

Press conference

17 March 2026



Downhill ski instruction

The *Syndicat national des moniteurs du ski français (Ecole du ski français)* fined €3.4 million for imposing an exclusivity obligation on its member instructors

DECISION 26-D-03

Outline



1. The SNMSF, a key player in ski instruction in France
2. The exclusivity obligation: SNMSF member instructors prohibited from exercising their profession outside ESF ski schools
 - The introduction of a particularly strict exclusivity obligation
 - A restriction of competition on the ski instruction market
3. The *Autorité* imposes a fine of €3.4 million on the SNMSF



PART 1

The SNMSF, a key player in ski instruction in France

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CONTEXT



With **250 ski resorts**, France is Europe's leading winter sports destination.



20,000 ski instructors work on a self-employed basis, mostly within a ski school: ESF (SNMSF), ESI (SIMS), New Generation, CDA-Evolution 2, Oxygène 3 Vallées and Easyski.

ESF

A long-standing private player that has supported the development of winter sports activities in resorts since 1945

A national professional union, the SNMSF

Well-known and easily recognisable

Present in **216 French ski resorts**

16,000 ski instructors, i.e. 80% of all instructors in France

The SNMSF, a key player in ski instruction in France

ORGANISATION OF ESF

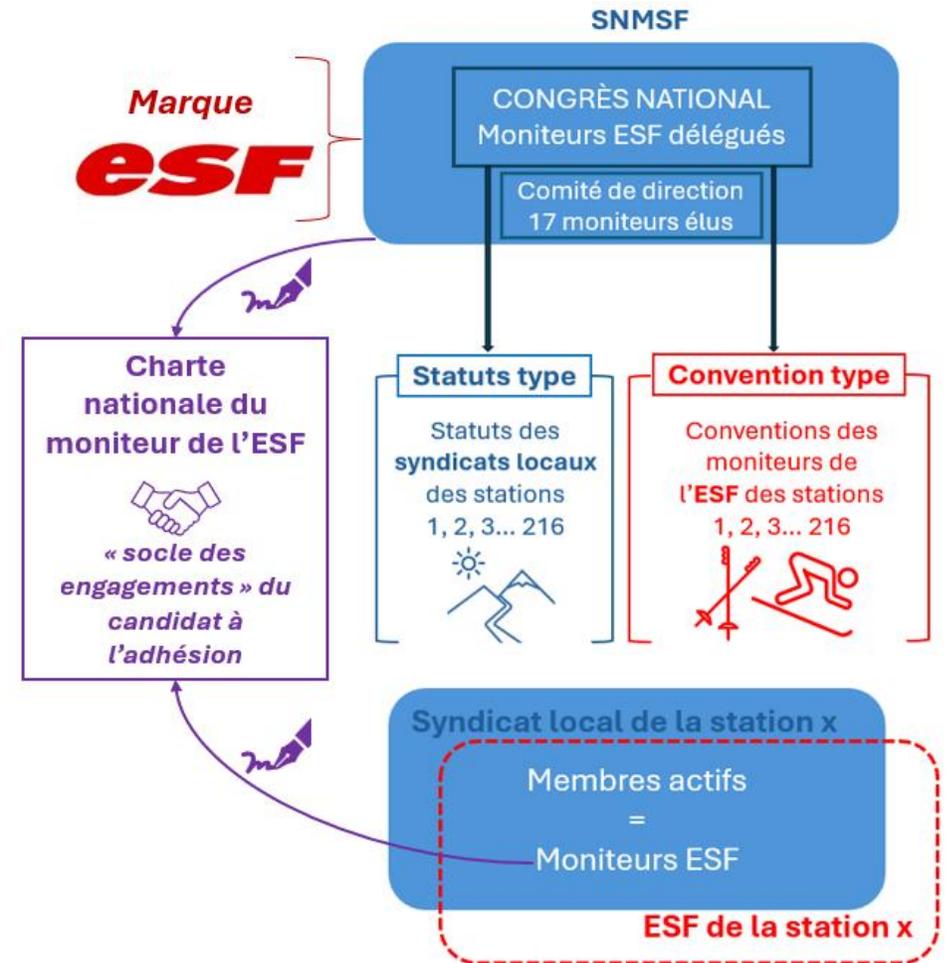
ESF is the collective brand of all instructors that are members of the SNMSF.

