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Guidance

Car dealer concentrations

Markten goed laten werken voor mensen en bedrijven

ACM/UIT/649982

Guidance regarding car dealer concentrations

Our reference : ACM/UIT/649982
Case number : ACM/23/185531
Date : February 21, 2025
Number of pages: 3030
Annex : Report on Consumer Survey conducted by Blauw

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1 Summary

1. For several years now, a consolidation wave has been sweeping through the car dealer sector. ACM has been notified of over 50 mergers and acquisitions in this sector since 2019. This consolidation wave was part of the reason why ACM investigated and subsequently rejected the possible existence of a system market in the car dealership sector in the Dusseldorp - Severs Breeman decision.[1] In that decision, ACM defines separate product markets for (i) retail sale of passenger cars, (ii) (brand-specific) maintenance and repair services for passenger cars and (iii) the distribution of (original) car parts. ACM's investigation in that case focused mainly on the latter two product markets.

2. The purpose of this guidance document is to provide the sector with more detailed guidance – supplementing the aforementioned decision – on how ACM will assess car dealer concentrations (mergers and acquisitions). It does so on the one hand by clarifying how ACM assesses the retail sale of passenger cars and on the other hand by providing a step-by-step description of the methodology to be used when assessing each of the three product markets referred to above. This is because these three product markets represent the core activities involved in many car dealer concentrations. ACM wishes to emphasize that the described analyses do not always have to be performed. In order to limit the administrative burden on notifying parties, ACM applies various thresholds below which certain analyses are not required. By means of this guidance document, ACM aims to provide clarity for notifying parties and ensure an efficient notification process.

Retail sale of passenger cars

3. With this guidance document, ACM aims in the first place to provide clarity on the way in which it will assess concentrations regarding the retail sale of passenger cars. In preparing this guidance document, ACM conducted general market research into sales of passenger cars in the Netherlands. This included commissioning a Consumer Survey among actual and prospective purchasers of new passenger cars. Interviews with market participants were also held and an analysis was conducted using data from the *RDC Automotive Dashboard*. Section 2 describes the market research and how ACM determined the scope applied in this guidance document. ACM's focus in this guidance document is on the retail market in *new* passenger cars sold to *private* and *small-business customers*.

4. Section 3 then discusses this retail market. With regard to the relevant product market, the general market research provides some indications of further distinctions in terms of car segments, brands and/or fuel types. However, no single one of these product characteristics appears to be decisive; they each individually play an important role in the choices consumers make when purchasing a new car. There is some evidence that the different car segments indicate which cars are each other's closest alternatives. ACM takes thereby into account a possible distinction based on (price)classes of brands and the type of fuel used in new passenger cars.

5. With regard to the geographic dimension of the retail market in new passenger cars sold to private and small-business customers, ACM concludes that it is appropriate to use catchment areas. These are market areas in which car dealer locations generate 80% of their turnover. This approach differs from the geographic dimension used previously, based on using sales figures at national and provincial level. An approach based on catchment areas is more accurate and reflects the importance of travel time in the purchase of a passenger car. Moreover, the use of catchment areas is appropriate given the significant differences in travel time between brands that appear to depend on the structure of the selective distribution network.

[1] ACM decision of July 25, 2024 in case 187655/*Dusseldorp – Severs Breeman.*

Step-by-step description of the methodology to be used for the three core activities of car dealers

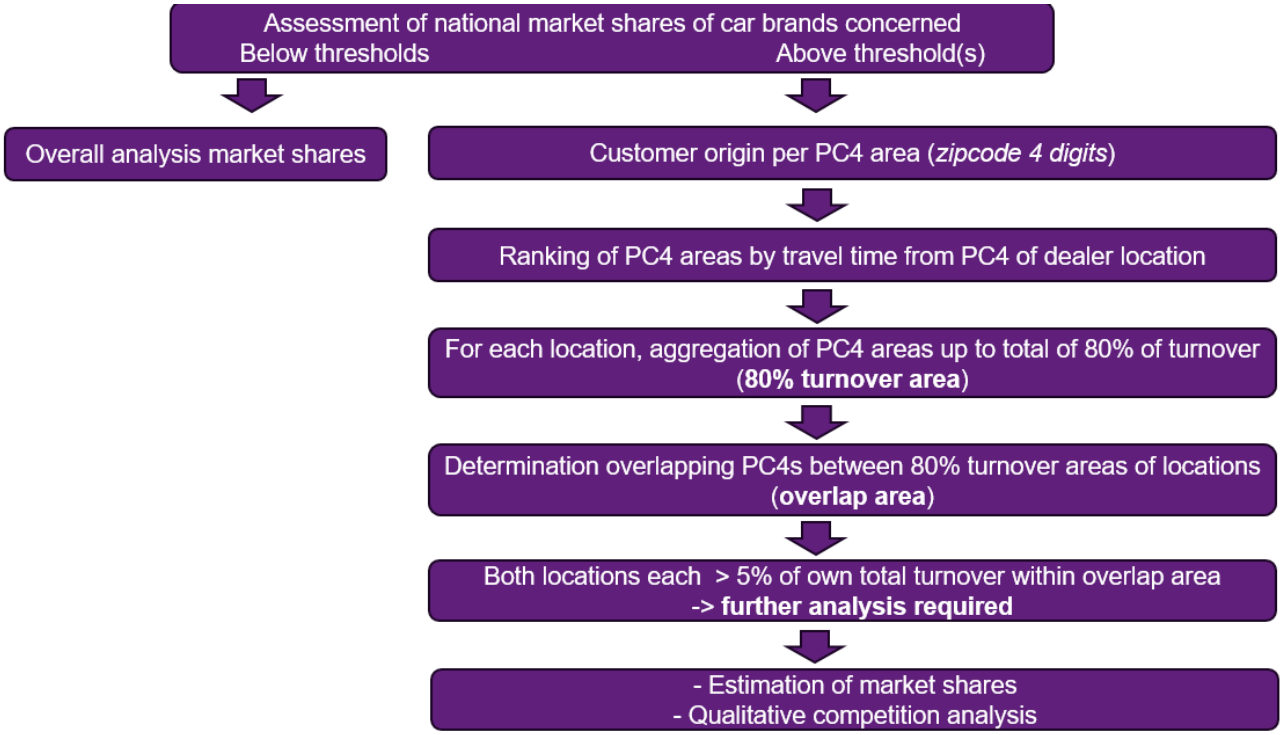
6. ACM also aims to provide practical guidance for the car sector by giving a step-by-step description of the methodology to be used when assessing the effect of a concentration on competition in the three aforementioned product markets. ACM thus aims to provide clarity for notifying parties about the analysis they must perform in the context of a concentration notification. At the same time, ACM is mindful of the administrative burden on notifying parties. In order to limit this burden where possible, thresholds have therefore been set for the performance of certain analyses. By means of this approach, ACM aims to make an efficient and accurate assessment of car dealer concentrations, both for itself and for the notifying parties.

Core activity 1: retail sale of passenger cars

7. The methodology to be applied to the retail market in new passenger cars sold to private and small-business customers is discussed in Section 3, but ACM would already like to highlight one point of this step-by-step description of the required analysis. Although the geographic dimension is a catchment area, a catchment area analysis does not always need to be performed. This is the case if the national market shares of the car brands sold by the parties concerned remain below certain relevant merger control thresholds If the notifying parties do not reach these thresholds, ACM's initial assessment is that the concentration is unlikely to result in a significant restriction of competition. In these cases, an overall analysis based on sales figures at national and provincial level is therefore sufficient. If the thresholds are exceeded, the guidance document provides a clear explanation of the further steps to be taken.

8. ACM has summarized the step-by-step description of the methodology for assessing the effect of car dealer concentrations on competition in the retail market in new passenger cars sold to private and small-business customers in the decision tree below. Section 3.3. explains this required analysis in detail.

Figure 1: Decision tree methodology for assessing the effect of a concentration on competition in the retail market in new passenger cars sold to private and small-business customers

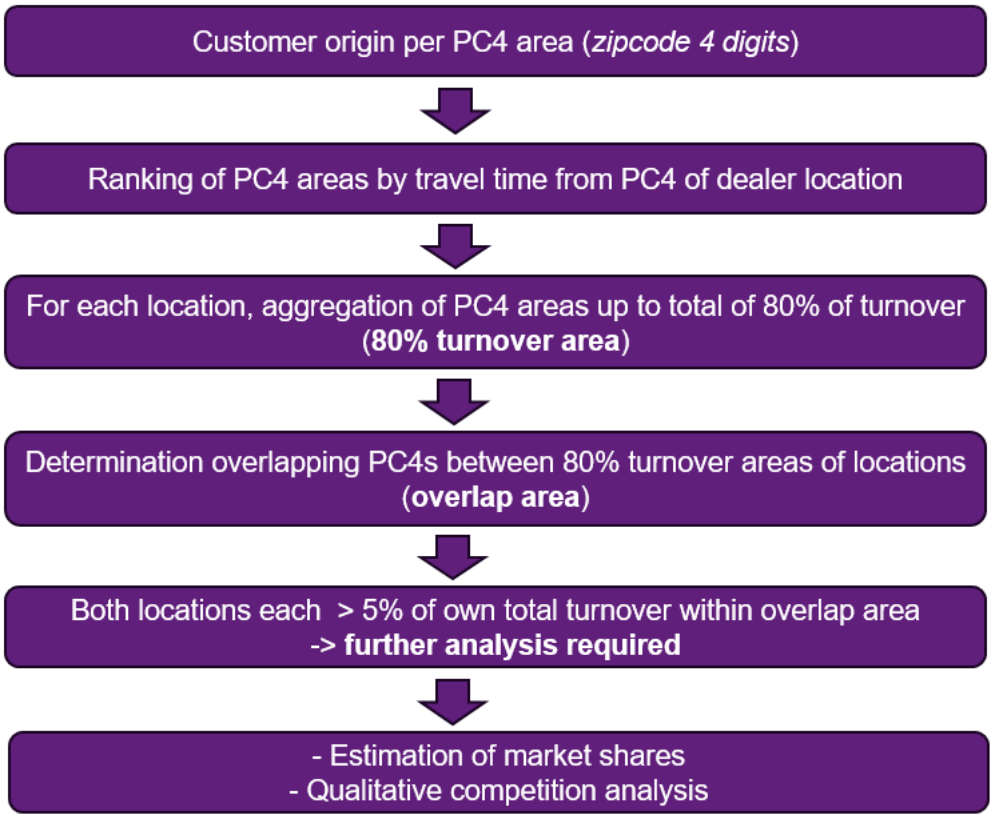


Core activities 2 and 3: maintenance and repair services for passenger cars and sale of car parts

9. Section 4 deals with the brand-specific market for maintenance and repair services for passenger cars and Section 5 considers both the wholesale and retail markets for (original) car parts. For the sake of completeness, this guidance document includes a concise recap of the conclusions relating to these markets in the aforementioned Dusseldorp - Severs Breeman decision.

10. In addition, ACM provides a step-by-step description of the analyses that the notifying parties are required to perform for these markets. ACM has summarized the step-by-step description of the methodology for assessing the effect of car dealer concentrations on competition in the brand-specific market for maintenance and repair services for passenger cars of private and small-business customers in the decision tree below. Section 4.3 explains this required analysis in detail.

