

The German competition authority declares certain non-compete clauses incompatible with competition rules

31 May 2022

concurrences.com

In its decision of May 31, 2022, the German Federal Cartel Office ("FCO") determined the unlawfulness of a non-compete clause in the distribution agreements of a German chainsaw manufacturer.

The FCO's decision affects several hundred distributors which the manufacturer had authorized in Germany – which is one of the reasons why the FCO attributed "market-shaping significance" to the clause in question. Nevertheless, and quite remarkably, the FCO did not impose a fine but opted for a mere infringement determination, asserting the provision's unlawfulness even after STIHL had changed its contracts. The company has filed an appeal to the Higher Regional Court of Dusseldorf, and the final outcome is currently uncertain. In this article we briefly discuss the case's current state of affairs as well as its most noteworthy features and implications:

The German competition authority declares non-compete clauses in a web of distribution agreements concluded by Germany's main power tool manufacturer to be incompatible with competition rules, but does not impose fines (STIHL)

Contacts



**Sebastian
Faust**

Counsel



Dr. Florian
von
Schreitter

Counsel
Knowledge
Lawyer



Dr. Philipp
Heuser

Senior
Associate

> [Read the full article online](#)