

WRITTEN QUESTION E-3451/08

by Bert Doorn (PPE-DE) and Cornelis Visser (PPE-DE)
to the Commission

Subject: Situation in the motor vehicle maintenance market in relation to the expiry of Regulation (EC) No 1400/2002

Concern has arisen in the Netherlands in relation to the expiry in 2010 of the regulation on vertical agreements and concerted practices in the motor vehicle sector (the 'block exemption' Regulation, No 1400/2002¹). At the moment car manufacturers are required under the regulation to supply the relevant technical repair information to independent garages. While it is true that the Euro 5 type approval of motor vehicles with respect to access to vehicle repair and maintenance Regulation (No 715/2007²) lays down a similar requirement for car manufacturers, this applies only to new vehicles manufactured as from September 2009. For vehicles dating from before September 2009 the requirement will only apply until mid-2011.

In the light of these facts, can the Commission answer the following questions:

- Does the Commission take the abovementioned concern seriously and does it plan to establish the existing guarantees of free access to technical information in competition law even after the expiry of the 'block exemption' Regulation in 2010? Furthermore, in relation to the area of application of the Euro 5 Regulation, how can it be ensured that these requirements continue to apply to existing vehicles?
- Does the Commission share the view that the inclusion of clauses in delivery contracts for cars to the effect that repairs may only be carried out by official dealers, on penalty of losing guarantees, violates competition law?

¹ OJ L 203, 1.8.2002, p. 30.

² OJ L 171, 29.6.2007, p. 1.