Figure 2: Decision tree methodology for assessing the effect of a concentration on competition in a brand-specific market for maintenance and repair services for passenger cars of private and small-business customers

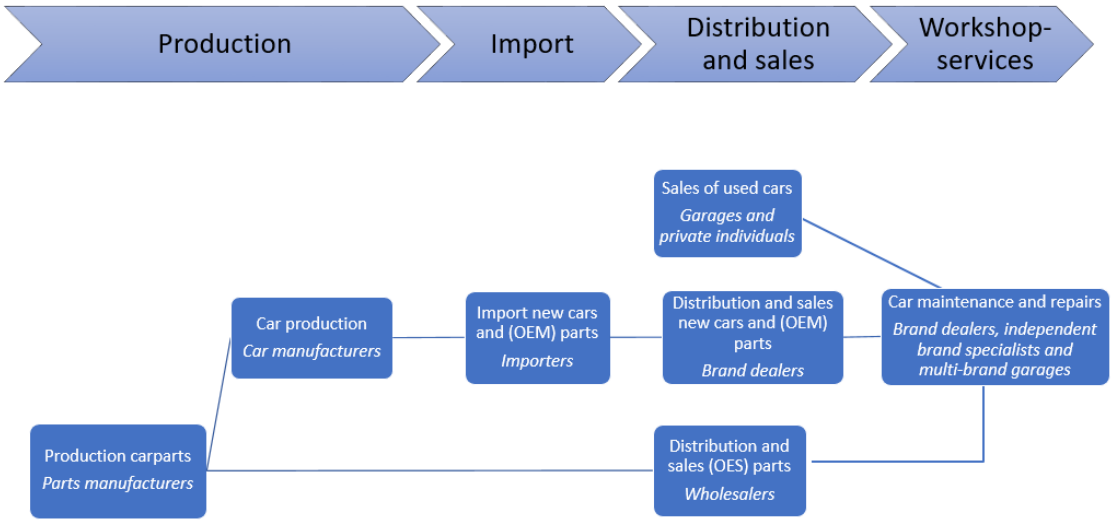


2 Background and approach

2.1 Background

11. The passenger car value chain can be subdivided schematically into the production of passenger cars, the import, distribution and sales of passenger cars and parts, and workshop services. This value chain is shown below in simplified form in Figure 3.

Figure 3: Simplified passenger car value chain



12. The core activities of car dealers in this value chain are the sale of cars and original (OEM) car parts and providing car maintenance and repair services. Previously, when assessing the effect on competition of car dealer concentrations, ACM assumed the existence of a so-called system market for these activities. In the decision concerning the Dusseldorp - Severs Breeman concentration – involving car dealers of the BMW and MINI brands – ACM explained its reasons for no longer considering it appropriate to assume the existence of such a system market.[2] Having regard to the current consolidation in the car dealer sector, the developing decision practices of other competition authorities in Europe, and indications from ACM's market research in that case, ACM considers it plausible that separate product markets exist for (i) the retail sale of passenger cars, (ii) the retail sale of (original) car parts and (iii) maintenance and repair services for passenger cars.

13. ACM carried out an extensive investigation in the Dusseldorp - Severs Breeman concentration case, focusing in particular on maintenance and repair services for passenger cars and the sale of (original) car parts (for the BMW and MINI brands). The results and conclusions of this investigation are described in the relevant decision and, for the sake of completeness, are recapped concisely in Sections 4 and 5 of this guidance document.

2.1.1 Purpose of the guidance document regarding car dealer concentrations

14. The purpose of this guidance document is to provide the car sector with more detailed guidance – supplementing the aforementioned decision – on how ACM will assess car dealer concentrations. By means of this guidance document, ACM aims in the first place to provide clarity on the way in which it will assess car dealer concentrations in the retail sale of passenger cars. To this end, ACM will consider the relevant product market, the relevant geographic market, and the assessment methodology on the basis of general market research.

[2] ACM decision in case 187655, cited above, section 7.2.

15. In addition, ACM also aims to provide practical guidance by giving step-by-step descriptions of the methodologies to be used by the parties when assessing the effect of a car dealer concentration on competition in (i) the retail market in new passenger cars sold to private and small-business customers, (ii) the brand-specific market in maintenance and repair services for passenger cars of private and small-business customers and (iii) the wholesale and retail market in (original) car parts.

2.1.2 Information on the assessment of the effect of concentrations on competition in markets outside the scope of the guidance document

16. ACM emphasizes that parties making notifications for (possible) markets falling outside the scope of this guidance document[3] must submit the market data in ACM's *Concentration Notification and Permit Form* (hereinafter: Notification Form)[4] in the usual way. ACM further notes that this guidance document focuses primarily on concentrations between car dealers with horizontal overlap. If notifying parties have a vertical relationship with each other in the markets affected by the concentration, they must also detail this in the usual way in the Notification Form.

17. With regard to the (possible) market for the sale of light commercial vehicles, ACM also refers to its recent decision in the Pon - Sele - De Waal concentration case.[5] In that case, ACM addressed the applicability of a system market in light commercial vehicles, considering plausible the existence of separate product markets for (i) the sale of light commercial vehicles and (ii) the distribution of parts for light commercial vehicles. On the basis of the information available, ACM could not state with certainty that there was a separate market for maintenance and repair services for light commercial vehicles. In that case, however, it was able to leave open the question of whether there was a system market that included both retail sale of light commercial vehicles and maintenance and repair services for light commercial vehicles, or whether these activities belonged to separate product markets.

18. If notifying parties are engaged in the sale of light commercial vehicles, details of these possible separate product markets for light commercial vehicles must in principle be given in the Notification Form. ACM requests that the methodologies described in this guidance document be used for the relevant product markets with respect to passenger cars (see section 3.3 for the methodology for the retail market in new passenger cars for private and small-business customers and section 4.3 for the methodology for the brand-specific market in maintenance and repair services for passenger cars of private and small-business customers).

2.2 General market research approach

19. In preparing this guidance, ACM conducted general market research into sales of passenger cars in the Netherlands. An important element of this general market research is a Consumer Survey of purchases of new cars that ACM commissioned from the market research firm Blauw. The report containing the results of this research is attached as an annex to this guidance document.[6]

20. ACM also held interviews with several car dealer groups, a car leasing company, the BOVAG mobility trade association, and RAI Association, which represents the interests of manufacturers and importers of passenger cars, among others.[7] Desk research was also conducted using relevant public sources and the international decision practices of other competition authorities were studied. Finally, ACM analyzed information from RDC's Automotive Dashboard[8].

[3] In addition to the (possible) markets referred to in this section, other activities of car dealers may also be involved, such as car body repair services, car rental and car insurance brokerage.
[4] ACM Concentration Notification and Permit Form,, available on the ACM website.
[5] ACM decision of December 24, 2024 in case 192234/*Pon – Sele – De Waal.*
[6] Consumer Survey by Blauw, ACM/IN/852939.
[7] Interview reports with the references ACM/UIT/612118, ACM/UIT/612923, ACM/UIT/608271, ACM/UIT/608394, ACM/UIT/608857, and ACM/UIT/634605.
[8] See reference ACM/INT/522905 for source data obtained from RDC's Automotive Dashboard (hereinafter also: RDC dataset).

2.3 Scope applied to car sales

21. With regard to the car dealer activity of selling cars in Section 3, this guidance document focuses on the retail market in new passenger cars for private and small-business customers. ACM explains below how it determined this scope.

Sale of passenger cars

22. First, this guidance document focuses on the sale of *passenger cars*, with other vehicle categories remaining out of scope. There are strong indications that passenger car sales differ from other vehicle sales. In previous decisions relating to the sale of cars, ACM already distinguished (possible) markets for (i) passenger cars, (ii) light commercial vehicles, and (iii) trucks.[9] Various European Commission decisions also assume the existence of a separate market for the sale of passenger cars.[10]

23. In the automotive sector, BOVAG and RAI Association also draw a distinction between passenger cars and various types of commercial vehicles, including vans and trucks.[11] Passenger cars account for more than 80% of the total vehicle fleet and of the new vehicle registrations.[12] This guidance document focuses on the sale of passenger cars, i.e. the vast majority of vehicles sold.

Sale of new passenger cars

24. Second, this guidance document focuses on the sale of *new* passenger cars, with sales of used passenger cars remaining out of scope. There are strong indications that sales of new passenger cars differ from those of used passenger cars.

25. In previous decisions concerning the retail sale of passenger cars, ACM and the European Commission have already distinguished (possible) markets for (i) new and (ii) used passenger cars.[13] The sale of new passenger cars of a particular brand is reserved for car dealerships, which have an agreement for this purpose with the manufacturer or importer of the brand in question. This involves the use of a selective distribution system, in which dealers must meet specific requirements in order to be allowed to sell cars of a particular brand.[14] Used passenger cars, on the other hand, can be sold by anyone. Around two-thirds of used passenger cars are sold by professional car companies, such as car dealerships and independent garages. The remainder are sold by car owners themselves[15], for example through websites such as *Marktplaats Auto* and *AutoScout24*. An analysis of data from RDC's Automotive Dashboard also appears to point to a distinction between sales of new and used passenger cars. The travel time taken by private and small-business purchasers for used passenger cars is almost twice as long as the travel time taken to purchase new passenger cars.[16] A possible explanation for this is that online sales of used cars, for example through the above-mentioned websites, are much more common than for new cars.

26. In view of the foregoing, it can also be concluded that substantially more market participants are engaged in the sale of used passenger cars than in the sale of new passenger cars. For many car dealer concentrations, the effect on competition in sales of used passenger cars will therefore be

[9] ACM decision of May 10, 2007 in case 6027/*Bage – Van Oeveren – Vervaet*, marginals 14-15; the ACM decision of August 26, 2005 in case 5153/*Wensink Beheer B.V. – Autoster B.V.*, marginal 9; and ACM decision of September 14, 2007 in case 6156/*Stern Groep – Van Kooy Groep*, marginal 9.
[10] European Commission decision of June 22, 2022 in case COMP/M.10714 – *VGRD / Autoholding Dresden*, marginals 17 and 21;European Commission decision of July 5, 2017 in case COMP/M.8449 –*Peugeot / Opel*, marginal 36; and European Commission decision of June 17, 2020 in case COMP/M.9839 *VGRD / Auto Wichert Assets*, marginal 17.
[11] Mobiliteit in Cijfers Auto's 2024-2025, ACM/INT/516076, p.6.
[12] Mobiliteit in Cijfers Auto's 2024-2025, ACM/INT/516076, p.6 and 20.
[13] European Commission decision in case COMP/M.10714, cited above, marginals 17 and 21; European Commission decision of October 16, 2015 in case COMP/M.7747 – *PGA/MSA*, marginal 14; ACM decision in case 6027, cited above, marginals 14 and 15; and ACM decision in case 6156, cited above, marginal 11.
[14] Interview reports with the references ACM/UIT/608857, p.2; ACM/UIT/608271, p.3; and ACM/UIT/634605, p.2.
[15] Mobiliteit in Cijfers Auto's 2024-2025, ACM/INT/516076, p.35.
[16] See reference ACM/INT/522903 for the memorandum on the travel time analysis based on RDC's Automotive Dashboard. For the travel time analysis, ACM used a so-called 80% limit: this concerns the travel time within which 80% of customers purchased their car. For an explanation of this travel time analysis, see section 3.2.1.

more limited than on sales of new passenger cars. For the above reasons, this guidance document focuses on the sale of new passenger cars.

