[FR] Canal Plus, TF1 and the advertising market - decision by the Monopolies Commission

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On 25 March 1997 the Monopolies Commission reached its decision on the complaint lodged by Canal Plus against TF1 .

Canal Plus claimed that the specific discounts TF1 allowed to advertisers devoting more than half their budget to the channel, and the additional discount for advertisers paying TF1 between FF 1.5 and 45 million for advertising, where this represented between 80 and 100% of their television advertising budget, constituted abuse of a dominant position.

The Commission refused the precautionary measures Canal Plus claimed, although it did not deny that such practices might constitute abuse of a dominant position; it was left to the trial investigation to determine whether or not they were censurable. Thus without adopting a position, the Commission nevertheless stated that the fact of a company operating this type of discount, which was similar to a loyalty discount, could have the purpose and effect of artificially dissuading advertisers from diversifying the media in which they invested, thereby distorting competition among the media. The decision also indicated that even if the disputed practices did limit advertisers' access to Canal Plus , they were not such as to cause the channel serious immediate offence - particularly, as the Commission pointed out, in view of the fact that Canal Plus itself operated this type of discount for a number of years.

Décision du Conseil de la concurrence du 25 mars 1997.

Decision of the Monopolies Commission of 25 March 1997.

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