the frankness and respect you have shown in these exchanges, I appreciated them very much.

Many other important partners of the Autorité are in attendance here this evening: competition lawyers and economists, judges, academics, professional associations, etc.

To the "competition community", I would say that it has been a genuine pleasure to discuss fascinating legal and economic issues and to always seek the right solution in the cases submitted to us. I have been fortunate enough to preside over important decisions or

opinions: Altice[1], TDF-Itas[2], Brenntag[3], the AMD case[4] and even Apple[5], Google Amadeus[6], Google related rights[7] and Google News Corp[8]. We also discussed a lot about our operations and the planned reforms. My teams and I took these consultations very seriously. They allowed us to improve the texts under discussion and our internal projects, such as the Notice on the settlement procedure[9] and the Notice on fines[10]. Thank you for your constructive contributions. The innovations and advances of recent years owe a lot to this rich reflection, driven by very active case law and research, in France and abroad, both in law and economics. We have also benefited from the rigour and expertise of our review courts, which subject our decisions to demanding scrutiny. Through our reasoning and observations, we strive to always justify our decisions, so that our judges are in a position to decide on the law and the facts.

We have worked closely and assuredly with the government and Parliament, in particular with the DGCCRF, which is our main partner within the central administration. Together we have been able to implement various impressive reform projects, reflections on new laws, or implementation of reforms such as in the regulated professions sector, but also in the area of digital, health, audiovisual and even car parts.

Tonight, I reach the end of this mandate with the feeling that, together with my teams, we have accomplished a great deal. **The Autorité is not the same organisation it was five years ago**. Back then it already played a crucial role. It has become an even more agile and effective regulator. Its work is recognised at the international level. The Autorité has positioned itself as an open, instructive player; a "think tank" for Parliament and government, identifying and proposing bold reforms. On digital issues, the voice of the French Autorité has made itself heard, including at the international level, where we have advanced the debate in Europe and beyond. We have achieved major progress. No, "digital regulation" is not unattainable wishful thinking. It can happen, if we give ourselves the means and if we are pro-active, in the context of the law, while adapting the framework of intervention.

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[1] Decision 19-DCC-199 of 28 October 2019 reviewing the commitments of decision 14-DCC-160 and the injunctions of decision 17-D-04.
[2] Decision 20-D-01 of 16 January 2020 regarding a practice implemented in the digital terrestrial television broadcasting sector.
[3] Decision 17-D-27 of 21 December 2017 regarding obstruction practices by Brenntag.
[4] Decision 20-D-11 of 9 September 2020 regarding practices implemented in the treatment of Age-related macular degeneration (AMD) sector.
[5] Decision 21-D-07 of 17 March 2021 regarding a request for interim measures submitted by the associations Interactive Advertising Bureau France, Mobile Marketing Association France, Union Des Entreprises de Conseil et Achat Media, and Syndicat des Régies Internet in the sector of advertising on mobile apps on iOS.
[6] Decision 19-MC-01 of 31 January 2019 on the request by Amadeus for interim measures.
[7] Decision 20-MC-01 of 9 April 2020 on requests for interim measures by the Syndicat des éditeurs de la presse magazine, the Alliance de la presse d'information générale and others and Agence France-Presse.
[8] Decision 21-D-11 of 7 June 2021 regarding practices implemented in the online advertising sector.
[9] Procedural notice of 21 December 2018 regarding the Settlement procedure.
[10] Notice on the setting of fines of 30 July 2021.

In defining **digital technology as a priority during my mandate, I started from a simple observation: today, digital issues permeate the entire economy. They are transforming all sectors. They are a prerequisite for growth and innovation, but they also entail new risks of restricting competition.**

**Digitisation must sometimes prompt the State to adapt and change the legislative framework: we have therefore endeavoured to identify the necessary reforms in this regard, for example in the audiovisual sector or in the field of online sales of medicines and the organisation of pharmacies.**

To confront the practices of the big platforms (Big Tech or "GAFA"), I had a strong intuition: we must not be system-minded, neither demonising GAFA nor idealising them. Digital businesses have brought a lot of innovation and high-end services. It is therefore not a question of wanting to eliminate them or break them up "on principle". On the other hand, we need to analyse them "with a cool head", develop incisive and expert knowledge of their operating methods and the way they interact with their ecosystem - customers, distributors, and competitors. A company, however powerful and dominant, is not good or bad in itself. It is on the basis of their actions that the Autorité must intervene, and only when it violates competition law.