Sale of new passenger cars to private and small-business customers

27. Finally, this guidance document focuses on the sale of new passenger cars *to private and small-business customers*[17], with sales to large-business customers[18] remaining out of scope. This is because there is evidence that sales to private and small-business customers differ from sales to large-business customers, such as leasing companies.

28. There are indications that private and small-business customers on the one hand and large-business customers on the other hand cannot use the same type of suppliers of new passenger cars. Various market participants surveyed indicate that large-business buyers can often purchase new passenger cars directly from importers or manufacturers,[19] whereas a private or small-business customer must purchase a new passenger car from a dealer. In addition, some market participants indicate that smaller dealerships cannot handle large orders from leasing companies.[20] The reasons given for this are the need to pre-finance purchases and the ability to prepare large numbers of cars for use.

29. In addition, there are indications that the dynamics of purchases of new passenger cars by large-business customers differ from those of purchases by private and small-business customers. For example, some market participants point to lower prices and discount agreements for large-business customers linked to purchasing volumes.[21] Surveyed market participants also indicate that purchases of new passenger cars by large-business customers are organized nationally – and that there is consequently a much larger geographic market (than for private and small-business customers).

30. These indications suggest that large-business buyers of new passenger cars have stronger buying power (due to the larger purchasing volume), can also purchase from importers and manufacturers themselves, and operate in a larger geographic area than private and small-business customers. For many car dealer concentrations, the effect on competition in sales of new passenger cars to large-business customers will therefore be more limited than in sales of new passenger cars to private and small-business customers. This guidance document therefore focuses on the latter.

[17] This concerns the categories recorded in the RDC Automotive Dashboard under (i) Private and (ii) Small-business.
[18] In this guidance document, 'large-business' includes the categories recorded in the RDC Automotive Dashboard under (i) Fleet, (ii) Leasing company, (iii) Leasing RTL, (iv) Rental and (v) Vehicle industry.
[19] Interview reports with the references ACM/UIT/612923, p.2 and 3; ACM/UIT/608271, p.2 and 4; ACM/UIT/612118, p.1 to 3; and ACM/UIT/608857, p.2.
[20] Interview reports with the references ACM/UIT/608394, p.3; and ACM/UIT/608271, p 4.
[21] Interview reports with the references ACM/UIT/608394, p.4; ACM/UIT/608271, p.4 and 5; ACM/UIT/612118, p.1 to 3; and ACM/UIT/634605, p.3.

3 Retail market in new passenger cars sold to private and small-business customers

3.1 Relevant product market

31. A total of 91,325 new passenger cars were sold to private and small-business customers in 2023.[22] In the context of this guidance document, ACM commissioned a Consumer Survey of purchases of new passenger cars from the market research firm Blauw (hereinafter: the Consumer Survey). A total of 363 recent purchasers of new cars and 150 consumers planning to buy a new car in the near future ('prospective buyers') were surveyed. This group of respondents (hereinafter: consumers) were asked, among other things, about the product characteristics of the cars they had purchased (or were considering) and the importance they attached to those characteristics. They were also asked which other cars or car types they had considered.[23]

32. This Consumer Survey shows that product characteristics of a passenger car, such as segment, brand, fuel type, and price, play an important role in the choices consumers make when purchasing a new car.[24] The product characteristics of segment, fuel type, and brand determine (at least in part) the purchase price of a new passenger car. The report *Mobiliteit in Cijfers Auto's 2024-2025* from BOVAG/RAI and data from RDC's Automotive Dashboard show that there are significant price differences between different car segments, and within these segments between different types of fuel and between brands.[25]

33. In the retail market for new passenger cars for private and small-business customers, there appears to be considerable product differentiation, with some products being closer substitutes than others. As described by the European Commission in its Market Definition Notice, this is the case when product characteristics are important for the choices customers make, such as design, brand image, technical specifications, or other specific features.[26]

34. In this section, ACM considers a possible further distinction of the retail market in new passenger cars for private and small-business customers based on segments and/or brands and/or fuel types. In the previous decision-making practice, ACM and the European Commission concluded that the segments were an indication of which brands and types of passenger cars were each other's closest alternatives. The market research carried out in the context of this guidance document also shows that the different car segments indicate which passenger cars are each other's closest alternatives. However, it is not only the segment that plays a role in the choices made by consumers when purchasing a passenger car; other product characteristics such as brand and fuel type also play an important role. Therefore, in assessing the effect of a concentration on competition, ACM will, where appropriate, take into account a possible distinction based on (price) classes of brands and/or fuel type.

[22] Source data obtained from RDC's Automotive Dashboard, ACM/INT/522284. The RDC sales figures are based on the 'private' and 'small-business' vehicle owner categories.
[23] Consumer Survey by Blauw, ACM/IN/852939, p.2.
[24] Consumer Survey by Blauw, ACM/IN/852939, p.5.
[25] Mobiliteit in Cijfers Auto's 2024-2025, ACM/INT/516076, p.21 and source data obtained from RDC's Automotive Dashboard, ACM/INT/522284. These data show, among other things, that in segments A to D the average purchase price of new electric passenger cars is higher than that of new petrol-engined passenger cars. These data also show that the average prices of various car brands differ significantly within the various BOVAG segments.
[26] European Commission Notice on the definition of the relevant market for the purposes of Union competition law, OJEU, 2024 (hereinafter: Market Definition Notice), C 1645, sections 85-86.

3.1.1 Possible distinction by segment

35. Previous decisions of ACM and the European Commission considered the possibility of a further distinction between car segments.[27] BOVAG and RAI Association also draw a distinction between different passenger car segments in the automotive sector.[28] Table 1 shows these car segments, indicating for each segment how many new passenger cars were sold to private and small-business customers in 2023 and the corresponding percentage shares.[29] It is notable that the lion's share of passenger cars sold were in the *B-city, C-lower family* and *D-upper family* segments. The final column gives some examples of well-known models in each car segment.[30]

Table 1: Overview of car segments and number of new passenger cars sold to private and small-business customers in 2023

Segments	Cars sold	%	Examples
A-small	5,326	5.8%	*Kia Picanto, Toyota Aygo*
B-city	22,437	24.6%	*Volkswagen Polo, Ford Fiesta, Hyundai Kona, Renault Captur*
C-lower family	35,592	39.0%	*Ford Focus, Volkswagen Golf, Kia Niro, Volvo XC 40*
D-upper family	18,468	20.2%	*Tesla Model 3, BMW 3 series, Renault Espace, Skoda Kodiaq*
E-executive	4,436	4.9%	*Audi A6, BMW X5, Volvo XC 90*
F-lower family	1,729	1.9%	*BMW 7 Series, Mercedes-Benz S-Class, Porsche Cayenne*
G-lower sports	174	0.2%	*Mazda MX-5, Audi TT, BMW Z4*
H-upper sports	573	0.6%	*Porsche A11, Mercedes-Benz GT, Jaguar F-Type*
I-upper luxury	194	0.2%	*Rolls Royce Dawn, Bentley Continental, Porsche Panamera*
N-commercials	2,353	2.6%	*Mercedes-Benz Sprinter, Ford Transit, Volkswagen Transporter*
Total	**91,282**		

36. In the decision-making practice of ACM and the European Commission, it was previously emphasized that the boundaries between these car segments – in terms of the market for the production and supply of passenger cars – are unclear, since buyers of passenger cars make choices based on a combination of factors such as brand, size, equipment, and price. It was concluded that the segments nevertheless give an indication of which brands and types of passenger cars are each other's closest alternatives.[31] In previous decisions, ACM ultimately left open the question of whether a further distinction should be drawn between the various segments.

37. The aforementioned Consumer Survey shows that the segment of the passenger car to be purchased is one of the key factors in the choices made by consumers.[32] Some of the surveyed consumers did not even consider cars from another segment; this share ranges between 36% and 52% depending on the segment. An almost equally large group of consumers indicated that they considered the segment important, but that they had also considered cars from segments just above or below the segment of the car they chose. A small proportion of surveyed consumers indicated that they attached no importance to the segment.[33]

38. The market interviews also show that differences between car segments are or may be relevant. For example, a car dealer group indicates that a consumer who comes for an SUV is unlikely to buy a car in the A-segment. According to this car dealer group, most consumers stick to a specific segment

[27] Such as the ACM decision in case 6156, cited above, marginal 15; the ACM decision of July 29, 2005 in case 5096/*Wensink Schadeherstel – Van Diest Automobielbedrijven*, marginals 9-12; the ACM decision in case 187655, cited above, marginal 42; and the European Commission decision in case COMP/M.8449, cited above, marginal 7.
[28] Mobiliteit in Cijfers Auto's 2024-2025, ACM/INT/516076, p.8.
[29] Source data obtained from RDC's Automotive Dashboard, ACM/INT/522284. ACM notes that 43 passenger cars fall into the O-Unclassified segment.
[30] Mobiliteit in Cijfers Auto's 2024-2025, ACM/INT/516076, p.8.
[31] European Commission decision in case COMP/M.8449, cited above, marginals 7 and 11; ACM decision of April 20, 2005 in case 4962/*Kroymans-Alfa*, marginals 12 and 13; ACM decision in case 187655, cited above, marginal 43.
[32] Consumer Survey by Blauw, ACM/IN/852939, p.5.
[33] Consumer Survey by Blauw, ACM/IN/852939, p.16.

when choosing a car.[34] Another car dealer group indicates that when looking for a new car, consumers preselect the type of car that suits them. According to this car dealer group, personal factors play a role and the car must suit the buyer's personal circumstances. For example, a family of five who drive to football matches and go on winter sports holidays will more likely look for a station wagon and are less likely to opt for an electric car, whereas a young couple living in a city center will more likely opt for a car in the A-segment. This car dealer group also indicates that the average consumer takes time to choose and has thought carefully about the car segment.[35] BOVAG nevertheless points out that competition between the different segments is fluid and that manufacturers bring models onto the market that fall between two segments.[36]

39. In view of the foregoing, ACM concludes that there are some indications of a possible further, segment-based distinction in the retail market in new passenger cars for private and small-business customers. The different car segments indicate which types of passenger cars are each other's closest alternatives, although adjacent segments exert competitive pressure. Moreover, other product characteristics also play a role, such as the brand of car and fuel type.

