



## **OEM BULLETIN**

# **CEASE-AND-DESIST ISSUED BY WELL-KNOWN OEM**

The Union of the European Lubricant Industry (UEIL) is the umbrella association of the European Lubricants Industry, representing their members and, in particular, the interests of SMEs and independent lubricant companies. To date, the UEIL represents more than 400 lubricant companies, who manufacture and distribute lubricant products under their own various trademarks throughout the European Union. With members in more than 20 European Countries and a unique collective experience of lubricants and the lubricants market, UEIL is the sole representative body for independent manufacturers of lubricants in Europe and has been recognised as such by the European Commission. It is UEIL's policy to favour free and fair competition within the scope of prevailing EU and national laws.

In July 2015 a well-known Original Equipment Manufacturer (OEM) issued a Service Compliance Notification in which the incorrect term engine oil "brand" was used instead of the correct term engine oil "specification", and in which an "only approved" engine oil was mentioned.

As the Service Compliance Notice was initially issued by the foreign automobile manufacturer to their German distributors, it was agreed that the German Trade Association UNITI, who are members of UEIL, would take the lead on this issue.

UNITI believed that Service Compliance Notification was most likely in breach of competition law and therefore contacted their National Authorities The Centre For Protection Against Unfair Competition (Wettbewerbszentrale).

Following information provided by its members and having consulted the Wettbewerbszentrale, UNITI obtained the requested cease-and-desist declaration from a well-known automobile manufacturer within the context of the procedure for issuing a formal warning.

The OEM concurred with this view and ultimately issued the requested cease-and-desist declaration to the Wettbewerbszentrale.

According to the declaration, the automobile manufacturer agreed to refrain in future from using the wording, which is very easily misunderstood and hence in breach of competition law.

Brussels, May 2016