

The European Union has considered the possibility of regulating unfair business-to-business (B2B) practices at least since 2005 when the Directive on unfair commercial practices applicable in business-to-consumer transactions (B2C) was introduced. In 2018, the Commission has proposed two separate legislative instruments: one for a directive on unfair trading practices in the food sector, and the other for a regulation of unfair platform-to-business practices (officially: 'on promoting fairness and transparency for business users of online intermediation services'). There is an important overlap between the two proposed legislative instruments, but also between them and competition law. Notably, the proposals deal with issues which have already been addressed - to a greater or lesser extent - by the competition law doctrine, for instance in the Google Shopping case and in national cases against supermarkets. This possible overlap of scope raises question: what should be the division of labor between competition law and these 'other' laws? This presentation will deliver preliminary answers to this question by sketching the extent of the overlap and the respective advantages and disadvantages of the proposed legislative instruments vis-à-vis the competition rules.