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COMMISSION STAFF WORKING DOCUMENT

EVALUATION

of

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

{SWD(2026) 175 final}

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Glossary

Term or acronym	*Meaning or definition*
BEV	Battery Electric Vehicles
Commission	European Commission
DG Competition	Directorate-General for Competition of the European Commission
EEA	European Economic Area
EFTA	European Free Trade Association
EU	European Union
IAM	Independent Aftermarket
EV	Electric vehicle
ICE	Internal Combustion Engine
JRC Study	Joint Research Centre Study
MVBER	Motor Vehicle Block Exemption Regulation
MVBER regime	MVBER + VBER + SGL + VGL
NCAs	National Competition Authorities
OBD	On-board diagnostics
OES	Original Equipment Suppliers
RMI	Repair and Maintenance Information
SGL	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 / Supplementary Guidelines
SWD	Staff Working Document
VBER	Vertical Block Exemption Regulation
VGL	Guidelines on Vertical Restraints / Vertical Guidelines
VM	Vehicle Manufacturer

1. INTRODUCTION

Regulation (EU) 461/2010 ([1]) (Motor Vehicle Block Exemption Regulation, "MVBER"), exempts from the prohibition in Article 101(1) of the Treaty on the Functioning of the European Union ("the Treaty") certain categories of vertical agreements and related concerted practices in the motor vehicle sector ([2]), that can be expected to meet the conditions of Article 101(3). The MVBER is the sole remaining sector-specific Commission block exemption regulation under Article 101 of the Treaty. The Commission adopted the MVBER on the basis of Council Regulation (EEC) 19/65 ([3]) ("the Empowerment Regulation of 1965"). The MVBER is accompanied by 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 vehicles ("SGL") ([4]).

Distribution and repair agreements in the motor vehicle sector have long been subject to sector-specific block exemption. The current regime consists of the general block exemption for distribution agreements, contained in Regulation (EU) 2022/720 ([5]) (Vertical Block Exemption Regulation, "VBER"), accompanied by the Guidelines on Vertical Restraints ([6]) ("VGL"), as well as the sector-specific MVBER and the SGL.

Vertical agreements between undertakings in the motor vehicle sector are found in three main areas at different levels of the distribution chain: (i) in the primary market for the distribution of new motor vehicles, involving vehicle manufacturers ("VMs") and (mainly)

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[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 ("TFEU") to categories of vertical agreements and concerted practices in the motor vehicle sector, OJ L 129, 28.5.2010, pp. 52–57, ELI: http://data.europa.eu/eli/reg/2010/461/oj, 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, pp. 1–2, ELI: http://data.europa.eu/eli/reg/2023/822/oj.

[2] A "motor vehicle" is defined in Article 1 MVBER as a self-propelled vehicle intended for use on public roads with three or more wheels, including passenger cars and commercial vehicles, both light and heavy (i.e., vans, buses, trucks).

[3] Regulation No 19/65/EEC of 2 March of the Council on application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices, OJ 36, 6.3.1965, pp. 533–535, ELI: http://data.europa.eu/eli/reg/1965/19/oj, as amended by Council Regulation (EC) No 1215/1999 of 10 June 1999, OJ L 148, 15.6.1999, ELI: http://data.europa.eu/eli/reg/1999/1215/oj.

[4] 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, pp. 16–27, as amended by 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, pp. 1–6.

[5] Commission Regulation (EU) 2022/720 of 10 May 2022 on the application of Article 101(3) of the Treaty to categories of vertical agreements and concerted practices, OJ L 134, 11.5.2022, pp. 4–13, ELI: http://data.europa.eu/eli/reg/2022/720/oj, which replaced Regulation 330/2010 as of 1 June 2022.

[6] Guidelines on Vertical Restraints 2022/C 248/01, OJ C 248, 30.6.2022, pp. 1–85. These Guidelines replaced the Guidelines on Vertical Restraints 2010/C 130/01 as of 1 June 2022.

authorised dealers, and in the aftermarket, which can be divided into (ii) the provision of repair and maintenance services and (iii) the distribution of spare parts, involving authorised and independent repairers and parts suppliers ([7]). The MVBER applies specifically to the aftermarket, covering agreements between VMs and their network of authorised repairers governing the supply of spare parts and repair or maintenance services. Such aftermarket agreements benefit from the MVBER provided they comply with the conditions of the VBER and do not contain any of the additional hardcore restrictions listed in Article 5 MVBER. The MVBER does not apply to agreements for the distribution of new motor vehicles; those agreements are covered by the VBER. The SGL supplement the MVBER and the VBER by providing interpretative guidance on the application of Article 101 of the Treaty to certain common aftermarket practices, including access to technical information, spare parts distribution, and the operation of selective repair networks, as well as the distribution of new motor vehicles ([8]). The VGL apply to all vertical agreements in the automotive sector. Together, these rules are referred to in this Staff Working Document ("SWD") as the "MVBER regime" ([9]).

Following the abolition of the pre-notification system in 2004 ([10]), the application of Article 101 of the Treaty operates on the basis of self-assessment, under which undertakings assess *ex ante* whether their agreements comply with Article 101 of the Treaty. In that context, the MVBER and VBER provide a legal safe harbour for vertical agreements in the automotive sector, while the SGL and VGL explain the Commission's interpretation of the scope of the safe harbour and the assessment of agreements falling outside the scope of the block exemptions. Thereby, the regime supports the consistent application of Article 101 of the Treaty by the National Competition Authorities ("NCAs") and courts and helps undertakings conduct the self-assessment of their vertical agreements, thereby reducing costs.

The last review of the MVBER regime concluded in 2023 and led to a prolongation of the MVBER for five years, as well as limited changes to the SGL relating, in particular, to vehicle-generated data. The MVBER is due to expire on 31 May 2028 and pursuant to its Article 7, its functioning must be evaluated before that date.

1.1. Purpose of the MVBER evaluation

The purpose of the evaluation is to gather facts and evidence on the functioning of the MVBER and the SGL which will serve as a basis for the Commission's decision as to whether it should let the MVBER lapse on 31 May 2028, or whether it should rather renew

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[7] See Section 3.1 for further background.

[8] The SGL include some limited sector-specific guidance on the sale of new vehicles (namely on single-branding, parallel trade and selective distribution), but the distribution of new vehicles is primarily governed by the VBER and the VGL.

[9] The SWD reflects the findings and views of the Commission's staff and does not necessarily reflect the formal position of the Commission itself. The SWD is accompanied by five technical annexes.

[10] Established by EEC Council Regulation No 17: First Regulation implementing Articles 85 and 86 of the Treaty. OJ 13, 21.2.1962, pp. 204–211, ELI: http://data.europa.eu/eli/reg/1962/17/oj.

or revise it. If the current MVBER and SGL were to lapse, the VBER and VGL would apply to vertical agreements in the automotive sector by default.

The evaluation addresses the "better regulation" criteria of effectiveness, efficiency, coherence, relevance, and EU added value ([11]).

The evaluation relies on a comprehensive approach, combining qualitative and quantitative evidence from a broad range of complementary sources ([12]). These include a Call for Evidence, an open Public Consultation, two targeted consultations of NCAs, a sector-specific study carried out by the Commission's Joint Research Centre ("JRC Study") ([13]), the procuring of external datasets and publications from the specialised data providers ICDP and Wolk & Nikolic, desk research on publicly available data, spontaneous stakeholder submissions, and the Commission's own market monitoring and enforcement experience ([14]).

The following limitations in the evidence should be noted. First, a large majority of the feedback originated from operators active in the independent automotive aftermarket, as opposed to authorised dealers and VMs, which may mean that certain perspectives are over-represented in the evidence base ([15]). Second, obtaining comprehensive quantitative data across the motor vehicle market segments proved challenging ([16]). Third, enforcement experience under the current regime has been limited. These constraints are further explained in Annex II and are addressed in this SWD by acknowledging the data gaps and interpreting the findings with appropriate caution.

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[11] Commission Staff Working Document, Better Regulation Guidelines, 3.11.2021, SWD(2021) 305 final.

[12] See Annex II for detailed information of the methodology used.

[13] CARBALLA SMICHOWSKI, B., DUCH BROWN, N., LASIO, L., NAVAJAS CAWOOD, E., *Transforming automotive markets: an economic and technical analysis*, Publications Office of the European Union, Luxembourg, JRC145518 (accessible under this link, accessed on 17/06/2026). The study relied on several data sources, including Kantar Parc Auto 2024 ("Kantar Data"), the Verian multi-country automotive aftersales survey (2025) ("Verian Survey"), GlobalData Automotive Intelligence Centre ("Global Data"), and the ECDH. Further explanations can be found in the footnotes, where these sources are first mentioned, and in Annex II. DG COMP has taken the findings of the JRC study on board, acknowledging their consistency with the team's sector-specific expertise, while critically reflecting on them and placing them in the appropriate contextual framework.

[14] With regard to the Commission's monitoring and enforcement experience, this analysis is based on information gathered since the last evaluation (see Figure 7 for an overview of the submissions received). This experience has also been used to critically contextualise the evaluation results. It should be noted that Article 7 of the MVBER assigns the Commission the task of monitoring its operation without imposing any reporting obligations, reflecting the political commitment to avoid additional burdens for businesses. Monitoring therefore relies primarily on information gathered through enforcement activities, cooperation with National Competition Authorities (NCAs), participation in preliminary ruling procedures of the CJEU and exchanges with industry stakeholders.

[15] Where relevant, this SWD or its footnotes indicate whether a particular perspective was primarily expressed by a specific stakeholder group. A more detailed breakdown of stakeholder views is provided in Annex V.

[16] Efforts were made to overcome these data limitations and gather as comprehensive a dataset as possible. In addition to the JRC study, additional data were obtained from two data providers to fill gaps. Please see Annex I and II to this SWD for further information.

