



Please note that, although every effort has been made to ensure this translation is accurate and consistent, it is for informational purposes only. In case of any dispute or inconsistencies, the Dutch version is authentic.

Branchevereniging Kringloop Nederland
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Only sent by email (to [confidential])

The Hague, 5 June 2026

Our reference : ACM/UIT/676058
Subject : ACM/23/182143 Informal guidance for BKN (in Dutch: Branchevereniging Kringloop Nederland)

Dear [confidential],

BKN, the trade association for thrift stores in the Netherlands (in Dutch: Branchevereniging Kringloop Nederland), wishes to negotiate on behalf of its individual members with third parties in the textile sector regarding contractual conditions, such as liability provisions, reporting obligations, specifications, and early-termination periods (hereafter: the Initiative). With the Initiative, BKN wishes to strengthen the position of its members. Through collective bargaining, they have a stronger position vis-à-vis larger market participants, and contracts can be concluded more efficiently at lower transaction costs and with more balanced conditions. This will contribute to a well-functioning thrift-store sector and, by extension, to a more circular economy.

You have indicated that the Initiative is compatible with the competition rules. On behalf of BKN, you have asked the Netherlands Authority for Consumers and Markets (ACM) whether it can follow that conclusion¹. ACM finds it important to answer BKN's question due to the importance of making the textile chain more sustainable as well as the role that thrift stores play in the transition to more circularity. ACM has informally assessed the Initiative in accordance with the Policy Rule regarding ACM's oversight of sustainability agreements (the Policy Rule).² On the basis of the provided information, ACM finds this conclusion to be plausible, and, at this point, does not see any risk of an appreciable restriction of competition as a result of the Initiative.

In the below sections, ACM will first provide a summary of the Initiative, as well as an explanation of the role that thrift stores play in the circular textile chain. After that, ACM will explain its informal assessment of the Initiative.

¹ Correspondence of BKN of 7 April 2026 ACM/IN/11001211 and Minutes of the meeting with BKN 14 April 2026, ACM/UIT/676357.

² ACM, 4 October 2023, [Policy Rule regarding ACM's oversight of sustainability agreements](#).

The Initiative: BKN's role in negotiations

BKN is a trade association, and promotes the interests of its 65 members, which commercially exploit a combined total of approximately 250 thrift stores in the Netherlands.³ Thrift stores can sell many different items. However, the Initiative solely concerns the thrift stores' activities relating to textile. Those activities include collection, cleaning, and sorting of collected textile.

With approximately 4 percent of the global emissions from greenhouse gases, and having a significant impact on soil and water use, the textile industry is a sector where much can be gained in terms of reducing environmental harm.⁴ By focusing on reusing, repairing, and high-quality recycling, reductions can be achieved in CO2 emissions, water pollution, and microplastics. The Extended Producer Responsibility for textiles (in Dutch: 'de uitgebreide producentenverantwoordelijkheid voor textiel' or UPV Textiel) was introduced to reduce the environmental harm, and to encourage the sector towards a circular economy. The UPV Textiel seeks to introduce a circular textile economy, where part of the newly produced textile is reused or recycled. In that context, all market participants face this task together.

Thrift stores play a key role in the circular textile chain by facilitating the reuse of textiles, as well as by performing the activities regarding collecting and sorting textile. At the moment, thrift stores hold individual contract negotiations with third parties. Individual thrift stores are small organizations, and do not always have the means to get assistance (including legal assistance) or to obtain proper guidance. As a result, there is a risk of imbalanced information and power relationships between individual thrift stores and third parties.⁵

In order to act as a countervailing power, BKN wishes to negotiate collectively on behalf of its members about contractual conditions. With its knowledge and experience, BKN argues, its assistance can help thrift stores (particularly smaller ones) in the negotiations with third parties (including larger ones). In addition, another advantage of drawing up standard conditions and definitions is that it can help create a more efficient negotiation process in the future.⁶

More specifically, BKN wishes to negotiate, in any case, on the following contractual conditions:

- (i) **Liability provisions.** These provisions stipulate who is responsible in case of loss, damage, or incorrect processing of collected textile.
- (ii) **Reporting obligations.** These obligations concern the structure of the performance reports, for example on the basis of what data, in what format, and what frequency.
- (iii) **Specifications.** These are reference points on the basis of which a thrift store can demonstrate that targets that it has agreed on with third parties have been met, for example with regard to collected quantities.
- (iv) **Early-termination periods.** These determine under what conditions and with what notice period an agreement can be terminated.⁷

The negotiations that BKN holds with third parties may result in standard conditions that individual members can agree on in their contracts with third parties, and it can help in interpreting them. BKN itself will not sign any agreements on behalf of its members: that remains the duty and responsibility of individual members and third parties.

³ Website of BKN, the trade association for thrift stores or charity shops in the Netherlands (in Dutch: Branchevereniging Kringloop Nederland), visited on 18-05-2026 <[Home - Branchevereniging Kringloop Nederland](#)>.

⁴ See [Policy Programme for Circular Textile 2025-2030 | Government.nl](#) with policy measures for promoting textile circularity.

