18 November 2015: Online sales

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The Autorité de la concurrence has closed an investigation against Adidas.

It has obtained from the brand that it will withdraw from its contracts any clause prohibiting its distributors from using marketplaces.

> Version française

The investigation services of the Autorité de la concurrence had opened an investigation on the business practices of Adidas which restricted its distributors' online sales. Following the investigation, the brand decided to expand its distributors' online sales channels.

Adidas prohibited its authorised retailers from being present on online marketplaces

Adidas distributes its products through a selective distribution network restricting the sale of its products to authorised retailers, chosen on the basis of specific criteria.

The Autorité de la concurrence stated in its opinion 12-A-20 of 18 September 2012 on e-commerce (see **press release of 18 September 2012**) that each manufacturer is free to organise its distribution methods provided they do not harm competition. As regards online sales, terms and conditions imposed by manufacturers to their distributors must therefore not unjustifiably curb the development of e-commerce and a manufacturer cannot, under any circumstances, prohibit an approved distributor from selling its products online. In this light, the Autorité de la concurrence penalised the trade policies of many manufacturers, or had them changed, in various decisions – in particular **06-D-24**, **06-D-28**, **07-D-07** and **08-D-25**.

Yet, in its selective distribution agreements, Adidas prohibited its authorised retailers from marketing its products on certain websites: online marketplaces[1].

Following the steps taken by Adidas, the authorised retailers will be able to extend their opportunities to sell online

During the investigation, for the purposes of which the Autorité made contact both with Adidas and sporting goods retailers, the brand removed the prohibition from its selective-distribution agreements for its distributors to use online marketplaces.
Thus, the distributors will be able to use the marketplaces from then on, subject to them meeting certain quality-related criteria to enable them to be approved by the manufacturer.

An investigation carried out in cooperation with Germany

Accordingly, the Autorité has just closed the investigation which was opened against Adidas France, after the latter had modified the online marketing conditions for its products. The Autorité shall nonetheless remain vigilant in order to verify that the authorised retailers benefit from effective access to online marketplaces.

It should be noted that this investigation by the Autorité de la concurrence was undertaken in liaison with its German counterpart, the Bundeskartellamt, whose action enabled the shifting of Adidas' trade policy in Germany (see corresponding press release).

[1] Marketplaces offer sellers the possibility to display their offers like in a shopping centre in the physical world - eBay, Price Minister, Fnac.com, Amazon, RueDuCommerce are some examples of these.

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