



Women@CEE Conference
Bratislava, 22 May 2019

Vertical Restraints

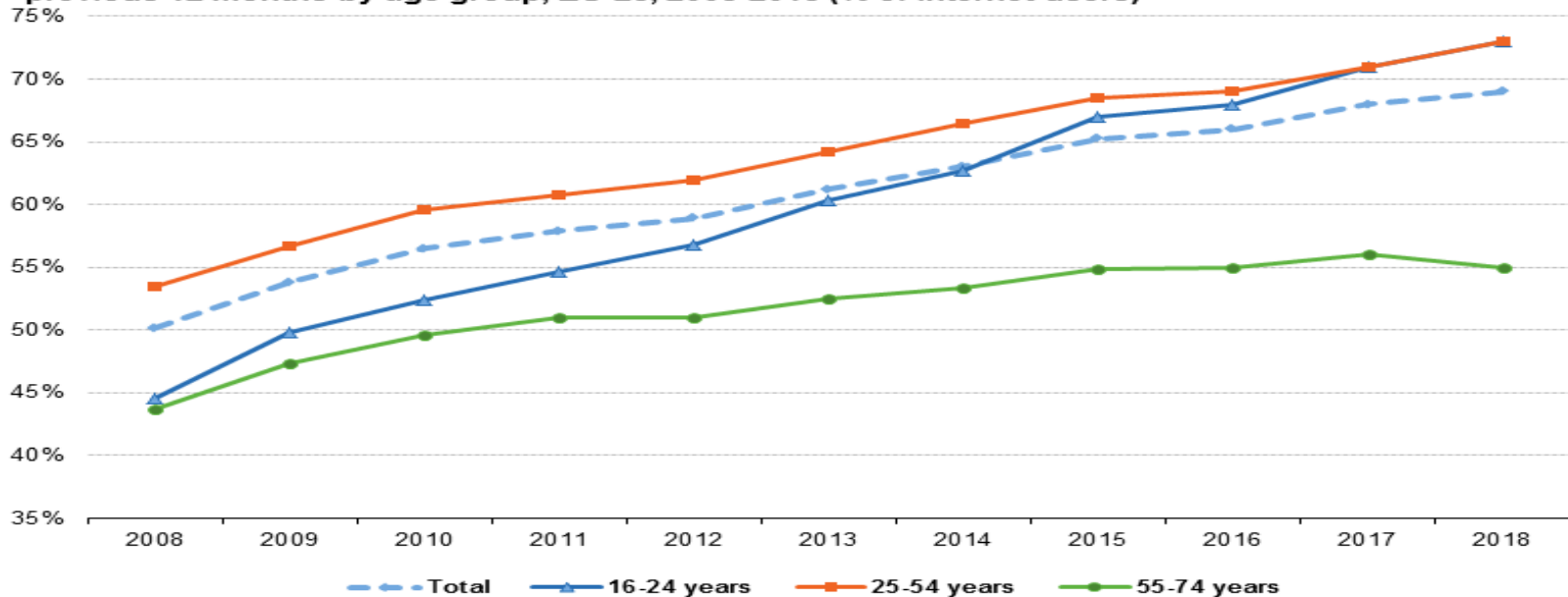
- Enforcement practice & VBER review -

Marieke Scholz
DG Competition, European Commission

(Speaking in a personal capacity. The views expressed are not necessarily those of the European Commission.)

E-commerce trends in the EU

Internet users who bought or ordered goods or services for private use in the previous 12 months by age group, EU-28, 2008-2018 (% of internet users)