⁵ See also Letter to the Dutch House of Representatives regarding the process of fleshing out the expanded responsibility of producers (in Dutch: doorontwikkeltraject uitgebreide producentenverantwoordelijkheid), Parliamentary Papers II, 32852, no. 402.

⁶ Minutes of meeting on 14 April 2026 with reference ACM/UIT/676357.

⁷ Minutes of meeting on 14 April 2026 with reference ACM/UIT/676357.

ACM's informal assessment

The Initiative is a collaboration between competitors. As such, the cartel prohibition is possibly applicable. There is a potential cross-border effect. If so, the Initiative is also subject to the European competition rules.⁸

ACM has assessed whether the Initiative is a sustainability agreement, and whether there is a risk of an appreciable restriction of competition.

Sustainability agreement

As explained above, much can still be gained in terms of sustainability within the textile sector. By focusing on reusing, repairing, and high-quality recycling within the sector, a significant reduction in environmental harm can be realized. Thrift stores play a key role within the chain in terms of making the textile sector more sustainable by facilitating the reusing of textile as well as the activities regarding the collection and sorting of textile. Negotiations that BKN holds with third parties regarding liability provisions, reporting obligations, specifications, and early-termination periods contribute to a well-functioning thrift-store sector, which, in turn, contributes to the reduction of environmental harm in the sector. Considering the role that thrift stores have in the transition to more circularity, ACM finds it plausible that the Initiative helps in making the textile sector more sustainable. As such, the Initiative pursues a sustainability objective within the meaning of the Policy Rule.

No appreciable restriction of competition

BKN is of the opinion that holding discussions with third parties about the previously mentioned contractual conditions is allowed under the competition rules. ACM agrees with BKN that it is plausible that the Initiative does not appreciably restrict competition. In that context, ACM finds the following to be relevant:

- (i) The Initiative concerns provisions that do not have an effect on competition parameters. If arrangements between competitors have an impact on competition parameters such as price, output, product quality, product variety or innovation, they can restrict competition, and are at odds with the cartel prohibition.⁹ The negotiations with third parties about liability provisions, reporting obligations, specifications, and early-termination periods have, in this case, no impact on competition parameters.¹⁰ None of these elements dictate how thrift stores differentiate themselves from each other, or on what parameters they compete.¹¹ That is because these elements do not concern the substance of the services themselves that the thrift stores provide, but are rather auxiliary to the execution and delivery of the services;
- (ii) No competition-sensitive information is shared. In the context of the reporting obligations and specifications, discussions will, for example, be held about the way in which reports are drawn up and measurements are taken (for example: the type of data, the format, and the frequency).¹² The performances or quantities of individual members will not be discussed. ACM wishes to add that it obviously remains important to prevent competition-sensitive information (such as quantities sold or future prices) from being exchanged between competitors, both in the joint negotiations and in practice;
- (iii) Individual members remain free to deviate from the standard conditions that have been agreed upon by BKN. BKN does not mandate the conditions, and it is up to individual members themselves to use the standard conditions in their contracts with third parties or not.¹³ Members

⁸ Article 101 of the Treaty on the Functioning of the European Union. See also section 9 of the [Guidelines on the applicability of Article 101](#) of the Treaty on the Functioning of the European Union to horizontal cooperation agreements, 17 July 2023, C/2023/4752. (hereafter: the Guidelines).

⁹ Guidelines, marginals 421,499.

¹⁰ See, for example, Guidelines, marginal 530.

¹¹ Minutes of meeting on 14 April 2026 with reference ACM/UIT/676357.

¹² ACM, [Guidelines regarding arrangements between competitors | ACM](#), 26-02-2019, marginal 49 and further, and marginal 52.

¹³ Guidelines, marginal 490 and further.

thus retain the freedom to deviate from the standard conditions. The standard conditions are not mandatory for third parties either, and third parties, too, retain the freedom to reach deviating conditions on the basis of negotiations; and

- (iv) BKN makes the standard conditions available to all members in an accessible manner. There are no indications that third parties require access to the standard conditions in order to be able to enter the market.

Conclusion

On the basis of the information provided by BKN, ACM comes to the conclusion that it is plausible that the Initiative does not appreciably restrict competition on the Dutch market. That is why ACM will not conduct a (further) investigation into the Initiative at the moment.

ACM points out that this assessment has an informal character. ACM assumes that the information that was submitted by BKN is correct. ACM did not conduct an investigation of its own.

ACM may still decide to investigate the Initiative in greater detail at some point in the future, for example, if ACM receives a complaint about the Initiative. After such an investigation, it may turn out that the Initiative is, in fact, at odds with the competition rules. In that case, ACM will not impose a fine if BKN informed ACM in good faith, and if it cooperates with a subsequent adjustment process to bring the Initiative in line with said rules. It is a policy choice of ACM not to impose a fine in such a situation. Other (competition) authorities are not bound by this policy choice or by the contents of this informal assessment.

Kind regards,

The Netherlands Authority for Consumers and Markets,
On its behalf,

D.I. Bos
Director
Competition Department