

ANNEX I

**INFORMATION TO BE PROVIDED IN REQUESTS CONCERNING
THE APPLICABILITY OF ARTICLE 34 OF DIRECTIVE 2014/25/EU****6. Section 6 — Exposure to competition**

Certain points may not be relevant for some activities or the factual situation of a given applicant — in such cases, please indicate so point by point.

The applicant may limit itself to giving a precise reference point by point to the relevant part(s) of a reasoned and substantiated position as referred to in Article 35 of Directive 2014/25/EU, adopted by an independent national authority that is competent in relation to the activity concerned, in which the point concerned is analysed.

According to Article 34(2) of Directive 2014/25/EU, the question of whether an activity is directly exposed to competition must be decided on the basis of criteria that are in conformity with provisions on competition of the TFEU, such as the characteristics of the goods or services concerned, the existence of alternative goods or services, the prices, and the actual or potential presence of more than one supplier of the goods or services in question.

- 6.1. Explain why you consider that the activity covered by this request is fully exposed to competition in the relevant product market on the relevant geographical market(s). In particular, give the following information:

GENERAL CONDITIONS ON THE RELEVANT MARKET

- 6.1.1. Identify the five largest independent suppliers⁽¹⁾ to the applicant and their individual shares of the applicant's purchases (of raw materials or goods used to produce the relevant products). Provide the name, address, telephone number, fax number and appropriate contact person, of these suppliers.

Please also identify the undertakings affiliated to the applicant and their individual shares of the applicant's purchases (of raw materials or goods used to produce the relevant products). Provide the name, address, telephone number, fax number and appropriate contact person, of these undertakings.

STRUCTURE OF SUPPLY IN THE RELEVANT MARKETS

- 6.1.2. Describe the distribution channels and after-sales service networks that exist in the relevant markets. In doing so, take account of the following, where appropriate:

- (a) the existing distribution systems and their importance in these markets. To what extent is distribution performed by third parties or by undertakings affiliated to the applicant?
- (b) the existing after-sales service networks (for example, maintenance and repair) and their importance in these markets. To what extent are these services performed by third parties or by undertakings affiliated to the applicant?

- 6.1.3. Where appropriate, provide an estimate of the total EU-wide and EFTA-wide capacity for the last three years. During this period, what was the capacity of the applicant and what was the rate of its capacity utilisation?

- 6.1.4. Please indicate any other supply-side considerations you consider to be relevant.

STRUCTURE OF DEMAND IN THE RELEVANT MARKETS

- 6.1.5. Identify the five largest independent customers of the applicant in the relevant market and their individual shares of total sales of the relevant products by the applicant.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2016/1804, Division 6.. (See end of Document for details)

Provide the name, address, telephone number, fax number and appropriate contact person, of each of these customers.

- 6.1.6. Explain the structure of demand in terms of:
- (a) the different phases of the markets, for example, take-off, expansion, maturity and decline, and a forecast of the growth rate of demand;
 - (b) the importance of customer preferences, in terms of brand loyalty, product differentiation and the provision of a full range of products;
 - (c) the degree of concentration or dispersion of demand;
 - (d) segmentation of customers into different groups with a description of the ‘typical customer’ of each group;
 - (e) the importance of exclusive distribution contracts and other types of long-term contracts;
 - (f) the extent to which contracting authorities, State undertakings or similar bodies are important as a source of demand.
- 6.1.7. Provide estimates of the degree of consumer activity in terms of switching supplier and renegotiating contracts in the last five years. Also give the sources used for this and, where available, the necessary documents to confirm the estimates.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2016/1804, Division 6.. (See end of Document for details)

- (1) Independent suppliers are suppliers who are not affiliated to the applicant. For the definition of affiliated undertakings, see footnote 1 to point 1.1.

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2016/1804, Division 6..