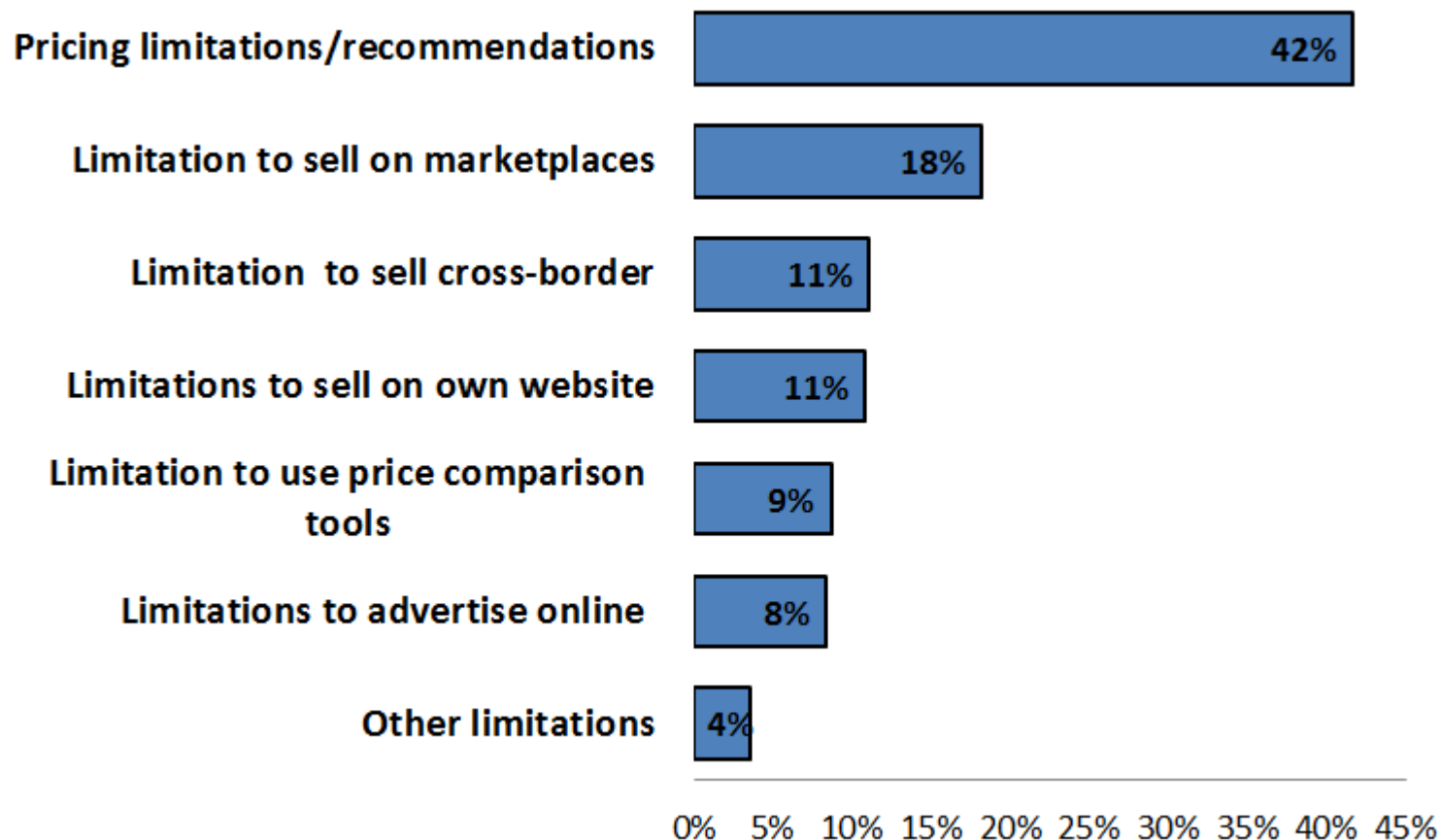


Source: Eurostat (online data code: isoc_ec_ibuy)

Sector Inquiry: key findings

- General trends for consumer goods:
 - More price transparency
 - Increased price competition
 - Increased price monitoring
 - Alternative online distribution models (online marketplaces)
- Impact on distribution strategies:
 - Increased presence of manufacturers at retail level
 - Increased recourse to selective distribution
 - Increased recourse to vertical restraints (e.g. pricing restrictions, territorial restrictions, online sales restrictions)

