



CRA International Conference: Economic Developments in European Competition Policy

Hot Topics in Antitrust Part II

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INTRODUCTION

The French state of play:

- Institutional setting?
- Policy issues: hot topics and “temperature rising issues”



I – AN EFFECT-BASED APPROACH

A – Identifying the effects of business conduct on consumer welfare

- Business as usual
 - The Conseil de la concurrence is formerly involved in that evolution (*UGC, Canal +*)
 - Many interesting decisions about unilateral practices in 2007
- Providing general guidance: the case of predation
 - The method: the *GlaxoSmithKline* case (March 2007)
 - The implementation in dismissal cases: the *Eurostar* case (December 2007)



I - AN EFFECT-BASED APPROACH

B – Assessing the damage caused to the economy when fixing the fine

- Legal basis
- Measuring the damage
 - The *Cement* case (March 2007)
 - The *Cables* case (July 2007)



II – TIMELY, WORKABLE AND TAILOR-MADE ENFORCEMENT

A – Refining the hammer

- Intervention should be fit: structural vs. behavioral remedies
- Intervention should be timely: interim measures
 - Urgency
 - The case of liberalizing markets



II – TIMELY, WORKABLE AND TAILOR-MADE ENFORCEMENT

B – Mastering the screwdriver: alternative tools aimed at making markets work

- Settlements
 - An increasing success : 40 companies negotiated settlements in 8 cartel, 4 abuse and 2 vertical restraints cases since 2004)
 - Recent cases
- Commitments
 - Which market configurations?
 - Which potentialities? the *Direct Energie* case (December 2007)
 - The nature of the procedure: the Paris Court of Appeals' case-law



III – EFFECTIVE GUIDANCE

A – Guiding public authorities

- Case by case advise (*Opinion on distribution and commercial facilities* – October 2007)
- Systematizing competition screening
 - Attali report
 - OECD report

B – Guiding market players and consumers by building a compliance culture

- Publication injunctions
- Compliance: the Conseil's forthcoming market study



For further information on cases mentioned

Please refer to:

1. Decision n° 07-D-08 of 12 March 2007 relative to practices implemented in the sector of cement supply and distribution in Corsica
http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=693
2. Decision n° 07-D-09 of 24 February 2007, relative to practices implemented by GlaxoSmithKline France laboratory
http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=695
3. Decision n° 07-D-26 of 26 July 2007 relative to practices implemented on the market for high voltage electric cables
http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=799
4. Opinion 07-A-12 of 11 October relative to the legislation on commercial facilities
http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=824
5. Decision n°07-D-39 of 23 November 2007 relative to practices implemented in the sector of railway passenger transport of the Paris-London line
http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=854
6. Decision n° 07-D-43 of 10 December 2007 relative to practices implemented by EDF
http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=862