3.1.2 Possible distinction by (price)classes of brands

40. ACM has not previously commented on the existence of a possible distinction by (price) classes of brands. In its assessment of a concentration of Porsche car dealers, the Belgian competition authority (hereinafter: BCA) took into account the specific dynamics of the luxury segment in which Porsche operates. In its decision, the BCA found that the Porsche brand was a specific luxury brand and that the competition analysis could additionally take into account possible segmentation based on luxury brands. The BCA considered it relevant to frame Porsche's market position in quantitative terms in comparison with other possible exclusive brands of passenger cars.[37]

41. The Consumer Survey shows that the brand of the passenger car to be purchased also plays an important role in the choices made by consumers.[38] Around one-third of surveyed consumers did not even consider a different brand of passenger car. A smaller proportion of surveyed consumers indicated that they attached no importance to the brand. A large majority of consumers indicated that although they considered the brand important, they had also considered passenger cars of other brands. These consumers do not consider all brands equally; they seem to have a preference for brands in a similar (price) class or to that of the car they purchased/will purchase.[39]

42. The market interviews also show that differences between (price) classes of brands are or may be relevant. One car dealer group indicates that there are different levels of brands in the market: a top tier of super-luxury brands (such as Lamborghini and Ferrari), below that a top segment (such as Audi, BMW, and Mercedes), then a large middle group (such as Volkswagen, Renault, and various Japanese and Korean brands) and the bottom of the market (with, for example, entrants from China such as BYD). According to this car dealer group, the brands in the top segment compete fiercely with each other and all brands in the middle group are interchangeable.[40] This is confirmed by another car dealer group engaged in the sale of passenger cars in the aforementioned middle group. It sees certain brands falling within this middle group as its competitors.[41]

43. In view of the foregoing, ACM concludes that there are some indications of a possible further distinction based on the (price) classes of brands in the retail market in new passenger cars for private and small-business customers. Not all brands appear to compete equally with each other. Competition mainly seems to take place between brands falling into the same (price)classes.

[34] Interview report with the reference ACM/UIT/608271, p.4.
[35] Interview report with the reference ACM/UIT/608394, p.3.
[36] Interview report with the reference ACM/UIT/608857, p.5.
[37] BCA decision of June 4, 2024 in case BMA-2024-CC 21 - *D'leteren - Porsche Centre East-Flanders*, marginals 81, 263-269.
[38] Consumer Survey by Blauw, ACM/IN/852939, p.5.
[39] Consumer Survey by Blauw, ACM/IN/852939, p.17 and 18.
[40] Interview report with the reference ACM/UIT/608394, p.3.
[41] Interview report with the reference ACM/UIT/612923, p.2.

3.1.3 Possible distinction by fuel type: electric/hybrid and non-electric

44. In recent years there has been a significant increase in the market share of hybrid and electric passenger cars sold. In 2023, 46% of new cars sold to private and small-business customers were hybrid, 33% fully electric, and 17% petrol-engined. In 2019, these proportions were very different: 11% of new cars sold to private and small-business customers were hybrid, 14% fully electric, and 70% petrol-engined.[42]

45. ACM has not previously commented on the existence of a possible distinction between electric, hybrid, and/or non-electric passenger cars. The European Commission and the French competition authority did consider such a distinction in a decision in 2017 and a decision in 2019.[43] The results of the market research conducted by the European Commission in its case were inconclusive and gave no clear indication that electric/hybrid passenger cars constituted a separate product market. The French Competition Authority also found no indications in its case that there was a separate market based on the type of engine (electric and hybrid). One of the findings in that case was that consumers make choices based on their mobility needs and budget, without drawing a clear distinction based on the type of fuel/engine.

46. However, the Consumer Survey conducted in the context of this guidance document shows that the type of fuel is an important product characteristic on which consumers base their choice when purchasing a new car.[44] More than half of the surveyed consumers had not even considered passenger cars with a different type of fuel.[45] A large minority of consumers indicated that although they considered the fuel type important, they had also considered passenger cars with a different fuel type. A small proportion of surveyed consumers indicated that they attached no importance to the type of fuel.[46]

47. Although the Consumer Survey shows that fuel type is an important product characteristic when choosing a new car, one market participant states that fuel type is not a decisive factor for private customers. This market participant also states that consideration is of course given to the costs of a car, in which the fuel type plays a role.[47] One car dealer group also points to the relationship between spending on a car and private buyers' choice of electric cars. This car dealer group reports seeing a decline in demand for electric cars when there was uncertainty concerning subsidies and talk of them being abolished (for electric cars).[48] RAI Association confirms this relationship between demand for electric cars and government incentive schemes. RAI association also indicates that for a large proportion of Dutch consumers the purchase price and the combination of product characteristics of passenger cars are ultimately more important than just the difference in fuel type.[49]

48. In view of the foregoing, ACM concludes that only the Consumer Survey contains indications of a possible further distinction based on fuel type in the retail market for new passenger cars for private and small-business customers. This is not directly supported by previous decision-making practice. However, these are relatively old cases and should be seen in the light of recent developments, namely the significant increase in the market share of hybrid and electric passenger cars sold to private and small-business customers.

[42] Source data obtained from RDC's Automotive Dashboard, ACM/INT/522284.
[43] European Commission decision in case COMP/M.8449, cited above, marginals 14-16 and 390. Decision of the French competition authority of March 12, 2019 in case 19-DCC-42, *Emil Frey/Fiber - Bernard Participations*, marginal 24. The European Commission's decision concerned a different level of the supply chain, namely the production and supply of passenger cars by car manufacturers.
[44] Consumer Survey by Blauw, ACM/IN/852939, p.5 and 13.
[45] This applies to a greater extent to consumers who purchased (or plan to purchase) a fully electric passenger car. Two-thirds of this group did not consider any other type of fuel, with the remainder who opted for fully electric mainly having considered a hybrid-fuel car. (Consumer Survey by Blauw, ACM/IN/852939, p.14)
[46] Consumer Survey by Blauw, ACM/IN/852939, p.5 and 13.
[47] Interview report with the reference ACM/UIT/612118, p.2.
[48] Interview report with the reference ACM/UIT/608271, p.3.
[49] Interview report with the reference ACM/UIT/634605, p.2 and 5.

3.1.4 Conclusion on a possible further distinction in the retail market of new passenger cars for private and small-business customers

49. It follows from the foregoing that there are some indications of a possible further distinction based on segments and/or brands and/or fuel types in the retail market in new passenger cars for private and small-business customers. However, no single one of these product characteristics appears to be decisive; they each play an important role in the choices consumers make when purchasing a new passenger car. The purchase price also plays an important role in this choice. This purchase price is influenced by the other product characteristics. Hence there are significant price differences between passenger cars in different segments. In addition, there are also significant price differences between passenger cars within the same segment, depending on the brand and fuel type.

50. In the decision-making practice of ACM and the European Commission, it was also previously emphasized that the boundaries between car segments are unclear, as car buyers base their choices on a combination of factors such as brand, size, equipment, and price. It was concluded that the segments nevertheless give an indication of which brands and types of passenger cars are each other's closest alternatives. The market research conducted in the context of this guidance document also shows that the different car segments indicate which passenger cars are each other's closest alternatives, although adjacent segments do exert competitive pressure. In assessing the effect of a concentration on competition, ACM will, where appropriate, take into account a possible distinction based on (price) classes of brands and/or fuel type. This is partly in light of the significant increase in the market share of hybrid and electric passenger cars sold as described above.

3.2 Relevant geographic market

51. In this section, ACM considers the geographic dimension of the retail market in new passenger cars for private and small-business customers. ACM concludes that the definition based on catchment areas is appropriate: these are areas in which a large part of a seller's turnover is generated on the basis of customer origin data. This represents a change from ACM's previous decision-making practice, which assumed a geographic market that was national or regional and comprised at least one province.

52. In its Market Definition Notice, the European Commission states that a geographic definition based on catchment areas is relevant, among other things, for consumer markets in which the distance or duration of the journey to the supplier is an important consideration.[50] Catchment areas are necessary because the suppliers' competitive position depends on the distance or travel time between each supplier and customer. Based on the Consumer Survey and market interviews, the distance or duration of the route to the dealership appears to be an important factor in a consumer's choice when purchasing a new passenger car.

53. The local nature of this retail market is also confirmed in the analysis of travel times of buyers of new passenger cars conducted by ACM. Furthermore, significant differences are found in travel times for purchases of cars of different brands. This is likely due to differences in the structure of the selective distribution networks of manufacturers/importers. This means the size of the relevant market area of a dealership differs substantially between brands.

54. In the remainder of this section, ACM will consider in turn (i) the local nature of the retail market in new passenger cars for private and small-business customers given the importance of travel time for customers, and (ii) the effect that the structure of different brands' distribution networks has on this.

3.2.1 Local nature of market and importance of travel time between buyer and dealership

55. The European Commission assumes that the market for the distribution of passenger cars is at least national in size.[51] However, other competition authorities in Europe argue that the defined geographic

[50] European Commission Market Definition Notice, 2024, sections 72-74.
[51] European Commission decision of April 23, 2019 in case COMP/M.8744 – *BMW / Daimler*, marginal 125.

market should be smaller than national. For example, the French competition authority assumes a regional market for the sale of new passenger cars that can be defined using *isochrones*[52]: isochrones define catchment areas on the basis of the time or distance that customers have to travel to a certain sales outlet/dealership.[53] According to the French competition authority, these areas correspond to a geographic market area of 45 minutes' travel time for customers around the dealerships.[54] Following a market survey, the BCA also found indications of a local dimension for the retail market for new passenger cars.[55]

56. In previous decisions, ACM has considered that the relevant geographic market for retail sale of passenger cars can be defined nationally or regionally.[56] In the recent Dusseldorp - Severs Breeman decision, ACM ruled that, as far as the regional level was concerned, the market area corresponded at least to the size of a province and could extend over several provinces.[57] In Dusseldorp - Severs Breeman, ACM based its decision in part on the Consumer Survey.

57. This Consumer Survey shows the local nature of the market: the majority of surveyed consumers are willing to drive a maximum of 45 minutes to purchase a new car.[58] Consumers who have purchased or are considering purchasing a car of a brand in a higher (price) class are more likely to be willing to drive for longer to a car dealer than consumers opting for a brand in a lower class or price category.

58. The market participants that ACM spoke to for this guidance document also refer to the local nature of the sales market for new passenger cars for private and small-business customers, while also pointing out differences between (price) classes of brands and the growing influence of online sales. For example, one car dealer indicates that the vast majority of private customers will not drive further than 25 kilometers to purchase a new car; in other words, they stay in their own region. This car dealer does nevertheless state that willingness to travel differs depending on the brand of the car. For example, some of the more exclusive brands in the luxury segment are only sold in one place, and the dealer group reports that real enthusiasts are willing to travel much further for these types of brands.[59]

59. Based on the Consumer Survey and market interviews, the distance or duration of the route to the dealership appears to be an important factor in a consumer's choice when purchasing a new passenger car.

Analysis of travel times points to local nature of market

60. The local nature of the retail market in new passenger cars for private and small-business customers is also confirmed by an analysis of travel times of buyers of new passenger cars conducted by ACM. ACM explains below how it conducted this analysis and what conclusions follow from it.