Every ESF instructor is a member of **both the national union and the local branch** of the resort where he/she works.

The SNMSF national congress draws up the **standard instructor agreement**, governing the operation of local ESF ski schools and the instructors' activity within the schools.

Every ESF instructor signs the local agreement in force in each resort.

The SNMSF oversees ESF instructors' activity within the local ski schools.

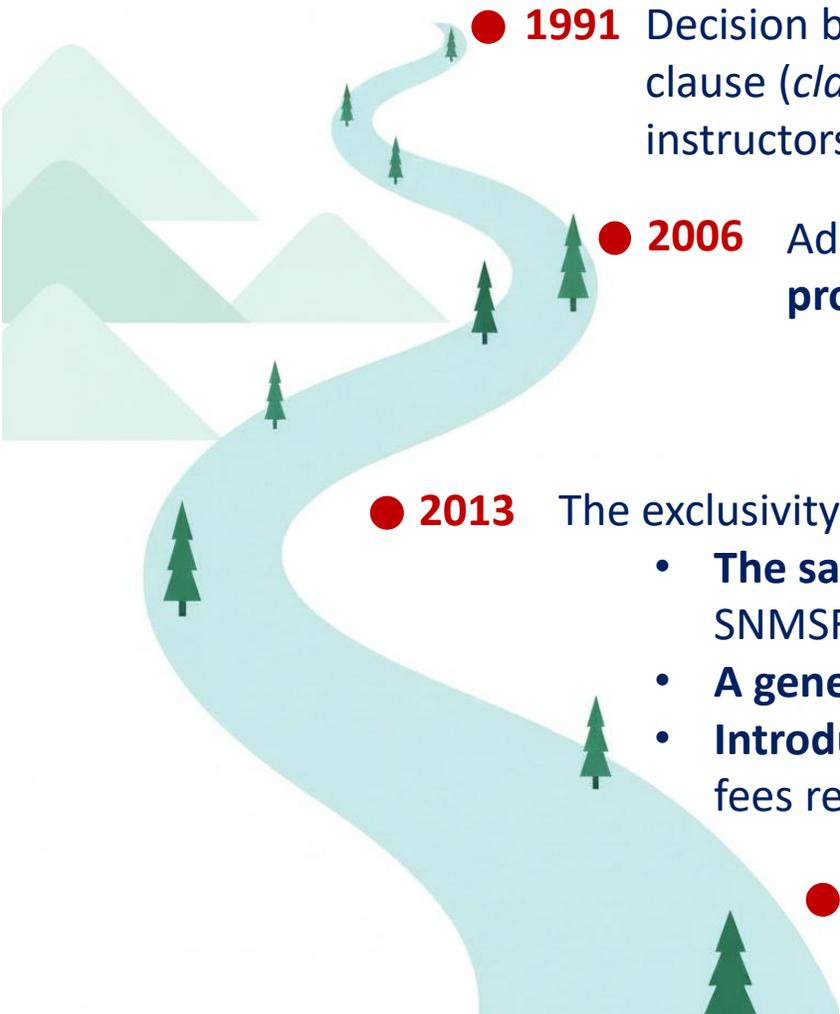




PART 2

**The exclusivity obligation:
SNMSF member instructors
prohibited from exercising their
profession outside ESF ski schools**

The introduction of a particularly strict exclusivity obligation



● **1991** Decision by the *Conseil de la concurrence*, sanctioning the SNMSF for a non-compete clause (*clause de non-rétablissement*) restricting the professional freedom of ski instructors.

