



# ROADMAP 2023-2024

*The French economy is currently recovering from a succession of crises that have revealed its vulnerabilities but also confirmed its resilience and its capacity to adapt to change. Its ability to return to strong, sustainable and equitable growth will depend on the initiatives of the various stakeholders - State, companies and households - and on confidence in the fair operation of the markets.*

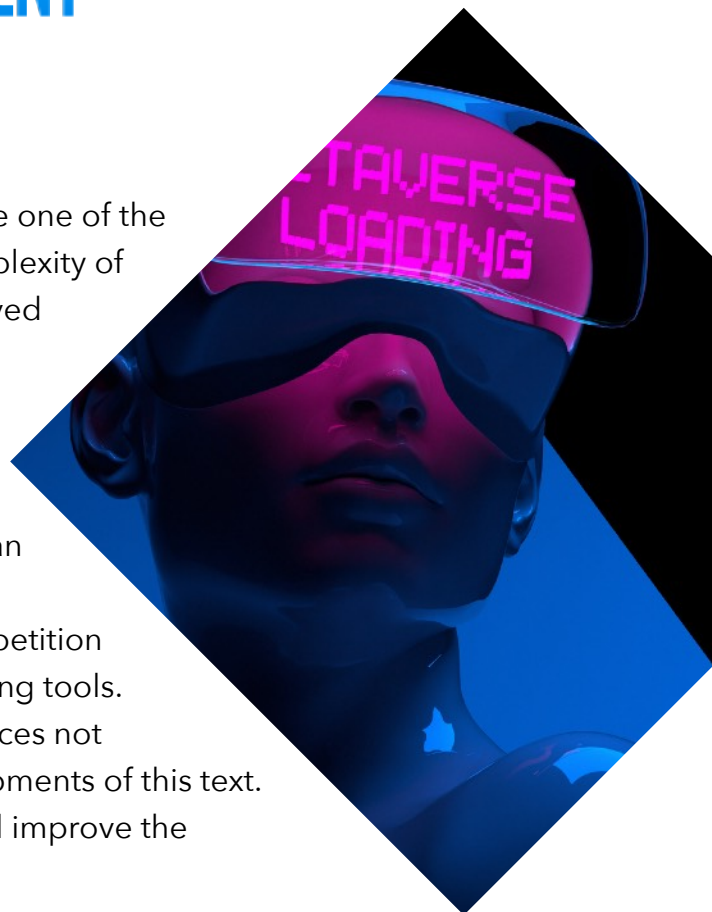
*The Autorité de la concurrence uses all the instruments given to it by law to combat anticompetitive practices and the excessive concentration of market power, to protect consumers and companies and support innovation, competitiveness and purchasing power. It also provides advice and recommendations to the Government to promote a pro-competitive legislative environment. Lastly, it provides guidance to economic stakeholders with a view to encouraging behaviour that complies with competition rules.*

*The inflationary crisis requires the Autorité to pay particular attention to competition conditions in the sectors that matter most to household budgets, such as energy, consumer goods and agriculture. The competitive challenges of the digital economy continue to be a priority that warrants long-term commitment and the deployment of significant resources. However, these concerns should not overshadow another collective imperative, namely the transition to a low-carbon economy. The Autorité is determined to act, within the framework of the missions entrusted to it, to support this movement and anticipate its consequences for the functioning of our economy.*

## CONTINUING OUR COMMITMENT TO DIGITAL ISSUES

The digital economy in all its forms continues to be one of the *Autorité's* priorities for action. The increasing complexity of the issues and the diverse range of activities involved require this long-term commitment.

At an institutional level, the European Digital Markets Act (*DMA*) will come into force on 2 May 2023 and includes the designation by the European Commission of certain platforms as "gatekeepers" subject to specific obligations. The *DMA* and competition law are two complementary and mutually reinforcing tools. Competition law will apply to operators and practices not covered by the *DMA* and will guide future developments of this text. Symmetrically, the implementation of the *DMA* will improve the



*Autorité's* ability to control mergers by allowing the competition authorities to be aware of all the acquisitions by large platforms, of which they will have to inform the European Commission, regardless of thresholds.

On the operational side, the *Autorité* will continue to allocate significant resources to several cases already underway.

The findings of the sector-specific inquiry into cloud computing will be released in the first half of 2023. The *Autorité* will take part in discussions on the regulation of the sector at the European level - particularly in the context of the European Data Act - and at the national level.

