Analysing selective distribution agreements under Article 101(1): general principles

Is selective distribution necessary for the products in question (that is, to preserve their image and/or ensure their proper use)? Selective distribution may be appropriate for technically complex products (requiring suitably trained staff or demonstration facilities) or for luxury products (requiring an appropriate sales environment)?

Are dealers chosen on the basis of objective criteria of a qualitative nature? Criteria should be appropriate to the goods and should relate to the technical qualifications of the dealer and his staff and/or the suitability of his trading premises?

Are the conditions laid down uniformly for all potential resellers and applied in a non-discriminatory fashion so that any dealer meeting the relevant criteria is admitted? The network should be open to all applicants meeting the criteria?

Are there any quantitative limits or equivalent restrictions? Restrictions limiting the number of dealers generally raise competition issues?

Does the agreement (or network) involve any other appreciable restrictions on competition?

Does the motor vehicle block exemption apply? (see "Motor vehicle distribution block exemption")

Consider whether the vertical agreements block exemption is available

Proceed with agreement (bearing in mind that national law and Article 102 may also be relevant)

Article 101(1) does not apply

Article 101(1) may apply