

Kluwer Competition Law Blog

French Competition Authority Concludes Online Advertising Sector Inquiry and Announces Possible Further Actions

Charlotte Breuvar, Eric Barbier de la Serre, Laurent De Muyter (Jones Day) · Friday, March 16th, 2018

The French Competition Authority (“FCA”) has published the results of its sector-specific inquiry into display online advertising. The 125-page opinion of March 6, 2018, (“Opinion“) identifies potential competition concerns and is likely to trigger individual antitrust investigations by the FCA (and potentially other national competition authorities) in the online advertising sector.

Background

In May 2016, the FCA and the German *Bundeskartellamt* published a [joint report](#) on Big Data and its implications for competition law. While the *Bundeskartellamt* followed up the report with investigations in the social media sector, the FCA initiated a sector-specific inquiry focused on display online advertising, which complemented its earlier 2010 report on search advertising.

Primary Significance

Internet advertising is the leading form of advertising in France, and the FCA describes access to data as a critical aspect in the sector. Based on the Opinion, the FCA will assess whether to initiate individual antitrust investigations into specific practices. The FCA’s president also stressed the need to act as quickly as possible in addressing potential anticompetitive advertising practices in digital markets.

Main Insights

The FCA’s inquiry mapped out the various stakeholders and the functioning of the sector, which it characterized as being in “fragile competitive equilibrium” with the presence of only two significant global players. According to the FCA, these leading players benefit from several competitive advantages, such as vertical integration of data analysis and advertising services, which enable very powerful targeting capabilities.

The sector inquiry also pointed out a set of practices considered as potentially detrimental to competition, essentially in the so-called advertising intermediation sector. These suspect practices include (i) strategies involving bundling/tying, “low prices” and exclusivities, (ii) leveraging effects, (iii) discrimination, (iv) restrictions on interoperability and (v) restrictions on the ability to collect and access data.

Addressing questions concerning market definition, dominance and access to data will therefore be

critical to any future FCA enforcement action in the online advertising sector. We will be tracking and reporting on these developments.

Jones Day prepares summaries of significant antitrust enforcement, litigation, and policy events as a service to clients and interested readers, to provide timely insight on antitrust and competition law developments relevant to business, but not as legal advice on any specific matter.

To make sure you do not miss out on regular updates from the Kluwer Competition Law Blog, please subscribe [here](#).

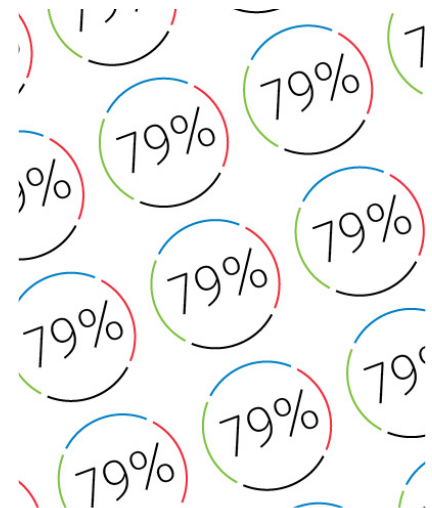
Kluwer Competition Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers are coping with increased volume & complexity of information. Kluwer Competition Law enables you to make more informed decisions, more quickly from every preferred location. Are you, as a competition lawyer, ready for the future?

Learn how **Kluwer Competition Law** can support you.

79% of the lawyers experience significant impact on their work as they are coping with increased volume & complexity of information.

Discover how Kluwer Competition Law can help you.
Speed, Accuracy & Superior advice all in one.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change

This entry was posted on Friday, March 16th, 2018 at 11:00 am and is filed under [France](#), [Sector inquiries](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.