



Competition Law and Digital Health Platforms: Lessons from the Doctolib Sanction

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Resume: In November 2025, the French Competition Authority imposed a fine of €4.66 million on Doctolib for abuse of a dominant position, notably through restrictive practices and a killer acquisition falling below both European and national notification thresholds. In sanctioning this abuse, the Authority relied on the 2023 *Towercast* precedent. The decision, however, attracted significant attention and raised questions regarding the effectiveness of below-threshold merger control within the EU.

Over the last twenty years, the digital revolution has profoundly transformed lifestyles and social organization. Everyday practices, such as communication, consumption and access to services, have increasingly shifted online, including within traditionally regulated sectors such as healthcare. The scheduling of medical appointments has not escaped this evolution.

Founded in 2013, Doctolib has established itself as a central player in online medical appointment services and teleconsultation. Through its nationwide presence in France,

the platform has become an almost indispensable intermediary between patients and healthcare professionals. Indeed, it has contributed to streamlining access to care and played a structuring role in the development of remote consultations during the Covid-19 health crisis¹.

It's in this context that the French Competition Authority issued a landmark decision concerning the control of abuses of dominant position². The decision, promptly analyzed by scholars, stands out as one of the most significant of 2025, both in terms of the qualification of the practices involved and for

online medical appointment and teleconsultation sector.

¹ Lelièvre A., *Covid: Doctolib, the indispensable ally of the State in managing the health crisis*, *Les Échos*, Mar. 2022.

² French Competition Authority, Decision 25-D-06 of November 6th, 2025 concerning practices in the

being the first-ever application of the *Towervast* judgment³ to *ex post* review of below-threshold mergers. It's not the transaction itself that is sanctioned, but the overall strategy that was implemented.

In the present case, *Cegedim Santé* referred the matter to the Competition Authority on 5 November 2019, denouncing exclusionary practices implemented by Doctolib. During the investigation, the Nanterre Judge for Liberties and Detention authorized, on 11 May 2021, inspection and seizure operations under Article L.450-4 of the French Commercial Code, which were carried out on 18 May 2021 at Doctolib's premises.

Following these operations, the General Rapporteur took over the case, and a statement of objections was sent to Doctolib on 10 June 2024. Finally, under the Articles 102 TFEU and L.420-2 of the French Commercial Code, the Authority sanctioned the acquisition of *MonDocteur* and concluded that Doctolib had abused its dominant position in the market for online medical appointment services, as part of a single, complex, and continuous infringement, aimed at excluding competitors through a global, structured, and coherent strategy⁴.

³ Court of Justice of the European Union, C-449/21, *Towervast*, March 16th, 2023

⁴ Court of Justice of the European Union, C-204/00 P, *Aalborg Portland e.a. / Commission*, January 7th, 2004

The French Competition Authority imposed a fine of €4,665,000 on Doctolib, considering the practices involved as particularly serious given their object and anticompetitive effects on the market⁵.

The Doctolib decision thus highlights the growing tensions between innovation, economic sovereignty, and competition protection. It marks a significant step in addressing below-threshold killer acquisitions, but it leaves an essential question unresolved: does competition law truly possess the legal, temporal, and deterrent tools to effectively regulate dominant digital platforms?

I. The Emergence and Competitive Structuring of the Online Medical Appointment Market

A. Rapid Growth of Online Medical Appointment Services, Accelerated by the Covid-19 pandemic

Online medical appointment services, such as Doctolib Patient, founded in 2013, allow healthcare professionals to manage and share their schedules through a digital interface. Patients can search for providers based on various criteria (specialty, availability,

⁵ Simon-Rainaud M., *Doctolib condemned for abuse of dominant position*, *Les Échos*, Nov. 2025

location, fees, or reason for consultation) and book appointments either in person or remotely, directly from a computer or mobile device.

These platforms provide a significant competitive advantage by simplifying and accelerating the appointment process, ensuring continuous accessibility independent of clinic hours. They also improve care organization and optimize physicians' time.