To achieve this, the first pillar of our work has always been developing **incisive expertise on new and structuring subjects.**

The condition of power is knowledge. We need to take the time necessary to build up, in the long-term, sophisticated understanding. The creation of the Digital Economy Unit is a strong indication of this priority given to enhancing expertise by recruiting new profiles that are more technical than in the past, including general engineers and data scientists.

The strategy thus put in place has enabled us to achieve significant results, as shown by our work in the **online advertising** sector. Since 2018, we have concluded the first global sector-specific inquiry on digital display advertising[11]. We chose this sector because of its economic importance - it earns considerable revenues for players including Facebook and Google, but also, increasingly, for Amazon and Apple. It is also the "financial engine" of a wide range of value-added sites or content. It is also a textbook case: a "purely digital" sector, which has grown very fast, and incorporates sophisticated digital processes - algorithms, auctions - new players, a new ecosystem. This study was a milestone, as it was the first global deciphering of this "new world", and identified various competitive shortcomings or risks.

It was on the basis of this work that the Autorité was able to intervene rapidly, and in a way never before seen, when it received complaints in this area. The Google News Corp case[12] is therefore a world first in terms of the analysis of particularly complex processes: it highlights two cases of abuse of dominant position committed by Google in online advertising auctions. For the first time, Google agreed to enter into a settlement with a competition authority, by not contesting the penalty handed down and by making commitments, some of which will

[11] Opinion 18-A-03 of 6 March 2018 on data processing in the online advertising sector.
[12] Decision 21-D-11 of 7 June 2021 regarding practices implemented in the online advertising sector.

have global reach. I believe that this decision will be a benchmark for the future competitive functioning of the sector, while allowing the disadvantaged companies - in particular website publishers - to assert their rights.

Other cases are close behind: a case involving Facebook, following a complaint by Criteo, will be examined by the Autorité this week.

In this strategy of expertise in all fields of digitisation, we have also analysed the impact of platforms or digitisation on the various sectors of the "traditional" economy. **Our aim? To give the keys of competition in the digital age to all players, especially those facing disruptive transformations.** That is why we have analysed the following:

- The online distribution of medicinal products[13];
- E-commerce and distribution (**"phygital" study)**[14];
- The **audiovisual** sector: our opinion on the audiovisual and digital sector[15] prompted debate and inspired changes to the regime arising from the law of 1986, such as the lifting of restrictions on targeted advertising or local TV advertising, or the "prohibited sectors and days"; the reform of the rules governing audiovisual production is underway; this is already a successful achievement;
- We conducted a broad study on fintech, big tech and the payments sector[16], which also addresses cloud services and crypto currencies; this study demonstrates the fact that the traditional banking model could be strongly challenged by Big Tech.
- Our recent study on festivals and contemporary music[17] analyses the revolution in the music sector resulting from the digitisation of content and the emergence of platforms.

We also conducted the first international study on algorithms and competition[18], with the Bundeskartellamt (German competition authority), in order to analyse the issues linked to collusion by algorithm, artificial intelligence and the legal responsibility of companies, with the aim of extending our common reflection on Big Data[19].

**The second focus of our work was on our methods of intervention: the search for responsiveness, in particular by making full use of the tool of interim measures.**

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[13] Opinion 19-A-08 of 4 April 2019 on the sector of medicinal products distribution and chemical pathology field.

**[14]** "Competition and e-commerce" study, Les Essentiels.

[15] Opinion 19-A-04 of 21 February 2019 on a request from the Committee on Cultural Affairs and Education of the French National Assembly (Assemblée nationale) for an opinion on the audiovisual sector.

[16] Opinion 21-A-05 of 29 April 2021 on the sector of new technologies applied to payments.

[17] Opinion 21-A-08 of 27 May 2021 regarding a request for an opinion from the National Assembly's Cultural Affairs and Education Committee in the contemporary music sector.

[18] "Algorithms and competition" study.

[19] "Competition Law and Data" study.