1.2. Scope of the MVBER evaluation

The evaluation covers the period from 2021 to 2025, reflecting the end of the previous evaluation in 2021 and the assessment of developments up to the end of 2025. It covers two instruments: the MVBER and the SGL. As explained above, vertical agreements in the motor vehicle sector are governed by sector-specific rules (the MVBER and the SGL), as well as by the general VBER and VGL. Although this evaluation does not cover the VBER or the VGL, which are subject to their own expiry and evaluation cycles ([17]), it nevertheless situates the assessment of the MVBER within the broader framework of the vertical block exemption rules, which are taken into account in the evaluation.

The geographic scope of the evaluation includes all EU Member States.

2. WHAT WAS THE EXPECTED OUTCOME OF THE INTERVENTION?

2.1. Description of the intervention and its objectives

2.1.1. Description of the intervention

Vertical agreements in the motor vehicle sector may give rise to competition concerns. Article 101(1) of the Treaty prohibits agreements between undertakings that restrict competition. As an exception to this rule, Article 101(3) of the Treaty provides that the prohibition may be declared inapplicable where the agreement in question satisfies the cumulative conditions set out therein ([18]). In this regard, block exemption regulations create safe harbours for categories of agreements that can generally be assumed to meet the conditions of Article 101(3) of the Treaty, thereby relieving the parties from the need to carry out an individual assessment of their agreement under Article 101 of the Treaty. In other words, block exemptions provide legal certainty and simplify compliance assessments for businesses.

The motor vehicle sector has long been subject to specific block exemption regimes, beginning with Regulation (EC) 123/85 ([19]), which was successively superseded by Regulation (EC) 1475/95 ([20]), Regulation (EC) 1400/2002 and the currently applicable MVBER. While sector-specific block exemptions were the norm thirty years ago, in more recent years, the Commission has moved towards general regimes applicable to all sectors, and the motor vehicle sector is now unique in having its own block exemption regime. A

[17] The current version of the VBER was adopted in 2022 and will expire in 2034.

[18] The exemption applies only where the agreement cumulatively: (i) contributes to improving the production or distribution of goods or to promoting technical or economic progress; (ii) allows consumers a fair share of the resulting benefit; (iii) does not impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives; and (iv) does not afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

[19] Commission Regulation (EEC) No 123/85 of 12 December 1984 on the application of Article 85 (3) of the Treaty to certain categories of motor vehicle distribution and servicing agreements. OJ L 15, 18.1.1985, pp.5-7, ELI: http://data.europa.eu/eli/reg/1985/118/oj.

[20] Commission Regulation (EC) No 1475/95 of 28 June 1995 on the application of Article 85 (3) of the Treaty to certain categories of motor vehicle and servicing agreements. OJ L 145, 29.6.1995, pp. 75-80, ELI: http://data.europa.eu/eli/reg/1995/1489/oj.

2010 reform of the MVBER ([21]) abolished sector-specific rules for the distribution of new vehicles and maintained three sector-specific hardcore restrictions in the MVBER. Others were replaced by VBER rules or abolished, and the provision on independent operators' access to technical information was moved to the SGL and type-approval regulations. In 2023, the Commission prolonged the MVBER unchanged for a further five years, while introducing limited, but important amendments to the SGL ([22]).

To benefit from the block exemption under the MVBER regime, an aftermarket agreement must first comply with the requirements of the VBER. This means that the market shares of the supplier and the buyer must not exceed 30% ([23]) and that the agreement must not include any of the hardcore restrictions listed under Article 4 VBER ([24]). The presence of such clauses removes the benefit of the block exemption for the whole agreement.

Secondly, the agreement must not include any of the additional hardcore restrictions listed in Article 5 MVBER. The additional MVBER hardcore restrictions involve (a) restrictions preventing authorised dealers from supplying spare parts to independent repairers, (b) limitations on parts or equipment suppliers' ability to sell parts or equipment to independent distributors, repairers or end users, and (c) restrictions preventing component suppliers from placing their own brand or logo on the parts they supply. The first two of these restrictions directly deny independent operators (including repairers, parts dealers and component suppliers) access to supply channels. The third restriction indirectly impedes the repairers' ability to find an alternative source for replacement parts. It also indirectly affects component manufacturers' ability to compete effectively on the markets for such parts.

Restrictions listed under Article 5 VBER ([25]), known as excluded restrictions, only remove the exemption for the specific clauses concerned, not for the entire agreement. These restrictions include certain non-compete/single-branding obligations. They are in

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[21] See for a detailed description of the 2010 changes the evaluation report of the last MVBER review.

[22] In particular, the revised SGL introduced several targeted changes to reflect developments in the automotive aftermarket, particularly the growing importance of access to vehicle-generated data. The principles on access to technical information, tools and training were explicitly extended to cover vehicle-generated data, which was recognised as a potentially essential input for repair and maintenance services (paragraphs 62 to 67 of the SGL). To prevent misuse of cybersecurity as a barrier to access, a new provision clarified that security concerns could not be used to unduly withhold such inputs and that any restrictions had to comply with the principle of proportionality (paragraph 62b of the SGL). The definition was broadened to explicitly include publishers of vehicle-generated data as well as distributors of repair equipment and tools, in addition to those already listed (paragraph 62 of the SGL). The examples of what constituted technical information were also updated to reflect technological progress, covering activation codes required for the installation of spare parts, as well as information necessary for working on advanced driver assistance systems and battery management systems for electric vehicles (paragraph 66 of the SGL). Finally, the SGL were aligned with the latest legal framework by updating cross-references to the VBER, its Guidelines, and relevant legislation under DG GROW's remit.

[23] Article 3 VBER.

[24] These include price resale maintenance and certain restrictions relating to territories, customers, cross-supplies and sale of components as spare parts.

[25] See Article 5(1) VBER.

particular relevant for the distribution of motor vehicles but apply also to agreements between suppliers ([26]) and their authorised repairers and/or spare parts distributors. The design of the excluded restrictions takes into account of the fact that on the one hand non-compete obligations can have harmful effects such as raising barriers to entry or expansion for competing suppliers, and on the other hand, may have positive effects such as overcoming a "free-rider" problem or enhancing the brand image and reputation of the distribution network.

2.1.2. Objectives

The **general objective** of the intervention is to promote and protect competition in the distribution of motor vehicles and for the provision of spare parts, after sales and repair services, to the benefit of consumers.

The **specific objectives** of the MVBER and the SGL are the following:

First specific objective - increasing legal certainty: The abolition of the pre-notification system under Regulation 17/62 and its replacement by a self-assessment system increased the need for legal certainty and guidance on the application of Article 101 of the Treaty. This need affects undertakings, which must carry out *ex ante* compliance assessments, as well as NCAs and courts, which apply Article 101 of the Treaty, including Article 101(3), in a decentralised enforcement system. The MVBER provides the general framework for the Commission's assessment of Article 101 of the Treaty in relation to vertical agreements in the motor vehicle aftermarket, while the SGL explains its application, outlines key assessment criteria for non-exempt agreements, and illustrates common vertical restraints in the motor vehicle sector. Together, the MVBER and the SGL aim to facilitate effective self-assessment by undertakings and consistent application of Article 101 of the Treaty across the Union.

Second specific objective - reducing the risk of over-exemption and under-exemption: The Commission's power to adopt block exemption regulations for vertical agreements in the motor vehicle sector seeks to balance the risk of over-exemption, where agreements that restrict competition and do not meet the conditions of Article 101(3) of the Treaty are wrongly covered by the exemption (false positives), and under-exemption, where agreements that can generally be assumed to meet the conditions of Article 101(3) of the Treaty fall outside the exemption and must unnecessarily be assessed individually (false negatives). The MVBER regime aims to minimise both types of error through a combination of market share thresholds, hardcore restrictions and excluded restrictions.

Third specific objective - protecting certain forms of competition in the motor vehicle sector: The Commission identified the need to protect certain forms of competition in the motor vehicle sector in its 2009 Communication, which preceded the adoption of the MVBER regime in 2010 ([27]). It listed specific policy objectives in relation to "a number of

[26] Unless specified otherwise, "suppliers" refers to VMs and importers.

[27] Communication from the Commission of 22.7.2009: The Future Competition Law Framework applicable to the motor vehicle sector (COM(2009) 388 final) (in the Following: "The 2009 Communication").

problematic issues", which were "particularly relevant for the motor vehicle sector", and stated that such policy objectives underlying Regulation (EC) No 1400/2002 remained valid. These objectives are reflected in the MVBER and SGL, including after the recent review, and are ultimately aimed at ensuring effective competition to the benefit of consumer welfare, notably through lower prices, greater choice, and better access to repair and maintenance services ([28]).

Against this background, the third specific objective – namely to protect certain forms of competition in the motor vehicle sector – comprises the following five specific policy sub-objectives: (i) preventing foreclosure of competing vehicle manufacturers and safeguarding their access to the market ([29]); (ii) preventing restrictions on parallel trade in motor vehicles ([30]); (iii) preventing restriction of the ability of independent repairers to compete with the manufacturers' networks of authorised repairers ([31]); (iv) preventing foreclosure of spare parts suppliers ([32]), and (v) protecting intra-brand competition, in particular competition between repairers of the same brand ([33]) and between dealers of the same brand ([34]). The present evaluation includes an analysis of whether each of these specific policy objectives has been achieved.

Figure 1 below shows the intervention logic for the MVBER and the SGL.

[28] See paragraphs 11, 28, 29, 35 and 48 of the 2009 Communication.

[29] See point 2.1. of the 2009 Communication and paragraph 26 of the SGL (guidance on when single branding obligations are likely to infringe Article 101 of the Treaty).

[30] See point 2.2. of the 2009 Communication and paragraphs 48 et seq. of the SGL (guidance on parallel trade restrictions).

