

Public questionnaire for the 2018 Evaluation of the Vertical Block Exemption Regulation

Fields marked with * are mandatory.

Introduction

Background and aim of the public questionnaire

Article 101(1) of the Treaty on the Functioning of the European Union (“the Treaty”) prohibits agreements between undertakings that restrict competition unless, in accordance with Article 101(3) of the Treaty, they contribute to improving the production or distribution of goods or services, or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefits, and unless they are indispensable for the attainment of these objectives and do not eliminate competition in respect of a substantial part of the product in question (i.e. they “generate efficiencies in line with Article 101(3) of the Treaty”).

The prohibition contained in Article 101(1) of the Treaty covers, amongst others, agreements entered into between two or more undertakings operating at different levels of the production or distribution chain, and relating to the conditions under which the parties may purchase, sell or resell certain goods or services (so-called “vertical agreements”).

Commission Regulation (EU) No 330/2010 (Vertical Block Exemption Regulation, “VBER”) exempts from the prohibition contained in Article 101(1) of the Treaty those vertical agreements for which it can be assumed with sufficient certainty that they satisfy the conditions of Article 101(3) of the Treaty. The Commission Guidelines on Vertical Restraints (“VGL”) provide binding guidance on the Commission for the interpretation of the VBER and for the application of Article 101 of the Treaty to vertical agreements. The VBER will expire on 31 May 2022.

This public questionnaire represents one of the methods of information gathering in the evaluation of the VBER, together with the VGL, which was launched on 3 October 2018. The purpose of this questionnaire is to collect views and evidence from the public and stakeholders. The evaluation of the VBER, together with the VGL, is based on the following criteria:

- Effectiveness (Have the objectives been met?),
- Efficiency (Were the costs involved proportionate to the benefits?),
- Relevance (Is EU action still necessary?),
- Coherence (Does the policy complement other actions or are there contradictions?) and
- EU added value (Did EU action provide clear added value?).

The collected information will provide part of the evidence base for determining whether the Commission should let the VBER lapse, prolong its duration or revise it, together with the accompanying VGL.

If the VBER is not prolonged or revised, vertical agreements currently covered by the VBER, will

no longer be block exempted and companies will have to assess whether the vertical agreements they enter into are compliant with Article 101 of the Treaty based on the remaining legal framework (e.g. the Article 101(3) Guidelines and the enforcement practice of the Commission and national competition authorities, as well as relevant case-law at EU and national level).

The responses to this public consultation will be analysed and the summary of the main points and conclusions will be made public on the Commission's central public consultations page.

Nothing in this questionnaire may be interpreted as stating an official position of the European Commission.

Submission of your contribution

You are invited to reply to this public consultation by answering the questionnaire online. To facilitate the analysis of your replies, we would kindly ask you to keep your answers concise and to the point. You may include documents and URLs for relevant online content in your replies.

For your information, you have the option of saving your questionnaire as a "draft" and finalising your response later. In order to do this you have to click on "Save as Draft" and save the new link that you will receive from the EUSurvey tool on your computer. Please note that without this new link you will not be able to access the draft again and continue replying to your questionnaire.

In case of questions, you can contact us via the following functional mailbox: COMP-VBER-REVIEW@ec.europa.eu.

In case of technical problem, please contact the Commission's [CENTRAL HELPDESK](#).

Duration of the consultation

The consultation on this questionnaire will be open for 16 weeks.

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian

- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* First name

* Surname

* Email (this won't be published)

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* Please specify

255 character(s) maximum

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|-------------------------------------|--------------------------------|-------------------------------------|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Vincent and the Grenadines |

- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- Former Yugoslav Republic of Macedonia
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Swaziland
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania

- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria

- Burkina Faso
- Burundi
- Cambodia

- Cameroon
- Canada
- Cape Verde
- Cayman Islands

- Central African Republic
- Chad
- Chile

- China

- Christmas Island
- Clipperton
- Cocos (Keeling) Islands

- Colombia
- Comoros

- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba

- Curaçao

- Cyprus

- Czech Republic

- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- North Korea
- Northern Mariana Islands
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia

- Democratic Republic of the Congo
- Denmark
- Lesotho
- Liberia
- Saint Lucia
- Saint Martin
- Zimbabwe

*** Organisation name**

255 character(s) maximum

*** Scope**

- International
- Local
- National
- Regional

*** Scope**

- International
- Local
- National
- Regional

*** Organisation size**

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

*** Please describe the main activities of your organisation:**

1000 character(s) maximum

*** Please describe the sectors that your organisation represents, i.e. sectors in which your members are conducting business:**

1000 character(s) maximum

* Are the companies/business organisations that are members of your association suppliers or buyers of products and/or services, or both?

