

UPEI

Union Pétrolière Européenne Indépendante

European Commission
DG Comp – Unit A2
Antitrust and Mergers Policy and Scrutiny
Brussels

25 September 2009

Revision of Block Exemption Regulation / Vertical Agreements

Dear Madam - dear Sir,

UPEI is the umbrella organisation of the independent European oil trade. We are the association of independent European oil traders from most of the Member States represented through national trade organizations. Members of UPEI are active in all fields save crude oil production, that is importing, wholesaling, retailing with retail service stations, distribution, logistics, refining and contracting.

The legislation of Vertical Block Exemption Regulation / Vertical Agreements is important not only for the industry but also for the independent dealers and their commercial agreements with service stations. Vertical agreements are vital for the existence of independent oil companies acting within the retail business in particular.

Already in the years 1998, 1999, 2000 UPEI tabled in comprehensive statements to the Commission the concept of an agent which is well established in the competition law. We do not see any urgent reason to introduce a third category of risks into the existing law as it is now proposed by the European Commission.

In Germany and some other Member States the prevailing business agreements (agency) within the operation of service stations is beneficial to consumers, operators of petrol stations - who act as independent distributors - and independent oil firms as well as petroleum companies.

Together with our German member association "Aussenhandelsverband für Mineralöl und Energie e.V - AFM+E", Hamburg and the German association "Mineralölwirtschaftsverband e.V- MWV", Berlin we worked out an extensive statement and comments on the new proposal on Block Exemption by the EU Commission.

We therefore would like to refer to the analysis made and submitted by MWV which we entirely support and confirm. In conclusion and in consequence of the MWV statement we ask you to consider removing the third category of risks from the final version. We strongly demand to delete § 16 /8.

With best regards

Bernd Schnittler
Secretary General

Union Pétrolière Européenne Indépendante
Union of European Petroleum Independents
General Secretary: Bernd Schnittler
info@upei.org
www.upei.org

Offices
c/o AFM+E
Grosse Theaterstrasse 1
D-20354 Hamburg
Tel ++49 40 34 08 58
Fax ++49 40 34 42 00

Avenue Michel Ange 68
B-1000 Bruxelles
Tel ++32 2 739 62 66
Fax ++32 2 739 62 73
Reg. No. 0897814083

Siège social:
10, rue de Laborde
F-75008 Paris