



PUBLIC CONSULTATION

## **EU competition rules on vertical agreements – evaluation**

### **About this consultation**

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#### **Feedback period**

4 February 2019 - 27 May 2019 (midnight Brussels time)

#### **Topic**

Competition

### **Target audience**

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The Commission has conducted a mapping exercise relying on the Commission's experience with enforcing Article 101 of the Treaty, the information gathered through the E-commerce Sector Enquiry and the feedback received on the Roadmap for the Evaluation of the Vertical Block Exemption Regulation. The outcome of the mapping exercise points to several stakeholder groups similarly interested in (and also similarly affected by) the evaluation of the Vertical Block Exemption Regulation. These groups are expected to be: (i) companies with business operations in the EU, including but not limited to suppliers of goods and services, distributors/retailers of goods and services and platforms/intermediaries active in e-commerce, together with (ii) law firms advising them on related competition issues, (iii) industry associations, (iv) consumer organizations and (v) academics with a focus on EU competition law and notably on vertical restraints. All these groups are expected to have similar level of interest on this procedure.

### **Why we are consulting**

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Article 101(1) of the Treaty on the functioning of the European Union ("the Treaty") prohibits agreements between undertakings that restrict competition unless they contribute to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefits, in accordance with Article 101(3) of the Treaty. The prohibition of Article 101(1) of the Treaty covers amongst others agreements entered into between two or more undertakings operating at different levels of the production or distribution chain and relating to the conditions under which the parties may purchase, sell or resell certain goods or services (so-called "vertical agreements").

The purpose of Commission Regulation (EU) No 330/2010 (Vertical Block Exemption Regulation, VBER) is to exempt from the prohibition contained in Article 101(1) of the Treaty those vertical

agreements for which it can be assumed with sufficient certainty that they satisfy the conditions of Article 101(3) of the Treaty. The Commission also adopted a Commission Notice providing guidance on the interpretation of the VBER and Article 101 of the Treaty (VGL).

The evaluation of the VBER was launched in October 2018 to gather evidence on the functioning of the VBER, together with the VGL, that will allow the Commission to determine whether it should let the VBER lapse, prolong its duration or revise it, together with the VGL.

This public consultation, which is part of the evaluation of the VBER, aims, as such, to collect evidence and views from stakeholders.

Please note that the application of the VBER to the motor vehicle sector is excluded from the scope of this evaluation and will be dealt with in the context of the upcoming evaluation of the Motor Vehicle Block Exemption Regulation.

## Responding to the questionnaire

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You can contribute to this consultation by filling in the online questionnaire. If you are unable to use the online questionnaire, please contact us using the email address below.

Questionnaires are available in some or all official EU languages. You can submit your responses in any official EU language.

For reasons of transparency, organisations and businesses taking part in public consultations are asked to register in the [EU's Transparency Register](#).

[Respond to the questionnaire](#)

## Personal data and privacy

The European Union is committed to user privacy. When carrying out public consultations we adhere to the policy on 'protection of individuals with regard to the processing of personal data by the Community institutions', based on [Regulation 45/2001](#) on processing of personal data by the EU institutions.

Further information on the [protection of your personal data](#)

## Contact

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