The *Autorité* will closely monitor the strict implementation by the major platforms of their commitments, whether on the part of Google towards publishers and news agencies or Google and Meta in online advertising. The procedure initiated with respect to Apple, concerning the framework for the use of the personal data of application users on its iOS operating system, will be further examined on the merits. The *Autorité* will thus pay attention to several levels of the advertising technology chain, in a range of ecosystems.

More broadly, since data now plays a prominent role in most sectors of the economy, the *Autorité* will pay particular attention to this area, in both its antitrust and its advisory capacities, for example with regard to the Proposal for a regulation on the European Health Data Space.

These orientations will be supported internally by the Digital Economy Unit, which assists the Investigation Services in their work on these cases and develops new tools, to strengthen the robustness of the *Autorité's* decisions and enhance its detection capacity.



# STEPPING UP OUR WORK ON SUSTAINABLE DEVELOPMENT

The *Autorité* is continuing its commitment to the ecological transition in all aspects of its work.

It will focus as much on fining the most harmful behaviours in this area as on supporting companies wanting to set up the cooperation necessary for a successful transition. The new chapter of the European Commission's horizontal guidelines on sustainability agreements will be a useful reference tool for the *Autorité*, which may eventually consider publishing guidelines on these subjects and is already inviting companies and professional organisations to engage in informal dialogue with it on their projects.

The transition to a net zero economy requires major public and private investments and changes in practices by the stakeholders, which will disrupt entire sectors of our economy. The *Autorité* has a duty to explore the competitive issues involved in this transition and will make use of its capacity for *ex officio* proceedings in advisory matters to do so.

The launch of a sector-specific inquiry on the roll-out of charging stations for electric vehicles is an opportunity to support a market currently in full structuring, at the heart of the transition to low-carbon means of transport. The *Autorité* will also have to rule on a merger concerning the shared mobility sector and the rental of self-service electric scooters.

The *Autorité* has opened a sector-specific inquiry on its own initiative to analyse the competitive operation of land passenger transport and help promote growth and innovation in this sector. This opinion is being subject to public consultation in the first quarter of 2023. Following a self-assessment exercise, the *Autorité* plans to revisit the recommendations made in its previous opinions and take into account the growth in inter-modality and the key role of this sector for sustainable development.

# CONTINUING TO SUPPORT PURCHASING POWER

The *Autorité*'s intervention is rooted in the economic reality of our society and it will continue to work to improve purchasing power. In this respect, the *Autorité* will focus its efforts in particular on those sectors with the greatest impact on household budgets in this period of inflationary crisis.

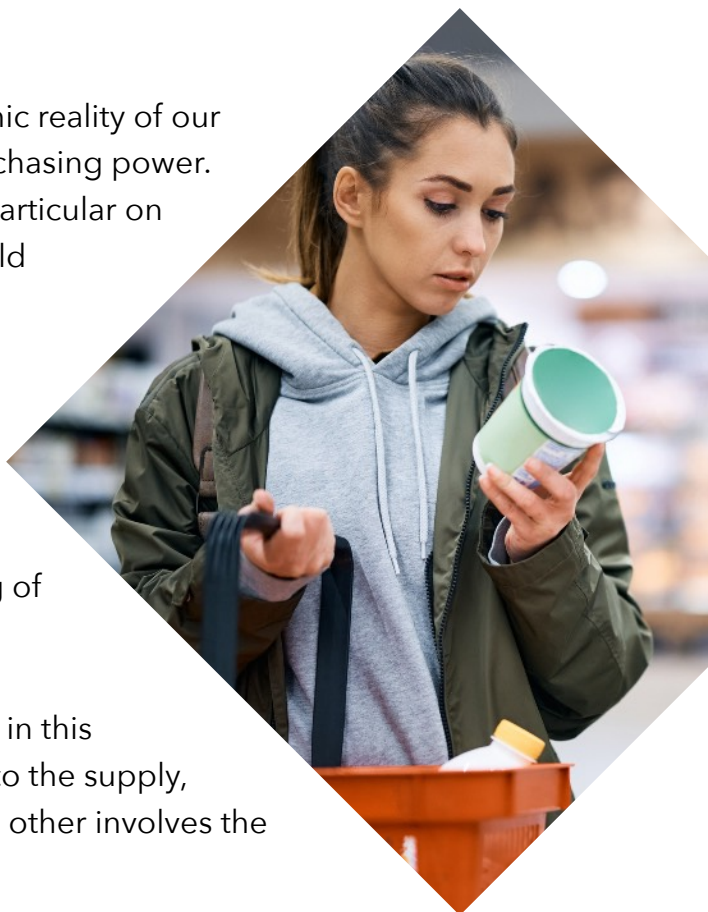
The *Autorité* is therefore committed to preserving the proper competitive operation of the energy markets, whose opening up to competition must be accompanied by tangible benefits for companies and consumers, and by the sanctioning of abuses.

