

APPENDIX

Tables A.1 and A.2

Table A.1. Reform of sectoral economic regulations in France

Industry	Main legislation/regulatory framework	Recent reforms under way	Price control	Entry and withdrawal regulations	Other regulations that can affect competition
Telecommunications	OLiberalisation in force on 1 January 1998: Directives of 28 June 1990 and 26 February 1998 and Act No. 96- 659 of 26 July 1996 setting up a regulator, the ART. pening the local loop by means of private law agreements (Decree No. 2000-881 of 12 September 2001). 30 June 2003, entry into force of the Directive imposing portability on mobile operators (meaning the possibility of changing operator but keeping the same number).	Opening of the capital of <i>France Télécom</i> as of 1997. State share at present 58.9%; this could fall below the threshold of 51% (transposition of the Directives of March and September 2002). The Act of 17 July 2001 allows local communities to set up network infrastructures, plus the possibility in the near future to build, operate or subsidise networks in areas where supply by private operators is inadequate.	Approval of rates by the Finance Minister on the ART's proposal, <i>i.e.</i> the universal service rate. ART control of the rental prices agreed to by <i>France Télécom</i> for operators. Revision by the authorities, on 16 October 2001, of the method of calculating the UMTS fee (reduction of the fixed share + 1% tax on turnover).	Allocation of frequencies by the Finance Minister on the basis of the ART's opinion. Qualitative allocation criteria: wireless (minimum coverage of the population, provision of services). Unbundling in order to reduce impediments to market entry: rental of local loops from <i>France Télécom</i> by operators (50 000 lines in 2003 out of a total of 2 millions). UMTS, the network owner-operator, can keep new entrants out (ban on resale of licences in the event of difficulties).	The ART is responsible for opening markets up to competition, and this has to be reconciled with innovation, employment and territorial investment. The way the universal service is financed could be an obstacle to competition (it accounts for 13% of suppliers' operating costs).
Electric power	Monopoly of electricity generation, transmission and distribution and for gas distribution, imports and exports Act of 8 April 1946). Liberalisation of the industry, started in 1996, in the process of completion (Directives 96/92 of 19 December 1996 and 1998 transposed: Act No. 2000-108 of 10 February 2000, Directive of 4 June 2003). Creation of the regulator, the CRE, with powers extended to energy, including gas, in 2003. Adoption of a guideline law on multi-year programming of investment in electricity generation.	Liberalisation, in 2000, for industries consuming more than 16 gigawatt/hours (30% of consumption). Threshold lowered to 7 gigawatt/hours in 2003 (37% of consumption – 1 000 customers and 3 200 sites). Since 2000 EDF has lost one-quarter of the French market. On 1 July 2004, complete opening up of the market for professional customers and companies (2.3 million customers and 3.6 million sites); 1 July 2007 for private individuals. Between now and then, transfer of the transmission network to a subsidiary. At present a separate entity (<i>Réseau de transport d'électricité</i> : RTE)	Transmission rates are published under the surveillance of the CRE whose task it is to guarantee third-party access to the network. Authorised consumers can organise calls for tenders, auctions and bilateral negotiations or have recourse to a kilowatt-hour exchange when buying electric power (possibly on the so-called "spot" market). Captive customers are provided by the EDF or non-nationalised distributors, with controlled prices set by an order of the Minister for Economic Affairs and Finance on the CRE's proposal.	Electricity generators have access to their customers through transmission and distribution networks (RTE) which belong to the EDF. This third-party access to the network is regulated, with the tariffs for using electric power lines being published.	Revision by the CRE of the method of calculating network access tariffs taking the season into account (cost increase to certain consumers put at 20%, opinion of 18 April 2002 and amending decree)

Table A.1. Reform of sectoral economic regulations in France (cont.)

