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**Working Party No. 2 on Competition and Regulation**

**Market Studies and other Market Analysis Tools for Competition Authorities – Note by  
France**

3 December 2025

This document reproduces a written contribution from France submitted for Item 4 of the 80th meeting of Working Party 2 on 3 December 2025.

More documentation related to this discussion can be found at: [oe.cd/msmat](https://oe.cd/msmat).

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## France

### 1. Advisory practice has long been part of the remit of the *Autorité de la concurrence* (the *Autorité*) and its predecessors.

1. In 1977, the French Competition Commission (*Commission de la concurrence*) had jurisdiction to issue an opinion on any competition issue, at the government's request.
2. French Law 86-1243 of 1 December 1986 *on Pricing Freedom and Competition* transformed the *Commission* into the *Conseil de la concurrence* and expanded its advisory powers, making it mandatory for the Government to consult it on certain draft legislation.
3. However, it was French Law 2008-776 of 4 August 2008 on the *Modernisation of the Economy* that brought about the most significant reform, creating the *Autorité* - established on 2 March 2009 - and giving it the power to start inquiries ex officio to issue opinions on any competition-related subject and make recommendations to the public authorities.
4. In addition to this power to start sector inquiries ex officio - granted later than the same capacity regarding enforcement proceedings - the *Autorité* may be asked to give its opinion "*on any competition-related subject*" by, in particular, the government, the committees of both Chambers of Parliament, local and regional public authorities, professional and trade union organisations or approved consumer organisations. It may also still start sector inquiries at the request of parliamentary committees with a view to issuing an opinion on a parliamentary bill<sup>1</sup>.
5. It is this context that primarily establishes its jurisdiction to conduct sector-specific inquiries, understood as the ability to carry out a detailed examination, which may include public consultation or hearings with stakeholders, concerning the competitive functioning of a sector, to establish a diagnosis on this basis, and to formulate recommendations, in fact and in law, to remedy any current or potential malfunctions.
6. Furthermore, the law provides for certain cases in which the French government must consult the *Autorité*, regarding draft regulatory bills that have a competitive impact<sup>2</sup>, in three clearly defined sets of cases where they could lead to a restriction of competition.
7. In this case, the *Autorité's* opinion is more constrained as it depends on the terms of the referral. However, on a case-by-case basis, certain mandatory referral scenarios may give rise to an opinion with a broader scope, shedding light on the functioning of a sector.
8. The *Autorité* must also be consulted when it intervenes in certain regulated sectors, within the framework of collaboration mechanisms with the relevant regulators. Specific provisions apply to the French electronic communications, postal and print media

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<sup>1</sup> Articles L. 462-1 and L. 462-4 of the French Commercial Code (*Code de commerce*).

<sup>2</sup> If the new rules have the direct effect of "subjecting the exercise of a profession or access to a market to quantitative restrictions, establishing exclusive rights in certain areas or imposing uniform practices with regard to prices or conditions of sale" (Article L. 462-2); if a text aims to regulate prices "in sectors or areas where price competition is limited due to a monopoly or lasting supply difficulties" (Article L. 410-2); lastly, with regard to French overseas territories, when the Government intends to implement the necessary measures to address dysfunctions in the wholesale markets for the goods and services concerned, or wants to regulate the selling price of essential products (Article L. 410-3).

distribution regulator (*Autorité de régulation des communications électroniques, des postes et de la distribution de la presse* - ARCEP)<sup>3</sup> with regard to defining relevant markets in the sector and identifying operators with significant market power in those markets, the Energy Regulatory Commission (*Commission de régulation de l'énergie* – CRE)<sup>4</sup> with regard to abuses of a dominant position and practices relating to the free exercise of competition in this sector, the Transport Regulatory Authority (*Autorité de régulation des transports*, ART)<sup>5</sup> when it examines the rules on accounting separation by railway operators, and the audiovisual and digital communication regulator (*Autorité de régulation de la communication audiovisuelle et numérique* - ARCOM)<sup>6</sup>.

9. Lastly, under Law 2015-990 of 6 August 2015 *for Growth, Activity and Equal Economic Opportunities*, the *Autorité* was assigned the task of overseeing certain regulated legal professions, which it carries out by issuing specific opinions on the conditions of establishment and the determination of the fees charged by these professionals.

