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# French Competition Law Newsletter

## Highlights

— The *Cour de cassation* dismisses all grounds of appeal in the French courier cartel case

— The Paris Court of Appeals upholds the dismissal of Molotov's complaint against broadcasters TF1 and M6

— Isabelle de Silva steps down as head of the French Competition Authority

— The French Competition Authority issues first public statement communicating on the sending of a statements of objections

## The *Cour de cassation* dismisses all grounds of appeal in the French courier cartel case

On September 22, 2021, the *Cour de cassation* upheld the 2018 judgement of the Paris Court of Appeals[1] which had confirmed the French Competition Authority (the "**FCA**")'s infringement findings nonetheless reducing the amount of the financial penalties imposed on 21 companies in 2015.[2] This ruling closes a 13-year saga and provides a deep-dive analysis into the FCA's fine calculation methodology.

### Background

Following leniency applications filed by Deutsche Bahn and its subsidiaries[3] in 2008 and by Alloin Transports in 2010, the FCA found evidence of two cartels in the French market for courier services, which several major companies and one trade association TFL had implemented between 2004 and 2010.

[1] *See*, Judgment of the Paris Court of Appeals of July 19, 2021, no. 16/01270.

[2] *See*, judgment of the *Cour de cassation* of September 22, 2021, no. X 18-21.436, Y 18-21.437, A 18-21.485, J 18-21-493, D 18-21.580, R 18-21.591, E 18-21.719, C 18.21.763 and Y 18-21.805, available at https://www.autoritedelaconcurrence.fr/sites/default/files/appealsd/2021-09/cass_15d19.pdf. (the "**Judgment of the *Cour de cassation***"). *See*, FCA Decision no. 15-D-19 of December 15, 2015, relating to practices implemented in the standard and express delivery industry, available at https://www.autoritedelaconcurrence.fr/sites/default/files/commitments//15d19.pdf (the "**Decision**").

[3] Namely Schenker AG, Schenker S.A., and Schenker-Joyau S.A.S.

The first cartel took place from September 2004 to September 2010 between TLF and 20 providers of courier services[4] and consisted in the exchange of commercially sensitive information on individualized, forward-looking, annual price increases during secret roundtables as well as in the context of bilateral communications (the "**first cartel**").[5] As cartel participants accounted for almost all of the French courier sector, the practices gave raise to increased price transparency and allowed participants to harmonize their pricing policies and strengthen their bargaining power vis-à-vis customers.[6] The FCA found this cartel to be particularly serious due to its secret nature, its objective which was to coordinate commercial negotiations, and the actual harm caused to the economy (as the cartel was national in scope and had adverse effects on several industrial and business players, in particular SMEs).[7] In order to determine the basic amount of the fines, the FCA took into account the companies' significant turnover in the French courier market to establish the value of the sales relating to the infringements.[8] However, it eventually reduced the amount of the fines by more than 90% to reflect the financial difficulties faced by seven companies.[9] Having applied for leniency, the Deutsche Bahn and Kuehne+Nagel groups obtained additional reductions applied to their penalties.[10] All in all, the FCA issued total fines amounting to €670.9 million for the first cartel.

The second cartel related to the joint implementation, from May 2004 to January 2006, of a "diesel surcharge" designed to pass on fuel price increases to customers (the "**second cartel**"). Fifteen companies[11] implemented this practice, under the auspices of TLF, in response to a sharp rise in the price of diesel fuel and numerous statements from public authorities related to the need to reflect this increase in the price of courier services.[12] Interestingly, given that the second cartel took place "in a very specific economic context" that "may have created some confusion in the companies' minds,"[13] the FCA decided to depart from its 2011 Notice on the setting of financial penalties (the "**Notice on fines**") by applying fixed fines instead.[14] It also found the second cartel to be unsophisticated and to have caused limited harm to the economy.[15] The FCA eventually fined the participants to the second cartel €1.4 million in total.

In July 2018, following an appeal lodged by 16 cartel participants,[16] the Paris Court of Appeals upheld the FCA's finding of competition law infringement but nonetheless ordered a €56.1 million reduction in the fines imposed due to (i) calculation errors in setting their amount; (ii) the limited involvement of certain cartel participants; and (iii) the implementation of compliance programmes.[17]

[4] Namely Alloin Holding (Kuehne+Nagel Group), BMVirolle, Chronopost, DPD France, Ciblex France, Dachser France, DHL Express France, FedEx Express, Gefco, Geodis, General Logistics Systems France, Heppner Société de Transports, Lambert et Valette, XP France, Norbert Dentressangle Distribution (now XPO Distribution), Normatrans, Schenker France, TNT Express France, Transports H Ducros, and Ziegler France.

