



## **OEM BULLETIN**

### **PSA SWEDEN**

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 450 lubricant companies, who manufacture and distribute lubricant products under their own various trademarks throughout the European Union. With members in more than 22 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 2016 it was reported to UEIL that the OEM had written to its dealers stating that they had to use either Total's Lubricants or another approved alternative.

Therefore on 29 July 2016 UEIL wrote to advise that such behaviour was illegal and violated European Union competition rules.

PSA Sweden replied on 9 August 2016 that UEIL had been misinformed, that they had only informed 4 of their 100 dealers who currently used a lubricant that was not an approved product for their Euro 6 engines, that they must ensure that the product meets the required specification and if any problems occurred in the future, it was the dealers responsibility to prove that the lubricant was not at fault.

On 15 September UEIL replied:

- 1) The burden of proof should not be reversed and that it is the OEM's responsibility to prove that the lubricant is at fault
- 2) If a lubricant manufacturer produces a product that full matches a specification, this can be indicated in his documentation. An OEM cannot force a lubricant manufacturer to gain formal approval if he wishes to refer to a specification
- 3) The European Union had clearly stated in the Olio Fiat case that any kind of pressure from a manufacturer whether through contractual obligation or by other means, which goes beyond a mere recommendation to its dealers in order to impose the use or sale of its own products or indeed those of another supplier, is likely to be illegal under European Union competition rules

On 26 September the OEM thanked UEIL for providing clarification and said that a correction would be sent out to the dealers advising them of the above; the OEM has since confirmed that this has been done.

Brussels, December 2016