Industry	Main legislation/regulatory framework	Recent reforms under way	Price control	Entry and withdrawal regulations	Other regulations that can affect competition
Natural gas	Liberalisation, organisation of third-party access to networks, separation of energy supply and transport in the process of completion (Directive of 26 June 2003). Possible purchase of the transport network from the State (Act of 28 December 2001). The distribution network remains the property of the local authorities (Act of 15/06/1906).	Liberalisation for industries consuming more than 25 million m ³ per year and per site. Threshold lowered to 7 million m ³ in 2003 (28% of the market –650 sites). 1 July 2004 complete opening up of the market to professional customers (60% of the domestic market and 500 000 sites); 1 July 2007 for private individuals. Incorporation in the draft legislation changing the status of the GDF of the legal separation of network operators from marketing companies.	Prices are published under CRE control. Eligible consumers negotiate their rates (in exactly the same way as for the purchase of electric power).	Gas transport and supply are regulated. Transport is no longer confined to entities that are over 30% State-owned.	“Take or pay” contracts valid for 20 to 25 years mean that supplies are secure (obligation to pay even if the gas cannot be taken away and resale upstream from one’s own local market prohibited).
Insurance	Liberalisation in force on 1 July 1994: Directives of 18 June and 10 November 1992; Acts of 2001 and 2002, new mutuality code. Strengthening of controls and increased consumer protection (Act No. 2001-420 of 15 May 2001 and Act of 17 July 2003).	Listed companies required to bring their accounts into compliance with IAS norms by 1 January 2005. Professionals and supervisory bodies dispute the valuing of assets and liabilities at the instant market price. At the Commission’s request, France – 2001 Finance Act – has terminated the 7% tax relief granted to mutual insurance companies in respect of insurance contracts.	Abolition of the prior approval of contracts and rates, but the Finance Minister retains the right to intervene in respect of contracts (Decree of 7 February 2001).	New entrants are approved by the committee on insurance undertakings. Insurance or reinsurance companies with their head office in France are under the supervision of the Insurance Control Commission (<i>Commission de Contrôle des Assurances</i>).	There must be funding for full settlement of liabilities <i>vis-à-vis</i> the insured.
Railways	The SNCF converted from a State-controlled company to an EPIC (Act No. 82-1153 of 30 December 1982). Transposition: in 1998 of Directives 95/18, 95/19 and in 2001 of 2001/12, 13 and 14 (1st rail package).	15 March 2003: opening of international freight networks to competition, gradual reduction of the transitional period set initially for 15 March 2008 (2nd rail package). Since 1 January 2002, gradual devolution to the regions of responsibility for organising local rail transport.	Passenger prices are approved by the Transport Minister and he is informed of freight transport prices.	Operators have access to the international network. RFF awards paths on the national network on the basis of terms and conditions that it itself draws up.	France is in favour of <i>a posteriori</i> control of national safety rules by the ECJ, and not <i>a priori</i> control by the European Commission.

Table A.1. Reform of sectoral economic regulations in France (cont.)

Industry	Main legislation/regulatory framework	Recent reforms under way	Price control	Entry and withdrawal regulations	Other regulations that can affect competition
Air transport	Liberalisation in force since 1 April 1997 (last air package – 1987, 1990 and 1992). The European single skies package of 5 December 2002 comprises regulations on the organisation and use of air space, system interoperability and the provision of services.	Services outside Europe are governed by bilateral agreements. The restructuring of Air France is near completion (reduction in State ownership, change in the articles). The privatisation of ADP (<i>Aéroports de Paris</i>) is on the agenda, while the decentralisation of airport management is continuing.		Takeoff and landing slots awarded by a private law association comprising ten airline companies (COHOR) in airports equipped with co-ordinated services. Liberalisation of stopover assistance services (for all airports with annual traffic in excess of 2 million passengers and 50 000 t of freight). For security reasons, the Minister responsible for Aviation can limit the number of service providers.	Except in the case of concentration authorisations, compliance with competition rules comes within the scope of the <i>Conseil de la Concurrence</i> .
Professional services Chartered accountants	Order 45-2138 of 19 September 1945 on the conditions governing access to the profession. Recommendations of the European Commission (21 November 2000, May 2002) on auditing and the independence of auditors.	Since 1991, the harmonisation of standards for the presentation of accounts, together with codification, have helped to open up the profession.	No fixed scale.	The profession is regulated and governed by the professional association of chartered accountants (the OECCA).	
Chartered accountants	... to the profession. Recommendations of the European Commission (21 November 2000, May 2002) on auditing and the independency of auditors.	... accounts, together with codification, have helped to open up the profession.		... chartered accountants (the OECCA).	
Auditors	Commercial Code. Decree 69-810 of 12 August 1969 on the organisation of the profession, and the professional status of auditors.	The Financial Security Act of 17 July 2003 set up an independent authority responsible for overseeing auditors (HCCC).	A contract sets out the number of hours and the level of fees. The transparency of fee payments was reinforced for all listed companies.	The profession is regulated and governed by the <i>Compagnie Nationale des Commissaires aux Comptes</i> (the CNCC).	Nationality criterion (EU or countries with reciprocity). Guarantees concerning moral standards and professional aptitude. Appointment, pronounced by the <i>Assemblée Générale</i> , is made public. 6-year term. Co-auditors for all companies establishing consolidated accounts.
Architects	Introduction of a virtual monopoly for preparing projects requiring a building permit (Act No. 77-2 of 3 January 1977). Act No. 90-1258 of 31 December 1990 on professional corporations.		Fees not regulated. In the public sector, the rules governing procurement contracts or public-private partnerships apply (Act of 12 July 1985).		