Contractual restrictions



B. 35: Proportion of retailers having contractual restrictions, per type of restriction

Enforcement at Commission level

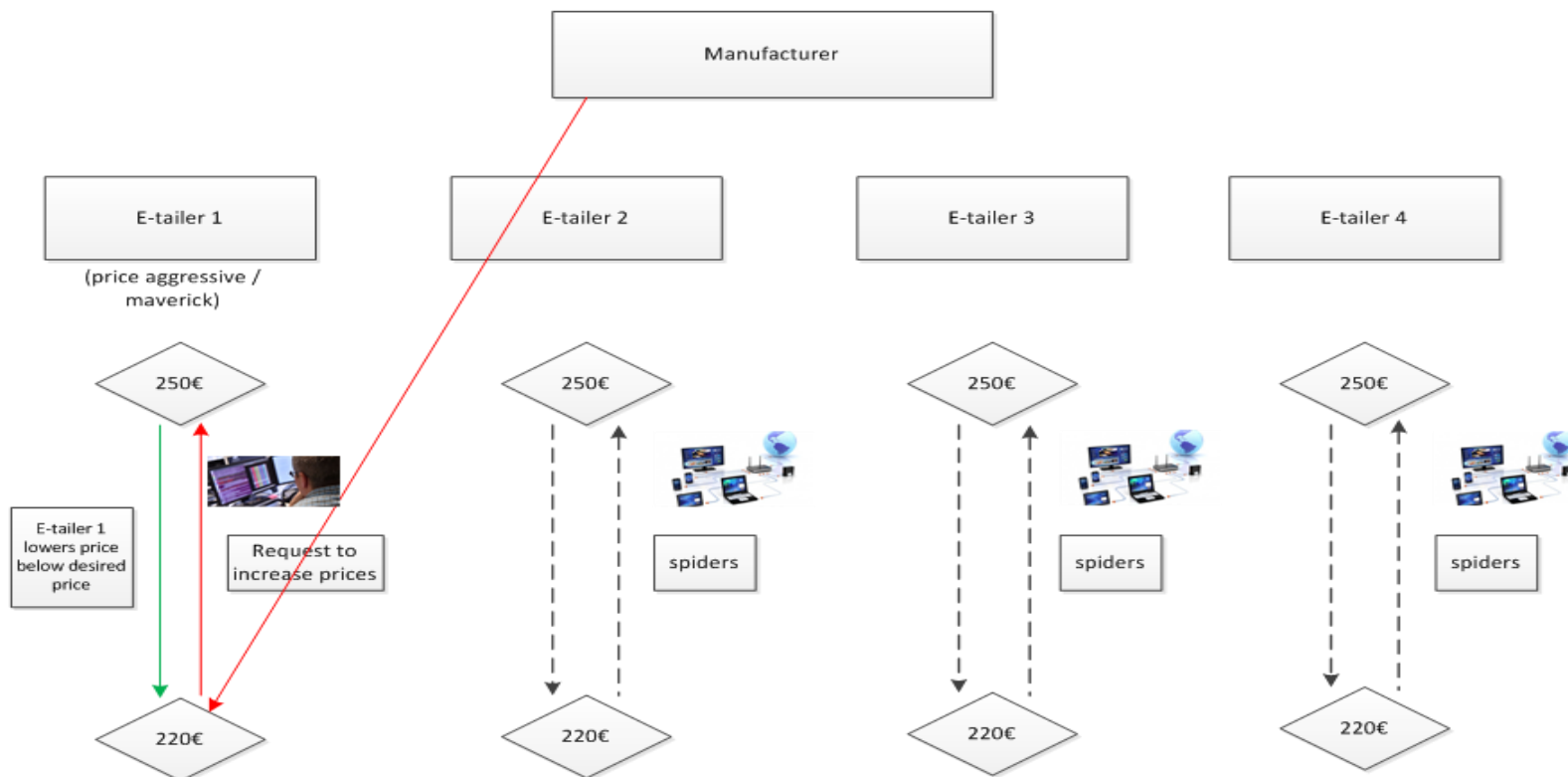
- Resale price maintenance
 - Decisions against 4 manufacturers of consumer electronics (Philips, Pioneer, Asus, Denon & Marantz) of July 2018
 - Guess decision of December 2018 (SD system)
- Territorial restrictions
 - Pioneer decision of July 2018
 - Guess decision of December 2018 (SD system)
 - Nike decision of 25 March 2019 (merchandising products)
- Pending investigations
 - Distribution of merchandising products (Sanrio & Universal)
 - Geo-blocking of content (Valve & video games publishers)
 - Customer discrimination on the basis of residence (hotel accommodation)

Review of the Vertical BER

- Review process:
 - Evaluation phase launched in October 2018, with SWD planned for Q2/2020
 - Impact Assessment phase until expiry on 31 May 2022
- Evaluation is aimed at gathering evidence on the functioning of the Vertical BER & Guidelines on Vertical Restraints
- Evaluation milestones:
 - Evaluation roadmap (published on 8 November 2018)
 - Public consultation (ongoing until 27 May 2019)
 - Evaluation support study (launch before summer 2019)
 - Dedicated stakeholder workshop (planned for autumn 2019)

BACK-UP

RPM cases of July 2018



Spiders are a software which monitors resale prices of key competitors and automatically adjust prices to match (lowest) price in the market. Getting price mavericks to adhere / raise to desired price levels has knock-on effects on multiple e-tailers.