NEWS | 11 April 2024

ACM again issues warnings to suppliers about possible prohibited influence on retail prices

Third warning

The Dutch Competition Authority ('ACM') announced in a press release issued on 3 April 2024 that it has again warned several suppliers about possible violations of the prohibition on resale price maintenance ('RPM'). This time the warnings were addressed to suppliers in various sectors, such as building materials, bicycle and car accessories, batteries and personal care products. After receiving warning letters from the ACM, the companies conducted internal investigations, enhanced their compliance training, amended agreements and revised their communications.

Similar warnings from the ACM have been issued in 2023 to suppliers of smart electronic sports devices, nutritional supplements and mobile television receivers, and in 2022 to suppliers in sectors including pet food, hobby articles, toys and special shoes.

Recommended price check tool

As mentioned in our previous notice, the ACM refers to the recommended price check tool on its website, which is specifically designed for suppliers and retailers to check whether they are complying with the rules. In this press release the ACM repeats that RPM is strictly prohibited and advises suppliers and retailers to use the tool.

Commentary

Considering that the ACM is once again issuing warnings, it is clear that RPM enforcement remains a top priority. The ACM emphasises that retailers should be free to determine their own prices and that it is prohibited for suppliers to exert strong influence on the selling prices of retailers. Companies that continue to violate the rules can face significant fines.