The Covid-19 health crisis significantly accelerated the adoption of these services, reinforcing the use of digital tools in healthcare. In particular, the widespread use of teleconsultations encouraged both patients and healthcare professionals to embrace these platforms, leading to lasting changes in behavior within the sector.

B. A Two-Sided Market Based on Strong Network Effects

The market for online medical appointment services is a two-sided market, in which the platform acts as an intermediary between two distinct but interdependent user groups: healthcare professionals and patients.

Interactions between the two sides generate strong indirect network effects, meaning the value a user derives on one side depends on

the number of users on the other side. Patients naturally prefer platforms offering access to a large pool of healthcare providers, while providers seek visibility on platforms with a substantial patient base.

These dynamics were particularly reinforced during the health crisis, when public authorities, in 2021, entrusted certain platforms, including Doctolib, Maïia, and KelDoc, with managing online appointments for the Covid-19 vaccination campaign. This institutional recognition further strengthened their market attractiveness and entrenchment.

In this context, the French Competition Authority has emphasized that *"in the presence of two-sided markets, the economic balance of one market cannot be considered independently of the conditions prevailing on the other"*, as both sides operate interdependently in market definition and competition analysis⁶.

C. Doctolib's Dominant Position in the Online Medical Appointment Market

Doctolib primarily provides online appointment booking services, professional schedule management, and technological solutions for conducting medical teleconsultations within the e-health sector. Its services are mainly targeted at regulated

⁶ French Competition Authority, *Guidelines on the Assessment of Mergers*, 2020, para. 599

healthcare professionals, whether practicing conventional or alternative medicine.

The platform has gradually become a central player in the market, expanding beyond France into Italy, Germany, and the Netherlands, thereby consolidating its position as a key intermediary between patients and healthcare providers.

Given its substantial and stable market shares, high entry barriers in the online medical appointment sector, and the absence of countervailing buyer power, Doctolib has held a dominant position in the market since 2017. Its market shares consistently exceed 50% between 2017 and 2022, reaching over 90% in certain years.

This dominant position grants Doctolib significant market power, enabling the platform to act largely independently of competitors, clients, and, ultimately, normal competitive constraints.

II. The Characterization of an Abuse of Dominance by the French Competition Authority

A. Imposition of Exclusivity and Anti-Allotment Clauses on Healthcare Professionals

Between 2013 and 2023, Doctolib included systematically exclusivity clauses in its subscription contracts with healthcare professionals, combined with so-called “*anti-allotment*” clauses allowing suspension or termination of the contract in case of non-compliance. Under these provisions, healthcare professionals committed, for the duration of their contractual relationship with Doctolib, not to use competing online appointment booking or teleconsultation services and required to terminate their contracts with competing services.

Numerous internal documents produced in the proceedings attest to Doctolib’s explicit intent to enforce strong exclusivity, with executives stating the objective to “*be a mandatory and strategic interface between the doctor and their patient, thereby locking both of them in.*”

The Authority noted that these practices significantly restricted the freedom of choice of healthcare professionals. Moreover, these clauses hindered the development of competing operators, particularly smaller players. Several actors, such as Solocal or Qare, either ceased development of their

services or abandoned plans to enter the market.

B. Implementation of a Tying Practice Between Doctolib Patient and Doctolib Teleconsultation

The investigation established that the online appointment booking service (*Doctolib Patient*) and the teleconsultation service (*Doctolib Teleconsultation*) constitute distinct products, serving different needs and, in principle, capable of being offered independently. The Authority further determined that Doctolib held a dominant position in both markets.

Despite this distinction, Doctolib conditioned access to its teleconsultation service upon prior and mandatory subscription to Doctolib Patient. This tying practice was actively implemented in commercial operations, as evidenced by internal sales instructions. Healthcare professionals wishing to use Doctolib Teleconsultation were compelled to also subscribe to its appointment booking service, thereby excluding competing solutions.

There again, several factors indicate that this practice reinforced barriers to entry in the online appointment booking market, consolidating Doctolib's dominant position to the detriment of competitors.

