

## COMP VBER REVIEW

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**From:** Patricia Hoogstraaten <p.hoogstraaten@vakcentrum.nl>  
**Sent:** vendredi 18 février 2022 22:51  
**To:** COMP VBER REVIEW  
**Subject:** Additional public consultation on proposed guidance relating to information exchange in the context of dual distribution, intended to be added to the Vertical Guidelines

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good evening,

Vakcentrum is the professional sector organization for independent SME retailers and franchisees, and represents the interests of retailers who operate supermarkets, cheese shops and delicatessens, health and wholefood shops, convenience stores, off-licences and drugstores, retailers selling household articles, cooking utensils, tableware and toys and franchisees in various sectors. ,Based in the Netherlands, 3447 GR Woerden, Blekerijlaan 1, transparency Register: No. 391996534364-56

Vakcentrum supports the contribution of Eurocommerce to this consultation. However, being the representative of Dutch SME-franchisees, we prefer the following additional specifications to be included in order to safeguard the position of the franchisees

1. When talking about “suppliers”, the following should be read: suppliers including franchisors

2. We suggest to complete the paragraph in the contribution of Eurocommerce stating:

***(a) Customer-specific sales data (value, volume) or any information identifying a particular customer, unless such information is necessary to enable the supplier or buyer to adapt the goods or services to the requirements of the customer or to provide guarantee or after-sales services or to allocate customers under an exclusive distribution agreement:***

- *this is an important clarification which should be maintained in the final version of the Guidelines.*
- *This is of particular importance for franchise systems or franchise-like service relationships of a supplier/wholesaler who is also active in retail. The retrieval of sales data by the franchisor/service provider should be permissible in order to be able to advise franchisees/service recipients in a franchise-like relationship (at their request and in fulfilment of the contractual obligations) to be able to make concrete recommendations on product range, placement and sales. We would invite the Commission to explicitly mention franchise in relation to this exemption.*

by adding the following sentence:

*However it should be stated that franchisors should not be allowed to abuse that information for the benefit of their own direct sales channel and not force franchisees to provide these data, should franchisees not be willing to do so.'*

Vakcentrum is happy to further explain its points of view and provide concrete suggestions and examples.

Best regards

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