[5] Decision, paras. 513–515.

[6] Decision, para. 516.

[7] Decision, paras. 1221–1225, 1228, 1245. Strikingly, the eight biggest cartel participants alone accounted for 71% of the market at the time of the infringements (Decision, paras. 1262–1266).

[8] Decision, paras. 1197–1211.

[9] Decision, paras. 1389–1400.

[10] Decision, paras. 1321 *et seq*.

[11] Namely Alloin, Chronopost, Exapaq (now known as DPD France), Dachser, DHL, Gefco, GLS France, Heppner, Lambert et Valette, XP France, Normatrans, Schenker-Joyau (now known as Schenker France), TNT Express, Henri Ducros, and Ziegler.

[12] Decision, paras. 196, 313–323, and 517. The then-applicable regulatory framework did not however impose such a pass-on requirement on courier companies.

[13] Decision, paras. 1168 and 1171.

[14] Decision, paras. 1171–1173.

[15] Decision, paras. 1179 and 1188.

[16] Heppner, Transports Henri Ducros, Ziegler, Ciblex, and TLF did not appeal the Decision.

[17] *See*, Judgment of the Paris Court of Appeals of July 19, 2021, no. 16/01270, available at https://www.autoritedelaconcurrence.fr/sites/default/files/docs/ca_15d19.pdf (the "**Judgment of the Paris Court of Appeals**").

## The *Cour de cassation* ruling

On September 22, 2021, the *Cour de cassation* handed down a final ruling, upholding the reduced fines set by the Court of Appeals and dismissing the nine appeals lodged, the bulk of which related to the FCA's fine calculation methodology.

The first set of claims related to the value of sales taken into account by the FCA for the purposes of calculating the fine. First, the applicants claimed that the FCA wrongly included subcontracting, international, and intra-group activities which were unrelated to courier services, in the value of the sales taken into account to calculate the base amount of the fine.[18] Second, the applicants considered that the Court of Appeals had erred in confirming the FCA's decision to take into account not only sales affected by the infringement but sales of all products or services "related to the infringement", *i.e.*, all courier services supplied on the French market.[19]

On these points, the *Cour de cassation* upheld the Court of Appeals' finding that the FCA correctly used the turnover related to the companies' courier activities in France as the basis for calculating the fines imposed for the first cartel. The Court found that neither the Notice on fines nor the FCA's decisional practice provided that the amount of the fine should only reflect the sales of goods or services directly affected by the infringements. Instead, the *Cour de cassation* noted that, insofar as goods or services of a given category are "related to the infringement", the calculation must take into account the corresponding value of sales, even if the infringement did not directly affect all such goods or services.[20]

In addition, the applicants also challenged the proportion of sales to be retained for fine calculation purposes, *i.e.* 9% as being too high given that the FCA had acknowledged that the damage to the economy was limited. The *Cour de cassation* held that even though the first cartel did not constitute a price-fixing agreement, which is one of the most serious infringements, the information exchange tended to increase future prices and indirectly contributed to fixing these prices, thus constituting a serious infringement nevertheless, thereby justifying the 9% ratio.[21]

Finally, the *Cour de cassation* rejected Deutsche Bahn and Schenker France's claim that they be granted full immunity. Both applicants argued that the FCA had unduly denied them full immunity and had imposed a disproportionate €3 million fine after finding that they had not informed the FCA that they had continued to participate to the infringements after their leniency application.[22] The *Cour de cassation,* however, found that the reduction in the fine, set at 95.63% by the FCA, was sufficiently proportionate, as the final fine represented only 4.37% of the sanction the FCA would have otherwise imposed, and that a further reduction would have mitigated the fine's deterrent effect.[23]

The *Cour de cassation*'s ruling is now final and marks the end of this long-running and high-profile French cartel case.

[18] Judgment of the *Cour de cassation*, para. 42.

[19] Judgment of the *Cour de cassation*, paras. 44 et seq.