The Authority further observed that this practice was not objectively justified.

Doctolib Teleconsultation could operate independently of any online appointment booking service, including through offline management of appointments.

C. Predatory Acquisition of MonDocteur and Market Lock-in

MonDocteur, founded in 2013, operated an online appointment booking platform for healthcare professionals on a monthly subscription basis. By mid-2018, it counted approximately 8,200 healthcare professional clients, 2.7 million patient accounts, and recorded over 2 million appointments booked per month.

On 10 July 2018, Doctolib acquired the entirety of MonDocteur's share capital and voting rights, identified in internal documents as "*competitor No. 1.*" Several documents indicate that Doctolib regarded MonDocteur as a competitor to be "*attacked,*" presenting the acquisition as a mean to operate "*without any further competition in France*" and to establish the "*sole patient portal*" nationwide.

Internal documents confirmed that the value of the transaction did not lie in integrating the acquired assets, but in removing MonDocteur as a competitor. The operation was specifically intended to "*reduce price pressure*" and raise prices by "*10 to 20%.*"

The strategy proved highly effective: the closure of the MonDocteur platform and the

migration of its clients to Doctolib resulted in a 92% conversion rate, the addition of 10,000 new healthcare professionals, and a significant strengthening of Doctolib's market share. The disappearance of MonDocteur reduced market diversity and also locked the market.

Finally, this acquisition enabled Doctolib to acquire an extremely strong position in the online appointment booking and teleconsultation market.

III. A Legally Ambitious Decision but Politically and Economically Ambivalent

A. A First Salutory Application of the Towercast Jurisprudence but with Uncertain Normative Effects

The Doctolib decision is the first application of the *Towercast precedent*⁷ by the French Competition Authority. By invoking Articles 102 TFEU and L.420-2 of the Commercial Code, the Authority is conducting an *ex post* review of a merger that falls below the notification thresholds.

However, Doctolib's acquisition of MonDocteur took place before the Towercast decision. By sanctioning this acquisition several years later, the French

Competition Authority is therefore applying a competition rule retroactively for an acquisition that was not subject to review at the time it was carried out. This raised concerns regarding the degree of foreseeability for market operators. The sanction was indeed reduced, but the finding of liability remains⁸.

This legal uncertainty has caused widespread panic among legal professionals, investors, and digital players. Faced with these concerns, the Competition Authority sought to reassure them by stating that it would only take up cases that were likely to pose a real competition problem. It also announced that it would broaden the scope of the comfort letter mechanism in order to establish an dialogue with companies and enable them to assess the compliance of their projects with merger law.

However, this institutional response itself raises new questions. Isn't there a risk that increased use of comfort letters will lead to a backlog in the system, with companies being encouraged to systematically seek the Authority's approval in order to protect themselves against any *ex post* risk? While the Authority considers such a mechanism to be sustainable, based in particular on the example of other national authorities such as the Italian Competition Authority, the

⁷ Court of Justice of the European Union, C-449/21, *Towercast*, March 16th, 2023

⁸ Bosco D., *Competition: Protection of the Market*, LexisNexis, No 1, Jan. 2026.

transposition of this practice to the French context remains uncertain.

Beyond the sanction itself, the decision must be viewed within a broader institutional context. Following a public consultation launched in early 2025 and in the wake of *Illumina/Grail*, the Authority has been considering reforming the *ex post* control of below-threshold mergers, including the creation of a targeted “*call-in*” power based on precise qualitative and quantitative criteria⁹. The stated objective is twofold: to prevent killer acquisitions while ensuring sufficient legal certainty for innovative companies.

This dynamic is not isolated. Several European authorities are now exploring the *ex post* review of mergers under Articles 101 and 102 TFEU to address gaps in existing legal framework and to broaden their scope of action beyond what current merger control rules allow¹⁰. For example, in 2025, the Belgian Competition Authority investigation into *Live Nation’s* acquisition of the *Pukkelpop festival* illustrates this pragmatic extension of below-threshold merger control¹¹. Indeed, merger law, still largely based on turnover thresholds, thus

reveals persistent structural gaps¹² in addressing below-threshold concentrations.

