

9 October 2007: Conseil de la concurrence strengthens competition in the sector of car repair

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Independent repairers will now have access to all Citroën's tools necessary for repairing electronic breakdowns on the brand's vehicles and compete more effectively with approved repairers

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Following a referral by Autodistribution and AD Net companies, the Conseil de la concurrence has issued a decision (1) which makes compulsory the commitments taken by Citroen relating to the provision of information and technical tools used in the repairing of the brand's vehicles.

Following the same orientations as the ones defined at EU level (2) , the Conseil intends to strengthen competition between repairers. Vehicle maintenance and repair account for an increasing part of households' budget: they may account for 40% of a vehicle's total cost.

The Conseil's competition concerns : certain Citroen technical information is only accessible to approved repairers

In the preliminary analysis of the case, the Conseil retained three elements :

- Independent repairers are denied access to certain key functions of the electronic diagnosis tool, which are reserved for the only repairers approved by Citroen. Because their tool is incomplete, independent repairers are not able to repair a number of electronic breakdowns. Moreover the database (CBR), which facilitates the detection of the most frequent breakdowns is not available to them either.

- The companies which publish technical information, such as AD net, do not have access, under an exploitable form, to a number of data necessary for the repair of Citroen vehicles.
- Access deadlines to technical information are excessive.

As part of the analysis of the merits of the case, the Conseil de la concurrence has accepted Citroën's commitments, considering that they may restore the free play of competition

Subject to a limited exception, Citroën will have to provide :

- To independent repairers: a non discriminatory access to technical information and to diagnosis tools, which are available to approved repairers, and this, at transparent prices.
- To technical publishers: an access to information proportionate to their needs, according to a setting of prices based on transparent criteria.

The details of Citroen's commitments

- Independent repairers will have access to **electronic calculators tele-coding and downloading functions through Citroen's diagnosis tool**, except for the intrusion alarm calculator, provided regular trainings are organised to learn to use the tool properly and provided repairers are subject to a system ensuring the speeches' 'traceability'.
- The **CBR database** will be available in diagnosis tools and on Citroen's internet website devoted to independent repairers and also to technical information publishers.
- Other technical information, notably the access to **diagnosis guided methods**, which already exist in the diagnosis tool, will have increased availability under another form.
- **Citroen's services internet website**, which will be considerably enriched so as to make technical information available, will be accessible to independent repairers at a price divided according to demand and non discriminatory compared with prices fixed for approved repairers.
- Citroën committed itself to answer all **information requests** on its products in

the field of technical information or diagnosis tools, within reasonable deadlines.

For the Conseil, these commitments are a satisfactory answer to the competition concerns it had underlined. The case has thus been closed.

The procedure has been carried out in close collaboration with the EU Commission as part of the European competition network (ECR). The Commission has conducted similar procedures relative to DaimlerChrysler, Toyota, Fiat and General Motors which led to similar solutions, also using the commitment procedure.

(1) In decision 06-D-27 (20 September 2006), the Conseil de la concurrence had dismissed the request for interim measures submitted by the parties for lack of urgency. The Conseil had however declared that the referral on the merits was accepted on the grounds that it could not be excluded that some practices charged against Citroen were contrary to Articles L.420-1 and L.421-2 of the Code of commercial law and to Articles 81 and 82 EC.

(2) Cf exemption Regulation n°1400/2002, specific to the car industry. The commitments will be compulsory until 31 May 2010 (Regulation expiry deadline). Competition concerns expressed by the Conseil were based mainly on the potential disregard of the Regulation exemption conditions.