

28 April 2015

Mr Andrus Ansip
Vice-President, Digital Single Market
European Commission
1049 Brussels

Open Letter on Ensuring Unrestricted E-Commerce: The Digital Single Market Strategy Needs To Address Online Marketplace Bans

Dear Vice President Ansip,

The signatories to this letter welcome the European Commission's work on the Digital Single Market Strategy and the recently announced key areas for action. Europe stands to benefit hugely from a Digital Single Market in which e-commerce can flourish. This ultimately benefits European SMEs, consumers and digital companies alike.

Unfortunately, European SMEs and consumers are currently prevented from reaping the full benefits of e-commerce. Certain manufacturers continue to prevent authorized resellers from selling their products through their shops on online marketplaces. These contractual bans are particularly detrimental to small sellers who use online marketplaces to build up a greater customer base by reaching millions of potential new customers who look for products on those marketplaces.

Consumers are negatively affected as well. Banning the sale of ordinary products through online marketplaces leaves the consumer with less choice and less price transparency. This leads to higher prices.

We would like to call on you to address this issue in the upcoming Digital Single Market Strategy. E-commerce in Europe will not live up to its potential if an important online distribution channel will continue to be banned by the unilateral actions of some manufacturers. In its judgment of 3 March 2011 (C 439/09 *Pierre Fabre Dermo-Cosmétique*), the CJEU already recognized that contracts which limit Internet distribution severely restrict competition.

In this context, we hope the Commission's sector inquiry into e-commerce will shed further light on these unjustified practices. It is worthwhile to point out that national competition authorities like the German *Bundeskartellamt* have already declared marketplace bans as anti-competitive.

More is needed, however. Making Europe a leader in e-commerce will require political determination. The upcoming DSM Strategy is a great opportunity to abolish barriers to e-commerce that do not exist offline – tackling online marketplace bans should be a part of it.

We hope the European Commission will seize this opportunity and we remain at your disposal to discuss this issue further with you.

With kind regards,

Signed by:

European Associations:



**Computer & Communications
Industry Association**
Tech Advocacy Since 1972

**Choice in
eCommerce**
Initiative for Choice and
Innovation in Online-Trade



European Multi-channel and Online Trade Association

Representing the following
national associations:



Asociación Española de la Economía Digital



VSV ASVAD
Verband des Schweizerischen Versandhandels
l'Association Suisse de Vente à Distance



Further Supported by:



Bundesverband
Onlinehandel
e.V.



cc:

First Vice President Frans Timmermans
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