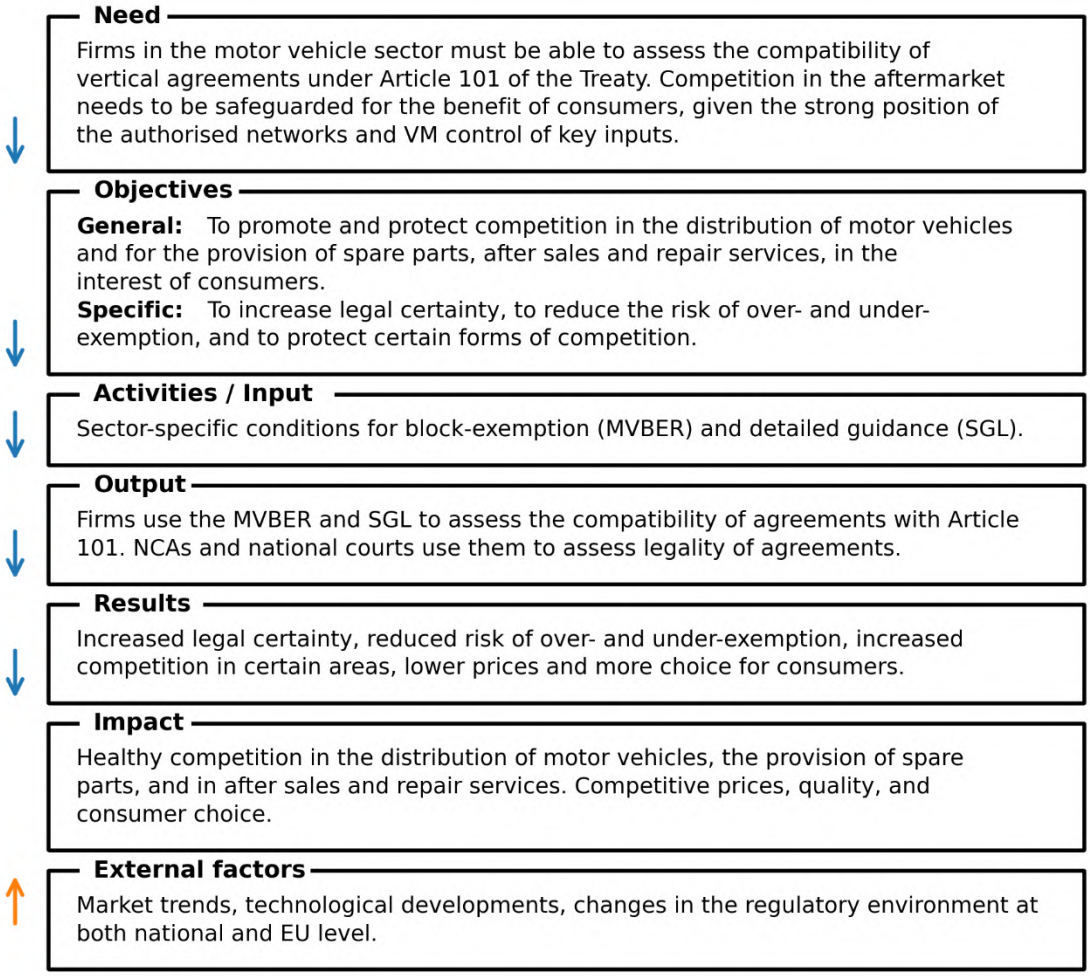
[31] See point 2.3. of the 2009 Communication, Article 5 (a) of the MVBER and paragraphs 42 et seq. and 62 et seq. of the SGL (guidance on when vertical agreements between vehicle manufacturers and their authorised repair networks are likely to infringe Article 101 of the Treaty – in particular, if they discriminate independent repairers).

[32] See point 2.5. of the 2009 Communication, Article 5 (a) – (b) of the MVBER, paragraphs 42 et seq. and 62 et seq. of the SGL (guidance on when vertical agreements between vehicle manufacturers and their authorised repair networks are likely to infringe Article 101 of the Treaty – in particular, if the discriminate independent spare parts operators).

[33] See point 2.4. of the 2009 Communication and paragraphs 70 et seq. of the SGL (guidance on when the conditions of access to the network established under the standard authorised repairer agreements are likely to infringe Article 101 of the Treaty).

[34] See point 2.2. of the 2009 Communication and paragraphs 42 et seq. of the SGL (guidance on when selective distribution agreements are likely to infringe Article 101 of the Treaty).

Figure 1 Intervention logic for the MVBER and the SGL



2.2. Point of comparison

The point of comparison for the evaluation is the **counterfactual situation in which the MVBER and the SGL are not in place**. In this situation, vertical agreements in the motor vehicle sector would be subject to the same regime as any other vertical agreements, namely the VBER and the VGL. The evaluation therefore assesses the functioning of the MVBER and the SGL against this baseline, using the five evaluation criteria (effectiveness, efficiency, coherence, relevance, and EU added value), and considers how vertical agreements in the motor vehicle sector would have to be assessed for compliance with Article 101 of the Treaty using only the VBER, the VGL, relevant case law at EU and national level, and the enforcement practice of the Commission and the NCAs.

Counterfactual scenario

While no data exist for the actual counterfactual, several dimensions have been explored in search of data for quantitative comparisons. These include data from (i) a different time; (ii) a different jurisdiction; (iii) a different sector of the economy; as well as (iv) any combination of the three.

It is not possible to make a meaningful temporal comparison. As the motor vehicle sector has been subject to sector-specific block exemption regulations since 1985, there is no

comparable period when no MVBER was in place. Moreover, since 1985, the sector has experienced significant technical change, substantial entry and exit of firms, and several episodes of consolidation, implying that comparison to the pre-1985 situation would provide no information useful to the Commission's assessment.

Comparisons across different jurisdictions also pose significant challenges for two distinct reasons. First, the antitrust frameworks applicable to the motor vehicle sector in other major jurisdictions differ so fundamentally from the EU's framework that market outcomes observed there cannot serve as reliable counterfactuals for assessing what would happen in the EU in the absence of the MVBER and the SGL. An appropriate counterfactual would be a jurisdiction that has a general block exemption (or a functionally equivalent safe harbour for vertical agreements) but no sector-specific rules for the motor vehicle sector. However, the jurisdictions examined do not meet this criterion: they either lack both a general and a sector-specific block exemption (such as the US, Japan, Australia, and Canada) or have replicated both layers of the EU model (as in the UK) ([35]). Switzerland, a large jurisdiction close to the EU and with a similar economy also has specific guidance for the motor vehicle sector ([36]). Second, even if the legal framework difference could be set aside, the number and importance of confounding variables ([37]) make it impossible to isolate the effect of any single regulatory difference on aftermarket competitive outcomes, as these outcomes reflect a complex interaction between legal frameworks (regulatory and/or competition rules), market structure, cultural factors, and industry dynamics that cannot realistically be replicated or controlled for in a counterfactual analysis.

By contrast, a comparison with a different sector ([38]) appeared more promising: the motorcycle sector, to which the MVBER and the SGL do not apply. While structurally not identical, the motorcycle sector shares several key features with the motor vehicle sector. It (i) comprises a distribution and repair chain composed of both authorised brand-dealer networks and independent operators (e.g., multi-brand workshops or independent spare-

[35] The UK's Motor Vehicle Block Exemption Order ("MVBEO") was inherited from the MVBER itself and applies to the same material scope ("self-propelled vehicle[s] intended for use on public roads and having three or more road wheels").

[36] Switzerland has long provided sector-specific competition law guidance for the motor vehicle industry: until 1 January 2024 this took the form of the Swiss Competition Commission's non-binding Motor Vehicle Notice (in force since 2002), which was replaced by a binding Motor Vehicle Ordinance setting out how Swiss competition law applies to vertical agreements in motor vehicle distribution, repair and spare parts markets, broadly reflecting EU-inspired principles. The MVBER applies in the remaining EFTA states as these are part of the EEA.

[37] Among these variables are: fleet composition, vehicle technology content, emissions regulation complexity, the regulation of mandatory technical controls and inspections, parts distribution infrastructure, ownership patterns, franchise law, the role of insurers, and the fundamentally different average vehicle being repaired.

[38] The motor vehicle sector is characterised by consumer purchases of long-lived technical products requiring repair and maintenance, which results in aftermarkets that are considered to be separate from the primary market and brand-specific. Markets for home appliances were considered as a possible comparator, but these goods are more rarely maintained or repaired and, being hard to move, feature different logistical trade-offs. On other durable goods markets, the buyers of the primary goods are professionals with greater knowledge of overall lifecycle costs, and are likely to react to any attempt to raise aftermarket prices by switching product on the primary market, thus reducing the incentives of manufacturers to engage in anticompetitive aftermarket practices.

parts distributors) and (ii) faces some analogous concerns in the repair/maintenance/spare-parts market (e.g., access to technical information, parts, and tools). This makes the motorcycle sector a useful reference for assessing how the motor vehicle sector might have evolved in the absence of the MVBER and the SGL.

Nevertheless, several factors limit the comparability. The motorcycle sector, while sharing similarities with the motor vehicle sector, is subject to different safety and environmental standards and distinct type approval and homologation procedures, which generally impose lighter burdens and may explain differences in market dynamics. Aftermarket competition issues similar to those in the passenger car sector may also not be as widespread or economically significant in the motorcycle sector, given its smaller scale ([39]) and more fragmented structure. Differences in usage patterns and customer behaviour further limit comparability ([40]): Premium motorcycles typically travel fewer kilometres, with aftersales demand focused mainly on scheduled servicing rather than intensive repairs. Conditions also vary widely across sub-segments – for example, mopeds and scooters show higher usage, greater price sensitivity, and stronger reliance on independent repairers – highlighting the sector's heterogeneity ([41]). In addition, data availability for the motorcycle sector is limited ([42]), and the analysis has therefore been carried out only to the extent possible.