[20] Judgment of the *Cour de cassation*, paras. 50–51.

[21] Judgment of the *Cour de cassation*, para. 67.

[22] Judgment of the *Cour de cassation*, para. 76.

[23] Judgment of the *Cour de cassation*, paras. 73 and 79.

# The Paris Court of Appeals upholds the dismissal of Molotov's complaint against broadcasters TF1 and M6

On September 30, 2021, the Paris Court of Appeals upheld the FCA's decision of April 24, 2020 (the "**Decision**") to dismiss Molotov's complaint regarding certain practices allegedly carried out by the two main private free-to-air television broadcasters in France, TF1 and M6. The Court held that, in line with the FCA's findings, neither the evidence on file nor that adduced by the complainant were sufficient to establish any of the alleged infringements.

## Background

Molotov is a television distribution platform launched in 2016 which aggregates and streams French audiovisual programs "over the top", *i.e.*, *via* its internet website Molotov.tv. Molotov uses a "freemium" model whereby users can access basic services for free (*e.g.*, linear television services) whilst additional services (*e.g.*, downloading and recording) are provided for a premium.

In July 2019, Molotov filed a complaint against the two main private free-to-air broadcasters in France, TF1 and M6, requesting that the FCA order interim measures. First, the complaint alleged that TF1 and M6 collectively held a dominant position together with the public television group France Télévisions ("**FTV**"), and that TF1 and M6 abused their dominant position by abruptly terminating Molotov's distribution contract regarding TF1 and M6 channels. The plaintiff also pointed out that termination of the contract coincided with the launch of Salto, the joint venture established by TF1, M6 and FTV[24] which was a direct competitor of Molotov. Second, Molotov alleged that TF1 and M6 abused its economic dependence[25] *vis-à-vis* their services. Third, Molotov claimed that TF1 and M6 colluded to exclude Molotov. Fourth, Molotov held that M6's general distribution terms, which imposed a 'paywall' clause, according to which M6 channels could no longer be accessed for free, constituted an illegal vertical restraint which limited Molotov's freedom to implement a "freemium" model.

The FCA Decision dismissed the complaint altogether, including the request for interim measures, finding that there was no "*sufficiently convincing evidence*"[26] to establish the allegations made against TF1 and M6. In particular, the FCA concluded that the evidence was not sufficient to establish (i) the existence of a dominant position held collectively by FTV, TF1, and M6;[27] (ii) any situation of economic dependence by Molotov;[28] (iii) the existence of an agreement between TF1 and M6 with the object or effect of restricting competition by excluding Molotov from the market;[29] or (iv) the existence of a vertical agreement between M6 and Molotov in respect of M6's general distribution terms, thereby excluding any potential vertical restraint.

On June 24, 2020, Molotov appealed the FCA Decision.

[24] FCA Decision no. 19-DCC-157 of August 12, 2019 regarding the creation of a joint venture by France Télévisions, TF1 and Métropole Télévision companies (Salto)

[25] An abuse of economic dependence is an anticompetitive practice prohibited under French Law (Article L. 420-2 of the French Commercial Code, which consists in a company which, without having a dominant position as such, holds significant economic power which it uses to impose abusive commercial conditions on other trading parties.

[26] Decision, para. 125.

[27] *Ibid*., para. 89.

[28] *Ibid*, para. 106.

[29] *Ibid*, para. 115.

## The Paris Court of Appeals' ruling

On September 30, 2021,[30] the Paris Court of Appeals upheld the FCA's Decision in its entirety.

First, the Paris Court of Appeals dismissed all grounds of appeal put forward by Molotov relating to the intrinsic legality of the Decision. In particular, the Paris Court of Appeals rejected the claim made by Molotov according to which the FCA failed to instruct the complaint, stressing that Molotov bore the burden of proving that the practices were likely[31]. Furthermore, the FCA did not infringe the rights of the defense by refusing to grant Molotov access to some of the evidence that was protected by business secrets.[32] In this respect, the Paris Court of Appeals clarified that, whilst a plaintiff is not required to prove the existence of alleged practices, it is nevertheless required to show that they are likely,[33] and the FCA is not required to fill the evidentiary gap.

Second, the Paris Court of Appeals dismissed all the other grounds of appeal and upheld the FCA's decision to dismiss the complaint based on the fact that the evidence on file, and that adduced by Molotov, was not sufficient to demonstrate the existence of the alleged practices.

