



C/2025/3221

11.6.2025

**Summary of Commission Decision**

**of 1 April 2025**

**relating to a proceeding under Article 101 of the Treaty on the functioning of the European Union  
and Article 53 of the EEA Agreement**

**(Case AT.40669 – End-of-life vehicle recycling)**

*(notified under document C(2025) 1791)*

**(Only the English text is authentic)**

**(Text with EEA relevance)**

*(C/2025/3221)*

*On 1 April 2025 the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 <sup>(1)</sup>, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.*

**1. INTRODUCTION**

- (1) On 1 April 2025, the Commission adopted a Decision concluding that the addressees of this Decision participated in a single and continuous infringement of Article 101 of the Treaty on the Functioning of the European Union ('the Treaty') and Article 53 of the EEA Agreement.
- (2) This Decision concerns anti-competitive conduct through which the addressees agreed that matters related to End-of-Life Vehicles ('ELVs') should be dealt with as a non-competitive issue. Specifically, they (i) agreed to align their position on the remuneration to be paid to authorised treatment facilities ('Authorised Treatment Facilities') for the provision of services contracted by original equipment manufacturers ('OEMs') individually (the 'Zero-Treatment-Cost' strategy) and (ii) agreed not to compete both in advertising Recoverability beyond regulatory requirements and in advertising the use of recyclates. The infringement lasted from 29 May 2002 until 4 September 2017.
- (3) The decision is addressed to the following legal entities that belong to the following undertakings (hereafter 'the addressees'):
  - Bayerische Motoren Werke Aktiengesellschaft;
  - Ford-Werke GmbH, Ford Motor Company;
  - Honda Motor Europe Limited., Honda Motor Co., Ltd.;
  - Hyundai Motor Europe GmbH, Hyundai Motor Europe Technical Center GmbH, Hyundai Motor Company;
  - Kia Europe GmbH, Kia Corporation;
  - Jaguar Land Rover Limited, Jaguar Land Rover Holdings Limited, Tata Motors Limited;
  - Mazda Motor Europe GmbH, Mazda Motor Corporation;
  - Mercedes-Benz Group AG;
  - Mitsubishi Motors Europe B.V., Mitsubishi Motor R&D Europe GmbH, Mitsubishi Motors Corporation;

<sup>(1)</sup> OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

- Opel Automobile GmbH, General Motors Company;
- Renault s.a.s., Renault SA;
- Nissan Motor Manufacturing (UK) Limited, Nissan Automotive Europe SAS, Nissan Motor Co., Ltd;
- Stellantis N.V.;
- Suzuki Motor Corporation;
- Toyota Motor Europe NV/SA, Toyota Motor Corporation;
- Volkswagen Aktiengesellschaft;
- Volvo Car Corporation, Zhejiang Geely Holding Group Co., Ltd; and
- The European Automobile Manufacturers' Association ('ACEA').

## 2. CASE DESCRIPTION

### 2.1. PROCEDURE

- (4) In September 2019, Mercedes-Benz applied for immunity from fines. In March 2022, the Commission carried out unannounced inspections at the premises of Opel, Renault, Toyota, ACEA and a national car manufacturers and importers association. Following the unannounced inspections, Stellantis N.V., Mitsubishi Motors Corporation and Ford Motor Company applied for leniency.
- (5) On 9 September 2024 and 15 January 2025, the Commission initiated proceedings pursuant to Article 2(1) of Regulation (EC) No 773/2004 against the addressees with a view to engage in settlement discussions with all of them. Between October 2024 and January 2025, settlement meetings took place between the Commission and the Parties. All Parties then submitted their formal request to settle pursuant to Article 10a(2) of Regulation (EC) No 773/2004.
- (6) On 19 February 2025, the Commission adopted a Statement of Objections addressed to the Parties. All Parties replied to the Statement of Objections by confirming that it corresponded to the contents of their settlement submissions and that they therefore remained committed to following the settlement procedure. On 24 March 2025, the Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion. On 24 March 2025 the Hearing Officer issued a final report in this case.

