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Real start of the European Commission's e-commerce sector inquiry: be alert!

In March of this year Commissioner Vestager announced the proposal of an EU-wide sector inquiry into e-commerce emphasizing: *"It is high time to remove remaining barriers to e-commerce, which is a vital part of a true Digital Single Market in Europe. The envisaged sector inquiry will help the Commission to understand and tackle barriers to e-commerce to the benefit of European citizens and business."*

What?

This week the e-commerce sector inquiry has been effectively put on the rails. The focus of the inquiry is on the cross-border aspects of e-commerce and, in particular, the mechanisms companies may use to limit digital cross-border activity. Approximately 2000 companies are expected to be approached by DG Competition and will receive questionnaires. According to the European Commission's press release sectors such as clothing, shoes and accessories, consumer electronics and electrical household appliances, and digital content are involved. Based on recent statements by the Commission official in charge of the inquiry, Thomas Kramler, the following sectors may be involved as well: books (printed and electronic), healthcare products and travel services.

Who?

Sectors or companies that are not direct addressees of the questionnaire are not by definition excluded from the exercise. They will however have to take steps. To this end, DG Competition just published a

dedicated e-mail address (COMP-E-COMMERCE@ec.europa.eu) to express an interest in the inquiry and to request to be involved in the process. Such voluntary participation will obviously be useful for sectors in which e-commerce plays an active role and where there is a risk that the European Commission will otherwise not take full account of the sector specificities.

Why?

A preliminary report is expected mid-2016 (followed by a public consultation) and the final report is now foreseen for the first quarter of 2017. While the team in charge of the inquiry does not forecast any changes to the block exemption regulation dealing with distribution agreements (Regulation 330/2010) or the accompanying Vertical Guidelines, it referred at a recent morning session of the Brussels School of Competition to the possibility of issuing explanatory documents (such as 'Frequently Asked Questions'). In addition, it did not exclude the possibility of a step-up in the enforcement related to e-commerce and even distribution practices in general.

contrast will monitor the inquiry closely.

To be continued...