- Supplier
- Buyer
- Both
- Do not know
- Not applicable

* The 2 digit NACE Rev.2 code referring to the level of "division" that applies to your company/business organisation (see part III, pages 61 – 90 of Eurostat's statistical classification of economic activities in the European Community, available at <https://ec.europa.eu/eurostat/documents/3859598/5902521/KS-RA-07-015-EN.PDF/dd5443f5-b886-40e4-920d-9df03590ff91?version=1.0>):

* The product(s) and/or service(s) provided by your company/business organisation:

1000 character(s) maximum

* Select the countries/geographic areas where your main business(es) is (are) located:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania

- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Others in Europe
- America
- Asia
- Africa
- Australia

* Is your company/business organisation a supplier or a buyer of products and/or services, or both?

- Supplier
- Buyer
- Both
- Do not know

Please estimate the percentage of your company's annual turnover generated by sales through the Internet ("online sales") and by physical sales channels ("offline sales"):

Note that generally the sum of these two figures should be 100%.

	Percentage
* Online sales:	
* Offline sales:	

* Please estimate what percentage of your company/business organisation's annual turnover generated by online sales is generated by sales via third party market places/platforms:

This number equals to 0% if no online sales are generated via third party market places/platforms. Conversely, it equals to 100% if all online sales are generated via third party market places/platforms.

* Please describe the relevance of the VBER and the VGL for you:

1000 character(s) maximum

* Privacy and Confidentiality

In the responses to this questionnaire your identity should be clearly indicated in the section "About you". If available, the ID number of the EU Transparency Register should also be provided.

If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

Is your organisation included in the Transparency Register?

- Yes
- No

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

- Anonymous**
Only your type, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.
- Public**
Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

* I agree with the [personal data protection provisions](#)

Effectiveness (Have the objectives been met?)

The **purpose of the EU competition rules** is to prevent competition from being distorted to the detriment of the public interest, individual undertakings and consumers, thereby ensuring the well-being of the European Union (see e.g. T-458/09 and T-171/10 *Slovak Telekom v. Commission*, ECLI: EU:T:2012:145, para. 38). In line with this objective, the Commission's policy towards vertical agreements is to ensure undistorted and effective competition in European supply and distribution so that consumers can benefit from the lower prices, increased quality and variety of products and services and the greater incentives to innovate that are delivered by competitive markets (see Impact Assessment for the current VBER, SEC (2010)413), para. 60).

The **purpose of the VBER** is to exempt from the prohibition contained in Article 101(1) of the Treaty those vertical agreements for which it can be assumed with sufficient certainty that they satisfy the conditions of Article 101(3) of the Treaty. The VGL provide guidance on the assessment of vertical agreements under both the VBER and Article 101 of the Treaty (see recital 1 of the VGL). Undertakings therefore rely on both the VBER and the VGL in order to assess whether the vertical agreements they enter into are compliant with Article 101 of the Treaty.

* Do you perceive that the VBER and the VGL have contributed to promote good market performance in the EU?

- Yes
- Yes, but they contributed only to a certain extent or only in certain sectors
- They were neutral
- No, they negatively affected market performance
- Do not know

* Please explain your reply, distinguishing between sectors where relevant:

1000 character(s) maximum

* Do you consider that the VBER and the related guidance in the VGL provide a sufficient level of legal certainty for the purpose of assessing whether vertical agreements and/or specific clauses are exempted from the application of Article 101 of the Treaty and thus compliant with this provision (i.e. are the rules clear and comprehensible, and do they allow you to understand and predict the legal consequences)?

- Yes
- No
- Do not know

* Please explain your reply:

1000 character(s) maximum

Please estimate the level of legal certainty provided by the VBER and the VGL for each of the following areas by providing a qualitative estimate using the following number coding: 1 (very low), 2 (slightly low), 3 (appropriate), or selecting "DN" if you do not know or "NA" if not applicable to your organisation:

Please reply only to rows not numbered. The numbered rows are titles to assist in identifying the relevant areas.

For those rows where only the recitals of the VGL are mentioned, please reply only in the column of the VGL.

