34th Annual International Bar Association Communications and Competition Law Conference

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Marriott Opera Ambassador Hotel, Paris

29 avril 2025 à 9 heures 15

Dear panellists, dear attendees, dear colleagues,

It is a great pleasure to be with you today. Many thanks to the IBA for inviting me.

Your discussions this morning will touch upon such broad and open-ended questions as *security and sovereignty in the digital realm*, and *structural and functional separation to remedy abuse of dominance*. These two topics already give a glimpse of how ambitious conversations about competition law are today. There are many more that could be added to the list, and in my remarks today, I would like to convince you that none of these can be answered without strong international cooperation, particularly between the U.S. and Europe.

Here in the European Union (EU), cross-border cooperation is like the air we breathe. We don't see it, we often forget its benefits, but we would have achieved little without it.

The European Competition Network (ECN) is a rather unique example of decentralised application across a large number of countries of a single piece of legislation, an arrangement that implies that all ECN members – 27 National Competition Authorities and the European Commission – must act in a coordinated, harmonised manner. Regulation 1/2003 provides a mandatory framework that supports ownership by the Members states of EU rules they apply directly, establishes cooperation mechanisms that allow for extensive exchanges of information and evidence, and offers an allocation system that seeks to guarantee consistency and to avoid undesirable duplication of proceedings.

The ECN is unique because it operates in an equally unique environment, the Single Market. One could say it has come to embody the uniqueness of it, in that it is a truly single policy. This is unfortunately not true for all dimensions of the Single Market. Enrico Letta and Mario Draghi

have reminded us in their reports last year that the Single Market is an unfinished project, both in terms of its scope (thinks of telecom or finance, and services more generally) and its depth. Completing the Single Market without losing the benefits of robust competition should be a priority.

There is also a ripple effect deriving from this binding cooperation arrangement. Because ECN members work so closely within it, our agencies and staff know each other well and have garnered such mutual trust that informal cooperation has also grown out of and beyond this scheme. Bilateral visits, joint studies, co-organised events... are borne out of this close-knit network.

This advanced mode of cooperation reinforces each network member in its capacity as national enforcer, but also establishes the Single Market as a regulatory and enforcement bloc. This is a remarkable achievement. Not only does it serve Europe's businesses and consumers at home, it also establishes our standing and projects our values globally. In other words, cooperation *inside* Europe supports the European project *outside* of Europe and helps achieve one of Europe's *raison d'être* – that is, in the words of a great European statesman, Václav Havel, "to help shape creatively a new pattern of global coexistence"[1].

The digital economy provides an illustration of this. In June 2022, Meta submitted to the French Competition Authority what were its very first commitments to an antitrust authority, in order to address concerns regarding its behaviour in the online advertising sector[2]. Although the *Autorité* has jurisdiction only over the territory of France, Meta chose to extend the benefit of these commitments beyond this limited geographic scope. Likewise, Google's recent commitments to the Bundeskartellamt in connection to Google Automative Services and Google Maps Platform cover the entire European market[3]. The Single market is large and unified enough that it makes sense for a global player to refer to it as an authoritative standard.

International cooperation is needed beyond the particular, not replicable, case of the EU. Let me first say a word about bilateral cooperation, then turn to multilateral fora.

[1] Václav Havel (1996), « Europe as task », address upon receiving the Charlemagne Prize, 15 May.
[2] Autorité de la concurrence (2022), Decision 22-D-12 of 16 June 2022 regarding practices implemented in the online advertising sector.
[3] Bundeskartellamt (2025), "Google will stop restricting competition in connection with Google Automotive Services and Google Maps Platform", 3 April.

- *Bilateral cooperation* is necessary, along a variety of patterns, to achieve greater effectiveness in how we handle cases.

In this respect, I especially welcome the conclusion and, hopefully, soon the implementation of an agreement with the United Kingdom to enable closer cooperation in competition matters. Despite Brexit, the UK has not ceased to be a neighbouring country whose economy is much intertwined with those of the EU, and we look forward to supporting each other's competition policy and enforcement.

Beyond Europe, it is obvious to me that we need to maintain close cooperation with our US counterparts. In digital markets cases, remedies are, in most cases, not adopted globally but only in the relevant jurisdiction. This, in turn, creates a situation in which different authorities are doing similar cases in parallel[4]. When the challenges of enforcing competition law within the digital economy are so great, we surely cannot do without the U.S. Department of Justice (DoJ) and Federal Trade Commission (FTC), that share our objective of fighting abusive practices of dominant digital platforms, and are so active in tackling these practices. I had the pleasure to meet in Washington with the new leadership of both agencies, and I am very confident that we will continue to work with them and their teams in an open and trustful way, as was always the case with the U.S.

Our U.S. colleagues are clearly advancing their cases too, at State and federal level, so there is much material worth discussing. Typically, when Judge Leonie Brinkema of Virginia found Google had acted illegally to maintain its dominant position in the advertising market, in a judgement of 17 April upon a complaint by the DoJ and 17 U.S. States, the media speculated right away on the interaction between this ruling and the ongoing AdX case before the European Commission. Let me congratulate DoJ teams and its past and current leadership for this achievement.

