

APPENDIX 4.6  
(referred to in paragraph 4.61)

**Restrictions imposed by suppliers in dealer agreements  
or related documents or policies**

**Ford Motor Company Ltd**

Ford has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

- (a) the supplier supplies branded parts only to its franchised dealers and to certain other designated customers; and
- (b) the dealers are prevented from concluding distribution agreements for parts which compete with those of the supplier.

**Vauxhall Motors Ltd**

Vauxhall has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

**Rover Group Ltd**

Rover has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier directly supplies parts only to certain of its franchised dealers (who further distribute such parts) and to certain other designated customers.

**Peugeot Talbot Motor Company Ltd**

Peugeot has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

**Renault UK Ltd**

Renault has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

- (a) the supplier supplies branded parts only to its franchised dealers and to certain other designated customers; and
- (b) the dealers are prevented from concluding distribution agreements for parts which compete with those of the supplier.

Renault pointed out that Article 1 of EC Regulation 123/85 expressly permitted (a) and Article 3(5) of EC Regulation 123/85 expressly permitted (b). Consequently, the restrictions described at (a) and (b) were exempted under EC competition law and, it was submitted, could not be contrary to the public interest.

### **VAG (United Kingdom) Ltd**

VAG (UK) has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

- (a) the supplier supplies branded parts only to its franchised dealers and to certain other designated customers; and
- (b) the dealers are prevented from concluding distribution agreements for parts which compete with those of the supplier.

VAG (UK) said that since January 1990 its dealers had been permitted to sell parts on a wholesale basis to the motor trade should they wish to do so.

### **Nissan UK Ltd**

Nissan UK has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

Nissan UK said that it supplied branded parts only to its franchised dealers and not to other designated customers.

### **Toyota (GB) Ltd**

Toyota has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

- (a) the supplier supplies branded parts only to its franchised dealers and to certain other designated customers; and
- (b) the dealers are prevented from concluding distribution agreements for replacement Toyota parts which compete with those supplied by the supplier.

Toyota said that, in relation to (a), it did not supply to other designated customers.

### **Mercedes-Benz (United Kingdom) Ltd**

Mercedes-Benz has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

- (a) the supplier supplies branded parts only to its franchised dealers and to certain other designated customers; and
- (b) the dealers are prevented from concluding distribution agreements for parts which compete with those of the supplier.

### **Volvo Concessionaires Ltd**

Volvo has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Mazda Cars (UK) Ltd**

Mazda has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Rolls Royce Motor Cars Ltd**

Rolls Royce has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

- (a) the supplier supplies branded parts only to its franchised dealers and to certain other designated customers; and
- (b) the dealers are prevented from concluding distribution agreements for parts which compete with those of the supplier.

Rolls Royce stated that in relation to item (b) Rolls Royce distributors were not prevented from concluding distribution agreements for parts which competed with Rolls Royce parts or from fitting parts of equivalent quality to Rolls Royce parts to Rolls Royce vehicles which they serviced. Distributors were only required to obtain written authorisation from Rolls Royce if they wished to enter into agreements for the distribution of car-related products under Clause 2(b)(vii) of the Distributor Agreement. Authorisation had never been refused.

### **FSO Cars Ltd**

FSO has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Heron Suzuki Plc**

Suzuki has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Zastava (GB) Ltd**

Zastava has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Citroën UK Ltd**

Citroën has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

- (a) the supplier supplies branded parts only to its franchised dealers and to certain other designated customers; and
- (b) the dealers are prevented from concluding distribution agreements for parts which compete with those of the supplier.

### **Motor Vehicle Imports Ltd**

MVI has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Lotus Cars Ltd**

Lotus has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Saab Great Britain Ltd**

Saab has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **BMW (GB) Ltd**

BMW has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Honda (UK) Ltd**

Honda has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Daihatsu (UK) Ltd**

Daihatsu has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Proton Cars (UK) Ltd**

Proton has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Jaguar Ltd**

Jaguar has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **The Colt Car Company Ltd**

Colt has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

- (a) the supplier supplies branded parts only to its franchised dealers and to certain other designated customers; and
- (b) the dealers are prevented from concluding distribution agreements for parts which compete with those of the supplier.

### **Skoda (Great Britain) Ltd**

Skoda has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.

### **Fiat Auto (UK) Ltd**

Fiat has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

- (a) the supplier supplies branded parts only to its franchised dealers and to certain other designated customers; and
- (b) the dealers are prevented from concluding distribution agreements for parts which compete with those of the supplier.

### **Porsche Cars Great Britain Ltd**

Porsche has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the dealer is prevented from concluding distribution agreements for parts which compete with those of the supplier without the prior written consent of Porsche.

### **Hyundai Car Distributors (UK) Ltd**

Hyundai's dealer agreement says in Clause 9.4, Undertakings by the dealer `not to conclude with any third person, firm or company any distribution agreement for goods which compete with the contract goods'.

### **Isuzu (UK) Ltd**

Isuzu's dealer agreement says in Clause 9.4, Undertakings by the dealer `not to conclude with any third person, firm or company any distribution agreement for goods which compete with the contract goods'.

### **Subaru (UK) Ltd**

Subaru's dealer agreement says in Clause 9.4, Undertakings by the dealer `not to conclude with any third person, firm or company any distribution agreement for goods which compete with the contract goods'.

### **Kia UK Ltd**

Kia has entered into distribution agreements with dealers or has adopted distribution policies which have the result that:

the supplier supplies branded parts only to its franchised dealers and to certain other designated customers.