

EN

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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(15.6.2023)

The motor vehicle sector is the only one for which the Commission has in place a sector-specific regime on distribution and repair agreements. This regime currently consists of Regulation (EU) 461/2010¹ and a set of Supplementary Guidelines (SGL)².

Sector-specific treatment is considered justified because issues persist that could be harmful to consumers, in particular, as regards aftermarkets for cars, trucks, light commercial vehicles and buses. These issues include the misuse of warranties, which is dealt with in paragraph 69 of the SGL.

For the purposes of this regime, ‘motor vehicle’ means a self-propelled vehicle intended for use on public roads and having three or more road wheels. Agreements for the distribution and repair of all other vehicles, including motorcycles, are covered by the Commission’s general regime for vertical restraints, consisting of Regulation (EU) 2022/720³ and the Guidelines on Vertical Restraints⁴.

When reviewing the sector-specific regime prior to the adoption of the amending instruments in April 2023, the Commission received no concrete evidence of issues in the motorcycle sector such as would justify bringing such vehicles within the sector-specific regime.

Should the National Competition Authority of a Member State be seized of a complaint relating to the misuse of warranties in respect of motorcycles, nothing would prevent it from referring to paragraph 69 of the SGL by analogy.

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 EU to categories of vertical agreements and concerted practices in the motor vehicle sector, OJ L 129, 28.5.2010, p. 52–57, as amended by Commission Regulation (EU) 2023/822 of 17 April 2023 on amending Regulation (EU) No 461/2010 as regards its period of application, OJ L 102I, 17.4.2023, p. 1–2.

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, as amended by Communication from the Commission Amendments to the 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 2023/C 133 I/01, OJ C 133I, 17.4.2023, p. 1–6.

³ Commission Regulation (EU) 2022/720 of 10 May 2022 on the application of Article 101(3) of the Treaty on the Functioning of the EU to categories of vertical agreements and concerted practices, C/2022/3015, OJ L 134, 11.5.2022, p. 4–13.

⁴ Communication from the Commission (Commission Notice) Guidelines on vertical restraints 2022/C 248/01, C/2022/4238, OJ C 248, 30.6.2022, p. 1–85.