

Buying Power of Large Retail Chains:
Soft and Hard Competition
Approaches in the UK and the US

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Agenda

- Commercial Context
- UK and US: The Policy Portfolio
- Applications
- Caveat: Personal Views Only
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Aims

- Treatment of Retailer Buyer Power
- Policy Development Strategy

Resources

- Kirkwood, Collusion to Control a Powerful Customer: Amazon, E-Books, and Antitrust Policy, 69 University of Miami Law Review 1 (2014)
- Daskalova, Private Labels (Own Brands) in the Grocery Sector: Competition Concerns and Treatment in EU Competition Law (TILEC 2012)
- Dobson, Exploiting Buyer Power: Lessons From the British Grocery Trade, 72 Antitrust Law Journal 529 (2005)

Commercial Context: Retailing

- Exceptional Dynamism and Upheaval
 - Electronic commerce
 - New business models
- Illustration: Groceries
 - Tesco
 - Aldi
 - Whole Foods

UK and US: Policy Portfolio

- Competition Plus
- Enforcement
- Research and Development
- Advocacy
- Toward a Problem-Solving Orientation

Law Enforcement

- Robinson-Patman Act (1936)
 - Gradual public agency disengagement
- Merger Reviews
- Horizontal and Vertical Restraints
 - *DOJ v. Apple* (ebooks)

Research and Development

- Market Inquiries
 - UK: Groceries Market Investigations/Orders
 - US: Slotting Allowances
- Public Consultations
- Co-Producers: Academic Hubs
- Ex Post Evaluation

Policy Integration

- Private Conduct
- Public Restraints
- Advocacy
- Doctrinal Reassessment
 - Concerted action to counteract buyer power

Gains From Networked Cooperation

- Standard-Setting Plus ...
- Accelerate Learning
 - Anticipate challenges
 - Share know-how (from good and bad experience)
- Commonly Realize Scale/Scope Economies
 - Example: Economic research, market studies
- Benchmarking