



International Competition Network Sustainability Workshop
“The role of competition in supporting sustainable developments goals”

2 July 2024

Opening remarks by Benoît Cœuré,
President of the Autorité de la Concurrence

Good afternoon, good morning and good evening.

It is a great pleasure for the *Autorité de la concurrence* to host this first International Competition Network (ICN) Workshop on **“The role of competition in supporting sustainable development goals”**.

Before I delve into the substance, I would like to express my sincere gratitude to the ICN Chair, Andreas Mundt, and to the ICN Steering Group for giving us this outstanding opportunity.

I would also like to wish a warm welcome to all the ICN members, both agencies and non-governmental advisors, and to all the viewers following our stream from all over the world. Your participation demonstrates the high level of interest of the competition community in this important matter.

1. Why a sustainability workshop?

Today’s workshop is indeed historic. While the ICN has already touched upon the topic of sustainability on several occasions, **it is the first time that an ICN event is fully dedicated to this issue.**

In this context, I believe that I should start by saying a few words on why we felt the need to further address this topic in the framework of the ICN.

The obvious reason is that sustainable development represents both a **major and pressing challenge for our societies**. The environmental transition impacts all sectors of the economy, cutting through all choices made by policymakers as well as national boundaries.

Against this background, **a growing emphasis has been placed on competition law**, and on the part that it should play to support environmental and climate objectives. An increasing number of competition enforcers from every part of the planet are taking up the issues associated with sustainable development.

Looking at it, there are indeed compelling reasons why we should care about sustainability:

- First, the competitive process is a source of innovation, quality and diversity of products and services, and efficient use of resources. **Competition is therefore a necessary condition for the transition to succeed.**
- Second, sustainable development can be integrated as **competition parameter**, through the traditional reasoning on diversity, quality and innovation and whenever consumers have a preference for sustainable products.

At the same time, we must also accept that factoring sustainability considerations into competition analysis **is not self-evident and raises many questions**, on both competition policy and enforcement levels.

This is why we thought that today was the right time to **deepen the dialogue at international level** and engage into multilateral exchanges with our peers, as well as representatives of the private sector, to **compare practices, identify common challenges and discuss avenues for improvement**, spanning from antitrust and merger control to advocacy and soft law initiatives.

2. The French Competition Authority's approach to sustainable development

Upon joining the French Competition Authority, I made sustainability **one of its three strategic priorities**, as enshrined in our yearly roadmap.

This is not only a statement of intention: we want to make sure that it materialises across **all dimensions of our action**.

a) Antitrust

Our first focus is of course **antitrust**. I have outlined repeatedly how the *Autorité* is mindful of its intervention having two sides – let's call them the “stick” and the “carrot”:

- i. On the one hand, we want to uncover and punish the anti-competitive practices that are most harmful to sustainability (“the stick”);
- ii. On the other hand, our aim is to support companies that, in good faith, wish to pursue sustainable development objectives (“the carrot”).

i. Combatting anticompetitive practices which are detrimental to sustainable development

On the first aspect, the *Autorité* has now a proven track record of taking account of sustainability as part of its competition analysis.

The *Autorité* has fined infringers for specifically **restricting competition in relation with the environmental qualities of the products at stake**:

- The landmark case dates back to 2017, when companies in the [floor covering sector](#) were found to have formally agreed not to advertise on the environmental performance of their respective products.
- In 2021, the *Autorité* ruled on a case of collective boycott of a rival digital platform in the [road freight transport](#) case where obstructing environmental efficiency was held to be an aggravating circumstance.
- More recently, in December 2023, we fined undertakings and associations of undertakings in the [food containers industry](#) for agreeing to prevent manufacturers from competing on whether their food containers contained a chemical hazardous to human health, Bisphenol A, to the detriment of consumers.

In the meantime, on a more procedural note, we have amended our [notice on the calculation of fines](#) in order to make it clear that the harm to environment may be taken into account when assessing the **seriousness of anticompetitive practices**.

ii. Supporting business projects with a sustainability objective

Now, while competition enforcement is key, the urgency of the ecological transition calls us to do more and make sure, **when possible**, that **competition law does not stand in the way of business projects with a sustainability objective**.

Such projects may include for example standardisation agreements, joint production and distribution, information exchange, joint purchases or boycott of non-compliant suppliers.

These practices usually ring alarm bells among competition enforcers, and indeed, there is a **delicate balance to strike** between on the one hand, **ensuring that their impact on sustainability is properly taken into account**, and on the other hand, **not allowing industry to “greenwash” anticompetitive practices**.

In this perspective, as of [2020](#), we started our own **open-door policy** to support companies that wish to assess whether sustainability-related projects are competition-compliant.

To that end, following in the footsteps of other competition authorities such as the Dutch ACM, the UK CMA or the Japanese FTC, we have published in May 2024 a [notice on informal guidance](#) in the area of sustainability.

Our [first informal guidance letter](#), regarding a common methodology to assess greenhouse gas emissions in animal nutrition, **was published this morning and can be found on our website**.

b) Factoring sustainability into merger review

Alongside antitrust, **merger control** is another key area in which sustainable development can be factored in. The *Autorité* strives to adapt **product market delimitations to the growing interest for sustainable products and services**:

- For instance, in 2021, we took the view that the [transport of refined petroleum products](#) by pipeline and by lorry were not substitutable because of, inter alia, the greater environmental footprint of the latter.
- In the food distribution sector, the *Autorité* has identified a [separate market for organic products](#).

Reviewing **efficiency defences that include sustainability arguments** remains a work in progress, which I very much hope will be discussed today.

c) Leveraging our advocacy role to help foster sustainability

Finally, the **advisory function** is also an occasion for the *Autorité* to analyse the interplay between competition rules and sustainability objectives.

The green transition has indeed prompted the adoption of new regulation in various sectors. In this context, **the French government regularly refers to us draft regulations** that include interactions between sustainability and competition. We have provided recommendations on a wide range of sustainability-related issues, such as the producer responsibility regarding [used oils](#) (2021), [climate risks insurance and reinsurance in agriculture](#) (2022), and the [reorganisation of the household plastic packaging sector](#) (2022).

This consultative role is also carried out on our own initiative, **through *ex officio* market studies** scanning new markets. The most recent examples include studies in November 2023 on [land passenger transport](#) and in June 2024 on [charging stations for electric vehicles](#).

We are currently inquiring *ex officio* to analyse the competitive consequences of [rating schemes](#) which provide consumers with information on the sustainability-related characteristics of consumer products and services. We expect the opinion to be published before the end of the year.

3. Concluding remarks

Common goals call for common action. The climate transition will not succeed without joint action by policy makers, enforcers and economic actors from all over the world.

Your presence today acknowledges this commitment. I am therefore pleased to **open today's workshop**, which gathers highly qualified representatives of competition agencies and the private sector, not forgetting the OECD. I would like to express my special thanks to all of them for their precious involvement.

Today's discussion will be divided in two parts:

- The first panel will address the issue of **sustainability considerations in competition law assessments** and where competition agencies should draw the line in view of their mandate;
- The second panel will discuss **how to effectively address behaviours that positively or negatively affect sustainability** through advocacy, *ex ante* guidance and enforcement;
- Finally, Andreas Mundt, President of the Bundeskartellamt and ICN Chair, will do us the honour of providing the **closing remarks**.

I am very much looking forward to the debates, and without further ado, all that remains for me is to wish you a great workshop!