10. The *Autorité* therefore has solid and diverse experience in sector inquiries and, more broadly, market studies. Over the last ten years (2015–2024), it has issued more than 150 opinions<sup>7</sup>. In 2024 alone, it started proceedings ex officio four times with a view to launching a sector-specific inquiry.

11. Here, a few examples will illustrate how it seeks to give effective scope to its opinions, so that they lead to improvements in the competitive functioning of the sector concerned.

## **2. The ability to conduct sector-specific inquiries at its own initiative enables the *Autorité* to implement its priorities for action, as formalised in the roadmap it publishes each year<sup>8</sup>. On this basis, the *Autorité* recently decided to explore the competitive functioning of markets in the field of ecological and energy transition.**

12. Two opinions illustrate this approach by the *Autorité*, which seeks to use its advisory powers to help guide the behaviour of private and public actors based on an assessment.

13. The *Autorité* started inquiries ex officio in February 2022 to analyse the competitive functioning of rating systems that which aim to provide consumers with information on the sustainability-related characteristics of consumer products and services. In its opinion issued on 9 January 2025<sup>9</sup>, based on contributions to a public consultation and consultations

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<sup>3</sup> Article L. 37-1 of the French Postal and Electronic Communications Code (*Code des postes et communications électroniques*)

<sup>4</sup> Article L. 134-16 of the French Energy Code (*Code de l'énergie*)

<sup>5</sup> Article L. 2133-4 of the French Transport Code (*Code des transports*)

<sup>6</sup> In particular, enshrined in French Law 86-1067 of 30 September 1986 on Freedom of Communication.

<sup>7</sup> 8 opinions in 2024; 20 opinions in 2023; 9 opinions in 2022; 17 opinions in 2021; 13 opinions in 2020; 15 opinions in 2019; 12 opinions in 2018; 12 opinions in 2017; 27 opinions in 2016; 20 opinions in 2015, making a total of 153 opinions.

*Autorité* <sup>8</sup> [Roadmap 2025/2026](#)

<sup>9</sup> [Opinion 25-A-01](#) on rating systems designed to provide consumers with information on the sustainability-related characteristics of consumer products and services.

with a large number of stakeholders (rating system publishers, companies, civil society participants, such as NGOs and consumer associations), the *Autorité* first found that these systems were booming, a direct result of the rise of sustainability as a competitive parameter guiding consumer choice and part of companies' strategy to differentiate their offers. It then identified the potential risks associated with the development of these rating systems, in terms of the soundness of the system - calculation method, data reliability - and possible collusion between competitors.

14. As a result of this analysis, it took particular care when drafting the opinion to describe in concrete terms, for the attention of industry players, which design conditions for these rating systems are conducive to their proper competitive functioning, and which points require vigilance during their implementation. More generally, its opinion explained how consumer information and sustainability objectives are taken into account in competitive analysis.

15. In February 2023, the *Autorité* also started a sector-specific inquiry ex officio into the deployment and pricing of electric vehicle charging stations and the creation of associated services. After an extensive public consultation and drawing on the work of the sector-specific energy and transport regulators, in June 2024 it issued an opinion<sup>10</sup> analysing the competitive functioning of this sector, which is key for the decarbonisation of the French and European economies.

16. To support the deployment of charging stations, the *Autorité* suggested ways to achieve a more balanced geographical coverage and made recommendations to remedy charging price opacity. This opinion also examines the competitive situation in the market for the installation and operation of publicly accessible charging stations, and in the markets for the supply and subscription of services with mobility operators and interoperability platforms. One section is also devoted to the state of competition with regard to charging infrastructure for private use in apartment buildings.

17. Lastly, this study identifies concerns that could arise in the sector - in particular, risks associated with the vertical and/or conglomerate integration of certain mobility service providers, the exclusion of some of these providers that could result from the pricing policy of certain charging operators towards them, or, in the case of professional organisations and associations in the publicly accessible EVCI sector<sup>11</sup>, concerning the information exchanged and the pricing and non-pricing guidelines (including on environmental parameters) sent to members. The opinion reminds companies that they may request informal guidance on the compatibility of their projects with competition rules where those projects have a sustainable development objective.

