

# LIGUE INTERNATIONALE DU DROIT DE LA CONCURRENCE

## QUESTION B

*“1.a. In its treatment of distribution systems, to what extent may or should competition law control the freedom of a supplier to adopt one or different distribution channels for the same product?”*

***1/ Generally speaking, does your competition law recognize the possibility for a supplier to organize freely the distribution of his products, and under what conditions?”***

*“2/ More precisely, is it possible for a supplier, and subject to what conditions, to choose, for the sale of one product:*

***2.1. a single distribution channel (for example, exclusive purchasing, exclusive distribution, selective distribution, franchising)? The answer may distinguish between the various types of distribution channel”.***

***2.2. several distribution channels which will coexist and compete with one another (sometimes called multi-networks)? In this case what are the limits imposed by your legal system (for example, for active sales, and/or sales between authorized distributors)?***

***3/ How is the position affected by the market power of the supplier? Are the answers different if the supplier holds a dominant position?***

***B / In its treatment of distribution systems, to what extent may or should competition law control the cumulative effect of the adoption of the same***

# ***distribution channel by the majority of suppliers on a market?***

***1/ Does your law take into account the legal and economic context in, which the distribution agreement is applied where similar agreements are entered into by competitors (“network or cumulative effect“)?***

***2/ Does the application of the principle of “cumulative effect“ differ according to the type of network chosen (for example, exclusive distribution or selective distribution)?***

***3/ What are the consequences of the “network or cumulative effect“ on the agreement concerned and/or on all similar agreements entered into by competitors?***

***C / What are your personal views on the subject and your suggestions for improvements of the system?***