61. For this travel time analysis, ACM used data from RDC's Automotive Dashboard for all new passenger cars sold in the Netherlands in 2021, 2022, and 2023.[60] For each purchase, the travel time was calculated on the basis of the location at postcode-4 level of the seller (dealerships) and the buyer (private and small-business customers).[61]

[52] Decision of the French competition authority in case 19-DCC-42, cited above, marginal 35.
[53] European Commission Market Definition Notice, 2024, section 74.
[54] Decision of the French competition authority in case 19-DCC-42, cited above, marginal 35.
[55] BCA decision of June 15, 2020 in case BMA-2020-C/C-20, marginal 75. Ultimately, in that case it was possible to leave open the question of whether the geographic market in retail sales of new passenger cars should be defined nationally or locally, since competition in the market(s) would not be impeded as a result of the concentration in either case.
[56] ACM decision in case 6156, cited above, marginals 17-18; and ACM decision in case 6027, cited above, marginals 16-18.
[57] ACM decision in case 187655, cited above, marginals 46 and 47. In that case, ACM was ultimately able to leave open the question of whether the possible market(s) should be defined at national or regional level, as this did not affect the material assessment.
[58] Consumer Survey by Blauw, ACM/IN/852939, p.23 and 25.
[59] Interview report with the reference ACM/UIT/608271, p.5.
[60] See reference ACM/INT/522903 for the memorandum on the travel time analysis based on RDC's Automotive Dashboard.
[61] The 2023 Drive Time Matrix (also known as DTM) from Geodan was used for this (see https://www.geodan.nl/actualiteit/datadinsdag-reistijdentabel/). This concerns travel times by car using the fastest route

62. In the analysis of travel times, ACM used a so-called 80% limit, representing the travel time within which 80% of customers purchased their car.[62] This is in line with the practice of the European Commission, which usually uses catchment areas based on an area comprising 80% of sales or customers (and hence an area that is representative of the purchasing pattern of most customers).[63]

63. To reach the 80% limit, ACM ranked all customers in the RDC dataset by travel time to the location of the dealer/seller where the consumer purchased the car, starting with customers in the postcode-4 area with the shortest travel time to the dealer location through to customers with the longest travel time. ACM then calculated the maximum travel time of the 80% of buyers who had the shortest travel time (the 80% limit).[64]

64. This travel time analysis was carried out on the basis of all sold cars combined. In 2021, 2022, and 2023, 80% of private and small-business buyers of new passenger cars in the Netherlands had a travel time of 35 minutes or less. This means the vast majority of these customers in the Netherlands drive a maximum of 35 minutes to the dealer location to purchase a new car. This result endorses the regional dimension of the retail market in new passenger cars sold to private and small-business customers and is also consistent with the findings of the Consumer Survey and the market interviews.

Conclusion: catchment areas

65. ACM concludes that the definition of the geographic market for the sale of new passenger cars to private and small-business customers on the basis of catchment areas is appropriate. As the European Commission states in its Market Definition Notice, the use of catchment areas is relevant for consumer markets in which the distance or duration of the journey to the supplier is an important consideration.[65] The Consumer Research, the market interviews, and the travel time analysis show this with regard to the choice made by a consumer when buying a new car. For the definition of catchment areas, ACM follows the decision-making practice of the European Commission and assumes an area in which 80% of the turnover is generated around a location of a dealer.[66]

3.2.2 Influence of distribution network structure on differences in travel time per brand

66. The market interviews also show that the structure of the selective distribution system of a manufacturer or importer of a particular car brand plays an important role in the geographic dimension of the retail market for new passenger cars sold to private and small-business customers.[67] BOVAG and a number of car dealers point out that manufacturers/importers anticipate customers' willingness to travel by means of their network strategy.[68] For example, BOVAG states that the manufacturer/importer determines which dealers it will appoint (and hence the number of sales outlets in its selective distribution network) and which catchment area these dealers will primarily cover.[69]

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between the central points of postcode areas. The central point of a postcode-4 area is based on the 'development center', i.e. the center of the built-up part of the postcode-4 area. Travel times are calculated using 'standard DTM', which represents a time on a working day between the morning and evening rush hours when there is the best possible traffic flow.

[62] See reference ACM/INT/522903 for the memorandum on the travel time analysis based on RDC's Automotive Dashboard.

[63] European Commission Market Definition Notice, 2024, sections 72-74. See also the European Commission decision in case COMP/M.7408 *Cargill/ADM Chocolate Business*, marginals 63-78; European Commission decision in case COMP/M.7567 *Ball/Rexam*, marginal 248.

[64] The travel time at the 80% limit represents the longest time for which 80% of buyers, i.e. the vast majority of consumers, travelled to purchase their new car. This is in line with the decision-making practice of the European Commission, as also described in its Market Definition Notice, 2024, section 74.

[65] European Commission Market Definition Notice, 2024, sections 72-74.

[66] European Commission Market Definition Notice, 2024, section 74.

[67] As described in section 2.3, the sale of new passenger cars of a specific brand is reserved for dealers who have an agreement with the manufacturer or importer for this purpose.

[68] Both RAI Association and a dealer group describe the recent development whereby manufacturers and importers want fewer contract partners and have therefore been rationalizing their dealer networks in recent years. As a result of this development, dealer groups have started to offer more and more different brands of cars; hence there are dealer groups with a wide portfolio of different brands from different manufacturers, according to RAI Association (Interview report with the reference ACM/UIT/634605, p.4). See also the interview reports with the references ACM/UIT/608857, p.5; ACM/UIT/608271, p.5; ACM/UIT/612923, p.3; and ACM/UIT/608394, p.4.

[69] Another dealership of the same brand will not normally be established within a dealership's catchment area, according to BOVAG (Interview report with the reference ACM/UIT/608857, p.5).

67. The dealer groups that ACM spoke to emphasize that when setting up the dealer network the manufacturer/importer aims to offer customers the best possible service and to achieve national coverage through a good spread of dealers across the whole of the Netherlands.[70] One of the dealer groups, for example, indicates that the importer establishes its dealer network in such a way that the sales outlets for its brands are located at a maximum of 40 minutes' travel time from every actual or potential customer.[71] Another dealer group also states that dealers work on the basis of catchment areas.[72]

68. In addition to the traditional means of selling through car dealers in the distribution network, market interviews show that manufacturers sometimes wish to sell directly to consumers.[73] BOVAG cites Tesla as an example; it says that this manufacturer has no dealers or agents and only sells directly to end-users (online or through its own branches). RAI Association also indicates that certain manufacturers – such as the new Chinese car brands that recently entered the market – use a different sales strategy focused primarily on online sales.[74] The increase in direct online sales to customers could lead to a more national market, according to BOVAG, although it notes that this development is not yet happening very quickly.[75] BOVAG continues that – although part of the purchasing process for many brands now takes place online (particularly browsing) – the final purchase of a car usually still takes place in person, with customers often taking a test drive, for example. This is also borne out by the Consumer Survey.[76] More than a third of respondents indicate that they used websites of car brands and car dealers as a source of information. Most respondents nevertheless mention the visit to the car dealer and a possible test drive as the decisive factor when looking around before buying a car. It follows from the above that to a substantial extent consumers buy new cars from dealerships and generally not online.

Analysis of travel times per brand

69. The role played by the structure of selective distribution networks with regard to the geographic dimension of the retail sale of new passenger cars to private and small-business customers is evidenced in a travel time analysis conducted by ACM with distinctions between different brands. This analysis shows major differences in travel times of private and small-business buyers of new passenger cars in 2021, 2022, and 2023. While 80% of these buyers of *some brands* of passenger cars have a travel time of only 25 minutes or less, the travel time within which 80% of buyers of *other car brands* purchased their car is almost an hour.[77] Even when travel times per brand are compared within the same car segment, for example the travel time (within the catchment area) of private and small-business buyers of new passenger cars in the A-small segment, there are significant differences in buyers' travel times between brands.

70. ACM considers that these large differences in travel times between brands are likely due to the differences in the structure of the selective distribution networks of the manufacturer/importer concerned. Whereas new cars of certain brands were sold at more than 100 sales locations (dealerships) in the Netherlands in 2023, the dealer networks of other brands comprise fewer than 50 sales locations.[78] In general, it appears that the more branches a dealer network has in the Netherlands, the shorter the travel time within which 80% of private and small-business customers purchase a car of that brand.

[70] Interview reports with the references ACM/UIT/608271, p.5; ACM/UIT/612923, p.3; and ACM/UIT/608394, p.4.
[71] Interview report with the reference ACM/UIT/608394, p.4.
[72] Interview report with the reference ACM/UIT/612923, p.3.
[73] Interview report with the reference ACM/UIT/608857, p.2 and 5.
[74] Interview report with the reference ACM/UIT/634605, p.2.
[75] Interview report with the reference ACM/UIT/608857, p.2 and 5.
[76] Consumer Survey by Blauw, ACM/IN/852939, p.20.
[77] See reference ACM/INT/522903 for the memorandum on the travel time analysis based on RDC's Automotive Dashboard.
[78] See reference ACM/INT/522903 for the memorandum on the travel time analysis based on RDC's Automotive Dashboard.

3.2.3 Conclusion concerning geographic market definition based on catchment areas

71. In view of the foregoing, ACM considers it appropriate to define the geographic market for the sale of new passenger cars to private and small-business customers on the basis of catchment areas. This reflects the importance of travel time for the purchase of a passenger car and also the significant differences in travel time between brands, as section 3.2.2. shows significant differences in the travel times of private and small-business customers when purchasing new cars of different brands. ACM concludes that the size of the relevant market area of a dealership varies substantially between brands and is highly dependent on the car brand sold and the structure of the selective distribution network.

72. In addition, catchment areas can be used to accurately assess where the vast majority of customers are actually located and hence whether dealer locations would compete with each other in a geographical sense in the event of a concentration. ACM defines a catchment area as an area comprising a set of postcode-4 areas around a dealership in which the dealership generates 80% of its turnover from the sale of new passenger cars to private and small-business customers.

3.3 Methodology for assessing the effect of a concentration on competition

73. In this section, ACM provides a step-by-step description of the methodology to be used when assessing the impact of car dealer concentrations on the retail market of new passenger cars sold to private and small-business customers. ACM thus aims to provide clarity for notifying parties about the analysis they must perform in the context of a concentration notification to ACM. ACM requests that the steps taken and the interim and final results of the analysis be included (possibly as an annex) with the Notification Form. If the parties still have questions about the performance of this analysis, they should contact ACM about this at the preliminary notification stage.

Step 1) Assessment against thresholds: national market shares of the car brands concerned

74. In section 3.2 it was concluded that the relevant geographic market for the sale of new passenger cars to private and small-business customers from a dealer's location was a catchment area. Defining these catchment areas represents a workload for the parties concerned. For reasons of efficiency and to limit the administrative burden, ACM applies thresholds for the use of catchment areas. Below these thresholds, ACM considers it unlikely – on the basis of an initial assessment – that the concentration will lead to a significant restriction of competition. This will be explained below.

75. The thresholds relate to national market shares of the *car brands concerned.* The car brands concerned are brands of passenger cars sold by one or more of the companies involved in the concentration. The national market share of the car brands concerned is based on the ratio of:
    (i) the total number of passenger cars of the car brands concerned sold in the Netherlands to private and small-business customers in the previous year[79]; to
    (ii) the total number of passenger cars of all car brands sold in the Netherlands to private and small-business customers in the previous year.[80]

76. The assumption is that these national market shares (if all dealers were under the same ownership) are a reasonable proxy for relevant (possibly regional) market areas, i.e. catchment areas. ACM applies the following thresholds:
    - market share of all car brands concerned without distinction by segment > **25%**
    - market share of all car brands concerned in an individual segment > **40%**.

