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# Competition policy *brief*

Occasional Discussion papers by the Competition Directorate-General of the European Commission

## EU competition rules and marketplace bans: Where do we stand after the Coty<sup>1</sup> judgment?

### Introduction

On 10 May 2017, the Commission published the Final Report on the E-commerce Sector Inquiry ('Report').<sup>1</sup> The Report confirms that the growth of e-commerce over the last decade had a significant impact on companies' distribution strategies and customer behaviour.

The Report, *inter alia*, points to the importance of marketplaces as online sales channels, in particular for smaller and medium-sized retailers. However, the Report highlights that the importance of marketplaces as an online sales channel differs from one Member State to another to a significant extent with a

Marketplace restrictions encountered in the E-commerce Sector Inquiry range from absolute bans to restrictions on selling on marketplaces that do not fulfil certain quality criteria. Restrictions on the use of marketplaces are mostly found in selective distribution agreements, i.e. closed distribution systems where the supplier distributes its product(s) only through authorized retailers which are chosen based on a number of

### In a nutshell

In its Coty judgment, the Court of Justice confirmed that selective distribution systems designed to preserve the luxury image of products can comply with Article 101(1) TFEU. Analysis of whether or not a marketplace ban in a selective distribution agreement escapes the application of Article 101(1) TFEU must be based on the so-called Metro-criteria. Even

# European Community Competition Policy

**Sebastian Brünink**



## **European Community Competition Policy:**

## The Enigmatic Realm of **European Community Competition Policy**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing lacking extraordinary. Within the captivating pages of **European Community Competition Policy** a literary masterpiece penned with a renowned author, readers embark on a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting effect on the hearts and minds of those that partake in its reading experience.

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