Companies need rapid answers. **Responsiveness** is now a hallmark of our work in all areas (e.g., audiovisual rights of the French Ligue 1[20] and energy[21]); it is clearly essential in the digital arena, where markets and positions change very rapidly, and where there may be a risk of a "fait accompli.

We have therefore handled various emblematic cases on the merits, but also on the method: the Google Amadeus case on the rules applicable to AdWords, which became Google Ads[22], in which our analysis on the urgency and the merits was confirmed by the Cour d'appel de Paris (Paris Court of Appeal), the Apple decision on the ATT prompt introduced in the new iOs[23], and the Google related rights decision[24]. These decisions were issued as a matter of urgency, within a few weeks, but without sacrificing the quality of the examination of the issues in fact or in law of the defence. Competition law has sometimes been criticised for intervening too late and ineffectively. In my opinion, this criticism is no longer justified. The decision to take interim measures relating to Apple therefore meant that we took action even before the entry into force of the new Apple iOS. It was a similar story in the related rights case, as we issued our decision just a few months after the law on related rights came into force and Google's practices were contested by press publishers and news agencies.

**Finally, the third focus of our work has been the legal framework: we have taken robust and innovative decisions, without affecting current legislation, while simultaneously working to enrich the legislative framework, at both French and European level.**

**Among many others, I can highlight decisions that demonstrate a dynamic application of the applicable rules.**

<u>On the setting of rules by a structuring platform</u>

The Google Gibmedia decision[25] - the first penalty concerning an infringement of competition law handed down against Google in France (€150 million) - holds that there was exploitative abuse in relation to the setting and application of "Rules" by this platform in the area of "Search" advertising. The decision notes the importance of the power by which platforms such as Google "set the rules" that then apply to their various users, whether they are SMEs or consumers. This is accompanied by strict injunctions requiring Google to treat the companies - which are often SMEs - that depend on the platform fairly, transparently, by

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[20] Decision 21-D-12 of 11 June 2021 regarding practices implemented by the Ligue de Football Professionnel in the sector of the sale of television broadcasting rights for sports competitions. This decision is being appealed.

[21] Decision 16-MC-01 of 2 May 2016 regarding the examination of Direct Energie's request for interim measures; Decision 14-MC-02 of 9 September 2014 regarding a request for interim measures submitted by Direct Energie in the gas and electricity sectors.

[22] Decision 19-MC-01 of 31 January 2019 on the request by Amadeus for interim measures.

[23] Decision 21-D-07 of 17 March 2021 regarding a request for interim measures submitted by the associations Interactive Advertising Bureau France, Mobile Marketing Association France, Union Des Entreprises de Conseil et Achat Media, and Syndicat des Régies Internet in the sector of advertising on mobile apps on iOS.

[24] Decision 20-MC-01 of 9 April 2020 on requests for interim measures by the Syndicat des éditeurs de la presse magazine, the Alliance de la presse d'information générale and others and Agence France-Presse.

[25] Decision 19-D-26 of 19 December 2019 regarding practices implemented in the online search advertising sector. This decision is being appealed.

explaining to them why it wants to force them out, according to a procedure that allows for appropriate deadlines.

Beyond this decision, competition law can be a tool to fight against "the law of the strongest" or the lack of transparency. The platforms, even the giants, and precisely because they are giants, must treat their users with consideration and fairness.

On taking data protection into account

In our decision on interim measures regarding Apple's ATT prompt[26], we took into account, for the first time, the 'data protection' dimension in our competitive analysis. This decision benefited from extensive cooperation with the CNIL in the investigation of the case. The decision also identified, for the first time, the notion of "structuring platform" and stated that a company, even a dominant or structuring company, has the power to "set the rules" itself: it must simply ensure that these rules do not infringe competition law. We subsequently undertook a detailed analysis of Apple's behaviour to determine whether the introduction of the ATT prompt could be considered, at this preliminary stage, to be potentially anticompetitive. The investigation is continuing on the merits to determine whether there may have been any self-preferencing on the part of Apple.

