

Kärcher pricing policy: the *Autorité de la concurrence* dismisses the case

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Background

Following the case opened into practices involving the pricing freedom of Kärcher pressure washer distributors, the *Autorité* dismissed the case, as nothing in the case demonstrated that Kärcher imposed its prices on its distributors.

Origin of the case

After the transmission of a report by the DGCCRF, the *Autorité de la concurrence* started proceedings ex officio for agreement practices between Kärcher and its distributors for the resale prices of Kärcher products between 2009 and 2011. In its decision, issued today, the *Autorité* considered that the files to the case did not demonstrate such practices.

There was no information to demonstrate the existence of an agreement between Kärcher and its distributors

The *Autorité* noted that while Kärcher gave its distributors "recommended" resale prices by disseminating annual prices and through bilateral discussions, nothing in the case made it possible to establish that Kärcher forced its distributors to respect them.

In particular, while Kärcher sales persons regularly visited the points of sale to discuss elements of sales policy, such as the location of shelves, the order proposals, product presentation, promotions, sales transactions or the after-sales service, and could sometimes ask for information about the retail prices charged, nothing in the case made it possible to establish that the purpose of these visits was to monitor prices or, where applicable, allowed Kärcher to use coercive measures.

In addition, the feedback of information provided for in certain distributor contracts related only to aggregated statistical data on sales volumes, and so did not allow Kärcher to discover the sales prices charged by distributors.

Lastly, nothing in the case led to the conclusion that the sales conditions offered by Kärcher to its distributors, or its promotional policy, allowed the manufacturer to guide or limit the possibility of its distributors implementing promotional actions.

The *Autorité* dismissed the case relating to all these elements.

DECISION 21-D-14 OF 24 JUNE 2021

regarding practices implemented in the do-it-yourself product distribution sector

See full text of the
decision

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