

## Editorial

PROFESSOR WOUTER DEVROE AND  
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## Articles

BECKET MCGRATH

### **Re-levelling the playing field—the treatment of online retail under the new EU and UK competition law regimes for vertical agreements** 239

The new EU Vertical Agreements Block Exemption Regulation and accompanying Guidelines entered into force on 1 June 2022, after a gestation period of almost four years. This article will describe the Commission's extensive consultation process that culminated in the final texts, as well as highlighting the key areas in which the new regime differs from the old one.

STEPHEN DNES

### **Online sales restrictions under the new vertical agreements block exemption: an economic perspective** 254

Online sales restrictions have long been regulated in the EU on the basis that removing them has an important role to play in the promotion of competition. However, this position has come under increasing strain from (i) the increasing predominance of online commerce, which in its prevalence challenges some of the assumptions underlying the historic regime; and (ii) case law exploring the positive role of contractual restrictions in some sectors. This has strained the core analogy, which is that so-called "passive" sales are protected and confer a right upon retailers to fulfil unsolicited orders even if prohibited by contract. Where competitive restraints encourage distinctive physical sales formats, there is particular concern that a de facto ban on online sales restrictions could harm competition between formats even where inter brand competition is strong and risks to competition are accordingly low or zero. This article will assess the treatment of online sales restrictions under the new Vertical Agreements Block Exemption and consider how far the emphasis remains on intra-brand competition, and whether this is appropriate in the changing world of online product sales.

SAM PARRY

### **Retail price parity: do we have European consensus at last, or will divergence continue?** 260

This article discusses the developing framework for assessing price parity clauses across Europe, where the block exemption regulation is not available, before discussing recent developments (including judicial decisions) in Germany and the United Kingdom that depart somewhat from the developing consensus. Price parity provisions under the vertical block exemption regulation, and the UK Vertical Agreements Block Exemption Order and how the VABEO departs from the 2022 VBER in its treatment of parity obligations are also considered.

PIM JANSEN, KIRAN DESAI AND  
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### **The new VBER viewed from the perspective of the United Kingdom, Switzerland, and Turkey** 268

This article delves into the international dimension of EU competition law, focusing on the new Vertical Block Exemption Regulation (VBER) and Vertical Guidelines. It examines the impact on the United Kingdom, Turkey, and Switzerland, highlighting procedural and substantive co-ordination compared to previous EU rules.

## Book Review

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