3. HOW HAS THE SITUATION EVOLVED OVER THE EVALUATION PERIOD?

3.1. Motor vehicle markets: Overview, main actors and economic importance

The motor vehicle sector is broadly divided into the primary market for new vehicles and the secondary, or aftermarket for *inter alia* parts and repair services.

The suppliers in the **primary market** are VMs and their importers. VMs design, engineer, integrate, assemble, brand, and commercialise complete motor vehicles. There are 16 major VMs operating in the EU, which assemble vehicles by integrating components, sourced from over 120 original equipment suppliers ("OES") ([43]). These OES – often organised in

[39] See for figures on the sector's scope e.g. this article, which shows, based on European Association of Motorcycle Manufacturers (ACEM) data, that it is far smaller than the passenger-car-market (accessed on 30.1.2026).

[40] See e.g. the paper by G. Yannis, J. Golias, I. Spyropoulou, E. Papadimitriou, Mobility patterns of motorcycle and moped riders in Greece, 2006, available under this link (accessed on 30.1.2026).

[41] See e.g. Global Market Insights: Europe Motorcycles and Scooters Market, under this link (accessed on 30.1.2026).

[42] This was confirmed by both ICDP and Wolk & Nikolic, who were commissioned to also gather data on the motorcycle market. While Wolk & Nikolic was able to provide (limited) data, ICDP had no data on the motorcycle market and stated that the motorcycle market was even less well documented than the commercial vehicle sector. See for more explanations as to the limits relating to data gathering in Annex II.

[43] Based on the Verian Survey used in the JRC Study. The survey is a CATI survey conducted across nine EU Member States (France, Germany, Italy, Spain, Poland, Czechia, Sweden, the Netherlands, Portugal) targeting key actors in the automotive aftersales value chain, including independent repairers, spare parts suppliers, authorised dealers and workshops, and vehicle manufacturers. Fieldwork ran from 6 June to 22

Tier-1, Tier-2, and Tier-3 levels – deliver parts such as powertrains, electronic and software systems, chassis and braking systems, body parts, and interior equipment according to the technical specifications and quality requirements defined by the VM.

Downstream, the vast majority of new vehicles are distributed through car dealers who purchase and resell new vehicles. Others are sold through agents, which are independent firms acting on behalf of a VM ([44]). Finally, a VM may sell directly online or in own sales outlets, which are considered to be part of the same undertaking of the VM for the purposes of competition law.

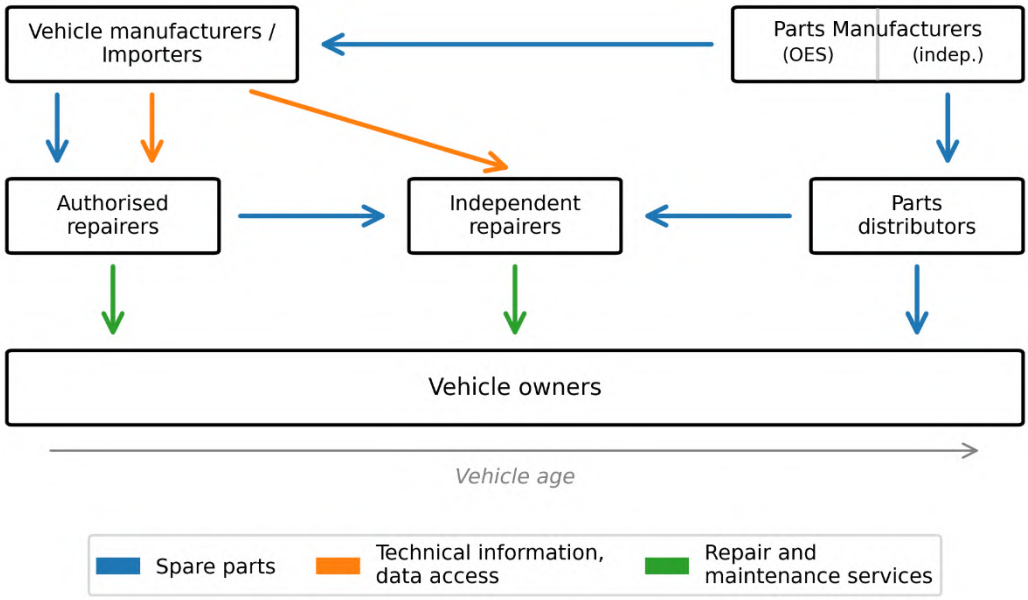
The **secondary market** (aftermarket) covers repair and maintenance services as well as the means to provide these services, including spare parts. It includes authorised repairers, which operate under formal agreements with VMs, vertically integrated VM-owned repairers, and independent repairers, as well as a broader range of aftermarket actors such as workshop equipment providers, multi-brand diagnostic tool manufacturers, data providers, and intermediaries like remote service suppliers ("RSS"), fleets, and insurance companies. Spare parts are supplied either by OES or by independent parts suppliers. In addition, the aftermarket includes parts distributors such as wholesale and e-commerce players ([45]). On the demand side, repairers are the primary buyers of spare parts, with vehicle owners representing a smaller share. Demand for repair and maintenance services similarly comes from private individuals and companies.

July 2025. The survey covers: the digitalisation of repair and maintenance services; access to and use of vehicle-generated data; specifics of data provision and formats; and distribution models, including agency, selective, and mixed systems.

[44] Agents are usually selected by the manufacturer and integrated into its distribution structure, but legally they are not "authorised dealers" in the classic sense. Instead, they function as an extension of the VM (principal) rather than as independent distributors. The main difference is that agents sell cars on behalf of the VM, without owning the vehicles before sale and without bearing any other commercial risks: the costs related to stocking, transporting, and storing the cars are borne by the VM, who also sets the sales price. Their remuneration is a commission rather than a margin. Traditional dealership and agency models are often combined on the same premises for dealers selling more than one brand from the same VM. This is also referred to as "mixed distribution".

[45] See for this paragraph Berylls by Alixpartners: "Competitiveness in the automotive aftermarket in the context of the technology shift", available under this link (accessed on 30.1.2026).

Figure 2: Key actors and flows of goods and services in the motor vehicle aftermarket



The automotive industry is a core engine of the EU economy and European prosperity. European manufacturers have been global leaders since the invention of the automobile, producing iconic brands that set high benchmarks for innovation and excellence ([46]). Today, the sector accounts for EUR 1 trillion in GDP, a third of private research and development investment in the EU and provides direct and indirect employment for 13 million Europeans. European truck makers account for more than 40% of the world market for commercial vehicles ([47]). The aftermarket also plays a fundamental role in the European economy where independent operators are predominantly SMEs providing local services across the EU. Most motor vehicles require more than EUR 15 000 in maintenance and repairs (excluding labour) over their lifetimes ([48]). In 2023, the market value of spare parts alone in the total EU aftermarket was EUR 118 billion. These figures do not include labour, which typically accounts for around half of workshop bills. Including labour, total aftermarket expenditures amounted to EUR 236 billion in the EU ([49]). Beyond its economic weight, the automotive ecosystem is also a cornerstone of European employment, supporting around 13.6 million jobs across manufacturing, services, transport and construction, equivalent to around 7% of total EU employment, with SMEs forming the

[46] Communication from the Commission of 5.3.2025: Industrial action plan for the European automotive sector (COM(2025) 95 final).

[47] *Ibid*.

[48] Roland Berger/FIGIEFA Study 2024, European Independent Automotive Aftermarket Panorama - From automotive aftermarket to a vehicle lifecycle solutions industry, available under this link (accessed on 30.1.2026) (in the following: "Roland Berger Aftermarket Study").

[49] *Ibid*.

backbone of the aftermarket, which alone provides over 1.4 million jobs in vehicle maintenance and repair ([50]).

The economic importance of effective competition in this sector is underscored by the role of mobility in household expenditure. Mobility remains one of the main categories of outlay, accounting for approximately 13% of the average European's total expenditure ([51]). The cost of operating road vehicles – which includes repair and maintenance – accounts for most of this, representing 7.4% of total expenditure ([52]). Increases in prices for aftermarket products and services are therefore particularly detrimental to consumers and also threaten the sustainability of SME repairers and parts suppliers operating on narrow margins ([53]). Independent parts suppliers and independent repairers play an important role in providing lower priced services to consumers. According to GiPA ([54]), across eight categories of repair and maintenance tasks, independent repairers cost French consumers between 8% and 46% less per repair ([55]), with similar numbers being cited in trade publications for Germany and Italy ([56]). Against this background, ensuring effective competition in the aftermarket is important to protect consumers and support market functioning.

3.2. Market developments

This section describes key developments affecting competition in motor vehicle markets during the period 2021–2025. These developments, which the Commission has identified as contributing to a structural transformation of the EU automotive industry ([57]), may have implications for the application and effectiveness of the current rules. The impact of these developments on the MVBER and the SGL is analysed in Section 4.

3.2.1. Supply/sales of motor vehicles: market concentration and the entry of new global competitors

EU markets for new motor vehicles appear to exhibit a healthy level of competition overall. This is reflected in **S&P Connect registration data** (see Figure 3 below), which shows

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[50] ACEA pocket guide 2025/2026.

[51] See ADPA position paper on the MVBER of 23 May 2025 using Eurostat and Ricardo data, page 4, under this link.

[52] *Ibid.*

[53] *Ibid.*

[54] GiPA (*Groupement inter Professionnel de l'Automobile*) is an international market research firm. The company, which conducts research in more than 20 countries, specializes exclusively in the automotive aftermarket.