### 2.2. SUMMARY OF THE INFRINGEMENT

- (7) The Parties were involved in competitor contacts, with the support of ACEA, in which they agreed that ELV Matters were a non-competitive issue. The Parties discussed and coordinated with regard to the EEA (i) to conclude Zero-Treatment-Cost contracts when purchasing treatment services where possible and (ii) not to compete both in advertising data on the Recoverability beyond regulatory requirements and in advertising data on the use of recyclates. The competitor contacts took the form of multilateral as well as bilateral exchanges, frequently taking place in the framework of ACEA's Working Groups on Recycling. The nature and intensity of those contacts varied throughout the infringement period.
- (8) The contacts served to coordinate the Parties' market behaviour and resulted in specific principles that the Parties agreed to adhere to.
- (9) ACEA was the facilitator of the cartel, having organised numerous meetings and contacts between the Parties.
- (10) The overall duration of the conduct was from 29 May 2002 until 4 September 2017.

### 2.3. ADDRESSEES

#### BMW

- (11) BMW AG is liable for its direct participation in the infringement from 29 May 2002 to 4 September 2017.

#### Ford

- (12) Ford-Werke GmbH (for its direct participation 29 May 2002 to 4 September 2017) and Ford Motor Company (from 29 May 2002 to 4 September 2017 as the indirect ultimate parent of Ford during this period) are jointly and severally liable for their respective periods of involvement in the infringement.

#### Honda

- (13) Honda Motor Europe Limited. (for its direct participation 29 May 2002 to 4 September 2017) and Honda Motor Co., Ltd. (from 29 May 2002 to 4 September 2017 as the direct ultimate parent of Honda) are jointly and severally liable for the infringement.

#### Hyundai / Kia

- (14) Kia Europe GmbH (for its direct participation from 2 March 2006 to 4 September 2017), Hyundai Motor Europe GmbH (for its direct participation from 2 March 2006 to 4 September 2017), Hyundai Motor Europe Technical Center GmbH (for its direct participation from 2 March 2006 to 4 September 2017), Kia Corporation (from 2 March 2006 to 4 September 2017 as the parent of Kia Europe GmbH) and Hyundai Motor Company (from 2 March 2006 to 4 September 2017 as the indirect ultimate parent of Hyundai and Kia) are jointly and severally liable for the infringement.

#### Jaguar Land Rover

- (15) For the period 23 September 2008 to 31 December 2012, Jaguar Land Rover Holdings Limited (for its direct participation from 23 September 2008 to 31 December 2012) and Tata Motors Limited (from 23 September 2008 to 31 December 2012 as the indirect ultimate parent of Jaguar Land Rover Holdings Limited during this period) are jointly and severally liable for the infringement.

- (16) For the period 1 January 2013 to 4 September 2017, Jaguar Land Rover Limited (for its direct participation from 1 January 2013 to 4 September 2017) and Tata Motors Limited (from 1 January 2013 to 4 September 2017 as the indirect ultimate parent of Jaguar Land Rover Limited during this period) are jointly and severally liable for the infringement.

#### Mazda

- (17) Mazda Motor Europe GmbH (for its direct participation from 13 September 2006 to 18 November 2008), Mazda Motor Corporation (from 13 September 2006 to 18 November 2008 as the parent of Mazda during this period) and Ford Motor Company (from 13 September 2006 to 18 November 2008 as the indirect ultimate parent of Mazda during this period) as well as Mazda Motor Europe GmbH (for its direct participation from 19 November 2008 to 4 September 2017) and Mazda Motor Corporation (from 19 November 2008 to 4 September 2017 as the parent of Mazda Motor Europe GmbH during this period) are jointly and severally liable for their respective periods of involvement in the infringement.

#### Mercedes-Benz

- (18) Mercedes-Benz Group AG is liable for its direct participation in the infringement from 29 May 2002 to 4 September 2017.

*Mitsubishi*

- (19) Mitsubishi Motors Europe B.V. (for its direct participation from 29 May 2002 to 4 September 2017), Mitsubishi Motor R&D Europe GmbH (for its direct participation from 29 May 2002 to 4 September 2017), and Mitsubishi Motors Corporation (from 29 May 2002 to 4 September 2017 as the indirect ultimate parent of Mitsubishi Motors Europe B.V. and Mitsubishi Motor R&D Europe GmbH) are jointly and severally liable for their respective periods of involvement in the infringement.

*Opel and General Motors*

- (20) Opel Automobile GmbH is solely liable for its direct participation from 29 May 2002 to 9 July 2009 and from 1 August 2017 until 4 September 2017.
- (21) Opel Automobile GmbH (for its direct participation from 10 July 2009 until 31 July 2017) and General Motors Company (from 10 July 2009 until 31 July 2017 as the indirect ultimate parent of Opel during this period) are jointly and severally liable for this period of the infringement.