In advancing their cases, both the DoJ and Commission could build on the *Autorité*'s landmark 2021 case, where Google was found to have granted preferential treatment to its proprietary online advertisement technologies. Google was fined and offered commitments[5]. This is a fine example of how we can learn from each and advance our common goals across jurisdictions and continents, while respecting our legal frameworks and experiences. Another fine example

[4] See OECD (2024), « Competition policy in digital markets », note prepared for the G7 Competition Summit.
[5] Google was fined 220 million euros and offered commitments to make third-party supply side platforms (SSPs) interoperable, and allow publishers to use third-party ad servers to access Google's own SSP sales platform, AdX. See Autorité de la concurrence (2021), Decision 21-D-11 of 2021 of 7 June 2021 regarding practices implemented in the online advertising sector.

is the sequence of the *Autorité*'s decisions on related rights. We studied in depth the experiences of other jurisdictions with the remuneration of news content on large digital platforms, such as Australia's News Media Bargaining Code.

- *Multilateral cooperation* is another dimension that is of ever-increasing value.

The International Competition Network (ICN) was created upon a US initiative in order to foster greater convergence of antitrust procedural and substantive rules with fellow enforcers abroad. I hardly need to highlight the unique role of this informal network of 140-something agencies. The IBA is indeed best-placed to be aware of it, as the meeting of competition officials and practitioners it convened in February 2001 in Ditchley Park, in Oxfordshire, was really the springboard for the creation of the ICN. This is for me an opportunity to salute the memory of Michael Reynolds, a great IBA figure who played a prominent role in this endeavour at the time. Turning to the Organisation for Economic Cooperation and Development (OECD), I have had the honour to chair its Competition Committee since the beginning of the year. As we all know, the history of the OECD is deeply rooted in transatlantic cooperation. It took over from another organisation, the OECE, formed among 18 European countries in 1948 to administer American and Canadian aid under the Marshall plan. Its membership now extends to 38 countries, well beyond Europe. Furthermore, its Competition Committee engages substantively with non-member countries, at home in Paris and also through regional centres based in Korea, Hungary and Peru that provide capacity-building.

The OECD Competition Committee is recognised as a reference for technical excellence as well as for strategic foresight. The upcoming topics for our June meeting roundtables, that include competition in cloud computing services, mobile payments, and efficiencies in merger review, testify to this ambition. Yet it also pursues a mission of international cooperation and assistance, for instance through voluntary peer reviews – two of them will take place in June, for Ukraine and Kazakhstan.

How does the Committee help shape competition policy and enforcement? It does so by supporting global convergence of good practices through OECD Recommendations, its highest-level legal instruments, periodically updated. Governments, not just competition authorities, approve an OECD Recommendation, and thus Recommendations present a higher, more formal level of commitment. For instance, the OECD is revising its 2005 Merger Review Recommendation to incorporate new approaches, including addressing platform mergers, multi-sided markets and non-price effects. The revised Recommendation is expected to be

adopted by Ministers in June. Another OECD Recommendation, on International Cooperation on Competition Investigations and Proceedings was first adopted in the 1960s, and last revised in 2014[6]. It highlights the importance of international cooperation and offers practical ways to cooperate.

The Committee also has the unique capacity to help embed competition perspectives into other policy areas such as industrial policy, trade, and sustainability, benefitting from the OECD's whole-of-government approach.

To sum up, I convinced that the OECD can serve as a stable, neutral platform for transatlantic dialogue amidst changing political winds. I look forward to DoJ and FTC participating in our next meeting in June.

I cannot conclude without mentioning the important roles of Unctad's Group of Experts on Competition Law and Policy, which has the benefit of a truly worldwide discussion, as well of the yearly meetings of G7 competition agencies, which have delivered important messages such as last year, in Rome, on the risks and benefits of generative artificial intelligence[7].

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Let me conclude with a note of caution. Cooperation on antitrust enforcement should not be caught in the developing trade war, and neither should the enforcement of industry regulation such as the EU's Digital Markets Act. I welcome the first non-compliance decisions taken by the Commission under the DMA, and the continued dialogue between the Commission and designated gatekeepers, that will create a culture of DMA compliance.

Enforcement is governed by due process and is blind to firms' nationality, and it is everyone's best interest to keep it this way. Other instruments are available to protect our economies from what we see as unfair action from foreign countries. They include traditional instruments such as, in the EU, foreign investment screening, antidumping and countervailing duties, alongside with more recent ones such as the Foreign Subsidy Regulation and the Anti-coercion Instrument. Weaponising antitrust enforcement would undermine a precious capital of trust and would be most harmful to those it is meant to protect, that is, businesses and consumers.

[6] See OECD (2022), « International Co-operation on Competition Investigations and Proceedings. Progress in Implementing the 2014 OECD Recommendation ».

[7] G7 Competition Authorities and Policymakers' Summit, Digital Competition Communiqué, Rome, 4 October 2024.

I thank you for your attention.