77. The level of these thresholds is based on market share thresholds commonly used when assessing the effect of concentrations on competition. The European Commission's Guidelines on the

[79] ACM emphasizes that this is not the number of passenger cars of the relevant brands sold by dealers themselves, but *all* passenger cars of these brands sold in the Netherlands to private and small-business customers (regardless of which dealer sold them). This information is readily available on RDC's Automotive Dashboard.
[80] This information is also readily available on RDC's Automotive Dashboard.

assessment of horizontal mergers use a combined market share of less than 25% as an indication that the concentration will not significantly restrict competition.[81] ACM considers this market share limit appropriate for the wider actual or potential market in sales of new passenger cars to private and small-business customers without distinction by segment.

78. However, ACM does not consider this threshold appropriate for the narrower actual or potential product market in which a distinction is made between car segments, since – as concluded in section 3.1 – competitive pressure is exerted from adjacent segments. The thresholds for these markets/submarkets are also in line with the European Commission's Guidelines on the assessment of horizontal mergers[82] and ACM's assessment basis in the supermarket sector: a market share limit of 40% – calculated on the basis of public sources – is used for *an initial assessment* of competition problems; above this threshold, further market research is required , with more precise market shares being determined on the basis of non-publicly available information.[83]

79. ACM presents the following example to illustrate the assessment a based on the threshold values.

Example of concentration of Dealer Group 1 and Dealer Group 2

Dealer group 1 sells new passenger cars of brands X and Y through all its dealerships
Dealer group 2 sells new passenger cars of brands X, Y, and Z through all its dealerships
Total number of passenger cars sold in the Netherlands to private and small-business customers:

Segments	Brand X	Brand Y	Brand Z	Total of brands X, Y, and Z	Total of all brands	Share of car brands concerned
A-small	500	0	0	500	5,326	9.4%
B-city	1,000	1,000	500	2,500	22,437	11.1%
C-lower family	1,000	1,500	1,000	3,500	35,592	9.8%
D-upper family	500	1,500	1,500	3,500	18,468	19.0%
E-executive		1,000	500	1,500	4,436	33.8%
F-lower family		400	500	900	1,729	52.1%
G-lower sports				0	174	0.0%
H-upper sports				0	573	0.0%
I-upper luxury				0	194	0.0%
N-commercials				0	2,353	0.0%
O-unclassified				0	43	0.0%
Total	**3,000**	**5,400**	**4,000**	**12,400**	**91,325**	**14%**

In this concentration, the threshold for the car brands concerned without distinction by segment is *not reached*. The total share of the car brands concerned is 14%, which is below the threshold of 25%. In this concentration, the threshold for the car brands concerned in an individual segment *is reached*: in segment F, the share of the car brands concerned amounts to 52%, which is above the threshold of 40%. An analysis based on catchment areas must therefore be performed for this concentration.

Thresholds for national market share of car brands concerned:		
Total of all segments	**< 25%**	**not reached**
Per segment	**> 40%**	**reached in segment F**

[81] See Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings (2004/C 31/03), marginal 18.
[82] See Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings (2004/C 31/03), marginal 17.
[83] In the supermarket sector, ACM uses a market share limit of 40% based on floor space – which is publicly available – for *an initial assessment* of competition problems in local areas; further market research is only carried out for areas that exceed this limit, with more precise market shares being determined on the basis of turnover – which is not publicly available. See ACM decision of August 31, 2023 in case 183653/*Albert Heijn - Jan Linders* (commitments), marginal 16.

Step 2a) Neither threshold exceeded:
Overall analysis based on actual sales

80. If *neither threshold* for national market shares of the car brands concerned is exceeded, the parties – in principle[84] – do not have to perform an analysis based on catchment areas. In this situation, the parties must provide an overall analysis[85] with market share calculations based on their actual sales of new passenger cars to private and small-business customers in the previous year. The individual and aggregate market shares must be provided (i) for all segments combined and (ii) differentiated into individual segments at both (i) national and (ii) provincial level.[86]

Step 2b) One or both thresholds exceeded:
Determination of relevant geographic areas – catchment areas based on 80% turnover areas

81. If one or both of the thresholds for national market shares of the car brands concerned is/are exceeded, an analysis must be performed on the basis of catchment areas, i.e. areas within which a large part of a party's turnover is generated. ACM defines a geographic market as an area comprising a set of postcode-4 areas (PC4s) around a relevant dealer location in which the dealership generates 80% of its turnover.

82. The parties must determine the relevant geographic areas on the basis of origin data of private and small-business purchasers of new passenger cars. The relevant geographic area of a dealer location is the area in which 80% of the relevant turnover[87] of a dealer location is generated. It should be noted that this analysis must be performed separately for each dealer location.

83. To determine the area in which 80% of the turnover of a target dealer location is generated, all postcode-4 areas around the postcode-4 area in which the target dealer location is located must first be ranked by travel time to the target dealer location[88], starting with the postcode-4 area that has the shortest travel time to the target dealer location. The turnover generated in these postcode-4 areas, ranked by travel time, is then added together until the limit of 80% of turnover is reached.[89] ACM calls such an 80% turnover area the *relevant geographic market area* of the respective dealer location of the *target*.

84. The same analysis must be performed for the acquirer's dealer location, using this acquirer's customer origin data. ACM calls such an 80% turnover area the *relevant geographic market area* of the respective dealer location of the *acquirer*. It should be noted that this analysis may not need to be performed for every dealer location of the acquirer; this is in order to limit the administrative burden for notifying parties. In this regard, ACM assumes that the acquirer's dealer location located closer to the target dealer location will exert more competitive pressure on it than the acquirer's dealer location located further away. The parties must adopt the following approach.

85. For each target dealer location, the closest acquirer dealer location in terms of travel time is determined. For this/these acquirer dealer location (s), the relevant geographic area must be determined and steps 3 and 4 shown below must be performed. If the minimum overlap percentage

[84] When assessing the concentration notification, ACM may still request an analysis based on catchment areas. This may be the case, for example, if the overall analysis supplied by the parties indicates grounds to do so.
[85] As described in marginal 76, the assumption is that national market shares (if all dealers were under the same ownership) are a reasonable proxy for relevant (possibly regional) market areas, i.e. catchment areas. The overall analysis enables this proxy to be tested for the specific concentration.
[86] The market totals to be used are readily available on RDC's Automotive Dashboard. See also ACM decision in case 187655, cited above, marginals 50-51.
[87] This is the turnover generated from the sale of new passenger cars to private and small-business customers.
[88] The most up-to-date Drive Time Matrix from Geodan can be used for these travel times (see https://www.geodan.nl/actualiteit/datadinsdag-reistijdentabel/). For a description of the travel times to be used, see footnote 61.
[89] The turnover in the postcode-4 area that causes the 80% turnover limit to be exceeded is included in full.

of 5% explained in step 4 is *not* reached for this acquirer dealer location, then – in principle[90] – no further analysis of other dealer locations of the acquirer is required. If the minimum overlap percentage *is* exceeded, the relevant geographic area of the acquirer dealer location that is closest in terms of travel time must be determined and steps 3 and 4 must be performed. This must be repeated until the minimum overlap percentage of 5% explained in step 4 is *not* exceeded for a dealer location of the acquirer.

Step 3) Determination of overlapping postcode areas

86. In order to identify potential competitive pressure between the target dealer locations and the dealer locations of the acquirer, a determination is made from the perspective of both the target dealer locations and the acquirer dealer locations of whether there is any overlap between the relevant geographic market areas of these dealer locations. To this end, the overlapping postcode-4 areas are determined for each dealer location of both the target and acquirer. The possible reduction in choice for customers manifests itself in the subset of postcode-4 areas in which both dealer locations generate turnover.

Step 4) Assessment against the overlap threshold: Relevant turnover within overlap area >5%

87. For reasons of efficiency, ACM applies a lower limit to the degree of overlap between the relevant geographic areas. The reason for this is that if the dealer locations of the target and the acquirer only generate very limited turnover in each other's relevant geographic areas, the possible effect of the concentration on competition in those areas will also be very limited. This lower limit must not be set too high, however, as it would then ignore relevant competitive pressure. ACM therefore applies a minimum overlap percentage of 5%.

88. This percentage is determined for the target dealer location as the ratio of its turnover in the overlap area to its total turnover[91]. The same is done for the acquirer's dealer location. Only if both percentages are each individually greater than 5% will ACM consider it likely that there could be a significant restriction of competition as a result of the concentration. If either percentage is less than 5%, the analysis of the dealer location in question can be discontinued at this step.

Step 5) Further analysis for relevant geographic area

89. A further analysis must be carried out for all dealer location(s) of the target and acquirer for which the minimum overlap percentage of 5% is exceeded. This further analysis consists of a determination of market shares and a more qualitative competition analysis.

Estimate of market shares

90. For each relevant geographic market area that requires further analysis, the market shares of the parties must be determined. These calculations must be performed on the basis of:
    - the number of new passenger cars sold by the parties to private and small-business customers in the relevant geographic area in the previous year; relative to
    - the total number of new passenger cars sold to private and small-business customers in the relevant geographic area in the previous year[92].

91. The market shares must be provided (i) for all segments combined and (ii) differentiated into individual segments.

[90] When assessing the concentration notification, ACM may request additional information, for example about other dealer locations of the acquirer that, in terms of travel time, do not differ significantly from the dealer location included in the analysis accompanying the notification.
[91] This is the turnover generated from the sale of new passenger cars to private and small-business customers.
[92] This information is available on RDC's Automotive Dashboard.

Qualitative competition analysis

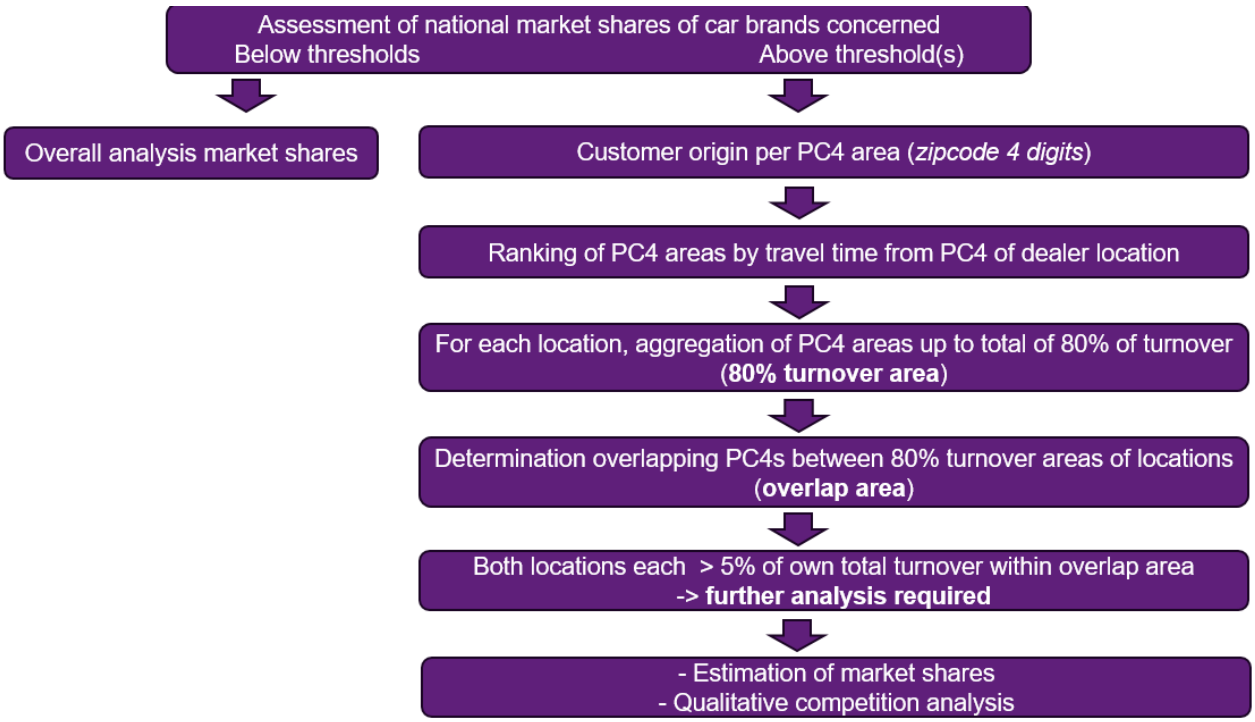
92. For each relevant geographic market area requiring further analysis, a more qualitative competition analysis must also be provided. In accordance with the Notification Form, the five main competitors must be specified for each relevant geographic area. A more descriptive analysis of the presence of competing car dealers can also be provided. For example, the description may cover car brands sold by competitors and the perceived competitive pressure from those brands (whether the same brands or the same (price) class of brands).