Table A.1. **Reform of sectoral economic regulations in France** (cont.)

Industry	Main legislation/regulatory framework	Recent reforms under way	Price control	Entry and withdrawal regulations	Other regulations that can affect competition
Lawyers	Merger of the professions of lawyer, solicitor and legal adviser; authorisation, under certain conditions, for lawyers and non-lawyers to cohabit within the same entity (Acts of 31 December 1971 and 1990). Creation of holding companies whose sole purpose is to take stakes in professional corporations (Act of 11 December 2001 – the Murcef Act).	Legal aid was revalued in 2002 (25% increase in lawyers' fees at a cost of EUR 53.36 million).	Fees unregulated, with a lower limit (Act of 31 December 2003). Fees for overhead costs and handling cases covered on the basis of a rate unaltered since a decree dating from 1960. All attempts to regulate the indicative fee scales have been rejected by the Competition Council.	Entry to and withdrawal from the profession governed by the Bar Association. Lawyers enjoy a monopoly with respect to assisting and representing parties in the jurisdiction of the court in which they have established their professional residence.	Nationality criterion (EU or countries with reciprocity).
Banks	Nationalisation of the sector: Acts of 2 December 1945 and 11 February 1982, followed by privatisation (Acts of 2 July and 6 August 1993). Liberalisation of their status and supervisory arrangements (Act of 24 January 1984, transposition of the directives in 1999 and 2000). Consumer protection is very regulated (Acts of 1978, 1989 and 2001). Notification of concentration operations in excess of the Community threshold (Act of 15 May 2001 and Decree of 30 April 2002).	Regulation of the sector entrusted to the Financial Markets Authority (AMF), which has legal status (Act of 17 July 2003). The Directive on accounting standards has to be transposed by 1 January 2004 at the latest.		Approval required in order to set up a subsidiary or branch in France. The Directive of 15 December 1989, in force since 1 January 1993, establishes the principle of single approval.	The new entrants to the bank card issuing market (on-line banks and supermarkets) complain to the European Commission's competition services about the prices charged by the bank card groups, which are deemed discriminatory. The Post Office's decision to grant consumer credit revives the debate about distortions in competition between banks and mutualist establishments.

Source: OECD.

Table A.2. Potential impact of the reform of sectoral regulations

Industry	Structure of the industry and competition	Industry profits	Impact on production, prices and relative prices	Impact on service quality and reliability and on universal service	Impact on wages and employment in the sector	Efficiency/productivity and costs
Telecommunications	The sector is open to competition. <i>France Télécom</i> (FT) (which has been a public utility – EPIC – since January 1991, became a limited company on 27 July 1996). FT controls approximately half of the market shares in mobile telephony and 63.3% of fixed long-distance lines. (2002).	Pre-tax turnover of the telecommunications industry, EUR 21.5 billion in 2000 (of which some 25% made by new entrants), but difficulties since 2001.	Competition has appreciably expanded the market – for mobile services in particular, and less so for fixed line services. Prices have come down sharply, particularly for international calls, where the new entrants are present for mobile services.	Universal service comprises basic telephony services. Few data published on service quality. Where mobile services are concerned, government intervention to ensure that the whole of the country is covered (between 8.7% and 15% of the country not covered).	Increase in the number of jobs between 1992 and 2002 (205 000 jobs generated by mobile telephony). Continued layoffs in <i>France Télécom</i> (250 000 employees in 2002). Recently, job cuts in firms manufacturing components.	At present, firms are focusing on restoring their profit margins in order to rectify their profit situation. There is a danger of an oligopolistic situation arising, including at the European level.
Electric power	The EDF is a public utility (EPIC). The transport network is managed by an independent division of the EDF (RTE); operation of 18 hydroelectric dams entrusted to a State-owned company (<i>Compagnie Nationale du Rhône</i> , CNR).	The EDF, the leading electric power multinational, is in a delicate financial situation (reduction in net profit between 1998 and 2002), coupled with a steep rise in turnover on the international side.	Electricity generation with a low marginal cost because of the large share of nuclear power. Increase in rates scheduled under the EDF-État contract (from 1% in 2001 to 3% in 2003), lower than forecast in the contract	Cost of the utility put at EUR 1 306 million per year, <i>i.e.</i> 3% of a private individual's bill and 10% for manufacturers – <i>Commission de Régulation de l'Energie</i> , CRE, 2002). Access to the network comes under the CRE, while supervision of the industry is the responsibility of the Minister for Economic Affairs.	The EDF has 172 000 employees, of whom 112 728 are with the parent company. Under the EDF-État contract, the wage bill is set to fall by 1.5% per year.	Nuclear power ensures a high degree of efficiency. The electricity transmission network does not break down, but there are doubts as to the future, (staff pensions, reserves set aside to cover the future costs of dismantling nuclear power stations).