	VBER	VGL
Vertical agreements (Article 1(1)(a) VBER and recitals 24-26 VGL)		

<i>(1) Vertical agreements generally falling outside the scope of Article 101(1) of the Treaty</i>		
Agreements of minor importance (recitals 8-11 VGL)		
Agency agreements (recitals 12-21 VGL)		
Subcontracting agreements (recital 22 VGL)		
<i>(2) Additional conditions for the exemption of specific vertical agreements (Article 2 VBER)</i>		
Vertical agreements entered into between an association of undertakings and its members (Article 2(2) and Article 8 VBER, and recitals 29-30 VGL)		
Non-reciprocal vertical agreements between competitors under certain circumstances (Article 2(4) VBER and recitals 27-28 VGL)		
Vertical agreements containing provisions on IPR (Article 2(3) VBER and recitals 31-45 VGL)		
Market share threshold for the supplier (Article 3 and Article 7 VBER, and recitals 86-95 VGL)		

Market share threshold for the buyer (Article 3 and Article 7 VBER, and recitals 86-95 VGL)		
<i>(3) Hardcore restrictions (Article 4 VBER)</i>		
Resale price maintenance (Article 4(a) VBER and recitals 48-49 VGL)		
Territorial/customer restrictions (Article 4(b) VBER and recital 50 VGL) and exceptions to these restrictions (Article 4(b) (i)-(iv) VBER and recitals 51,55 VGL)		
Online sales restrictions (recitals 52-54 VGL)		
Restrictions of active or passive sales to end users by members of a selective distribution system (Article 4(c) VBER and recitals 56-57 VGL)		
Restrictions of cross supplies (Article 4(d) VBER and recital 58 VGL)		
Agreements preventing or restricting the sourcing of spare-parts (Article 4 (e) VBER and recital 59 VGL)		
<i>(4) Excluded restrictions (Article 5 VBER)</i>		
Non-compete obligations with indefinite duration or exceeding 5 years (Article 5(1)(a) VBER and recitals 66-67 VGL)		
Post term non-compete obligations (Article 5(1)(b) VBER and recital 68 VGL)		
Restrictions to sell brands of particular competing suppliers in a selective distribution system (Article 5(1)(c) VBER and recital 69 VGL)		
Hardcore restrictions falling outside the scope of Article 101(1) of the Treaty or likely to fulfil the conditions of Article 101(3) of the Treaty (recitals 60-64 VGL)		
Severability (recitals 70-71 VGL)		

Conditions for the withdrawal and disapplication of the block exemption (Article 6 VBER and recitals 74-85 VGL)		

<i>(5) Enforcement policy in individual cases (Section VI VGL)</i>		
The framework of analysis (recitals 96-127 VGL)		
Analysis of specific vertical restraints (recitals 128-229 VGL)		
Single branding (recitals 129-150 VGL)		
Exclusive distribution (recitals 151-167 VGL)		
Exclusive customer allocation (recitals 168-173 VGL)		
Selective distribution (recitals 174-188 VGL)		
Franchising (recitals 189-191 VGL)		
Exclusive supply (recitals 192-202 VGL)		
Upfront access payment (recitals 203-208 VGL)		
Category management agreements (recitals 209-213 VGL)		
Tying (recitals 214-222 VGL)		
Resale price restrictions (recitals 223-229 VGL)		

If you have rated one or several issues as "very low" or "slightly low", please explain the reasons for your rating. Please also explain whether the lack of legal certainty stems from (i) the definition of the particular area in the VBER or the related description in the VGL, (ii) their application in practice or (iii) the overall structure of the VBER and/or VGL:

2000 character(s) maximum

* Are there other areas for which you consider that the VBER and/or the VGL provide insufficient legal certainty?

- Yes
- No
- Do not know

* Please list the areas for which you consider that the VBER and/or the VGL provide insufficient legal certainty:

1000 character(s) maximum

The VBER sets out a number of conditions that vertical agreements need to meet in order to benefit from the block exemption. The VGL provide additional guidance on how to interpret these conditions. These conditions have been defined with the purpose of capturing in the exemption only those agreements for which it can be assumed with sufficient certainty that they generate efficiencies in line with Article 101(3) of the Treaty. For example, the definition and level of the market share threshold aims at identifying those vertical agreements that, in the absence of significant market power of the supplier and the buyer are unlikely to have negative effects, or, if they do, where the positive effects are likely to outweigh the negative effects. Similarly, other rules aim at taking account of consumers' interests of benefitting from new online forms of distribution, while also addressing possible concerns of market segmentation or free-riding (see Impact Assessment for the current VBER, (SEC(2010)413), section 3). **The below set of questions are aimed at verifying whether the conditions as currently defined meet the objective of capturing those agreements for which it can be assumed with sufficient certainty that they generate efficiencies in line with Article 101(3) of the Treaty.** In particular, this objective is met if these conditions are not subject to two errors: a false positive error (e.g. exempting an agreement that should not be exempted) and a false negative error (e.g. not exempting an agreement that should be exempted).