*Renault/Nissan*

- (22) Renault s.a.s. (for its direct participation from 29 May 2002 to 4 September 2017) and Renault SA as the ultimate parent company of Renault during this time, Nissan Motor Manufacturing (UK) Limited (for its direct participation from 29 May 2002 to 4 September 2017), Nissan Automotive Europe SAS (as the direct parent of Nissan Motor Manufacturing (UK) Limited during this time) and Nissan Motor Corp. Ltd and as ultimate indirect parent of Nissan Automotive Europe SAS and Nissan Motor Manufacturing (UK) Limited during this time, are jointly and severally liable for the infringement.

*Stellantis*

- (23) Stellantis N.V. as legal and economic successor of Fiat, FCA and Groupe PSA, is liable for Fiat's, FCA's and Groupe PSA's direct participation in the infringement from 29 May 2002 to 4 September 2017.

*Suzuki*

- (24) Suzuki Motor Corporation is liable for its direct participation in the infringement from 29 May 2002 to 4 September 2017.

*Toyota*

- (25) Toyota Motor Europe NV/SA (for its direct participation 29 May 2002 to 4 September 2017) and Toyota Motor Corporation (from 29 May 2002 to 4 September 2017 as the indirect ultimate parent of Toyota) are jointly and severally liable for the infringement.

*Volkswagen*

- (26) Volkswagen AG is liable for its direct participation in the infringement from 29 May 2002 to 4 September 2017.

*Volvo*

- (27) Volvo Car Corporation (for its direct participation from 29 May 2002 to 2 August 2010) and Ford Motor Company (from 29 May 2002 to 2 August 2010 as the indirect ultimate parent of Volvo during this period), as well as Volvo Car Corporation (for its direct participation from 3 August 2010 to 4 September 2017) and Zhejiang Geely Holding Group Co., Ltd (from 3 August 2010 to 4 September 2017 as the indirect ultimate parent of Volvo Car Corporation during this period), are jointly and severally liable for the infringement.

*ACEA*

- (28) ACEA is liable for its direct participation in the infringement from 29 May 2002 to 4 September 2017.

## 2.4. REMEDIES

(29) The Decision applies the 2006 Guidelines on Fines.

### 2.4.1. Basic amount of the fine

(30) The Commission applies one single fine based on a proxy for the value of sales for both aspects of this single and continuous infringement.

(31) To establish the amount which is considered as a proxy for the value of sales for the purpose of calculating the fine, the Commission takes as a starting point the yearly average of the number of new cars registered by each undertaking's relevant brands in the EEA in the period 1982 until 2016. As only a fraction of new cars registered in the EEA end up as ELVs in the EEA, the Commission reduces this number by 60 %. In the final step to determine the value of sales, the Commission multiplies the resulting number of cars with a monetary amount. That number is discretionary and the same for all undertakings which are the Addressees of this Decision. Considering the nature and the geographic scope of the infringement, the percentage for the variable amount of the fines as well as the additional amount (the 'entry fee') is set at 16 % of the value of sales for the infringement.

(32) In assessing the fine to be imposed on each undertaking, the Commission takes into consideration the respective duration of their participation in the infringement. The increase for duration is calculated on the basis of each Addressee's exact number of days of participation in the infringement.

Undertaking	Participation in the infringement	Duration (days)	Multipliers
<b>BMW</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Ford</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Honda</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Hyundai / Kia</b>	02/03/2006 – 04/09/2017	4205	11.51
<b>Jaguar Land Rover / Tata</b>	23/09/2008 – 04/09/2017	3269	8.94
<b>Mazda</b>	13/09/2006 – 04/09/2017	4010	10.97
<b>Ford as parent</b>	13/09/2006 – 18/11/2008	798	2.18
<b>Mercedes Benz</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Mitsubishi</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Opel</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>General Motors as parent</b>	10/07/2009 – 31/07/2017	2944	8.06
<b>Renault / Nissan</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Stellantis</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Suzuki</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Toyota</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Volkswagen</b>	29/05/2002 – 04/09/2017	5578	15.27