As regards the FCA's decision to reject the allegation of an abuse of dominance, the Paris Court of Appeals confirmed that the evidence on file was insufficient to demonstrate the existence of a collective dominant position, stressing that a collective dominant position can only be established when the relevant companies constitute a collective entity (*i.e.*, given their structural capital or legal links) *vis-à-vis* their competitors and commercial partners.[34] In the present case, although both TF1 and M6 requested to be paid between 2016 and 2018 for the supply of their channels, this was not the case for FTV, such that the alleged existence of a collective entity could not stand. Furthermore, the Paris Court of Appeals held that FCA's Decision to reject the allegation of an abuse of dominance was well-founded notwithstanding the fact that the FCA relied on a definition of the market, for the purposes of the assessment of dominance, that was left open and which had been carried out in the context of merger control proceeding, which is, by definition, forward-looking. The Paris Court of Appeals confirmed that the FCA was well-founded to refer to forward-looking market definition stemming from merger control proceedings given that such proceedings[35] were contemporaneous to the case at hand and therefore enabled the FCA to satisfactorily carry out the necessary backward-looking analysis required for antitrust investigations.

As regards the FCA's decision to reject the allegation of an abuse of economic dependence, the Paris Court of Appeals found that, in light of the fact that M6, TF1 and FTV did not constitute a collective entity as mentioned above, the alleged abuse of economic dependence was required to be assessed between Molotov and TF1 on the one hand, and between Molotov and M6 on the other hand.[36] The Paris Court of Appeals found that the evidence was insufficient to conclude that Molotov was economically dependent on TF1 and/or M6, given that, *inter alia*, TF1 and M6 did not have a significant market share on the relevant market, and that Molotov was unable to provide sufficient evidence to determine which proportion of its turnover resulted from TF1 and M6.[37]

Finally, as regards the existence of an alleged anticompetitive agreement, whether horizontal or vertical, the Paris Court of Appeals upheld

[30] Paris Court of Appeals decision n°20/07846 of September 30, 2021 (the "**Ruling**").

[31] Ruling, para. 65.

[32] *Ibid*., para. 72.

[33] *Ibid*., para. 77.

[34] *Ibid*., para. 154. *See, e.g.*, European Court of First Instance, *Gencor* (T-102/96) ECLI:EU:T:1999:65; European Court of Justice, *Compagnie maritime belge* (Joined Cases C-395/96 and C-396/96) ECLI:EU:C:2000:132; Cour de cassation, March 5, 1996, *Total Réunion Comores* and Paris Court of Appeals, October 30, 2001, OMVESA and June 4, 2002, *CFDT Radio Télé*.

[35] FCA Decision no. 19-DCC-157 of August 12, 2019 regarding the creation of a joint venture by France Télévisions, TF1 and Métropole Télévision companies (Salto).

[36] Ruling, para. 175. FTV was not targeted by this claim of economic dependence.

[37] *Ibid*., para. 181.

the FCA's decision to reject these claims on the basis that the evidence on file and that adduced by the plaintiff was not sufficient to establish the existence of an agreement,[38] which is an essential element to establishing a collusive practice or anticompetitive vertical restraint. As regards a possible horizontal agreement specifically, the Paris Court of Appeals stressed that a mere parallelism of behavior, which may result from competitors defining autonomous strategies to adapt to new market trends,[39] is not sufficient to establish the existence of an agreement. As regards a possible vertical agreement specifically, the Paris Court of Appeals upheld the FCA's decision to reject this claim on the basis that M6's general distribution terms constituted a unilateral decision by M6 and was not the subject of an agreement, whether implicit or explicit.

# Isabelle de Silva steps down as head of the French Competition Authority

October 13, 2021 marked the end of Isabelle de Silva's five-year term as President of the FCA. The non-renewal of her mandate came as a surprise to many.

