The Autorité de la concurrence has fined Bikeurope for having prohibited its authorised retailers from selling its bicycles online

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Background

Following documents sent by the French Directorate General for Competition Policy, Consumer Affairs and Fraud Control (Direction générale de la concurrence, de la consommation et de la répression des fraudes, DGCCRF) and dawn raids, the Autorité today issued a decision imposing penalties of 250,000 euros on the company Bikeurope for having prohibited its authorised retailers from selling its bicycles online from 2007 to 2014.

The general terms and conditions of sale prohibited authorised retailers from selling online

The company Bikeurope assembles, distributes and sells high-end bicycles via a network of authorised resellers.

In the general terms and conditions of sale, Bikeurope inserted provisions setting out, firstly, that any online sale of its bicycles must be followed by a delivery to “the authorised place of sale” – in other words, that delivery must be made to the

retailer's store – before, secondly, explicitly prohibiting any online sale.

Several emails confirm that, by means of these provisions, Bikeurope intended to prevent its retailers from selling its bicycles online. An email sent by one of the sales managers in France specified in its subject line: “Trek sales prohibited on websites and through distance selling”. The content of the message was also very clear: “we prohibit distance selling of our bicycles (therefore on the Internet)”.

Surveillance was arranged to enforce this prohibition

In the event of non-compliance with these provisions, warning letters were sent to retailers to call them to order and threaten to terminate their commercial relations.

Trek France, the French branch of Bikeurope, for example, sent several “last warning” letters to retailers Riviera Bike, Velo9 and Périgois Cycles between 2008 and 2011: “if, before 30 April, your site does not clearly state that the product must be delivered in your store, I will be obliged to issue you with a final notice (...), under penalty of terminating our contractual relations.”

These provisions reduced competition for consumers in terms of price and products

This prohibition, imposed and monitored by Bikeurope, has been fully respected by its retailers, who have either not used this distribution channel, have stopped doing so, or have broken off their commercial relations with Trek for this reason.

This prohibition restricted the commercial freedom of retailers and prevented consumers from shopping the competition between retailers in terms of price or products.

In light of this information, the Autorité de la concurrence has ordered Bikeurope to pay a fine of 250,000 euros.

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