Table A.2. Potential impact of the reform of sectoral regulations (cont.)

Industry	Structure of the industry and competition	Industry profits	Impact on production, prices and relative prices	Impact on service quality and reliability and on universal service	Impact on wages and employment in the sector	Efficiency/productivity and costs
Natural gas	Openness of the eligible market: 3.62% of the total market in 2002 (European average.) GDF-EPIC, 86% of storage sites, 77.2% of distribution networks, 87% of the transport network. Obstacles to the arrival of new entrants for gas transportation. (Dependence on abroad, high infrastructure costs if remote from injection zones and big penalties in the event of failure to comply with injected and withdrawn gas volumes).	Turnover EUR 14.55 billion in 2002, <i>i.e.</i> 1.3% up on 2001 (EUR 14.36 billion) and indebtedness EUR 4.35 billion.	Following liberalisation and the absence of a specific tax, prices below the European average. Prices higher for private individuals. Creation of three independent network managers and, since 2003, the CRE empowered to make proposals concerning the pricing of gas transport infrastructure and liquefied natural gas terminals.	No universal service, but possible appointment of a supplier to prevent cuts in vulnerable customers' supplies.	Small increase in consolidated staff numbers (37 853 in 2002, compared to 36 451 in 2001), while numbers in France fell (24 800 in 2002, as against 29 873 in 2001).	Failure to organise the rationing of network capacity during peak periods. Lack of flexibility of supply rules out the creation of a secondary market.
Insurance	Increasing concentration of the sector (526 insurance undertakings in 2001, 2 523 mutual companies in 2003 compared to 6 000 in 1998).	Higher rates have yielded an increase in turnover (EUR 131.7 billion in 2002). The reinsurance sector is experiencing some difficulties (negative outturn of EUR 575.9 and 368.6 million in 2001 and 2002).	Reduction in the cost of guarantees for private individuals and businessmen but, since 1991, a significant increase in premiums which stabilised in 2003 (for example, an increase of 40% to 100% for civil liability attaching to major industrial risks	Strong consumer protection (guarantee fund for life, motor vehicle and loss insurance). Tightening up of the control system through the merging of the bodies involved.	In 2000, the sector employed 203 800 people (36 200 jobs lost in the space of two years). The 1998/1999 mergers affected 48% of jobs.	
Railways	No real challenge to the dominant position of the SNCF (creation of 654 subsidiaries). That said, the railways are in competition with road and air transport. Accounting separate from RFF.	Turnover in 2001 EUR 20.1 billion. Debts of SNCF 22.7 billion (cost of labour disputes in 2002: EUR 250 million.) 20.59% of goods carried by rail (turnover EUR 1.97 billion, deficit EUR 405 million).	The special fares available to certain categories of user (the elderly, families), are offset by the State.	Regionalisation has increased the number of passenger by 12%. In 2002, 73% of freight trains were less than 5 minutes late, while for passenger transport the figure was 92%.	The SNCF wage bill accounts for 50% of turnover. Pension payments are a major burden for both the company and the State.	Improving freight efficiency is one of the SNCF's priorities. The 500 kms of line sub-contracted by the SNCF cost less to operate.

Table A.2. Potential impact of the reform of sectoral regulations (cont.)

