

WRITTEN QUESTION E-1773/09

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to the Commission

Subject: Motor vehicle block exemption regulation (Regulation (EC) No 1400/2002)

Motor vehicles require regular maintenance and repair, particularly when accidents occur. Drivers can choose to have these tasks performed by authorised dealers or independent multi-brand garages.

As the Commission points out in its explanatory brochure on the motor vehicle block exemption regulation (Regulation (EC) No 1400/2002¹), a general requirement that maintenance and repairs to vehicles should be performed only by authorised repairers during the warranty period could deprive customers of the right to choose an independent garage for the maintenance or repair of their vehicle. This could prevent these garages from competing effectively with authorised repairers, especially in the case of 'extended warranties'.

This is a helpful interpretation, but it is hidden away in the explanatory brochure concerning this regulation, which is shortly to expire. It does not have binding legal force, nor are consumers familiar with it. That is why drivers are often unaware whether having their vehicle repaired in a garage which deals with various makes of car will have adverse effects on the manufacturer's warranty. Can a manufacturer refuse to repair a manufacturing defect, for example, if an oil change has previously been carried out by an independent multi-brand garage?

The question also arises as to whether motor manufacturers should be entitled to offer free repairs, in cases where vehicles breakdown after expiry of the warranty, only to regular customers of authorised dealers.

Does the Commission think that the previous regulation should be supplemented by a specific binding provision on this matter?

Should specific rules be introduced to ensure that drivers enjoy the right to have their vehicle serviced in a garage of their own choosing?

¹ OJ L 203, 1.8.2002, p. 30