In a speech she delivered on October 11, 2021, I. de Silva went back over the key highlights of her mandate, stressing that she had the opportunity of presiding over important decisions (*e.g.*, *Altice*,[40] *TDF-Itas*,[41] *Brenntag*,[42] or *Google News Corp*[43]) and was able to actively participate in the shaping of the FCA's notices and guidelines.[44]

First, I. de Silva mentioned that her work aimed at developing expertise on novel and structural topics, highlighting the creation of the FCA's Digital Economy Unit and the hiring of highly-skilled analysts, including data scientists, which led to the FCA conducting the first market study into online advertising.[45] She pointed out that this deep-dive analysis in turn allowed the FCA to rapidly intervene in high-profile digital cases such as the *Google News Corp* case. Other market studies and cases related to the digital economy followed suit.

Second, I. de Silva stressed that she strove to improve the FCA's responsiveness, in particular by making full use of interim measures.[46] She concluded that competition law enforcers can no longer be criticized for "*intervening too late and ineffectively*".

Third, I. de Silva stressed that under her presidency, the FCA managed to apply existing competition

[38] *Ibid*., para. 211.

[39] *Ibid*., paras. 202 and 203.

[40] FCA Decision 19-DCC-199 of October 28, 2019 reviewing the commitments made in relation to Decision 14-DCC-160 (which cleared the acquisition of sole control of SFR by Altice, subject to conditions) and the injunctions imposed in Decision 17-D-04 for failing to honor the commitments made in relation to the FCA's conditional clearance decision.

[41] FCA Decision 20-D-01 of January 16, 2020 in relation to certain practices of TDF in the digital terrestrial television broadcasting sector, notably as regards TDF's acquisition of competitor Itas, which did not constitute a notifiable concentration. Towercast complained to the FCA alleging that this acquisition aggravated TDF's dominant position in the market; however the FCA considered that such a merger could not, in itself, constitute an abuse of a dominant position, as no conduct detachable from the merger itself has been demonstrated.

[42] FCA Decision 17-D-27 of December 21, 2017 in relation to certain practices of obstruction by Brenntag constituted by the provision of incomplete and imprecise information after the applicable deadline, as well as the refusal to provide certain material information, which resulted in a € 30 million fine.

[43] FCA Decision 21-D-11 of June 7, 2021 regarding practices implemented in the online advertising sector, resulting in a € 220 million fine imposed on Google for having granted preferential treatment to its proprietary technologies.

[44] Most notably, under her presidency, the FCA renewed its Settlement Procedure Notice (FCA, *Communiqué relatif à la procédure de transaction*, December 21, 2018, available at: https://www.autoritedelaconcurrence.fr/sites/default/files/cque_transaction_dec18_2.pdf), its Merger Control Guidelines (FCA, *Lignes directrices relatives au contrôle des concentrations*, July 23, 2020, available at: https://www.autoritedelaconcurrence.fr/sites/default/files/Lignes_directrices_concentrations_2020.pdf), and most recently, its Fining Notice (FCA, *Communiqué relatif à la méthode de détermination des sanctions pécuniaires*, July 30, 2021, available at: https://www.autoritedelaconcurrence.fr/sites/default/files/Communique_sanction.pdf).

[45] FCA Opinion 18-A-03 of March 6, 2018 regarding data usage in the online advertising sector.

[46] *See* in particular, FCA Decision 20-MC-01 of April 9, 2020 on requests for interim measures by the Syndicat des éditeurs de la presse magazine, the Alliance de la presse d'information générale and others and Agence France-Presse, FCA Decision 21-D-07 of March 17, 2021 regarding a request for urgent interim measures presented by Interactive Advertising Bureau France, Mobile Marketing Association France, Union Des Entreprises de Conseil et Achat Media, and Syndicat des Régies Internet associations in the sector of mobile applications advertising on iOS, and FCA Decision 21-D-12 of June 11, 2021 regarding practices implemented by the Ligue de Football Professionnel in the sector of the sale of television broadcasting rights for sports competitions.

rules in a dynamic way, notably to tackle the practices of dominant companies in the digital economy,[47] but also to take account of privacy and data protection concerns in the competition assessment,[48] whilst still contributing to the development of the legislative framework at both the French and European levels. In particular, she noted that the FCA made significant contributions to the negotiations of the ECN+ Directive[49] and participated in international cooperation, actively contributed to the debate on competition policy and digital issues,[50] as well as on the renewed approach regarding the application of Article 22 EUMR.[51] This led to the first "*below the thresholds*" merger being examined by the European Commission, after the FCA (among other national competition authorities) referred the case to the European Commission.[52]