93. The parties may additionally consider the perceived competitive pressure from adjacent automotive segments for the competition analysis at individual segment level. Where appropriate, the description may also specifically address the sale of electric passenger cars. For example, if the parties are significantly engaged in the sale of brands that only or mainly sell electric vehicles, the qualitative competition analysis may also cover electric cars sold by competitors. This applies to all segments combined and possibly also at individual segment level.

3.3.1 Decision tree methodology for assessing the effect of a concentration on competition

94. ACM has summarized the above description of the methodology for assessing the effect on competition of car dealer concentrations on the retail market in new passenger cars sold to private and small-business customers in the decision tree below in Figure 4.

Figure 4: Decision tree methodology for assessing the effect of a concentration on competition in the retail market in new passenger cars sold to private and small-business customers



4 Brand-specific market for maintenance and repair services for passenger cars

95. In addition to selling passenger cars, one of the core activities of car dealers is providing maintenance and repair services for passenger cars. ACM conducted an extensive investigation into this in the Dusseldorp - Severs Breeman concentration case (with regard to the BMW and MINI brands).[93] The outcomes and conclusions in that case were described in the relevant decision and are recapped concisely in this section for the sake of completeness of this guidance document. ACM also describes the methodology to be used for assessing the effect on competition of car dealer concentrations on the brand-specific market for maintenance and repair services for passenger cars of private and small-business customers.

4.1 Relevant product market

96. In the Dusseldorp - Severs Breeman decision, ACM assumed a *brand-specific* market for maintenance and repair services for passenger cars and also took into account the competitive pressure from independent garages.[94] ACM noted that not all repair services for passenger cars fall within the product market definition of maintenance and repair[95]:
    - In previous decisions, ACM has already defined possible separate markets for auto body repair on the one hand and glass repair services on the other.
    - In addition, ACM does not include repair services that are covered by a manufacturer's or other warranty in this market, as a consumer has to go to a specific garage for this work and in such cases does not have to pay for it.

Type of customers

97. For the assessment of the Dusseldorp - Severs Breeman concentration, ACM was able to leave open the question of whether a further distinction should be made by customer type in the brand-specific market for maintenance and repair services for passenger cars. ACM did nevertheless have indications in that case that the dynamics of purchases of maintenance and repair services by *large-business customers* differ from those of purchases by *private and small-business customers.*[96]

4.2 Relevant geographic market

98. In the Dusseldorp - Severs Breeman concentration case, ACM had indications that the geographic scope for *large-business customers* appeared to be national rather than regional, in contrast to the scope for private and small-business customers. In that decision, ACM defined a geographic market for maintenance and repair services for passenger cars for *private and small-business customers* based on their customer origin data using catchment areas, i.e. areas within which a large part of a party's turnover is generated. ACM defined the geographic market in that case as an area comprising a set of postcode-4 areas (PC4s) around a relevant dealer location in which it generates 80% of its turnover.[97]

4.3 Methodology for assessing the effect of a concentration on competition

99. In this section, ACM provides a step-by-step description of the methodology to be used for assessing the effect on competition of car dealer concentrations on the brand-specific market for maintenance and repair services for passenger cars for private and small-business customers.[98] ACM thus aims to provide clarity for notifying parties about the analysis they must perform in the context of a concentration notification to ACM. ACM requests that the steps taken and the interim and final results

[93] See the ACM decision in case 187655, cited above, section 7.5.
[94] ACM decision in case 187655, cited above, marginal 99.
[95] ACM decision in case 187655, cited above, marginal 101.
[96] ACM decision in case 187655, cited above, marginals 103-104.
[97] ACM decision in case 187655, cited above, marginals 110-111.
[98] This section is in line with the methodology set out in sections 7.5.2 and 7.5.3 of ACM decision in case 187655, cited above.

of the analysis be included (possibly as an annex) with the Notification Form. If the parties still have questions about the performance of this analysis, they should contact ACM about this at the preliminary notification stage.

Step 1) Determination of relevant geographic areas – catchment areas based on 80% turnover areas

100. The parties must determine the relevant geographic areas on the basis of origin data of private and small-business customers for maintenance and repair services for the relevant car brand(s). The relevant geographic area of a dealer location is the area in which 80% of the relevant turnover[99] of a dealer location is generated. This analysis must be performed separately for each dealer location and each relevant car brand, since there is a brand-specific market for maintenance and repair services.

101. To determine the area in which 80% of the turnover of a target dealer location is generated, all postcode-4 areas around the postcode-4 area in which the target dealer is located must first be ranked by travel time to the target dealer location[100], starting with the postcode-4 area that has the shortest travel time to the target dealer location. The turnover generated in these postcode-4 areas, ranked by travel time, is then added together until the limit of 80% of turnover is reached.[101] ACM calls such an 80% turnover area the *relevant geographic market area* of the respective dealer location of the *target*.

102. The same analysis must be performed for the acquirer's dealer location(s), using this acquirer's customer origin data. ACM calls such an 80% turnover area the *relevant geographic market area* of the respective dealer location of the *acquirer*. It should be noted that this analysis may not need to be performed for every dealer location of the acquirer; this is again in order to limit the administrative burden for notifying parties. In this regard, ACM assumes that the acquirer's dealer locations located closer to the target dealer location will exert more competitive pressure on it than the acquirer's dealer locations located further away. The parties must adopt the following approach.

103. For each target dealer location, the closest acquirer dealer location in terms of travel time is determined. For this/these dealer location(s) of the acquirer, the relevant geographic area must be determined and steps 2 and 3 shown below must be performed. If the minimum overlap percentage of 5% explained in step 3 is *not* reached for this dealer location of the acquirer, then – in principle[102] – no further analysis of other dealer locations of the acquirer is required. If the minimum overlap percentage *is* exceeded, the relevant geographic area of the dealer location of the acquirer that is closest in terms of travel time must be determined and steps 2 and 3 must be performed. This must be repeated until the minimum overlap percentage of 5% explained in step 3 is *not* exceeded for a dealer location of the acquirer.

Step 2) Determining overlapping postcode areas

104. In order to identify potential competitive pressure between the target dealer location(s) and the dealer location(s) of the acquirer, a determination is made from the perspective of both the target dealer location(s) and the acquirer dealer location(s) of whether there is any overlap between the relevant geographic market areas of these location(s). To this end, the overlapping postcode-4 areas are determined for each dealer location of both the target and acquirer. The possible reduction in choice for customers manifests itself in the subset of postcode-4 areas in which both dealer location(s) generate turnover.

[99] This is the turnover generated from private and small-business customers for maintenance and repair services for the relevant car brand (in accordance with the product market definition in section 4.1).
[100] The most up-to-date Drive Time Matrix from Geodan can be used for these travel times (see https://www.geodan.nl/actualiteit/datadinsdag-reistijdentabel/). For a description of travel times to be used, see footnote 61.
[101] The turnover in the postcode-4 area that causes the 80% turnover limit to be exceeded is included in full.
[102] When assessing the concentration notification, ACM may request additional information, for example about other dealership s of the acquirer that, in terms of travel time, do not differ significantly from the dealership included in the analysis accompanying the notification.

Step 3) Assessment against the overlap threshold: Relevant turnover within overlap area >5%

105. For reasons of efficiency, ACM also applies a lower limit to the degree of overlap between the relevant geographic areas for this market[103], namely a minimum overlap percentage of 5%. This percentage is determined for the target dealer location as the ratio of its turnover in the overlap area to its total turnover[104]. The same is done for the acquirer's dealer location. Only if both percentages are each individually greater than 5% ACM will consider it likely that there could be a significant restriction of competition as a result of the concentration. If either percentage is less than 5%, the analysis of the dealer location in question can be discontinued at this step.

Step 4) Further analysis for relevant geographic area

106. A further analysis must be carried out for all dealer location(s) of the target and acquirer for which the minimum overlap percentage of 5% is exceeded. This further analysis only needs to be performed for the relevant car brands for which the minimum overlap percentage is exceeded. The further analysis consists of an estimate of market shares and a more qualitative competition analysis.

Estimate of market shares

107. For each relevant geographic market area that requires further analysis, the market shares of the parties must be estimated. This estimation must be made on the basis of (i) numbers of unique license plates of the relevant car brand for which the parties have provided maintenance and repair services for private and small-business customers in the relevant geographic area in the most recent year and (ii) car fleet figures from RDC's Automotive Dashboard.

108. The numbers of unique license plates of the parties must relate to private and small-business customers and must be corrected, for example, by excluding unique license plates registered in the name of leasing companies and other large-business customers.

109. In car dealer concentrations, ACM cannot confine itself to an analysis of the market positions of the suppliers located within the relevant geographic market, as is the usual practice in concentrations between supermarkets, for example. The likelihood of a competing brand dealer being established within a defined relevant geographic area is not very high due to the selective distribution system used for the sale of passenger cars. However, this does not rule out the possibility that brand dealers located outside the relevant geographic area could exert competitive pressure on the brand dealer's dealership within that area. For this reason, ACM takes the presence of such competitive pressure into account in its method. The customer's location is key in the method used by ACM to estimate market shares.[105]

110. The market shares are calculated by allocating the numbers of unique license plates of passenger cars – for which maintenance and repair services have been carried out by the parties for private and small-business customers – to the relevant postcode areas on the basis of customer origin. This analysis must include all dealer location(s) of the parties that have customers in the relevant geographic area – regardless of whether those dealer location(s) are inside or outside the relevant geographic area. This results in a total number of unique license plates of the relevant car brand for

[103] This minimum overlap percentage is also applied in the methodology for assessing the impact of car dealer concentrations on the retail market in new passenger cars sold to private and small-business customers. See section 3.3 for an explanation of this overlap threshold.
[104] This is the turnover generated from private and small-business customers for maintenance and repair services for the relevant car brand (in accordance with the product market definition in section 4.1).
[105] The Dusseldorp - Severs Breeman decision included a second variant for estimating market shares, in which the key factor was the location of the dealer (ACM decision in case 187655, cited above, marginal 123). This variant proved unsuitable in certain situations, for example in the case of a small market in terms of the total vehicle fleet. In order to limit the analyses to be performed by the parties and for the sake of simplicity, ACM does not consider it necessary to provide market share estimates based on this second variant in the concentration notification.

which the parties have provided maintenance and repair services for private and small-business customers in the relevant geographic area in the most recent year.