● **2006** Adoption by the SNMSF national congress of a **clause in the standard agreement, prohibiting instructors “from teaching in a competing individual or group structure”**.

- **Only mobility between ESF ski schools is authorised.**
- **Working on an individual basis outside ESF ski schools is prohibited.**

● **2013** The exclusivity obligation is reinforced by the SNMSF national congress:

- **The sanction for non-compliance is made more severe:** automatic exclusion from the SNMSF and ESF.
- **A general ban on membership of any union** other than the SNMSF.
- **Introduction of a specific penalty** for failure to comply with the obligation to forward all fees received by instructors to the ESF.

● **2026** The clauses are still in force.

A restriction of competition on the ski instruction market (1/2)

IMPACT ON COMPETING SCHOOLS

Ski instructors are an essential resource for ski schools.

The exclusivity obligation affects a key parameter of supply in the ski instruction market.

Autorité decision, 25-D-03, 11 June 2025; CJEU decision, Royal Antwerp Football Club, 21 December 2023; CJEU decision, FIFA v. BZ, 4 October 2024.

Structural advantages enable ESF ski schools to attract most instructors in France: strong presence across resorts, unrivalled network and reputation, ability to recruit and retain trainee instructors (10 permanent instructors required to run a training centre).

Instructor recruitment difficulties and high barriers to entry are hampering the development of competing schools.

EXCERPTS FROM COMPETITOR STATEMENTS (*free translation from French*):



“A significant number of over-the-counter sales are lost, potentially reaching 15-20%, and even higher at some locations during peak periods.”



“Up to 50% additional activity could occur during the main February holiday period, if more ski instructors were available to meet the demand.”



“Demand for downhill ski lessons exceeds our capacity, due to the limited availability of instructors.”

A restriction of competition on the ski instruction market (2/2)

IMPACT ON SKI INSTRUCTORS



Infringement of the freedom of enterprise of workers, who are self-employed



Infringement of the geographic mobility of ESF instructors



A generalised restriction of competition, foreclosing the French national ski instruction market



PART 3

The *Autorité* imposes a fine of €3.4 million on the SNMSF

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- ➔ The *Autorité* has imposed a **fine of €3.4 million** on the SNMSF.
 - ➔ The *Autorité* has ordered the SNMSF to **publish a summary of the decision in the newspapers *L'Equipe* and *Le Dauphiné Libéré* and on its website.**
 - ➔ The *Autorité* has ordered the SNMSF to **bring the standard instructor agreement and any documents required for its application into compliance with competition law**, before member sign-up for the 2026/2027 season begins.
 - ➔ **Only the exclusivity obligation breaches competition law.**
The decision does not call into question the other aspects of the ESF model, such as:
 - the structure, with a national union, local branches and local ESF ski schools;
 - ski school locations in resorts;
 - the principle of fees being collected by ESF ski schools and redistributed to members (“shared fund”);
 - activity reduction under the “intergenerational scheme” since 2014 (Battistel Law).

The *Autorité* imposes a fine of €3.4 million on the SNMSF

FIRST EFFECTIVE APPLICATION OF ARTICLE L. 464-2, VI OF THE FRENCH COMMERCIAL CODE ON FINES IMPOSED ON PROFESSIONAL ASSOCIATIONS

The ECN+ Directive of 11 December 2018 was transposed into French law by the order (*ordonnance*) of 26 May 2021.

- The *Autorité* has applied paragraph VI of Article L. 464-2 of the French Commercial Code, under which – for the purposes of determining the fine to be imposed on an association of undertakings – the *Autorité* can **take into account the total worldwide turnover of all the association’s members** (up to a limit of 10% thereof).
- The *Autorité* has ordered the SNMSF to **call for contributions from its member instructors**, in the event the union is unable to pay all or part of the fine.