Finally, I. de Silva noted that the COVID-19 crisis reinforced her belief "*that it is competition that gives the French economy its vital force*", and that, more than ever, the FCA is needed to tackle the challenges posed by the digital transformation of the economy. As regards the challenges laying ahead, I. de Silva mentioned, in particular, seeing through the negotiation of the Digital Markets Act,[53] ensuring that competition law does not hinder sustainability efforts, and intensifying enforcement against anticompetitive practices in labour markets. Her final point was to stress that the FCA would continue to investigate the TF1/M6 contemplated merger in an objective, methodological, transparent and contradictory way, as it would for any case, hinting to the speculation that surrounded the announcement of her departure.[54]

# The French Competition Authority issues first public statement communicating on the sending of a statements of objections

For the first time, the FCA issued a public statement on October 12, 2021, indicating that it had notified a statement of objections in the context of an antitrust investigation. This is the first time the FCA is communicating on such procedural step, which until recently was kept confidential.

The FCA may now publicly disclose the fact that it sent a statement of objections in the context of antitrust proceedings following the transposition of the ECN+ Directive into domestic law,[55] which aims to provide the Member States' competition authorities with more effective means of enforcing competition rules. As a result, article

[47] *See* FCA Decision 19-D-26 of December 19, 2019 regarding practices implemented in the online search advertising sector, FCA Decision 21-D-07 of March 17, 2021 cited above, FCA Decision 20-D-04 of March 16, 2020 regarding practices implemented in the sector of distribution of Apple branded products.

[48] FCA Decision 21-D-07 of March 17, 2021 regarding a request for urgent interim measures presented by Interactive Advertising Bureau France, Mobile Marketing Association France, Union Des Entreprises de Conseil et Achat Media, and Syndicat des Régies Internet associations in the sector of mobile applications advertising on iOS.

[49] Directive (EU) 2019/1 of the European Parliament and of the Council to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market, December 11, 2018, OJ L11 (the "**ECN+ Directive**"), transposed into French law by Ordinance no. 2021-649 of May 26, 2021.

[50] FCA, Contribution to the debate on competition policy and digital challenges, available at: https://www.autoritedelaconcurrence.fr/sites/default/files/2020-02/2020.02.28_contribution_adlc_enjeux_num.pdf.

[51] Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings, January 20, 2004 (the "**EUMR**"). Article 22 of the EUMR allows for one or more Member States to request the European Commission to examine, for those Member States, any concentration that does not have an EU dimension but affects trade between Member States and threatens to significantly affect competition within the territory of the Member State or States making the request, *see also* European Commission Guidance on the application of the referral mechanism set out in Article 22 of the Merger Regulation to certain categories of cases, C(2021) 1959 final, 26 March 2021, available at: https://ec.europa.eu/competition/consultations/2021_merger_control/guidance_article_22_referrals.pdf.

[52] The acquisition of Grail by Illumina (M.10188), press release available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_4322.

[53] Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector, December 15, 2020 (the "**Digital Markets Act**").

[54] Upon announcement of the termination of her mandate, there was some speculation in the press hinting that here departure was linked to her opposition to the merger. *See e.g.*: https://www.agefi.fr/regulation/actualites/quotidien/20211104/l-autorite-concurrence-devrait-conserver-331348

[55] Directive (EU) 2019/1 of the European Parliament and of the Council of December 11, 2018, transposed by Ordinance 2021-649 of May 26, 2021 into Article L. 463-6 of the French Commercial Code.

L. 463-6 of the French Commercial Code now provides that the FCA may publish high-level information relating to the acts it carries out with a view to the investigation, observation or sanction of anticompetitive practices, when the publication of this information is carried out in the public interest and in strict compliance with the presumption of innocence of the companies or associations of companies concerned. Other European competition authorities also have the ability to do so.[56]

The statement of objections was sent to 14 trade organizations and 101 companies for allegedly agreeing not to communicate on the presence of bisphenol A or its substitutes in packaging materials in contact with food.[57]

[56] The European Commission and the Austrian, Belgian, Greek, Dutch and Portuguese competition authorities.

[57] *See* FCA's press release of October 12, 2021, available at: www.autoritedelaconcurrence.fr/en/press-release/bisphenol-food-containers-general-rapporteur-indicates-having-stated-objections-101; https://twitter.com/Adlc_/status/1447953575548686336.

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