18. By exercising its power to take the initiative in sector-specific studies, the *Autorité* has been able to address both market players and public authorities - at national and local level - to offer them directly operational recommendations aimed at changing practices and legislation (e.g. to improve the clarity of the choices available to consumers, the appropriate allocation of publicly accessible charging infrastructure locations, and the transparent functioning of interoperability platforms), accompanied by a warning for the future.

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<sup>10</sup> [Opinion 24-A-03](#) of 30 May 2024 on the electric vehicle charging infrastructure sector

<sup>11</sup> EVCI = electric vehicle charging infrastructure

**3. To ensure the effectiveness of its advisory practice, the *Autorité* also seeks, to the extent permitted by the scope of the referral, to explain to public decision-makers what measures can be taken to strengthen the pro-competitive nature of the draft legislation they submit to it or, more broadly, of the legislative environment they ask it to examine.**

19. Thus, in light of the reservations it expresses or the problems it highlights with regard to the competitive functioning of a market, its opinions include concrete recommendations to remedy them.

20. Two examples of a very different nature can be mentioned.

21. One concerns a request from the French Minister of the Economy for an opinion on the functioning of the property brokerage market for the sale of residential properties.

22. In response, the *Autorité's* opinion<sup>12</sup> analyses the competitive impact of the legislative environment for this activity, which is heavily regulated due to the significant challenge of purchasing a property for households. It found that the legislation, adopted more than half a century ago, needed to be updated, as it hinders the development of innovative services and the reduction of prices, which are particularly high in France, and does not take into account certain new players who operate in this market but are not subject to the strict regulations provided for by law.

23. These recommendations aim to improve the quality and reduce the cost of property brokerage services. For the first time, the *Autorité* has translated its recommendations into proposals for legislative and regulatory changes that can be directly integrated into a revised text. This means that its recommendations can be used immediately by the public authority that requested its opinion, benefiting not only from an overview of the impact of current legislation on the functioning of the sector, but also from the operational tools to improve it in a pro-competitive manner.

24. Another example, among a large number of opinions, can be found in the *Autorité's* recent advisory practice.

25. In 2025, at the request of the French Minister of the Economy, the *Autorité* issued an opinion<sup>13</sup> on the pricing of veterinary medicines and changes in the cost of veterinary care.

26. This opinion provides a summary of the veterinary profession and care practices, as well as an overview of the veterinary medicine distribution chain from marketing to delivery to consumers. It found an increase in group practice structures, under conditions that raise questions, on the one hand, about their impact on competitive intensity - in particular in the downstream consumer veterinary services market, as excessive concentration could weaken competition, particularly where there are no alternatives or it leads to price rises or a deterioration in services - and, on the other hand, on the degree of independence of the private practice veterinarians who are members of such networks. With regard to medicines, the *Autorité* analysed the practices of stakeholders, in particular groupings of purchasing professionals.

27. Lastly, the opinion examines in detail the rules contained in the veterinarians' code of professional conduct and makes several recommendations aimed at removing or relaxing certain unjustified restrictions. It should be noted here that the *Autorité* repeatedly drew on

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<sup>12</sup> [Opinion 23-A-07](#) of 2 June 2023 regarding the situation in the property brokerage market

<sup>13</sup> [Opinion 25-A-12](#) of 13 October 2025 on pricing conditions for veterinary medicines and changes in the cost of veterinary care

its previous opinions on draft decrees relating to the code of professional conduct of various professions in the health sector to formulate its recommendations on the professional conduct of the veterinary profession, which it chose to include within the scope of its opinion. In doing so, it ensures the overall consistency of its work and increases the continuity of its conclusions.

#### 4. A similar approach inspires another particularly original aspect of its advisory practice, which consists in drafting “review opinions”.

28. On two occasions in recent years, the *Autorité* wanted to revisit its previous opinions in order to assess the implementation of its past recommendations and update its analysis to ensure it remained current and relevant.

29. On the 10th anniversary of French Law 2015-990 of 6 August 2015 (cited above), which gave it prerogatives regarding the establishment and pricing of the services of certain legal professionals, the *Autorité* started inquiries ex officio on 10 October 2024 in order to assess this far-reaching reform of the legal framework applicable to the regulated professions<sup>14</sup> concerned.