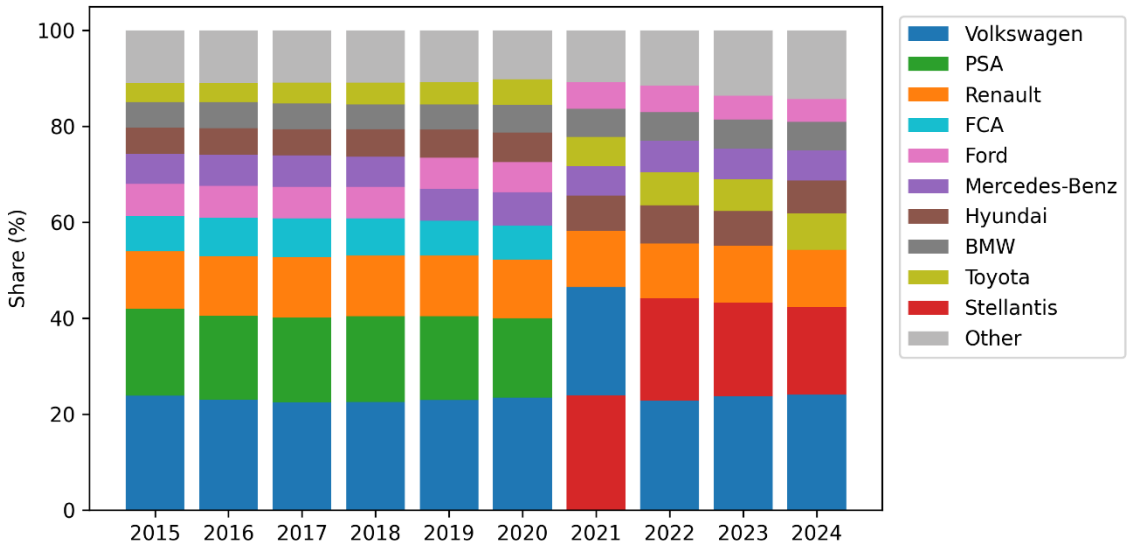
[55] Note that the repair and maintenance tasks of a given type that are performed by independent repairers may be systematically less complex (or vice versa) than those performed by authorised repairers.

[56] For Germany, the magazine PROFI-Werkstatt estimates that prices are between 20% and 40% lower at independent workshops (link); the insurer Verti cites hourly rates around 50% lower at independent workshops (link). For Italy, the trade website alVolante.it reports hourly rates around 50% lower at independent workshops (link).

[57] Communication from the Commission of 5.3.2025: Industrial action plan for the European automotive sector (COM(2025) 95 final).

market shares based on new registrations in the EU by VMs group since 2015. Since 2021 the relative influence of established manufacturers gradually weakened, while smaller and newer entrants gained market share, reflecting a more contested environment ([58]), though the intensity of competition varied by segment.

Figure 3: Market shares based on EU Light Vehicle Registrations by VM Group



Source: S&P Global.
Notes: Sales of light vehicles in segments A to F in all EU 27 countries.

ICDP market studies ([59]) confirm the increasing presence of new entrants in the European passenger and light commercial car market, particularly in the EV segment. Analysis indicates that these players – most notably Tesla and Chinese manufacturers such as BYD, Geely and SAIC, as well as General Motors through its China-based joint ventures – have altered competitive conditions by introducing new technologies and pricing approaches, thereby challenging established VMs. According to S&P Connect data, Tesla's market share in the EU grew from 0.5% in 2020 to 2% in 2024 and that of Chinese-owned entrants ([60]) grew from 0.1% to 2.1%.

3.2.2. The impact of digitalisation and electrification on the aftermarket

Electrification and the increasing digitalisation of vehicles have also had a major impact on the automotive aftermarket, with implications for the guidance provided in the SGL on access to technical information and vehicle-generated data ([61]).

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[58] See Section 4.1.1.3.1. below for HHI figures.

[59] ICDP Report of 29 April 2025, New Entrants Update.

[60] The following brands were considered Chinese-owned entrants: Zeekr, Polestar, Lynk&Co, Geely, MG, Maxus, Jaecoo, Omoda, BYD, GWM, Dongfeng, BAIC, NIO, and Xpeng. Volvo and Lotus, while also Chinese-owned, were not considered entrants.

[61] The data and facts in this section are based on the JRC Study - Digital Transformation of the Automotive Markets: An Economic and Technical Analysis (MVBER), unless otherwise specified. These findings have

3.2.2.1. Digitalisation

The JRC Study documents projections according to which, by 2035, more than 80% of the vehicle parc is expected to feature advanced connectivity capabilities, including direct data streaming, processing, and communication with external entities.

During the period under review, the diffusion of connected vehicles expanded steadily, with an increasing share of the vehicle parc capable of transmitting data remotely and receiving software updates over the air. Currently, around 25% of the European vehicle parc is equipped with at least basic connectivity, while all new vehicles sold include at least entry-level connectivity features. As of 2024, over 22% of new vehicles sold were also equipped with over-the-air ("OTA") update capabilities, a technology that enables real-time software enhancements without dealership visits ([62]). These developments have enabled new forms of service provision, including remote diagnostics, predictive maintenance, and software-based interventions, and gradually reduced reliance on purely mechanical inspections. At the same time, volume and granularity of vehicle-generated data has increased, supporting the use of data analytics and artificial intelligence applications in aftersales services, which continue to develop.

VMs are positioned at the centre of this transformation, as they retain primary control over in-vehicle systems, telematics units, and backend servers, where vehicle data were stored and processed. The JRC Study shows that this has translated into a growing ability to develop and commercialise data-driven services internally or through closely aligned partners. Based on **Global Data** ([63]), the JRC Study shows that between 2018 and 2024, VMs increasingly engaged in cooperation agreements, strategic partnerships, and acquisitions involving technology firms and aftermarket players, with a strong focus on connected and autonomous vehicle technologies.

As connectivity expands, access to vehicle-generated data becomes increasingly important for effective competition in repair and maintenance markets. The VMs' control over this data has given them the ability to regulate the access conditions imposed on independent operators, including repairers, potentially placing these players at a competitive disadvantage ([64]).

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been cross-checked against the Commission's own enforcement and monitoring experience, as well as other available sources of evidence, including the results of the public consultation. They are consistent with these sources and are therefore fully endorsed in this section.

[62] JRC study based on Global Data.

[63] Global Data Automotive Intelligence Centre. Provides comprehensive data on the automotive industry for 190 countries, including new car production and sales, vehicle parc, and aftermarket. Sales data are disaggregated by vehicle type, body type, and powertrain, while parc data are available by brand–model and age segment. Aftermarket data cover product family, component, and sales channel, with company-level volumes and shares by region or country. Historical data start in 2009, with forecasts to 2028–2030. The deals dataset covers M&A, private equity, venture finance, private placements, IPOs, and partnerships.

[64] See in this vein also CLEPA & Roland Berger 2022 study: "The Electrification of Light Vehicles – Boon or bane for the European aftermarket?", page 14.

As further analysed in Section 4, evidence collected from market participants in the context of the **Verian survey** ([65]) indicates that access conditions remained uneven across different classes of operator. Independent repairers reported limitations in accessing advanced diagnostics, software updates, and real-time vehicle data. VMs frequently attributed these limitations to cybersecurity and safety considerations. In addition, according to Verian survey respondents, data governance arrangements tended to favour VMs' authorised networks, which have thereby benefited from more comprehensive and timely access to vehicle-generated data.

3.2.2.2. Electrification

Over the period analysed, the JRC Study shows that the gradual increase in the number of battery electric vehicles ("BEVs") has altered demand for repair and maintenance services. Electrification has reduced the need for traditional mechanical interventions and shifted service requirements towards batteries, power electronics, and software-based diagnostics. According to the JRC Study, BEVs generally require fewer and less costly maintenance operations than comparable internal combustion engine ("ICE") vehicles. BEVs were estimated to require around 30% fewer parts than ICE vehicles ([66]) and annual parts costs per vehicle and year were estimated to be around 20% lower than for ICE vehicles, while routine servicing intervals are longer and several components commonly subject to wear in ICE vehicles are simplified or no longer present ([67]).

During the evaluation period, most repair and maintenance of BEVs and hybrids was carried out within authorised networks. Estimates from a **CLEPA and Roland Berger study** suggest that upgrading facilities for BEV servicing could require investments of up to EUR 200 000, which authorised repairers – supported by VMs and contractual obligations – have generally absorbed earlier ([68]). Independent repairers have tended to delay such investments, entering BEV servicing mainly after warranty periods expire or once demand justifies the costs.

The JRC Study and **ICDP** ([69]) associate these developments with a functional differentiation between the two channels: Authorised repairers increasingly focused more on newer and electrified vehicles, while independent repairers primarily served older vehicles. This pattern is consistent with observed consumer behaviour: The JRC Study,

[65] Interviews conducted for the survey targeted in total 391 actors in the automotive aftersales value chain, including independent repairers, spare parts suppliers, authorised dealers, and vehicle manufacturers in nine EU Member States. See footnote 43for further background to the Verian survey.

[66] CLEPA & Roland Berger, 2022, The electrification of light vehicles.

[67] BCG CLEPA & Wolk, 2021, At the crossroads: The European Aftermarket in 2030.

[68] BCG CLEPA & Roland Berger. (2022), The electrification of light vehicle.