On the distribution practices of a dominant player

The Apple decision on the distribution of electronic products[27] is the largest penalty ever handed down by the Autorité to a company (€1.1 billion). This was because it involved extensive, long-standing practices that undermined competition in the distribution channel for Apple's popular consumer products. We also identified an abuse of a situation of economic dependency, regarding the situation of the so-called APRs (Apple Premium Resellers), independent but dedicated specialist resellers, who were subject to strict constraints from Apple without anything in return, and some of whom experienced serious financial difficulties.

**As you can see, a lot can already be done "without changing the law". But we have also invested heavily in rejuvenating competition law. This was an important project, in which we strove to put forward new ideas.**

Several major advances have been realised in this development: in terms of investigative tools, the creation by the PACTE law[28] of a mechanism allowing the Autorité, within a framework, to use "fadettes" to conduct its investigations, and then, the European ECN+ directive[29], for which we made a significant contribution to the negotiations, and which creates a strengthened and harmonised European framework for the application of

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[26] Cited-above.

[27] Decision 20-D-04 of 16 March 2020 regarding practices implemented in the sector of distribution of Apple branded products: This decision is being appealed.

[28] Law No. 2019-486 of 22 May 2019 on the growth and transformation of businesses.

[29] 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.

competition law, with, in particular, the option of requesting interim measures on one's own initiative, discretionary jurisdiction (which will enable the Autorité to better focus its resources on the most strategic cases), the advent of a more deterrent penalty system for anticompetitive practices committed by professional bodies, a refocusing of the deciding factors of penalties towards the concepts of duration and seriousness, the possibility of handing down structural injunctions, access to digital data, the principle of the rule of evidence aligned with the criminal law system, etc. The text also includes a wide-ranging institutional component: the national competition authorities are now placed under the protection of European law, with guaranteed independence, financial resources, and the ability to impose administrative sanctions in the event that Articles 101 and 102 are disregarded, or if investigations are obstructed.

The DDADUE law of 2020[30], for its part, has substantially modernised the procedural framework for the Autorité's operations, with the aim of achieving greater efficiency and speed - with the authorisation of visits and seizures by a single judge for the territory as a whole, the presence of a single judicial police officer per site during these operations, the reform of inter partes proceedings, the reform of the leniency procedure and the system for issuing certain decisions of the Autorité, and the possibility of referring certain anticompetitive practices of limited scope to the Minister for the Economy.

**In order to rejuvenate competition policy, we have also invested significantly in international cooperation, to shift priorities, strengthen bilateral and multilateral ties and shape new international regulatory tools.**

**This international cooperation is essential, as we need to deal with issues and businesses that are global in nature. All regulators therefore need to come together - in France and abroad - and work together, in a much closer and more interactive way than before, to pursue coherent policies and ensure that their respective investigations are even more effective.**

**France has therefore "changed the rules of the game" in the area of merger control.**

In line with our Contribution to the debate on competition policy and digital issues in February 2020[31], in which we proposed initiating several conceptual projects - the notion of dominance, the definition of relevant markets - we have worked towards a comprehensive modernisation of merger control, in order to examine acquisitions "below the thresholds" that present a competition-related issue. Following extensive consultation at the national level, the idea was taken up by the European Commission and led to a fresh, 'back to basics' approach regarding the implementation of Article 22 of the 2004 EU Merger Regulation. A first "below the threshold" merger (the acquisition of Grail by Illumina[32]) is now being

[30] Law no. 2020-1508 of 3 December 2020 containing various provisions for adapting to European Union law on economic and financial matters.

[31] Contribution of the Autorité de la concurrence to the debate on competition policy and the challenges raised by the digital economy, 19 February 2020.

[32] The Commission has opened an in-depth investigation to assess the proposed acquisition of GRAIL by Illumina.

examined by the Commission, following a referral from France, and raises significant competition-related issues in the area of health innovation (the "target" is developing highly innovative tests for early cancer detection). The issue was serious: rectifying a "blind spot" that could allow transactions such as Facebook's takeover of Instagram or WhatsApp to escape scrutiny.

If Europe is to be heard in the digital field, its efforts also need to be relayed across the Atlantic or in Asia.

