



**HELLENIC REPUBLIC
COMPETITION COMMISSION**

Athens, 25 June 2021

PRESS RELEASE

Statement of objections following complaint by I.D. MERKOURAKIS SA and IOANNIS MERKOURAKIS KENTRON TECHNIKIS EKSYPRETISIS AYTOKINITON SA against CITROEN HELLAS SOCIETE ANONYME INDUSTRIAL AND COMMERCIAL COMPANY and AUTOMOBILES CITROEN FRANCE, concerning alleged infringements of Articles 1 of Law 703/1977 and 101 TFEU, article 2^a of Law 703/1977 as well as provisions of BER 1400/2002 and 461/2010.

The Plenary of the Hellenic Competition Commission (HCC) will convene on **September 13th 2021**, to examine, based on the relevant Statement of Objections (SO), the complaint of two MERKOURAKIS companies, ex members of the authorized CITROEN distribution and repair network, against CITROEN HELLAS SOCIETE ANONYME INDUSTRIAL AND COMMERCIAL COMPANY and AUTOMOBILES CITROEN FRANCE, concerning alleged infringements of Articles 1 of Law 703/1977 (currently Law 3959/2011) and 101 TFEU, article 2^a of Law 703/1977 as well as provisions of BER 1400/2002 and 461/2010.

According to the complaint, the Greek CITROEN importer undertook a wide range of practices contrary to both national and EU competition law, such as Resale Price Maintenance (RPM), discrimination within the distribution network and between authorized and unauthorized Dealers, limited duration of spare parts' agreement, restriction of the authorized dealers' freedom to appeal to the court, unilateral selection

of experts for friendly settlement of disputes, exclusive supply of spare parts, invalid termination of the agreement due to lack of detailed, objective and transparent reasons for termination etc. The complainant also alleged that the Greek importer had infringed article 2^a of Law 703/1977 (abuse of a relationship of economic dependence).

The SO examines the nature of the distribution agreement between the two MERKOURAKIS companies and CITROEN HELLAS SA, since the members of the Greek CITROEN authorized distribution network buy the cars from the importer and sell them on commission. Following a detailed assessment of the terms of the distribution contract and the repairer contract the SO concludes that the contracts do not infringe the applicable competition laws. After a thorough analysis of the alleged practices undertaken by CITROEN HELLAS SA, the SO finds that they are unsubstantiated.

The SO proposes:

- a) the dismissal of the complaint by the two MERKOURAKIS companies against CITROEN HELLAS SOCIETE ANONYME INDUSTRIAL AND COMMERCIAL COMPANY and AUTOMOBILES CITROEN FRANCE
- b) that there are no grounds for further action by the HCC under article 101 TFEU.

It should be noted that the Statement of Objections is not binding on the HCC, which will decide on the basis of the available facts as well as the arguments put forward by the parties.