

(English version)

**Priority question for written answer P-000461/25
to the Commission**

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(3 February 2025)

Subject: Obstacle to competition in France's outlying territories: upholding EU law in the face of the high cost of living

France's overseas territories suffer from an economic and social situation which is unacceptable: prices of basic necessities are considerably higher than in mainland France (+ 40% in Martinique, + 39% in French Guyana and + 78% in New Caledonia) and are reaching excessive levels. A number of official reports and independent investigations have uncovered quasi-monopolies and oligopolies, suggesting the existence of cartel and anti-competitive practices detrimental to the people living there.

It is therefore likely that in these territories EU legislation on the transparency of company accounts and the functioning of the internal market is being infringed. The French authorities have so far been unable to resolve these difficulties alone so as to enforce European law and protect citizens effectively.

1. Does the Commission intend to verify France's application of Regulation (EC) No 2020/1197 and, if necessary, open infringement proceedings?
2. Does it intend to launch an antitrust investigation against the Bernard Hayot Group and the groups that dominate the outermost regions' markets in the distribution, transport, automotive, agriculture and banking sectors?
3. How can the concept of abuse of a dominant position be assessed differently in these sectors?

Submitted: 3.2.2025

Answer given by Executive Vice-President Ribera on behalf of the European Commission
(31 March 2025)

Commission Regulations ⁽¹⁾ concerning European Business Statistics define how Member States transmit Structural Business Statistics data (SBS) to Eurostat.

Eurostat receives data for Martinique and French Guiana but not New Caledonia ⁽²⁾. Validation procedures and quality checks apply to such data whatever their origin. Currently Eurostat has no special observations regarding the quality of SBS and Business Demographics data for Martinique and French Guiana.

The Commission Notice on cooperation within the Network of Competition Authorities ⁽³⁾ indicates that national competition authorities are generally considered to be well placed to deal with competition matters, if the conduct at issue is implemented within its territory and has substantial, direct, actual or foreseeable effects on competition mainly within its territory ⁽⁴⁾.

The Commission invites the Honourable Members to contact the French Competition Authority, which has long made the competitive situation in overseas territories the focus of its action ⁽⁵⁾.

Moreover, the French Competition Authority can apply French law provisions which are aimed specifically at addressing possible restrictions to competition and the consequences thereof in overseas territories ⁽⁶⁾.

In accordance with the Court's settled case-law, the concept of abuse of a dominant position is an objective concept ⁽⁷⁾ to be assessed on a case-by-case basis. The Commission cannot therefore answer the question.

⁽¹⁾ Commission Regulation 2019/2152 ('EBS Regulation') and Regulation (EU) 2020/1197 ('EBS General Implementing Act').

⁽²⁾ See <https://ec.europa.eu/eurostat/databrowser/bookmark/21a2f3ed-34c1-4248-9ead-f0b330ec3bf2?lang=en> and <https://ec.europa.eu/eurostat/databrowser/bookmark/6161b543-46a2-4b97-8a85-c6735d7ac9a9?lang=en>

⁽³⁾ Commission Notice on cooperation within the Network of Competition Authorities, OJ C 101, 27.4.2004, p. 43-53, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52004XC0427%2802%29>

⁽⁴⁾ Commission Notice on cooperation within the Network of Competition Authorities, OJ C 101, 27.4.2004, p. 43-53, paras. 8-10.

⁽⁵⁾ See, for a recent example, French Competition Authority, press release of 18 February 2025, available at: <https://www.autoritedelaconcurrence.fr/fr/communiqués-de-presse/saisie-par-le-gouvernement-lautorite-rendra-un-avis-sur-les-marges-des>

⁽⁶⁾ See, for example, Article L.752-27 of the French Commercial Code.

⁽⁷⁾ See for example judgment of the Court of 25 March 2021, *Deutsche Telekom AG v European Commission*, C-152/19P, EU:C:2021:238, para. 41.