* Leaving aside the appropriateness of the scope of the current list of hardcore restrictions (Article 4 VBER) and excluded restrictions (Article 5 VBER) (see the last three questions in this section), do you consider that the additional conditions defined in the VBER (i.e. Article 2 and 3 VBER) lead to the exemption of types of vertical agreements that do not generate efficiencies in line with Article 101(3) of the Treaty?

- Yes
- No
- Do not know

Please mark the conditions responsible for the exemption of those vertical agreements by ticking "Yes". Otherwise, tick "No":

	Yes	No
* Vertical agreements entered into between an association of undertakings and its members (Article 2(2) and Article 8 VBER, and recitals 29-30 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Non-reciprocal vertical agreements between competitors under certain conditions (Article 2 (4) VBER and recitals 27-28 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Vertical agreements containing provisions on IPR (Article 2(3) VBER and recitals 31-45 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Market share threshold for the supplier (Article 3 and Article 7 VBER, and recitals 86-95 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Market share threshold for the buyer (Article 3 and Article 7 VBER, and recitals 86-95 VGL)	<input type="checkbox"/>	<input type="checkbox"/>

* Please explain your selection by providing examples and explain how prevalent they are in the industry:

1000 character(s) maximum

* Are there other types of vertical agreements for which it can be assumed with sufficient certainty that they generate efficiencies in line with Article 101(3) of the Treaty but which are not covered by the current scope of the exemption?

- Yes
- No
- Do not know

* Please list those types of agreements and explain your reasons:

1000 character(s) maximum

* Are there any types of vertical restrictions that the VBER considers as hardcore (Article 4 VBER), but for which it can be assumed with sufficient certainty that they generate efficiencies in line with Article 101(3) of the Treaty?

- Yes
- No
- Do not know

Please select these types of vertical restrictions by ticking "Yes". Otherwise, please tick "No":

	Yes	No
* Resale price maintenance (Article 4(a) VBER and recitals 48-49 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Territorial/customer restrictions (Article 4(b) VBER and recital 50 VGL) and exceptions to these restrictions (Article 4(b) (i)-(iv) VBER and recitals 51,55 VGL)	<input type="checkbox"/>	<input type="checkbox"/>

* Online sales restrictions (recitals 52-54 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Restrictions of active or passive sales by members of a selective distribution system (Article 4(c) VBER and recitals 56-57 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Restrictions of cross supplies (Article 4(d) VBER and recital 58 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Agreements preventing or restricting the sourcing of spare-parts (Article 4(e) VBER and recital 59 VGL)	<input type="checkbox"/>	<input type="checkbox"/>

* Please explain your selection by providing examples and explain how prevalent these restrictions are in your industry:

1000 character(s) maximum

* Does the list of excluded vertical restrictions (Article 5 VBER) exclude types of vertical restrictions for which it can be assumed with sufficient certainty that they generate efficiencies in line with Article 101(3) of the Treaty?

- Yes
- No
- Do not know

Please select these types of vertical restrictions by ticking "Yes". Otherwise please tick "No":

	Yes	No
* Non-compete obligations with indefinite duration or exceeding 5 years (Article 5(1)(a) VBER and recitals 66-67 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Post term non-compete obligations (Article 5(1)(b) VBER and recital 68 VGL)	<input type="checkbox"/>	<input type="checkbox"/>
* Restrictions to sell brands of particular competing supplier in a selective distribution system (Article 5(1)(c) VBER and recital 69 VGL)	<input type="checkbox"/>	<input type="checkbox"/>

* Please explain your selection by providing examples and explain how prevalent they are in the industry:

1000 character(s) maximum

* Are there other types of vertical restrictions for which it cannot be assumed with sufficient certainty that they generate efficiencies in line with Article 101(3) of the Treaty but which are not captured by the current list of hardcore restrictions (Article 4 VBER) or excluded restrictions (Article 5 VBER)?

- Yes
- No
- Do not know

* Please list these types of restrictions and explain your reasons:

1000 character(s) maximum

Efficiency (Were the costs involved proportionate to the benefits?)

* Does the assessment of whether the VBER, together with the VGL, is applicable to certain vertical agreements generate costs for you (or, in the case of a business association, for the members you are representing)?

