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ACM once again warns suppliers about restrictive price influence

New warning

In a press release issued on 24 February 2025, the Dutch Competition Authority ('ACM') announced that it has warned nine suppliers of dog food about price influencing in violation of the prohibition on resale price maintenance ('RPM'). The suppliers have influenced the prices charged by their buyers – pet shops – which resulted in higher retail prices for consumers. In addition to the warnings issued, the ACM has pro-actively informed companies in the pet food sector about the RPM-rules. The ACM now monitors whether the warned suppliers are compliant.

In previous years, the ACM has issued similar warnings. Suppliers of building materials, bicycle and car accessories, batteries and personal care products were confronted in 2024, about a year after the warnings issued to suppliers of smart electronic sports devices, nutritional supplements and mobile television receivers in 2023. Suppliers in the pet food sector had already been warned by the ACM in 2022, together with suppliers of toys, hobby articles and special shoes.

Guidance for market players

In addition to the recommended price check tool, which allows both suppliers and retailers to check whether a price-influencing practice may be compliant, the ACM on its website provides further guidance on RPM, including a list of dos and don'ts, as well as a sample letter that retailers can use to file a complaint with their supplier about RPM practices.

Commentary

In its press release, the ACM explains that it deliberately chose to issue warnings as a quick enforcement method. This is both to ensure that the companies adjust their behaviour and to prevent further damage to consumers or companies. It emphasizes that the effect of enforcement is key: the ACM does not only seek to punish infringements, but also wants to address the underlying causes (possibly a lack of knowledge on competition rules), and prevent future violations. The effectiveness of these warnings in preventing further harm to consumers and companies is open to debate. After all, the previous warnings in 2022 did not prevent these dog food

suppliers from violating the cartel prohibition. In any case, it is clear that RPM enforcement remains a priority for the ACM.