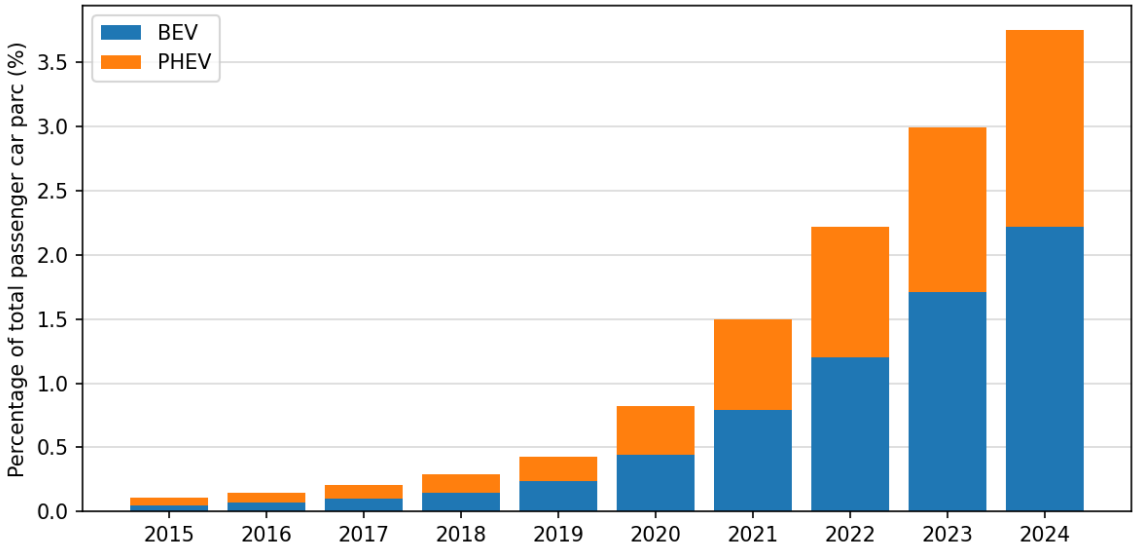
[69] ICDP Report of 12 January 2023, The impact of powertrain technology change on the aftermarket.

based on **Kantar data** ([70]), shows that the likelihood of using an authorised repairer decreases by around 7% for each additional year of vehicle age.

The results of the JRC Study were put into context using the Commission's own monitoring and enforcement experience, along with data from ICDP, which show that this pattern is not new and should be interpreted with caution. Independent repairers have historically focused on older vehicles for several structural reasons: once vehicles are out of warranty, the "one-stop shop" value proposition of authorised networks diminishes; owners of older vehicles tend to be more price-sensitive; and technical information and know-how for older models are more widely disseminated among independents. In this context, electrification appears to reinforce an existing division of labour rather than create it. While independent networks face reduced parts revenue for newer BEVs, they benefit from higher tyre replacement demand due to the faster wear and have adapted their offerings to remain competitive ([71]).

In addition, despite a sizeable increase in clean car sales, BEVs still only make up a tiny share of all cars circulating on EU27 roads. In 2024, they represented only 2.2% of the European passenger car parc (see Figure 4 below), which remained predominantly composed of ICE vehicles. This ageing parc sustained demand for conventional repair and maintenance services and kept independent repairers central to these activities ([72]).

Figure 4: BEV and plug-in hybrid ("PHEV") shares in the total EU parc of passenger cars



Source: European Alternative Fuels Observatory.

[70] Kantar Parc Auto Europe Survey 2024. This annual survey covers car owners and users in four European countries, including car ownership and characteristics, usage patterns, purchase behaviour, and aftermarket services. For France, the long-running Parc Auto survey (since 1984) is based on a representative mail survey of around 11,000 households and individuals; this study uses the 2021–2024 waves (31,277 observations). Since 2024, Parc Auto Europe has extended the survey to Germany, Italy, and Spain through representative online samples of about 2,000 respondents per country (6,541 observations), covering vehicle use, future purchase intentions, electric vehicles, and alternative mobility options.

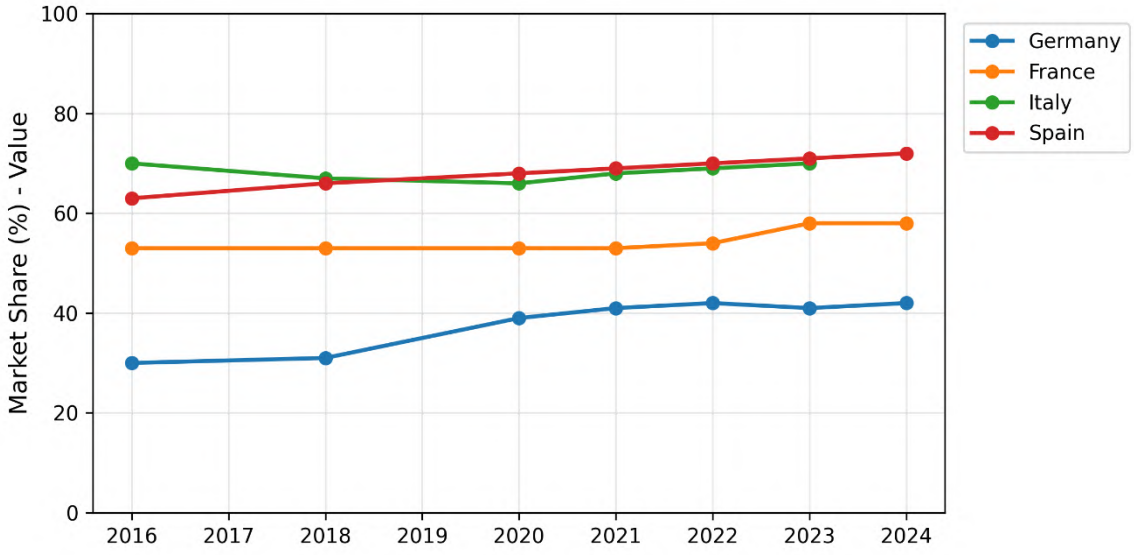
[71] ICDP Report of 12 January 2023, The impact of powertrain technology change on the aftermarket.

[72] ICDP Report of 25 May 2023, Looking for the aftermarket Eldorado: does it lie in the older car parc?.

3.2.3. General market trends for authorised and independent repairers

One of the MVBER's specific policy objectives is to enable independent repairers to compete with the VMs' networks of authorised repairers. **Roland Berger** market data from 2024 shows that while independent workshops accounted for around 80% of all workshops in the EU and service most of the nearly 280 million vehicles on European roads ([73]) – particularly those over four years old – authorised networks captured roughly half of total market revenues ([74]). This reflects higher prices, a stronger presence in newer vehicle segments, and advantages in access to data, warranties, and rebate schemes. **ICDP estimates** on the revenue share of independent repairers are broadly consistent with the 50% estimate by Roland Berger. They also show a slight increase in revenue share for several Member States (Figure 5 below).

Figure 5: Revenue share by value of independent repairers in repair and maintenance of passenger cars



Source: ICDP.
Notes: Shares estimated by ICDP based on survey responses from repairers and vehicle owners, job card information, vehicle age distributions, estimates of the costs of various repair and maintenance operations.

However, it appears that several structural trends have partially offset these advantages.

Declines in the density of authorised repair networks have increased the distance that consumers must travel to access services, even though some former authorised workshops continue to operate as independent repairers ([75]). In addition, higher prices for new vehicles have contributed to an ageing vehicle parc, with more customers buying used vehicles,

[73] Based on ICDP data, the number of independent repairers has been stable for the last decade (2015-2025) in the top four European markets (Spain, Germany, Italy, France). See ICDP Report of 8 July 2025, IAM Update.

[74] Roland Berger Aftermarket Study.

[75] ICDP Report of 8 July 2025, IAM Update.

reinforcing the role of the independent aftermarket ("IAM") ([76]). Data from a 2023 **ICDP consumer survey** also points to behavioural changes among car owners in response to the cost-of-living crisis ([77]): Many were shopping around to find cheaper garages, switching from authorised dealers to independent garages, using lower-cost parts where possible, postponing non-essential work until it becomes critical, or even opting for do-it-yourself solutions.

3.2.4. Distribution patterns and network density

According to the **Verian survey** conducted in the context of the JRC Study, selective distribution ([78]) remained the dominant distribution model in the automotive sector, with 58% of VMs that took part in the survey ([79]) using such traditional dealerships, followed by the agency model (27%), a mixed selective/agency model (8%), and direct sales (5%) ([80]). Overall, based on **Kantar data**, the JRC Study shows that traditional "offline" dealerships still account for around 92% of total car sales in Europe in 2024, particularly for premium and super-premium brands such as Mercedes-Benz, Audi, and BMW ([81]).

Sales volumes and network coverage under the agency model remained modest, and for most VMs, only a quarter of their authorised network operated as agents. After a period of gradual adoption, several VMs are now slowing or reassessing further rollout, a trend confirmed by market feedback from the European Association of Automotive Dealers and Repairers (AECDR) ([82]).

The JRC Study also shows, again based on **Kantar data**, that the growth of direct sales has recently slowed in many European markets. At the same time, dealerships are

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[76] It should be noted, though, that an ICDP survey of the independent aftermarket also shows that independent operators were of the view that the ageing of the vehicle parc may help to support their activity for some time to come, but that this will not constitute a sufficient guarantee in the long term. See ICDP Report of 8 July 2025, IAM Update.

[77] ICDP Report of 25 May 2023, Looking for the aftermarket Eldorado: does it lie in the older car parc?.

[78] 'Selective distribution system' means a distribution system where the supplier undertakes to sell the contract goods or services, either directly or indirectly, only to distributors selected on the basis of specified criteria and where these distributors undertake not to sell such goods or services to unauthorised distributors within the territory reserved by the supplier to operate that system. See Article 1(1), point (g) VBER.

[79] Interviews conducted for the survey targeted in total 391 actors in the automotive aftersales value chain, including independent repairers, spare parts suppliers, authorised dealers, and VMs in nine EU Member States. "OEMs" in the study include VM-authorised dealers representing VM-authorised workshops, VMs, manufacturers of parts and accessories for VMs, and parts and accessories dealers. See Annex II for further background on the Verian survey.

[80] JRC Study, Section 6.1. Under the direct sales model, VMs sell directly to their customers through online platforms and offline experience stores/showrooms they own. The purchase process often is finalised entirely online. Online channels facilitate direct sales because they allow manufacturers to transact with customers without intermediaries, thereby retaining control over pricing, customer data, and the overall purchasing experience.

