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Bundeskartellamt fines tyre distributors 11.9 million EUR for resale price maintenance

Background

The Bundeskartellamt has imposed fines totalling 11.9 million EUR on Maxxis International GmbH ('Maxxis'), Best4Tires Berlin GmbH ('B4T Berlin') and Reifen Müller GmbH & Co. KG ('Reifen Müller'), together with an individual, for restricting price competition in the German wholesale distribution of Maxxis and CST branded tyres. Maxxis is the sole German importer of tyres manufactured by Taiwanese producer Cheng Shin Rubber; B4T Berlin and Reifen Müller are German tyre wholesalers. The proceedings were triggered by a cooperation application from a competing wholesaler.

The decision

At the turn of 2015/16, Maxxis entered into so-called margin guarantee agreements with Berlin Tyre (B4T Berlin's legal predecessor) and Reifen Müller, guaranteeing them a fixed margin per tyre sold. The arrangements were based on the shared understanding that the wholesalers would act defensively rather than as price leaders, particularly on the Tyre24 online platform. Notably, B4T Berlin remains liable for the conduct of Berlin Tyre, having continued the infringing practices following its acquisition of Berlin Tyre in July 2022 until at least January 2024. The case serves as a reminder that RPM liability can transfer to an acquirer where the infringing conduct continues post-acquisition, underscoring the importance of robust antitrust due diligence.

Maxxis subsequently extended similar arrangements to nine other wholesalers and implemented a broader price moderation system based on recommended resale prices, continuous monitoring of actual selling prices, and direct intervention where prices were considered too low. Notably, the Bundeskartellamt found that Tyre24 allowed companies to register simultaneously as sellers and buyers, thereby providing them with real-time visibility of competitors' stock levels and prices, which facilitated the monitoring underpinning the infringement. Maxxis and B4T Berlin cooperated with the investigation, which the Bundeskartellamt considered a mitigating factor. Maxxis and Reifen Müller agreed to a settlement.

Next steps

The fining decisions are not yet final. They may be appealed before the Düsseldorf Higher Regional Court (OLG Düsseldorf), which would then review the alleged infringement in full, on both the facts and the law.

Commentary

The decision reflects the Bundeskartellamt's continued focus on resale price maintenance in distribution systems, following a string of recent enforcement actions: the 16 million EUR fine imposed on router manufacturer AVM in 2024, the roughly 7 million EUR fine against audio manufacturer Bose, and the OLG Düsseldorf's 20 million EUR ruling against retailer Dirk Rossmann GmbH. Together with proceedings against manufacturers in the musical instruments and school bag sectors, these cases confirm that RPM remains one of the authority's key enforcement priorities.

It also illustrates how digital B2B marketplaces can facilitate the monitoring and enforcement of resale pricing where manufacturers and distributors have a broad visibility of competitors' prices and stock levels. The Bundeskartellamt relied on the transparency available through Tyre24 as evidence of the monitoring mechanism supporting the infringement, rather than suggesting that marketplace transparency is problematic in itself.

The case further demonstrates that resale price maintenance arrangements remain susceptible to detection, whether through cooperation applications from within the distribution chain, as here, or through anonymous tip-offs to the Bundeskartellamt's whistleblower system (BKMS), as in the AVM case. Individuals involved in such arrangements also face personal exposure, with fines against responsible staff of up to 1 million EUR in addition to the corporate fine.

Companies operating distribution systems in Germany should therefore review not only any resale price monitoring or intervention practices, but also whether commercially available pricing data is being used in a manner that could support or enforce unlawful resale price maintenance – and, in M&A contexts, whether a target's distribution arrangements carry any inherited RPM risk.

The press release is available here.