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COMMEO Expert Report on Information Exchange in Dual Distribution published together with new draft Guidance by the European Commission

February 2022 – On 4 February 2022 the European Commission published Frankfurt-based [COMMEO's Expert Report](#) on Information Exchange in Dual Distribution together with a draft [Commission guidance document](#). The documents are part of the ongoing vertical reform process that will end on 1 June 2022 with the coming into effect of a new European block exemption regulation for vertical agreements (“VBER”) and new Vertical Guidelines.

In line with the results of the Expert Report, the European Commission's draft guidance drops the European Commission's initial proposal of July 2021 that information exchange in dual distribution can only benefit from a block exemption up to a market share threshold of 10%. Instead, the European Commission now proposes that information exchanged in dual distribution scenarios shall remain block-exempted up to the general market share threshold of 30%, unless such information is not necessary to improve the production or distribution of the contract goods or services. Dual distribution describes a situation in which a supplier offers contract products and/or services in competition to its distributors to end customers. The revised approach is up for consultation until 16 February 2022.

COMMEO was commissioned by the European Commission with an in-depth analysis of Information Exchange in Dual Distribution after numerous stakeholders raised substantial criticism against the initial reform proposals published by the European Commission in July 2021.

The authors of the Expert Report, COMMEO partners Dr. Stephanie Pautke and Dr. Jörg-Martin Schultze are recognized experts in distribution related competition law. In addition to their long term practical experience they are, together with COMMEO partner Dr. Dominique S. Wagener, authors of a standard commentary on the Vertical block exemption regulation published in its 4th edition.

COMMEO is a specialized law firm focusing exclusively on competition law based in Frankfurt, Germany. An established team of experienced lawyers advises national and international clients on all aspects of German and EU competition law.