Undertaking	Participation in the infringement	Duration (days)	Multipliers
<b>Volvo</b>	29/05/2002 – 04/09/2017	5578	15.27
<b>Ford as parent</b>	29/05/2002 – 02/08/2010	2988	8.18
<b>Geely as parent</b>	03/08/2010 – 04/09/2017	2590	7.09

#### 2.4.2. Adjustments to the basic amount

- (33) There are mitigating circumstances with respect to Honda, Mazda, Mitsubishi and Suzuki. These Parties were not members of ACEA and took part in considerably fewer collusive contacts than other Parties. In addition, there is a mitigating circumstance with respect to Renault, who expressly asked for an exemption from the agreement not to compete in advertising the use of recyclates and stated that it would publish figures on the use of recyclates in its new vehicles and would regard the use of recyclates as a competitive issue. The Commission therefore applied a 20 % reduction of the basic amount of the fines to be imposed on Honda, Mazda, Mitsubishi, Suzuki and Renault.

#### 2.4.3. Application of the 10 % turnover limit

- (34) None of the fines calculated for any of the parties exceeds 10 % of the undertaking's total turnover in 2024.

#### 2.4.4. Application of the 2006 Leniency Notice: reduction of fines

- (35) Mercedes-Benz was the first undertaking to submit information and evidence meeting the conditions of point 8(a) of the 2006 Leniency Notice. Therefore Mercedes-Benz was granted immunity from fines.
- (36) Taking into account the time of the application and the added value of the information, the fine for Stellantis was reduced by 50 %, the fine for Mitsubishi was reduced by 30 %, and the fine for Ford was reduced by 20 %.

#### 2.4.5. Application of the Settlement Notice

- (37) In application of the Settlement Notice, the fine to be imposed on each party was reduced by an additional 10 %.

#### 2.4.6. Fine of ACEA

- (38) The Commission imposed on ACEA a lump sum fine according to point 37 of the Guidelines on fines on ACEA for its facilitating role.

### 3. CONCLUSION

- (39) Pursuant to Article 23(2) of Regulation (EC) No 1/2003, the following fines were imposed:
- Bayerische Motoren Werke Aktiengesellschaft: EUR 24 587 000
  - Ford-Werke GmbH and Ford Motor Company jointly and severally liable: EUR 41 462 000
  - Honda Motor Europe Limited. and Honda Motor Co., Ltd. jointly and severally liable: EUR 5 040 000
  - Hyundai Motor Europe GmbH, Hyundai Motor Europe Technical Center GmbH, Hyundai Motor Company, Kia Europe GmbH and Kia Corporation jointly and severally liable: EUR 11 950 000
  - Jaguar Land Rover Limited, Jaguar Land Rover Holdings Limited, and Tata Motors Limited jointly and severally liable: EUR 1 637 000

- (f) Mazda Motor Corporation, Mazda Motor Europe GmbH and Ford Motor Company jointly and severally liable: EUR 1 034 000
  - (g) Mazda Motor Corporation and Mazda Motor Europe GmbH jointly and severally liable: EUR 3 972 000
  - (h) Mercedes-Benz Group AG: EUR 0
  - (i) Mitsubishi Motors Europe B.V., Mitsubishi Motor R&D Europe GmbH, and Mitsubishi Motors Corporation jointly and severally liable: EUR 4 150 000
  - (j) Opel Automobile GmbH, General Motors Company: jointly and severally liable: EUR 13 659 000
  - (k) Opel Automobile GmbH: EUR 10 871 000
  - (l) General Motors Company: EUR 17 075 000
  - (m) Renault s.a.s., Renault SA, Nissan Motor Manufacturing (UK) Limited, Nissan Automotive Europe SAS, and Nissan Motor Co., Ltd jointly and severally liable: EUR 81 461 000
  - (n) Stellantis N.V.: EUR 74 934 000
  - (o) Suzuki Motor Corporation: EUR 5 471 000
  - (p) Toyota Motor Europe NV/SA and Toyota Motor Corporation jointly and severally liable: EUR 23 553 000
  - (q) Volkswagen Aktiengesellschaft: EUR 127 696 000
  - (r) Volvo Car Corporation and Ford Motor Company jointly and severally liable: EUR 3 901 000
  - (s) Volvo Car Corporation and Zhejiang Geely Holding Group Co., Ltd jointly and severally liable: EUR 4 419 000
  - (t) Volvo Car Corporation: EUR 570 000
  - (u) The European Automobile Manufacturers' Association: EUR 500 000
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