Distribution Law Center
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The Distribution Law Center submits comments in response to DG COMP's additional public consultation

The Distribution Law Center submitted its comments on the Commission's proposed guidance relating to information exchanges in a dual distribution context. In response to the publication of a draft new section to be added to the Vertical Guidelines, DG COMP launched on the 4th of February an additional public consultation. The Distribution Law Center is very grateful for this opportunity and has reviewed the draft new section with great interest.

Continue reading if you would like a sneak preview of the observations submitted. First, the Distribution Law Center welcomes the decision of the Commission to provide additional and precise guidance on the subject matter, and to include such guidance in the new Vertical Guidelines. This approach will offer undertakings enhanced legal certainty. Further, the Distribution Law Center notes that the new test introduced in para. 9 of the draft new section could indicate that the additional market threshold of [10]% is implicitly eliminated from article 2(4) and (5) of the draft VBER. According to the Distribution Law Center, this would represent a welcome adjustment of the draft VBER, as it is convinced that the new test is much more effective to address possible horizontal concerns resulting from information exchanges in a dual distribution context.

To read a more detailed discussion of the draft new section, please consult the EU legal history timeline.

Finally, if you want to know more on dual distribution, make sure to subscribe to the DLC Countdown newsletters via the button 'follow us' in the upper right corner of this page. In April, the Distribution Law Center will launch three Countdown newsletters on dual distribution, of which two are dedicated to information exchanges in a dual distribution context.