In this respect, I am extremely proud of the success of the initiative we have taken in the context of the G7: under the French Presidency, we have been able to establish a common understanding for the first time, on competition and the digital economy, with all the competition authorities of the G7 countries, including the United States. The common understanding[33] thus signed in Paris in 2019 marked a rapprochement of the American and European positions, for the foreseeable future: the British continued the momentum under their presidency of the G7, and the United States, initially slightly hesitant, declared a few days ago in New York that they too would fully subscribe to this new framework[34].

It is my deep conviction that international cooperation in all forums: ECN, OECD, ICN, bilateral, thematic, is the key to moving forward together much more resolutely and effectively. We need to bring our own network effects into play, to "squeeze" certain issues and implement actions that are complementary, multiply in parallel, or come in succession. Cooperation must not be a routine mechanism: it is the key to keeping Europe strong, united and able to put up a common front. This is the condition for a much greater impact at the international level.

I have always attached great importance to our involvement in the ECN, and have done my utmost to move forward "hand in hand" with the European Commission. The work of Margrethe Vestager and her outstanding teams has been a constant inspiration, and we have made every effort to reinforce it. It must be reiterated that European competition policy is one of the most successful achievements of the European project, and we need to safeguard this excellent achievement by giving it the support of national authorities.

In the digital realm in particular, the Autorité's closer cooperation with international partners, in particular the DOJ and FTC in the United States, the ACCC (Australia) and the CMA (United Kingdom), and the desire to consolidate "Franco-German" cooperation with the BKartA, as well as with numerous European partners (CNMC, CMEA, ACM, APC, the Greek authority), have made it possible to disseminate good ideas, analyses and investigations more quickly, and provide inspiration from the reforms implemented in France.

Finally, over the last five years, the Autorité has also undertaken a comprehensive modernisation drive in all its fields of activity, beyond digital issues.

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[33] Common Understanding of G7 Competition Authorities on "Competition and the Digital Economy". Paris, 5th June, 2019.

[34] Acting Assistant Attorney General Richard A. Powers of the Antitrust Division Delivers Remarks at Fordham's 48th Annual Conference on International Antitrust Law and Policy, New York, NY, 1 October 2021.

Merger control has been recalibrated to make it **a more effective and targeted tool, while stepping up oversight over the most sensitive transactions. We endeavoured to provide guidance** to companies with our new Merger Control Guidelines[35], and be ever more responsive and agile in our work: the reduced information requirements in "standard" cases and the introduction of fully online notification are good examples of this.

During these last five years, we have been able to clear large-scale mergers - which have sometimes led to the creation of what might be referred to as "European champions" (for example, the merger between Se Loger and LogicImmo[36]). However, these mergers have taken place without any detrimental effect on competition.

We were able to eliminate the constraints that had become too onerous as a result of past commitments, when they were no longer justified by the competitive situation (including the injunctions in the Canal Plus/TPS transaction[37], or the commitments relating to the acquisition of SFR by Altice[38]). We were able to support the restructuring of retail chains, for example by extending the Fnac/Darty case law to the toy sector[39], and by clearing the large amount of restructurings (in food distribution and the clothing sector) and in the telecoms sector.

Where the transaction had a too detrimental effect on competition, or to consumers, we blocked the mergers, which was unprecedented[40][41].

**Our vigilance on the application of competition law has been observable in all sectors of the economy**. Various large cartels have been broken up: household appliances[42], floor coverings[43], sandwiches[44], fruit compotes[45], pork cuts and cold meats[46], meal vouchers[47], etc. The energy sector was the focus of particular attention, as were the various forms of

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[35] Autorité de la concurrence Merger Control Guidelines, July 2020.

[36] Decision 18-DCC-18 of 1 February 2018 regarding the acquisition of sole control of the company Concept Multimedia by the Axel Springer Group.

[37] Decision 17-DCC-92 of 22 June 2017 reviewing the injunctions of Decision 12-DCC-100 of 23 July 2012 relating to the acquisition of sole control of TPS and CanalSatellite by Vivendi SA and Canal Plus Group.

[38] Decision 19-DCC-199 of 28 October 2019 reviewing the commitments of decision 14-DCC-160 and the injunctions of decision 17-D-04.

[39] Decision 19-DCC-65 of 17 April 2019 regarding the acquisition of joint control of the company Luderix International by Jellej Jouets alongside the undivided ownership resulting from the estate of Mr Stéphane Mulliez.