B. A Decision Reflecting a Persistent Debate Between Market Balance and the Preservation of Industrial and Economic Sovereignty in the European Union

The *Doctolib* decision sparked strong reactions from legal experts and the digital and entrepreneurial ecosystem. Similar to criticisms raised in the *Alstom/Siemens* case, some commentators view it as counterproductive, or even hostile, to the emergence of European champions capable of competing with well-funded United States and Asian players¹³.

The argument is familiar: in still-fragmented markets characterized by strong network effects, mergers are an essential lever for European competitiveness. By sanctioning such operations, at least in principle, the Authority risks disarming its own actors against international competition.

This uncertainty directly affects venture capital exit strategies. Several players have already reported a freeze or slowdown in mergers and acquisitions pending

⁹ Redon D., Lorieul V., *Merger control: the widened scope of competition authorities*, CMS Francis Lefebvre, Nov. 2025

¹⁰ Lefever V., *The French Competition Authority finds an abuse of dominant position through a below threshold killer acquisition in the online medical booking sector*, Concurrences, No 1/2025, Nov. 2025

¹¹ Belgian Competition Authority, Press Release No. 43/2025, November 12th, 2025

¹² Féral-Schuhl C., *Has Europe truly equipped itself to achieve its ambitions?*, Concurrences No. 2/2021, May 2021

¹³ Conference *New Frontiers of Antitrust, Beyond Alstom-Siemens: Is there a need to revise competition law goals?*, Paris, June 14th, 2019

clarification. By weakening exit prospects, the decision is likely to slow investment in start-ups, at a time when it is already slowing down. The Doctolib case thus highlights a persistent paradox: even as European institutions call for the strengthening of digital sovereignty and the emergence of players capable of structuring strategic markets, as emphasized in the *Draghi Report*¹⁴, competition law remains marked by a persistent mistrust of rapid growth and market dominance, even when they result from genuine innovation¹⁵.

These criticisms must nonetheless be nuanced. The real issue is not merger *per se* but the distinction between legitimate mergers and killer acquisitions. The *Doctolib* decision highlights the absence of clear criteria enabling companies and investors to anticipate legal risk associated with below-threshold transactions.

C. A Symbolic Sanction Raising Questions on the Effectiveness of Competition Policy

The Competition Authority may impose on each undertaking concerned a single sanction covering several infringements, provided that the practices alleged form part of a single strategy aimed at eliminating competition. In the present case, the practices are of a different nature. The first objection is behavioural and commercial in nature,

¹⁴ European Commission, *Draghi Report: The Future of European Competitiveness*, Sept. 2024

whereas the acquisition targeted by the second objection is structural in nature. Consequently, the Authority imposed two separate sanctions. In respect of the second objection, concerning abuse of a dominant position through the acquisition of sole control over MonDocteur, it imposed a fine of €50,000. This low amount is explained by the legal uncertainty that existed prior to the Towercast judgment.

Moreover, the seven-year delay required to reach a decision highlights the challenges for competition authorities in addressing practices with immediate and lasting effects, particularly in fast-growing digital markets. *Ex post* control is inherently more burdensome than *ex ante* control, exposing companies to prolonged uncertainty while forcing the Authority to intervene only once competitive damage has already occurred.

The Competition Authority has in fact introduced a new risk. Large companies can rely on their financial, legal, and technical resources, including external experts and specialized firms, to anticipate and manage this uncertainty, whereas start-ups and innovative SMEs remain largely exposed.

Finally, while the *Doctolib* decision is justified in sanctioning restrictive practices, it ultimately underscores the structural and

¹⁵ Dynamic Competition Initiative, *Designing EU merger policy for competitiveness and growth*, Concurrences, No 1/2025, Nov. 2025

temporal limitations of merger law and the difficulty for authorities to balance the protection of competition with the need for legal certainty in dynamic digital markets.

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