

WRITTEN QUESTION E-5255/06
by Christoph Konrad (PPE-DE)
to the Commission

Subject: Application of motor vehicle block exemption regulation to German Mercedes-Benz agents

1. In its reply to my written question E-4830/05 the Commission indicated that it accepts the Court of Justice ruling that German Mercedes-Benz commercial agents are not authorised dealers and therefore do not come under the provisions of Article 81 of the EC Treaty and the motor vehicle block exemption regulation. However, that judgment related to the motor vehicle block exemption regulation which was in force up until 2003 (1475/95¹). Does the Commission take the view that the motor vehicle block exemption regulation that has been in force since 2003 (1400/2002²) likewise does not apply to German Mercedes dealers? If so, why? If not, why not?
2. How does the Commission view the financial risks incurred by German Mercedes agents by virtue of the obligation to permanently keep available demonstration models and company cars and to operate a used car business? Are agents in an equivalent position to authorised dealers with regard to such risks?
3. Market-specific investments made by German Mercedes agents in order to meet distribution standards are identical to those of their counterparts among European authorised dealers. In the Commission's view, is Article 81(1) of the EC Treaty therefore applicable? If so, why? If not, why not?
4. Does the Commission intend, in view of the facts highlighted by these questions in relation to the motor vehicle block exemption regulation (1400/2002), to appeal against the abovementioned Court of Justice judgment?

¹ OJ L 45, 29.6.1995, p. 25.

² OJ L 203, 1.8.2002, p. 30.