[40] Decision 20-DCC-116 of 28 August 2020 regarding the acquisition of joint control of a food retail business by Soditroy alongside the Association des Centres Distributeurs E. Leclerc.

[41] Decision No. 21-DCC-79 of 12 May 2021 regarding the acquisition of sole control of Société du Pipeline Méditerranée-Rhône by Transport Stockage Énergies.

[42] Decision 18-D-24 of 5 December 2018 regarding practices implemented in the household appliances sector.

[43] Decision 17-D-20 of 18 October 2017 regarding practices implemented in the resilient floor coverings sector.

[44] Decision 21-D-09 of 24 March 2021 regarding practices implemented in the manufacturing and marketing of own-brand sandwiches sector.

[45] Decision 19-D-24 of 17 December 2019 regarding practices implemented in the sector of fruits sold in cups and pouches.

[46] Decision 20-D-09 of 16 July 2020 regarding practices implemented in the buying and selling of pork cuts and cold meat products.

[47] Decision 19-D-25 of 17 December 2019 regarding practices implemented in the meal vouchers sector.

restrictions on online sales (e.g. the Stihl decision[48]) and restrictions aimed at fixing, directly or indirectly, the terms and conditions of sale of products (as in our recent decision in the eyewear sector[49]).

The medicinal products sector was the subject of close scrutiny (decisions concerning the speciality Durogesic[50], or Avastin and Lucentis in the treatment of AMD[51]).

We were also able to make progress in the competitive analysis of the distribution sector, with the new framework for examining purchasing offices resulting from the EGALIM law[52], and the opening of two procedures within this new framework, leading to two decisions concerning Auchan, Casino, Metro and Schiever[53], and Carrefour and Tesco[54].

These enforcement activities were stringently implemented. As such, the Autorité was acknowledged as being one of the most active authorities at international level, through its work in various domains.

But we also aimed to develop a **wide range of educational resources**, with studies or tools "tailored" to their needs: on loyalty rebates[55], professional bodies[56], or even behavioural remedies[57], and the SME guide[58]. The approach as regards compliance is currently taking shape with a new framework document[59], which is being put out to consultation today.

The work thus carried out was accomplished by close-knit, collective effort. I was fortunate enough to be able to rely on competent, motivated teams and a highly qualified and dedicated Board. These results also reflect a human resources policy aimed at efficiency and excellence in the area of working conditions, open to all talents, and giving equal opportunities to men and women - to which I am committed.

**I hope that this work will be continued by my successor.**

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48 Decision 18-D-23 of 24 October 2018 regarding practices implemented in the retail of outdoor power equipment.

49 Decision 21-D-20 of 22 July 2021 regarding practices implemented in the glasses and glasses frames sector. This decision is being appealed.

50 Decision 17-D-25 of 20 December 2017 regarding practices implemented in the sector of transdermal patches of fentanyl.

51 Decision 20-D-11 of 9 September 2020 regarding practices implemented in the treatment of Age-related macular degeneration (AMD) sector. This decision is being appealed.

52 Law No. 2018-938 of 30 October 2018 for a balance in commercial relations in the agricultural and food sector and healthy, sustainable food accessible to all.

53 Decision 20-D-13 of 22 October 2020 regarding practices implemented in the major food retailer sector by the Auchan, Casino, Metro and Schiever groups.

54 Decision 20-D-22 of 17 December 2020 regarding practices implemented in the major food retailer sector by the Carrefour and Tesco groups.

55 *Loyalty rebates*, Collection Les essentiels, in French, November 2018.

56 *Professional bodies*, Collection Les essentiels, in English, January 2021.

57 *Behavioural remedies*, Collection Les essentiels, in English, January 2020.

58 Understanding competition rules, a guide for SMEs, January 2020.

59 Framework document of 11 October 2021 on competition compliance programmes.

There is still much to be done. Today, the major challenge remains the digital transformation of the economy.

