

Reaction of the Dutch retail association – Detailhandel Nederland – to the consultation of the European Commission on the revision of the European rules on so called horizontal agreements.

The Dutch retail association would kindly ask the European Commission to take the following few remarks into account in the process of revising the European rules on horizontal agreements:

- 1) Purchasing platforms are in the retail sector a common phenomenon. Besides the purchasing function the platforms deliver to their members often additional services in the field of for example marketing. This implies that in practice there is not seldom a mix of horizontal and vertical agreements, but this is not necessarily the case. This distinction is important with regard to the question which competition rules precisely apply.
- 2) Under the proposed new guidelines a group of retailers, once it reaches a combined market share of 15%, would have to prove by way of a detailed assessment that the benefits of the pooling of purchases are passed on to the consumer. We would appreciate it that the threshold of 15% would be set at 30%, a level comparable to that set for vertical agreements. The pooling of purchases should not be too much limited, for it ensures that in fiercely competitive retail markets the consumer is served with sharply priced goods.

3) In retail there are numerous certifications and labeling schemes that provide assurance to the customer and public authorities, that products are for example safe to consume or environmentally or animal friendly produced. It is of importance that under the new horizontal guidelines in the chapter 7 on standardization agreements it is clear that such schemes aim to provide assurances and are not meant to limit the offer of products or to divide markets.

If you have any question or remarks please do not hesitate to contact:

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