



## Case Summary

9 September 2020

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### Launch of electronic trading platform for oil products by OLF Deutschland GmbH

Sector: Trade in oil products

File number: B8-94/19

Date of decision: 14 May 2020

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The Bundeskartellamt has no objections to the business-to-business internet platform for the sale of oil products currently operated as a trial project by OLF Deutschland GmbH (“OLF”). OLF is a joint venture of OnlineFuels Limited (“OnlineFuels”), London, and Shell Deutschland Oil GmbH (“Shell”), Hamburg, which was not subject to notification under merger control. The purpose of OLF’s internet platform is the wholesale of oil products on the spot market. This will initially involve the following products: light fuel oil, petrol (normal and super) and diesel. This could also be extended to other oil products (such as heavy fuel oil, liquefied petroleum gas or lubricants).

The platform is targeted solely at resellers and not end consumers. Potential sellers on the platform are vertically integrated oil companies, local oil refineries and independent traders and importers. Potential customers are primarily wholesalers which are active throughout Germany, regional resellers and independent petrol stations. These can also include vertically integrated oil companies. It is possible for one and the same company to be active on the platform both as supplier as well as customer. The shareholder Shell is also among the group of potential sellers as well as potential customers.

The aim of the platform is to increase supplier reach and searchability and enhance supply options for customers. It is also designed to speed up and facilitate the transaction of deals and to make market participants independent of opening and business hours.

In assessing the platform under competition law the Bundeskartellamt had to examine in particular whether the increase in transparency in oil trading generated by the platform could harm competition. Here the authority was able to build on its existing case practice with the “XOM Metals” electronic trading platform for steel products (see case summary of 27 March 2018, file no. B5-1/18-001) and the “Unamera” online trading platform for agricultural products (see press release of 5 February 2020). Anti-competitive effects could arise if a digital trading platform were to enable the exchange of information about competition-relevant parameters, either between the

suppliers represented on the platform or between the platform operator and Shell as a shareholder, which is also active in the oil sector.

Companies active in the oil sector are represented on the OLF platform as suppliers and customers, in some cases performing both roles. The operation of the platform will increase market transparency, which can make price-fixing agreements easier. In the present case suppliers which have also registered as customers on the platform could have obtained extensive and regionally differentiated information about the offers of competitors. However, OLF has taken precautions to limit the transparency created by the platform. Suppliers and customers have to register on the platform and open a user account before they can view supply data on the platform. The supply data (prices, quantities, local availability) are initially shown anonymously. The contracting partner is disclosed only in the final stage before a contract is concluded. OLF has also taken measures to prevent the desired effect of anonymisation being undermined by computerised data-collection systems (via programs or bots).

In order to prevent an anti-competitive flow of information to the shareholders active in the same market (Shell), the platform was designed in such a way that it operates separately from the shareholders in personnel, organisational, technical and information terms. Moreover, shareholders active in the same market may not exercise their general right to information and inspection to which they are entitled under the Limited Liability Companies Act if such a restriction is necessary under competition law.

Within the scope of its discretion and in view of the measures taken by the parties, the Bundeskartellamt has currently no objections to the operation of the OLF trading platform. This decision is based on an overall assessment of the circumstances of the individual case at hand and sets no precedent for other cases in the area of merger control.

Reference is drawn in this regard to information on Chinese walls in the [Bundeskartellamt's Guidance on Remedies in Merger Control](#).