The Autorité de la concurrence dismisses the complaint filed by several garage owners against Hyundai

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The complaint filed by the garage owners

Three car garages referred a case to the Autorité de la concurrence regarding practices that would have been implemented by Hyundai. They criticized the car manufacturer for having refused or terminated in a discriminatory manner their approval as a Huyndai repairer, resulting in their exit from the network or not allowing them to integrate it.

These three repairers also denounced a blanket exclusion policy for repairers who would not be at the same time distributors of the brand's vehicles.

A network of authorized repairers with selection criteria in line with the regulation

After the analysis of the referral and the verifications that have been carried out, it appears that the criteria established by Hyundai to integrate its network of authorised repairers comply with the requirements and recommendations of European law. In particular, these criteria are exclusively qualitative (professional qualifications of the reseller, the employees, the facilities...), without any element allowing to demonstrate that Hyundai would have sought to add quantitative selection criteria.

Indeed, the elements presented and collected show that:

- Hyundai does not implement a form of geographic numerus clausus (or zoning) of its authorised repairers;
- Hyundai does not implement a blanket policy of excluding repairers who are not, at the same time, dealers for its brand.

Terminations and refusals of approval that can only be anticompetitive when they are part of an overall plan

The refusals of approval and terminations denounced by the plaintiffs corresponded to motivations which, if they were not communicated to the garages concerned, proved objective.

Furthermore, the plaintiffs have not provided any evidence to show that beyond these refusals of approvals and terminations, the manufacturer would pursue a general anticompetitive plan.

Having regard to these elements, the Autorité de la concurrence has rejected the referral on the ground of insufficient evidence.

See full text of the decision

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