

EUROPEAN ECONOMIC COMMUNITY

23, avenue de la Joyeuse Entrée

Official Spokesman  
of the Commission

Brussels 4  
Telephone 35.00.40

-----  
Brussels, 10 January 1966  
IP (66) 4.

PRESS RELEASE

Commission policy on the application of the Treaty's competition  
rules to exclusive-dealing agreements

---

The EEC Commission has handed down its third ruling exempting exclusive-dealing agreements from the Treaty ban on cartels (Article 85, 1 and 3). The latest case concerns two agreements by which a French firm - Maison Jallatte SA of Nîmes - granted sole rights to sell its protective footwear in Germany to Hans Voss K.G., of Wenden, near Brunswick, and in Belgium to SA Etablissements Vandeputte, of Boechout, near Lier.

Maison Jallatte has undertaken not to sell to any other firms or persons in Germany or Belgium but has given no undertaking to prevent indirect deliveries (rival imports) into the areas covered by the agreement.

Voss and Vandeputte, on the other hand, are under contract to keep stocks in Germany and Belgium, though they are not restrained from re-exporting the goods concerned. They buy and sell Maison Jallatte's product on their own account and fix their own selling prices. The agreement between Maison Jallatte and Vandeputte also contains a clause in restraint of competition in that Vandeputte is required to refrain from buying or selling any product similar to that manufactured by Maison Jallatte for the duration of the agreement.

This ruling confirms the opinion expressed in the DRU-Blondel (official gazette No 131, 17 July 1965) and Hummel-Isbecque cases (ibid. No 156, 23 September 1965) that exclusive-dealing agreements, though falling within the scope of the ban on cartels, may nevertheless be approved. This is the first time, however, that the Commission has ruled that exclusive agreements working both ways (restricting manufacturers' sales and dealers' purchases) may be exempted. It found that Vandeputte's obligation to buy from Jallatte was essential to the realization of the two parties' objective of maximum improvement of distribution, given the market situation.

-----