- Yes
- No
- Do not know
- Not applicable

* Please provide an estimate both in terms of value (in EUR) and as a percentage of your annual turnover (or, in the case of a business association, of the annual turnover of the members you are representing) and explain the methodology of calculation:

1000 character(s) maximum

*** Please explain your reply:**

1000 character(s) maximum

*** Does the assessment of whether the VBER, together with the VGL, is applicable to certain vertical agreements generate costs proportionate to the benefits they bring for you (or, in the case of a business association, for the members you are representing)?**

- Yes
- No
- Do not know
- Not applicable

Please explain your reply:

1000 character(s) maximum

* Would the costs of ensuring compliance of your vertical agreements (or, in the case of a business association, the vertical agreements of the members you are representing) with Article 101 of the Treaty increase if the VBER were not prolonged?

- Yes
- No
- Do not know

* Please explain your reply:

1000 character(s) maximum

* Please explain and provide an estimate of the possible change in compliance costs:

1000 character(s) maximum

Have the costs generated by the application of the VBER and the VGL increased as compared to the previous legislative framework (Reg. 2790/1999 and related Guidelines)?

- Yes
- No
- Do not know

Please explain your reply:

1000 character(s) maximum

Please explain your reply and provide an estimate of the possible change in costs:

1000 character(s) maximum

Relevance (Is EU action still necessary?)

* Would you expect any effect in case the VBER were to be prolonged and the VGL maintained without any change? (multiple answers are allowed)

- Yes, positive for my organisation (in case of business associations, for your members)
- Yes, negative for my organisation (in case of business associations, for your members)
- Yes, positive for the industry
- Yes, negative for the industry
- Yes, positive for consumers
- Yes, negative for consumers
- No
- Do not know

* Please explain your reply and illustrate with concrete examples:

1000 character(s) maximum

* Would you expect any effect in case the VBER were not to be prolonged and the VGL were to be withdrawn? (multiple answers are allowed)

- Yes, positive for my organisation (in case of business associations, for your members)
- Yes, negative for my organisation (in case of business associations, for your members)
- Yes, positive for the industry
- Yes, negative for the industry
- Yes, positive for consumers
- Yes, negative for consumers
- No
- Do not know

* Please explain your reply and illustrate with concrete examples:

1000 character(s) maximum

* Do you see the need for a revision of the VBER in light of major trends and/or changes during the past 5 years (e.g. the increased importance of online sales and the emergence of new market players)?

- Yes
- No
- Do not know

* Please explain your reply:

1000 character(s) maximum

* Do you see the need for a revision of the VGL (including Section VI) in light of major trends and/or changes during the past 5 years (e.g. the increased importance of online sales and the emergence of new market players)?

- Yes
- No
- Do not know

* Please explain your reply:

1000 character(s) maximum

Please (i) list the paragraphs of the VBER and/or the VGL that would require a revision, (ii) identify the major trends and/or changes motivating the need for such revision and (iii) provide a short explanation with concrete examples:

	Articles of the VBER and/or recitals of the VGL	Major trends/changes	Short explanation/concrete examples
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Is there any area for which the VBER and/or the VGL currently do not provide any guidance while it would be desirable?

- Yes
- No
- Do not know

Please identify the area concerned and explain the reasons:

1000 character(s) maximum

Coherence (Does the policy complement other actions or are there contradictions?)

* Based on your experience, are the VBER and the VGL coherent with other instruments that provide guidance on the interpretation of Article 101 of the Treaty (e.g., other Block Exemption Regulations, the Horizontal Guidelines and the Article 101(3) Guidelines)?

- Yes
- No
- Do not know

* Please explain your reply:

1000 character(s) maximum

* Based on your experience, do the VBER and the VGL contradict other existing and/or upcoming legislation and/or policies at EU or national level?

- Yes

- No
- Do not know

* Please explain your reply:

1000 character(s) maximum

EU added value (Did EU action provide clear added value?)

* Do the VBER and the VGL add value in the assessment of the compatibility of vertical agreements with Article 101 of the Treaty compared to, in their absence, a self-assessment by undertakings based on other instruments that provide guidance on the interpretation of Article 101 of the Treaty (e.g., the Article 101 (3) Guidelines, the enforcement practice of the Commission and national competition authorities, as well as relevant case-law at EU and national level)?

- Yes
- No
- Do not know

* Please explain your reply:

1000 character(s) maximum

Final comments and document upload

Is there anything else you would like to add which may be relevant for the evaluation of the VBER and/or the VGL?

1000 character(s) maximum



If you wish to do so, you can attach relevant supporting documents for any of your replies to the questions above, clearly identifying the number of the question to which they refer.

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

End of the questionnaire. Thank you for your contribution.