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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(9.3.2023)

The evaluation of the motor vehicle block exemption regime showed that it continued to be useful and relevant to stakeholders and that there had been no significant developments over the past decade that would warrant a major revision. However, the markets were expected to evolve more rapidly in the next few years, particularly as regards greater vehicle connectivity and automation. Also, vehicle-generated data had become an increasingly important factor of competition between authorised repairers and independent operators.

Therefore, the Commission proposed to (i) prolong the duration of Regulation (EU) No 461/2010¹ ('Motor Vehicle Block Exemption Regulation') for five years (i.e., until 31 May 2028); and (ii) introduce targeted updates to the Supplementary Guidelines on vertical restraints in agreements for the sale and repair of motor vehicles and for the distribution of spare parts for motor vehicles² ('Supplementary Guidelines') with regard to access by independent operators to inputs, such as technical information and vehicle-generated data, which are essential for repair and maintenance.

The Commission would also underline that one of the key objectives of its proposal for a regulation on harmonised rules on fair access to and use of data³ ('Data Act') is to ensure that all service providers chosen by motorists with connected vehicles have access to the data generated. This should incentivise new data-based services in the aftermarket (particularly repair and maintenance) and increase competition between service providers, including vehicle manufacturers themselves.

The European Parliament and the Council are currently examining the Data Act proposal, with trilogues expected to start in spring 2023.

¹ Commission Regulation (EU) No 461/2010 of 27 May 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices in the motor vehicle sector, OJ L 129, 28.5.2010, p. 52–57.

² Commission notice - Supplementary guidelines on vertical restraints in agreements for the sale and repair of motor vehicles and for the distribution of spare parts for motor vehicles, OJ C 138, 28.5.2010, p. 16–27.

³ Commission proposal – Proposal for a Regulation of the European Parliament and of the Council on harmonised rules on fair access to and use of data, COM/2022/68 final.