Two important cases are currently being examined in this respect. One concerns possible practices relating to the supply, storage and distribution of fuels in Corsica and the other involves the nuclear clean-up and decommissioning sector.

More broadly, the *Autorité* is ready to contribute to debates on the reform of the European energy markets.

The *Autorité* will also continue to take action to guarantee the competitive balance of mass retail distribution, taken as an entire value chain, which it considers a major concern. It will pay attention to relations between suppliers and distributors, as well as to possible mergers and practices likely to affect the prices or quality of products, in particular those for everyday consumption products and household equipment.

In this respect, the agricultural sector will remain a point of concern. The *Autorité* will ensure that significant progress is made in the procedures already underway into anticompetitive practices and mergers.





# REMAINING VIGILANT WITH REGARD TO COMPETITION CONCERNS IN OVERSEAS TERRITORIES



The *Autorité* will continue to be strongly committed to improving competitive conditions in the overseas territories, where the cost of living remains particularly high.

Its actions will focus on the transport sector, which is a factor in price increases and has specific characteristics in these mostly island territories. Ongoing cases relating to air passenger transport and port services could see significant progress in 2023.

The *Autorité* will also continue to work closely with the competition authorities of New Caledonia and French Polynesia and to support their capacity building.

# ENSURING THAT COMPETITION BENEFITS PUBLIC PROCUREMENT AGENTS

In keeping with its historical role in this area, the *Autorité* will combat practices that distort public procurement rules and harm the taxpayer. It will continue to develop specific tools to detect such practices.



# AN IMPORTANT YEAR FOR THE FREEDOM OF ESTABLISHMENT OF THE REGULATED LEGAL PROFESSIONS

As part of its mission to regulate certain regulated legal professions, in 2023 the *Autorité* will publish its first opinion on the freedom of establishment of commissioners of justice, resulting from the merger of the professions of bailiff and judicial auctioneer, as well as opinions on the freedom of establishment of the professions of lawyer to the Supreme courts and notary.



# WORKING ACTIVELY WITH OTHER INSTITUTIONS AND AUTHORITIES


Cooperation will continue to be close and significant with the sector-specific regulators whose areas of competence intersect with current competition regulation issues: the data protection authority (*Commission nationale de l'informatique et des libertés*, CNIL), due to the productive interaction between personal data protection and competition rules; the broadcasting regulator (*Autorité de régulation de la communication audiovisuelle et numérique*, ARCOM), in view of the large-scale changes underway in the media sector; the telecoms authority (*Autorité de régulation des communications électroniques, des postes et de la distribution de la presse*, ARCEP), as part of the seventh round of market analyses and the switchover of the broadband network to fibre; the energy regulator (*Commission de régulation de l'énergie*, CRE), to protect energy consumers; the transport authority (*Autorité de régulation des transports*, ART), in view of the opinions examined by the *Autorité* this year and the opening up to competition of several parts of this sector; and, lastly, the gambling authority (*Autorité nationale des jeux*, ANJ), particularly with regard to the mergers underway in the sector and the growth of online gaming and betting.

The *Autorité* will maintain close ties with the European Commission and the other national competition authorities, and it will seek to develop its cooperation with the judicial authorities, in criminal, civil and commercial matters, as well as with the financial courts. This approach will be used in particular to develop actions for damages suffered by victims of anticompetitive practices.





# ENSURING THE BEST USE OF OUR RESOURCES



In a context in which its missions are expanding - in particular with respect to whistleblowing regarding competition infringements or investigations for the implementation of obligations under the DMA - the *Autorité* will have to ensure the best possible allocation of its resources, with constant budget and staffing levels, thus requiring the prioritisation of its actions.

Internally, the *Autorité* will continue to implement an energy-saving approach, which its staff is already supporting on a daily basis. It will also expand its sustainability policy, as defined and implemented in concrete terms, in each of its departments and for each of its activities, and will strengthen its inclusion and diversity policy.