111. With regard to the total vehicle fleet, only the number of registered passenger cars of private and small-business car owners of the relevant car brand in the relevant geographic market area is taken into account.[106] Some owners of cars of the relevant brand carry out their own maintenance and repairs or have them carried out by family, friends, or acquaintances who do it in their own time. ACM considers that this category does not fall within its definition of the product market for maintenance and repair services. A substantiated estimation must be made of the number of such owners, which must then be deducted from the market size expressed in terms of the total vehicle fleet.[107]

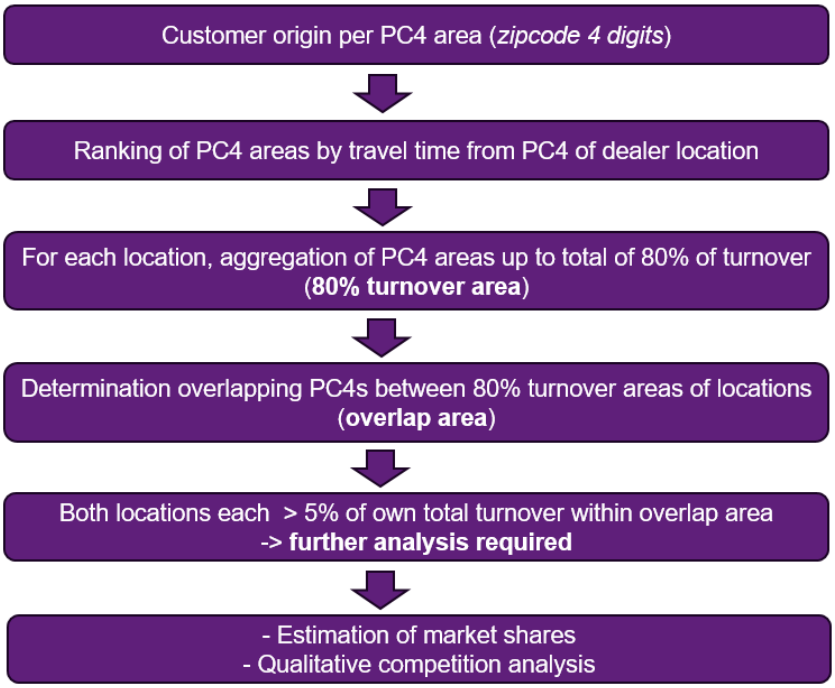
Qualitative competition analysis

112. For each relevant geographic market area requiring further analysis, a more qualitative competition analysis must also be provided. In accordance with the Notification Form, the five main competitors must be specified for each relevant geographic area. This could include, for example, a more descriptive analysis of the presence of alternative garages (competing brand dealers, independent brand specialists, and multi-brand garages) that can provide maintenance and repair services for passenger cars of the relevant brand in the relevant geographic market area.[108]

4.3.1 Decision tree methodology for assessing the effect of a concentration on competition

113. The ACM has summarized the above description of the methodology for assessing the effect on competition of car dealer concentrations on the brand-specific market for maintenance and repair services for passenger cars of private and small-business customers in the decision tree in Figure 5.

Figure 5: Decision tree methodology for assessing the effect of a concentration on competition in a brand-specific market for maintenance and repair services for passenger cars of private and small-business customers



[106] Only the categories 'private' and 'small-business' used by RDC are included. The Fleet, Leasing Company, Leasing RTL, Rental, and Vehicle Industry categories are not included in the calculation.
[107] The annual Aftersales Monitor of BOVAG-RAI contains general – non-brand-specific – information on this subject; for example, it shows the 'Private & Self' share in the numbers of maintenance visits. This information is available for individual brands through the Multiscope market research firm.
[108] See, for example, the ACM decision in case 187655, cited above, sections 7.5.3.2.1 and 7.5.3.2.2.

5 Car parts distribution market

114. To provide maintenance and repair services for cars, garages can use various parts available through two distribution channels. The first distribution channel is the car manufacturer's dealer network. This network is normally used to distribute original (OEM) car parts (for the car brands of the relevant manufacturer). OEM[109] parts are parts that the car manufacturer produces or commissions from parts manufacturers and that bear the logo of the relevant car brand (for example BMW or Volkswagen). These parts are usually subject to a selective distribution system. This means that OEM parts can only be distributed and sold by car dealers that have an agreement to this effect with the manufacturer or importer of the relevant brand.[110]

115. The other distribution channel for car parts is the so-called independent channel[111]. OES[112] parts and non-original parts are distributed through this channel. OES parts are produced by parts manufacturers, who also produce the OEM parts, and carry the parts manufacturer's own brand. In addition, there are manufacturers that produce non-original parts.[113]

116. Car dealers sell OEM car parts (of the car brands of the dealer network to which they belong) to independent repairers and to consumers. In the Dusseldorp - Severs Breeman concentration case, ACM conducted an extensive investigation into the sale of OEM parts (with regard to the BMW and MINI brands).[114] ACM also briefly discussed the distribution of OEM parts (with regard to Volkswagen AG car brands) in its recent decision in the Pon-Sele-de Waal case.[115] The outcomes and conclusions in these cases were described in the relevant decisions and are recapped concisely in this section for the sake of completeness of this guidance document. ACM also describes the analysis to be performed when assessing the effect of car dealer concentrations on competition on the wholesale and retail market for OEM parts (for the car brands of the manufacturer concerned).

5.1 Relevant product market

117. In Dusseldorp - Severs Breeman, ACM had indications that led it to assume the narrowest markets, namely a separate wholesale market for OEM parts (for the car brands of the manufacturer concerned) and a separate retail market for OEM parts (for the car brands of the manufacturer concerned). In doing so, ACM took account of any competitive pressure from the OES parts distribution channel.[116]

118. The wholesale market includes car dealers' sales of OEM parts to independent repairers. These include, for example, garages or auto body repair companies that use these parts for maintenance and repairs. In addition, end-consumers who carry out maintenance and repairs themselves, for example, also purchase OEM parts. Car dealers' sales of OEM parts to end-consumers are part of the retail market.[117]

119. In the Pon-Sele-de Waal case, it was concluded that Volkswagen AG's OEM parts for passenger cars and light commercial vehicles formed part of the same product markets, namely the wholesale market and the retail market for Volkswagen AG's OEM parts respectively.[118]

[109] Original Equipment Manufacturer.
[110] See the ACM decision in case 187655, cited above, marginals 55-58; see also marginal 63.
[111] Also referred to as Independent Aftermarket (IAM).
[112] Original Equipment Supplier.
[113] See the ACM decision in case 187655, cited above, marginals 55-58.
[114] ACM decision in case 187655, cited above, section 7.4.
[115] ACM decision in case 192234, cited above.
[116] ACM decision in case 187655, cited above, marginal 65.
[117] ACM decision in case 187655, cited above, sections 7.4.2 and 7.4.4.3.
[118] ACM decision in case 192234, cited above.

5.2 Relevant geographic market

120. In the Dusseldorp - Severs Breeman case, ACM assumed a national rather than local geographic market for both wholesale and retail sales of OEM parts (of the BMW and MINI brands), and in the case of wholesale a market comprising multiple provinces.[119]

5.3 Methodology for assessing the effect of a concentration on competition

121. In this section, ACM considers the analysis to be performed when assessing the effect of car dealer concentrations on competition on the wholesale and retail market for OEM parts (for the car brands of the manufacturer concerned).[120] ACM thus aims to provide guidance for notifying parties concerning the analysis they are required to perform in the context of a concentration notification to ACM.

5.3.1 Analysis at national level

122. The parties must provide information on their market shares for both the wholesale and the retail market in OEM parts (for the car brands of the manufacturer concerned) if they both operate in the market concerned. The national market shares can be determined in the usual way by (i) comparing the value of the relevant sales of (all dealer locations of) the notifying parties against (ii) the value of all such sales in the Netherlands. The relevant sales for the wholesale market are sales of OEM parts to independent repairers (such as independent garages and auto body repair companies). For the retail market, it concerns the sale of OEM parts to end-consumers.

123. With regard to the above-mentioned point (ii) – the size of the wholesale and retail market at national level – information on sales of OEM parts in the selective distribution system in the Netherlands can be used. The car manufacturer's Dutch importer will usually have access to the total value of OEM parts that it has distributed in the dealer network in the Netherlands. Information may be available on the breakdown of this value into the various distribution channels and car dealers' own use (for their own maintenance and repairs); the Dutch importer can then make an overall estimation.[121]

124. There may also be parallel imports of OEM parts, for example if a Dutch independent repairer purchases OEM parts from a foreign participant in the relevant selective distribution system. Quantitative data for this will often not be readily available. If the parties consider such parallel imports to be relevant but cannot quantify them, they must substantiate them in more qualitative terms. This could include, for example, a descriptive analysis of relevant market participants engaged in parallel imports.

125. Finally, in accordance with the Notification Form, the five main competitors must be specified for both the national wholesale market and the national retail market in OEM parts (for the car brands of the manufacturer concerned). In addition, the five main buyers of OEM parts must be stated, only for the wholesale market. A more descriptive analysis can also be provided, looking at delivery services and warehouses from which the relevant OEM parts are supplied by competitors. These may be competing car dealers in the Dutch selective distribution system, as well as companies engaged in parallel imports.

5.3.2 Analysis at regional level

126. The analysis at regional level is based on sales of OEM parts (for the respective manufacturer's car brands) from a specific target dealer location. The parties must determine the relevant region for this target dealer location. This can be done, for example, on the basis of the areas in which their OEM parts delivery service operates or in which a large proportion of their OEM parts customers are located.

[119] ACM decision in case 187655, cited above, marginal 74.
[120] This section is consistent with section 7.4.4.3 of the ACM decision in case 187655, cited above. Insights from other car dealer concentration cases have also been included.
[121] See also the ACM decision in case 187655, cited above, marginal 78.

127. If the acquirer has dealer location(s) in the same region that are selling OEM parts to independent repairers or end-consumers, an analysis must be performed at regional level. In principle, this analysis is similar to the analysis at national level, but for the relevant region.

128. The above analysis at regional level must be performed for each target dealer location engaged in selling OEM parts to independent repairers and/or end-consumers.

129. In the Dusseldorp - Severs Breeman case, information was only available on the size of the wholesale market and the retail market for OEM parts (in this case for the BMW and MINI brands) at national level.[122] In the absence of such information at regional level, a more qualitative competition analysis for each relevant region will suffice. In accordance with the Notification Form, the five main competitors for each relevant geographic area must be stated for both the wholesale and retail markets. In addition, the five main buyers of OEM parts must be stated, only for the wholesale market. A more descriptive analysis can also be provided, looking at delivery services and warehouses from which the relevant OEM parts are supplied by competitors. These may be competing car dealers in the Dutch selective distribution system, as well as companies engaged in parallel imports.

[122] ACM decision in case 187655, cited above, marginal 78.