30. The 2015 law was a response to an opinion by the *Autorité*<sup>15</sup>, which had already highlighted problems with these professions, including difficulties in accessing them, geographical disparities and a disconnect between costs and regulated rates. To lower barriers to entry and align rates with costs, the legislator assigned the *Autorité* a key role in implementing the reform. It makes recommendations on freedom of establishment, through a mandatory biennial opinion, accompanied by a proposal on the location and pace of creation of new offices, and must issue an opinion on the structure of rates and the means of setting them. It also has the power to issue an opinion on any issue relating to regulated rates. It is on this basis that its opinion was issued.

31. Its study, launched in 2024, was, for the first time, based on a dialogue with the academic community, during a workshop to which the *Autorité* invited researchers to present their theoretical or empirical work in economics on issues relating to the opening and regulation of the regulated legal professions.

32. In its opinion<sup>16</sup>, the *Autorité* made both a quantitative and qualitative analysis of both aspects of the reform. It concluded that the reform had produced mixed results, with a positive effect on freedom of establishment - increased service offering, better access to the profession for women and young graduates, geographic coverage and economic viability of offices preserved - but more mixed results in terms of the regulation of rates, with uncertainties regarding the method of rate revision and insufficient rate reductions.

33. The *Autorité* therefore issued recommendations to improve the current system, in order to better achieve the objectives assigned to its mission, particularly in terms of rate regulation.

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<sup>14</sup> The professions of notary, bailiff, judicial auctioneer (the latter two have since been merged into the profession of commissioner of justice) and lawyer at the French Administrative Supreme Court (*Conseil d'État*) and the French Supreme Court (*Cour de cassation*).

<sup>15</sup> [Opinion 15-A-02](#) of 9 January 2015 on competition issues concerning certain regulated legal professions

<sup>16</sup> [Opinion 25-A-09](#) of 31 July 2025 on the assessment and outlook of the 2015 reform of the conditions of establishment and regulated rates for certain legal professions

34. Lastly, the *Autorité's* opinion assesses the savings made by consumers in property settlements between 2016 and 2023, under the new rules on the pricing of notarial services. The savings total an estimated €612 million between 2016 and 2023, or an average of €76 million a year.

35. The *Autorité* also took a similar approach with regard to the key sector of land passenger transport.

36. The quality and cost of land passenger transport are key to the proper functioning of the economy and to users' access to the labour market, education and healthcare. It is also an important factor in Europe's decarbonisation strategy.

37. In November 2022, the *Autorité* started inquiries *ex officio* into competition in this sector with a view to assessing the implementation of its previous main recommendations to public and private stakeholders<sup>17</sup>, identifying current competition issues in the sector and proposing new recommendations to improve the functioning of the land passenger transport markets.

38. In support of its opinion<sup>18</sup>, the *Autorité* launched a public consultation, surveyed a number of stakeholders in the sector (including users) and drew on the work of the sector-specific regulator.

39. With this opinion, the *Autorité* has, for the first time, examined the implementation and effects of its past recommendations in a given sector; it has also updated its analysis to include considerations of intermodality and sustainable development, which have become paramount, and to take account of legislative and regulatory changes.

40. Following on its previous work, the *Autorité* distinguishes between competition in the markets for freely organised transport services (intercity coach transport, part of rail transport, and taxis and private-hire vehicles), in which competition can exist between several operators, and competition for the market for contracted transport. For the former, many of the *Autorité's* recommendations, which accompanied the reforms liberalising the three sectors concerned, were followed up and implemented by the public authorities. For the latter, the *Autorité* stresses, however, that the intensity of competition in this sector remains low.

41. In its opinion, the *Autorité* also sets out cross-cutting findings and makes specific recommendations for each market, addressed not only at transport service operators and the State - as legislator, shareholder and organising authority for conventional rail services - but also at those responsible for promoting competition, i.e. railway infrastructure managers and geographic authorities responsible for organising mobility, whose role is essential.

42. As a result, this opinion not only offers a retrospective view, but also provides tools for continuing the process of improving the sector's competitive functioning and, in doing so, reinforces the usefulness of the advisory function.

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<sup>17</sup> In particular, since its [Opinion 09-A-55](#) of 4 November 2009 on the public land passenger transport sector

<sup>18</sup> [Opinion 23-A-18](#) of 29 November 2023 on the land passenger transport sector