The Covid-19 crisis has illustrated both our dependence on digital tools and services (imagine a company having to work without video conferencing tools, without an e-commerce site, without a good network connection, etc.), and also the incredible potential of the latter. The crisis - and this will be its "positive" legacy - has made possible changes of a magnitude and rapidity never before seen: an entire country that had been shut down during the lockdown continued to function almost without hiccup, whether it was the State or companies, even the smallest firms. Of course, companies with "physical" services suffered the most - restaurants for instance - but they were able to adapt, for example by offering takeaway meals or deliveries, or by setting up online sales sites.

This crisis reinforced my belief **that it is competition that gives the French economy its vital force, driving everyone forward to continually improve**.

The crisis has given us countless examples: while we were obliged to rapidly adapt to new ways of working, we could often choose between different videoconferencing tools: Webex, Zoom, Teams, etc., and we could compare the different features (chat, presentation, etc.), business models, confidentiality options, etc. In the end, we could choose the solution that suited us best, or we could fall back on multi-homing. We would have been worse off if only one software solution had a monopoly, or if we had technical limitations on our phones or computers.

**Another example is vaccines**. There was no vaccine manufacturer with a monopoly, designated by the government or protected by regulation. On the contrary, the choice was made, despite the urgency of the situation, to allow the innovation of each company to play its role to the full, in competition. Ultimately, we had a wide range of vaccines in terms of medical design, price, method of manufacture, nationality of the companies and distribution. This diversity obviously leads to a kind of complexity - for both doctors and governments. But this proliferation of initiatives has resulted in tremendous success: governments have a choice of several vaccines in different regions of the world; without competition, we might not have had this result if we had to rely on a single player at the start of the race. These are the benefits of competition that need to be safeguarded at all costs, including in the domain of health and biotechnology.

**To make the digital world a success, it will be necessary to conclude the negotiations on the DMA and put in place the conditions for optimal coordination with the application of competition law.** I am confident that a solution will be found to involve national competition authorities in implementing this text, as we explained in the ECN common position unveiled before the summer[60]. We also need to **further deepen our cooperation with the American authorities and take advantage of the growing convergence we are seeing today with our**

[60] Joint paper of the heads of the national competition authorities of the European Union, *How national competition agencies can strengthen the DMA,* 22 June 2021.

**allies on the competitive regulation of platforms and innovation**; shoulder to shoulder with the American agencies, we must share our priorities and our vision.

**Among the subjects on the horizon, the issue of sustainable development** must be explored in greater depth. The Autorité must continue to vigorously pursue abuses or cartels that distort competition and also undermine the objectives of sustainable development[61]. And we will be part of the debate to ensure that competition law is not an obstacle to joint action between companies to achieve the urgently needed ecological transition.

In the future, the Autorité could also take more stringent action on concentrated practices affecting labour markets. The United States has led the way in this area. In addition to the work already undertaken, this project must be continued.[62] [63]

Finally, on the **mergers** front, large-scale operations are ongoing or in the pipeline: between TF1 and M6, as well as mergers in the retail sector.

With regard to the TF1 / M6 case, the work is well underway. Market tests have started and will continue until November. It is now up to the market to express its viewpoint. We have received signals of unease from some players, who will now be able to voice their concerns. The Autorité will be able to make its decision based on a large amount of factual and objective information. It will take the same approach as it does for all cases, from the smallest to the largest, from the most straightforward to the most complex: using a proven methodology, in a transparent and adversarial manner, and with full respect for its independence and collegiality. Rest assured in this respect.

**As I stand down from the Autorité, it is with sadness that I will be leaving my teams and all of you, with whom I have had so many fruitful exchanges. If I have been able to advance the cause of competition, it is also thanks to you all. Not everything has been completed or was successful - for instance, we must continue to make progress in reducing procedural delays. In any event, I sincerely wish my successor every success.**

**I leave with a conviction. Competition is not the solution to all ills, but it is the guarantee of a dynamic economy, which breathes and makes room for new entrants, who bring the wind of innovation. As the post-Covid-19 recovery starts to take shape, more than ever, the French economy needs competition and an Autorité to keep it vibrant.**

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[61] Decision 17-D-20 of 18 October 2017 regarding practices implemented in the resilient floor coverings sector, §§ 366 to 407.

[62] Decision 17-D-20 of 18 October 2017, cited above, §§ 307 to 311.

[63] Opinion 19-A-13 of 11 July 2019 regarding the competitive effects of industry-wide agreements' extension.