Industry	Structure of the industry and competition	Industry profits	Impact on production, prices and relative prices	Impact on service quality and reliability and on universal service	Impact on wages and employment in the sector	Efficiency/productivity and costs
Air transport	The national carrier is favoured by the regulatory framework (allocation of slots). 3rd biggest company in the world and 2nd biggest in Europe for passenger transport, with 42.9 million passengers carried in 2002. The airports are State-owned.	Air France's turnover is on the increase (EUR 12 687 billion in 2002, <i>i.e.</i> + 1.3%). The company stood up better to the post 11 September slowdown than did some of its competitors.	Business and economy class fares fall into a good average range, but prices are high on the domestic market, except on lines where there is competition from the low-cost companies. State approval of airport charges set by the operator.	Decrease in delays caused by air traffic control (0.98 mins. in 2002). Poor allocation of capacity to small and medium-sized airports (ADP account for 60% of passenger traffic and 90% of freight transport).	A 2.7 point improvement in the wage bill/turnover ratio between 1999 and 2001, but it is still higher than the European company average.	The occupancy rate (73.9% in 2003) is higher than the European average.
Professional services Chartered accountants	The profession is highly dispersed (with 11 125 firms, of which 2/3 have fewer than ten employees). 41% practice privately, while 59% are employees.	The profession's aggregate turnover is EUR 7 billion, which gives an average of EUR 460 000 per firm in 2001.		Rules of conduct laid down by an association (last code of ethics published in 2001).	The profession has 130 000 employees, whose average income is of the order of EUR 65 000 per year.	
Auditors	The profession is relatively highly concentrated, particularly where the listed companies are concerned: 2 or 3 big French companies with an international network.			Ethical standards drawn up at the French level. In other respects, international standards have a big influence.		
Architects	The profession divides up as follows: 70% of architects are self-employed, 14% are partners, 3.3% are civil servants, 8% are employees and 5.6% fall into other categories. 60% of firms have less than one employee and 88% fewer than 4 employees.				Wage costs account for 85% of turnover.	

Table A.2. Potential impact of the reform of sectoral regulations (cont.)

Industry	Structure of the industry and competition	Industry profits	Impact on production, prices and relative prices	Impact on service quality and reliability and on universal service	Impact on wages and employment in the sector	Efficiency/productivity and costs
Lawyers	The Paris Bar accounts for 39.4% of the 39 454 lawyers – of whom 1 087 are foreign. Metropolitan France has 66 lawyers for every 100 000 inhabitants.	Associates earning less than EUR 23 000 account for 47.9% of the total. Of those practicing with a group, 49.5% earn more than EUR 76 000 (2002). Costs account for some 55% of profits.	Hourly rates of remuneration have risen sharply since 1997 (by between 15% and 49%, depending on the nature of the services provided and the firm). In 2002, the average hourly rate for partners was EUR 314 (EUR 294 in 2000) and EUR 192 for associates (EUR 180 in 2000).			Following the adoption of new income scales, 40% of the population is entitled to legal aid paid for by the State. The spread of legal aid insurance could result in a fall in the rate of pay.
Banks	The sector is highly concentrated (2 085 banks in 1999 and 1 116 in 2000). Bank density remains high (0.4 per 1 000 inhabitants). 5 groups account for some 70% of total deposits and 48.7% of credit. 55% of domestic customer deposits are with the mutualist networks. The Post Office network plays a special role (being authorised to extend property loans – 2003-2007 <i>contrat de plan</i>). Credit institution to be set up by 2005. The role of the Post Office could be stepped up in 2006, provided competition rules are respected.	Liberalisation of the sector with the gradual disappearance of distortions in competition (for example, the monopoly for allocating subsidised loans). French banks' returns on their operations are mediocre (fall in profit margins from 1993-1995; average return on net capital in line with international standards in 2000). Market buoyant for private individuals (growth in excess of 5% from 1997 to 2001, return on equity > 15%).	Supervision by the authorities of certain operations (free cheques, limits on commission charged on cash transactions) and products (setting of rates on investments enjoying a special tax regime, ceiling on the penalty for early repayment of property loans by private individuals). Sight deposits do not earn interest.	Preparation by the profession of a basic bank services charter.	The decline in bank staff numbers (–9% between 1990 and 2000) mainly concerned operatives (41% of employees in 1980, 13% in 1989 and 3% in 1999). Over the same period, staff numbers grew by 5% in the mutualist and co-operative networks.	

Source: OECD.

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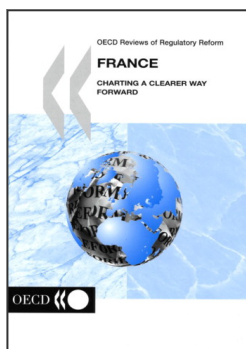
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