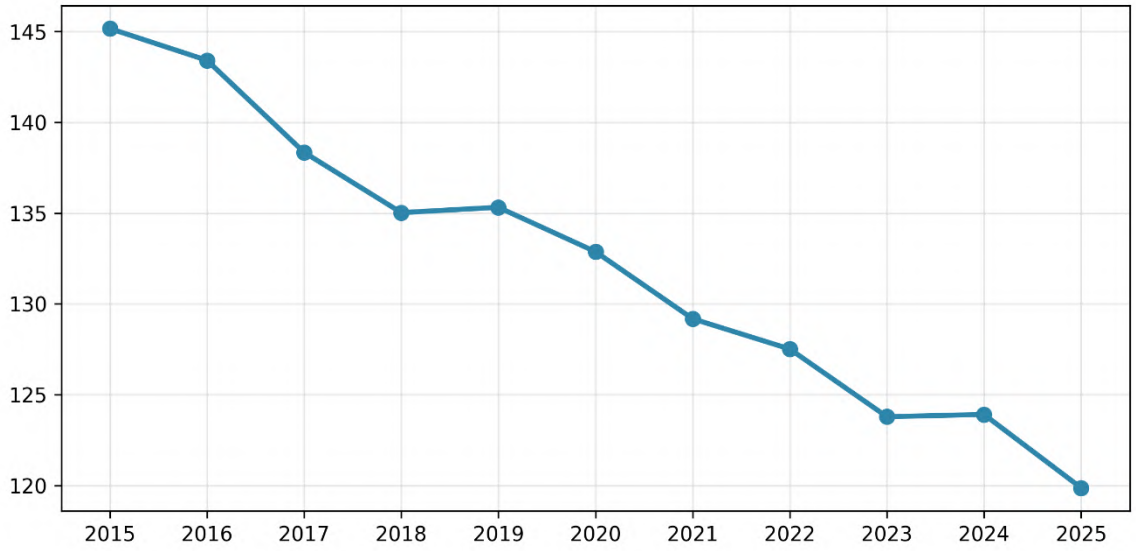
[81] JRC Study, Section 6.3, based on Kantar data.

[82] Based on a meeting the Commission had with this stakeholder in the context of the evaluation.

increasingly adopting hybrid sales models themselves, allowing customers to complete part of the purchasing process online, with Germany, France, and Italy leading this shift.

The network density of authorised dealers declined over the years 2015 to 2025 ([83]), due to VMs rationalising their dealer networks (see Figure 6). This reduction in network density as well as the emergence of hybrid and alternative distribution models may affect intra-brand competition and access to authorised networks.

Figure 6: Authorised sales outlets per million population in the EU



Sources: ICDP, UN World Population Prospects.
Notes: The total number of outlets was obtained based on ICDP's European Car Distribution Handbook 2025 (ECDH). This source lists outlets by brand and country but does not record where outlets may serve two different brands simultaneously. Such outlets are double counted here.

3.2.5. Intensity of competition as perceived by stakeholders and NCAs

Submissions to the consultations by stakeholders and NCAs suggest a mixed picture regarding the development of competition in various parts of the motor vehicle sector, which is in line with the market developments described above.

Competition between VMs

The vast majority of **respondents to the public consultation** ([84]) believed competition between VMs had intensified since 2021 ([85]). Respondents mainly attributed increases in competition to new market entries, particularly from VMs focussing on electric vehicles ("EVs").

NCAs largely indicated no material change in the intensity of competition in the supply of new motor vehicles ([86]). The NCAs that observed an intensification of competition mainly

[83] See for more details Section 4.1.1.3.5. (a).

[84] Mainly independent parts dealers.

[85] 81% believed competition has intensified, 10% saw no change, and 10% believed it has weakened.

[86] 60% of NCAs that replied.

attributed it to increased pressure from new entrants focussing on EVs, regulatory support for electrification, and greater product variety (e.g., hybrid, battery electric, etc.).

Competition in the Aftermarket: Repair & Maintenance and Spare Parts Distribution

In line with the data shown above in Section 3.2.2, most **respondents to the public consultation** ([87]) indicated that aftermarket competition had weakened, both in repair and maintenance services ([88]) and in the distribution of motor vehicle spare parts ([89]). Contributors cited technological advancement and digitalisation among the primary driving factors ([90]).

The majority of **NCAs** did not observe significant changes in the intensity of competition ([91]). Where changes were noted, they were largely linked to shifts toward electric and connected vehicles, which allegedly favoured large groups and created barriers for independent repairers. NCAs also reported further consolidations within authorised repair networks.

Competition in new motor vehicle distribution

Respondents to the **public consultation** were roughly equally divided between those who believed that competition in the distribution of new motor vehicles had intensified since 2021 and those who believed it had weakened ([92]). An observed shift to agency models, and a reduction in numbers of authorised outlets were named as factors.

NCAs mostly saw no change in the intensity of competition ([93]). Only a very few saw competition as having weakened, citing dealer network consolidation and agency models. Others indicated that competition had intensified, pointing to the growth of electric vehicles, the entry of new VMs, infrastructure investment, and greater brand and product diversity, which had boosted competition.

3.3. Regulatory environment

The MVBER regime operates against the backdrop of an expanding body of cross-sectoral and sector-specific EU legislation on access to and use of data, which may influence how the MVBER and the SGL function in practice.

[87] Mainly independent parts dealers.

[88] 61% believed competition has weakened, 20% saw no change, and 19% believed it has intensified.

[89] 65% believed competition has weakened, 11% saw no change, and 24% believed it has intensified.

[90] The alleged increasing number of "captive parts" (i.e., parts for which no brands other than that of the VM are available), was also named as a factor driving the change to weaker competition in repair and maintenance services.

[91] 82% of NCAs that replied.

[92] 44% across all stakeholder groups believed competition has intensified, 5% saw no change, and 51% (mainly independent parts dealers) believed it has weakened.

[93] 60% of NCAs that replied.

Notably, the **Data Act** ([94]), applicable since September 2025, establishes a general framework for data access across sectors, including connected vehicles. It grants vehicle owners (as users of a connected product or related service) the right to access certain data generated by the connected product or related service and share it with third parties, including independent and authorised repairers. It also ensures that VMs (as data holders) make data available on a non-discriminatory basis and at equivalent quality. The accompanying Commission Guidance on vehicle data ([95]), issued in September 2025 on vehicle data clarifies that data must be made easily available without undue barriers, costs or procedural hurdles.

The Data Act, as explained by the Guidance, primarily provides access to product (including vehicle) and related services-generated data. It does not cover technical repair information or the ability to write data to vehicle systems. The Guidance emphasises that, where access is provided via standardised interfaces such as the On Board Diagnostics ("OBD") connector, users cannot be required to purchase proprietary or specialised tools at their own expense ([96]), thus aligning with the Data Act's principles of accessible, non-discriminatory data sharing. While traditional repair and maintenance services data are generally outside the scope of the Data Act, data generated from data-driven diagnostics, predictive maintenance, and other advanced services may fall within its mandatory data-access obligations under certain conditions ([97]). In particular, the Data Act ensures that independent operators upon a user's request can access the user's vehicle-generated data, and that such data must be provided in machine-readable formats, and where relevant and technically feasible, continuously and in real-time ([98]).

As increased data sharing in the automotive sector also raises cybersecurity concerns, the **NIS2 Directive** ([99]) strengthens cybersecurity and incident-reporting obligations through a risk-management approach, including requirements on incident handling, encryption, vulnerability management and supply-chain security.

In addition, the updated **Type Approval Regulation** ([100]) requires VMs to grant independent operators access to vehicle OBD information and repair and maintenance

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[94] Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 ("Data Act").

[95] Communication from the Commission – Guidance on vehicle data, accompanying Regulation (EU) 2023/2854 of the European Parliament and of the Council ("Data Act").

[96] See paragraph 44 of the Commission's Guidance on vehicle data.

[97] See paragraphs 16-35 of the Commission's Guidance on vehicle data.

[98] See Article 5 of the Data Act, which must be read in conjunction with Articles 8 and 9 of the Data Act.

[99] Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 ("NIS 2 Directive").

[100] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC ("Type Approval Regulation").

information ("RMI") in a standardised, non-discriminatory manner, subject to cybersecurity safeguards ([101]). In particular, Appendix 4 to Annex X of the Type Approval Regulation draws conclusions from judgments of the CJEU ([102]) and explicitly allow VMs to introduce proportionate cybersecurity measures. As the type-approval framework mainly focuses on physical repair and maintenance, some uses of data fall outside the scope of Annex X.

Finally, the forthcoming End-of-Life Vehicles Regulation ([103]) expands the scope of the previous directives to cover more vehicle categories and sets out requirements to ensure that new vehicles are designed to facilitate the recycling, re-use and remanufacturing of parts and components. In particular, the End-of-Life Vehicles Regulation will specify that software updates shall not hinder the removal and replacement of vehicle parts and components ([104]). In order to facilitate the end-of-life treatment of vehicles, VMs should provide to waste management operators, publishers of technical information and repair and maintenance operators unrestricted, standardised and non-discriminatory access to certain specific information, including on the digital coding of parts where such coding prevents their repair, maintenance or replacement in another vehicle ([105]), in alignment with Annex X of the Type-Approval Regulation ([106]). In addition, each vehicle placed on the market should have a digital circularity vehicle passport made available as a data carrier for

[101] This is established by Article 61 of the Regulation. Article 61 is complemented by Annex X, which sets out the technical requirements governing such access. Pursuant to Article 61(11), the Commission is empowered to adopt delegated acts amending Annex X in order to take account of technical and regulatory developments or to prevent misuse by updating the requirements relating to access to vehicle OBD information and vehicle repair and maintenance information. The Regulation makes cybersecurity a mandatory condition for vehicle type approval. In this context, the Commission has adopted a Delegated Act notably aimed at clarifying the cybersecurity and access-control measures that VMs may apply to on-board diagnostic systems. The initiative also seeks to ensure that the obligations under Article 61 remain effective in light of recent technical and regulatory developments, in particular in the area of cybersecurity.

[102] In its Judgment of 5 October 2023, *A.T.U. Auto-Teile-Unger GmbH & Co. KG and Carglass GmbH v FCA Italy SpA* (C-296/22, EU:C:2023:743), the Court held that VMs cannot impose conditions on OBD access beyond those in the Type Approval Regulation, and UN Regulation 155 is without prejudice to EU data access law, i.e., cybersecurity cannot override the access obligations if not provided for in EU data access requirements.

[103] Proposal for a Regulation of the European Parliament and of the Council on circularity requirements for vehicle design and on management of end-of-life vehicles, amending Regulations (EU) 2018/858 and 2019/1020 and repealing Directives 2000/53/EC and 2005/64/EC ("End-of-Life Vehicles Regulation")

[104] See Article 7 of the forthcoming End-of-Life Regulation.

[105] The requirement of providing information on the digital coding of parts shall not apply with regard to information to be provided to publishers of technical information. See Article 11(1)(f) of the forthcoming End-of-Life Regulation.

[106] See Article 11 and Annex V of the forthcoming End-of-Life Regulation.

information to be provided to other operators ([107]), which should contain, *inter alia*, the official catalogue of spare parts for the vehicle concerned ([108]).

4. EVALUATION FINDINGS

4.1. To what extent was the intervention successful and why?

4.1.1. Effectiveness

4.1.1.1 Legal Certainty (first specific objective)

One of the specific objectives of the MVBER and the SGL is to enhance legal certainty. To this end, the conditions of the MVBER and the guidance provided in the SGL must allow firms to determine whether their agreements comply with Article 101 of the Treaty.

Nonetheless, the analysis of whether this objective has been met is predicated on the understanding that the MVBER and the SGL could never provide absolute legal certainty. Instead, the assessment of whether this objective has been achieved seeks to determine whether these rules provided increased legal certainty as compared to a situation without them, but also whether there is room for improvement in achieving the objective. Stakeholders' and NCAs' perceptions of the level of legal certainty provided by the rules may also depend on the specific difficulties encountered when applying them to agreements in different segments of the motor vehicle sector. Therefore, the assessment of whether this objective has been met takes into consideration the specific areas of the rules for which respondents and NCAs consider that there is uncertainty as well as the Commission's enforcement and monitoring experience and the findings of the JRC Study.

<u>The findings</u>

Overall, the evaluation showed that the MVBER and the SGL have generally met the specific objective of increasing legal certainty, with the exception of certain rules and guidance relating to the increasing digitalisation and electrification of motor vehicles.

In particular, the vast majority of **respondents to the public consultation** ([109]) as well as **all NCAs** considered that MVBER and the SGL generally provide legal certainty compared to a hypothetical situation in which the MVBER and the SGL would not exist.

However, respondents to the public consultation pointed to some areas of the rules which they consider not sufficiently clear. In this sense, definitions such as "independent

[107] This includes producers, collectors, vehicle insurance companies, suppliers, repair and maintenance operators, waste management operators, including dismantlers and recyclers, and any other operators involved in design of vehicles, trade in used vehicles, dismantling, reuse, or management of end-of-life vehicles, remanufacturing and refurbishment of parts, components and materials from vehicles. See Article 3 of the forthcoming End-of-Life Regulation.

[108] See Article 13 of the forthcoming End-of-Life Regulation.

[109] 89% of respondents that replied to this question. See Annex V.

repairer/distributor" ([110]), "motor vehicle" ([111]), "spare part" ([112]), "technical information" ([113]) and "tool" ([114]) were seen by a significant share of respondents as only slightly increasing legal certainty. With regard to the definition of "technical information", the questionnaire asked stakeholders whether any other items provided to authorised repairers should have been considered as falling within the definition. They mentioned (i) cybersecurity-related functions and protected systems; (ii) diagnostic tools and software-related information; (iii) battery-related information (EVs and hybrids); (iv) technical specifications and parts compatibility information; (v) preventive and predictive maintenance data; (vi) Advanced Driver Assistance Systems ("ADAS") calibration and configuration data; (vii) OTA functions and remote diagnostics; (viii) telematics and access to vehicle-generated data; (ix) vehicle and parts integration systems; (x) technical service bulletins and working solutions; (xi) prices and licensing terms; and (xii) training and guidance materials.

In addition, a number of respondents perceived that certain provisions of the MVBER and SGL had done "little" or "very little" to increase legal certainty. These concerned: (i) the restriction on the ability of authorised dealers within a selective distribution system to sell spare parts to independent repairers ([115]); (ii) the restriction on the ability of suppliers of parts/tools/equipment to sell to authorised/independent repairers/distributors or end users ([116]); (iii) the restriction of independent operators' access to technical information ([117]); (iv) misuse of warranties ([118]) and (v) withholding of essential technical information, tools, training, and vehicle-generated data ([119]). Stakeholders also identified (i) vehicle warranties; (ii) access to vehicle-generated data, digital functions, and remote diagnostics and RMI; (iii) the MVBER's hardcore restrictions and (iv) access to authorised

[110] MVBER Article 1(1)(e)-(f). 44% of stakeholders which replied to that question considered that the definition had done "little" or "very little" to increase legal certainty.

[111] MVBER Article 1(1)(g). 40% of stakeholders which replied to that question considered that the definition had done "little" or "very little" to increase legal certainty.

[112] MVBER Article 1(1)h). 47% of stakeholders which replied to that question considered that the definition had done "little" or "very little" to increase legal certainty.

[113] SGL recital 66. 65% of stakeholders which replied to that question considered that the definition had done "little" or "very little" to increase legal certainty.

[114] SGL recital 68. 64% of stakeholders which replied to that question considered that the definition had done "little" or "very little" to increase legal certainty.

[115] MVBER Article 5(a); SGL recital 22. 63% of stakeholders which replied to that question considered that the provisions had done "little" or "very little" to increase legal certainty.

[116] MVBER Article 5(b); SGL recital 23. 64% of stakeholders which replied to that question considered that the definition had done "little" or "very little" to increase legal certainty.

[117] SGL recitals 63-67. 68% of stakeholders which replied to that question considered that the definition had done "little" or "very little" to increase legal certainty.

[118] SGL recital 69. 63% of stakeholders which replied to that question considered that the definition had done "little" or "very little" to increase legal certainty.

[119] SGL 62-62b. 73% of stakeholders which replied to that question considered that the definition had done "little" or "very little" to increase legal certainty.

networks and (v) the distinction between accessories and spare parts as other specific areas where they considered there was a lack of legal certainty.

Similarly, a minority of **NCAs** were of the view that further clarifications and guidance on certain rules would be welcomed. These pointed to the need to reflect recent market developments, new business models and technological progress. A few NCAs highlighted the need for clearer definitions, notably as regards warranties (including a clearer distinction between statutory warranties, extended warranties and warranty extensions), where some NCAs ([120]) also indicated their view that the current definition had done "little" to increase legal certainty. With regard to the question of what could be added to the definition of "technical information", a few NCAs made suggestions, which related in particular to including vehicle-generated data in the list.

The above concerns by public consultation respondents regarding legal certainty were raised mainly by **operators on the independent aftermarket** ([121]), especially regarding technical information and vehicle-generated data, even though the most recent MVBER review introduced amendments to the SGL in these areas. In particular, recital 67(a) of the SGL on vehicle-generated data refers to the principles developed for access to technical information. This implies that, insofar as such data is essential for repair and maintenance, the non-discrimination principle applies (i.e. if the data is made available to the authorised repair network, it should also be made available to independent operators on a non-discriminatory basis). Certain concerns may also be driven by broader market and technological shifts that heighten stakeholders' focus on definitions such as technical information and vehicle-generated data.

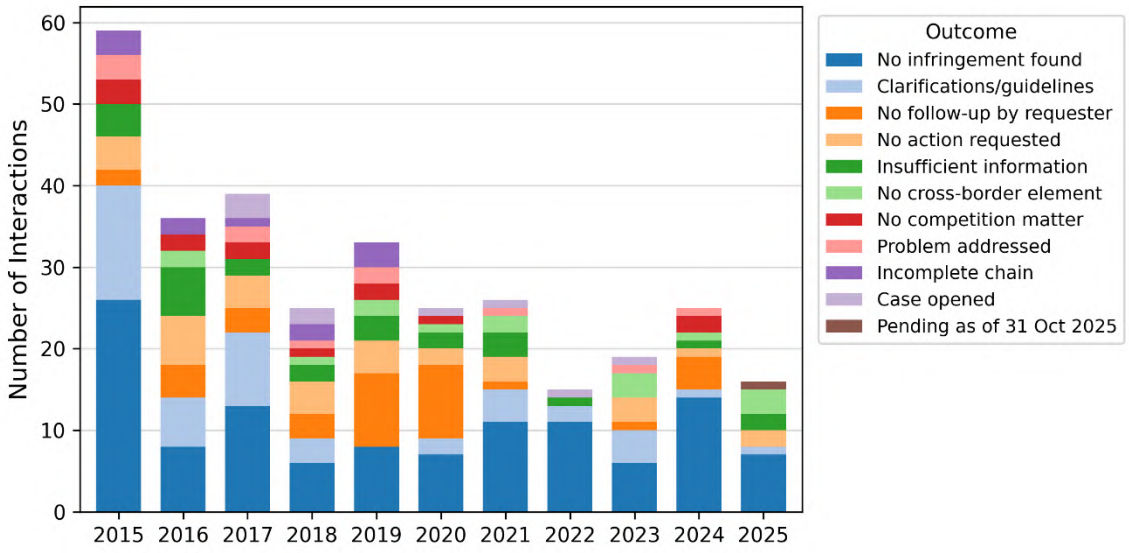
However, the **Commission's monitoring and enforcement experience** does not reflect doubts about legal certainty; rather it tends to support the view that the MVBER regime has provided a high degree of legal certainty. In the years under evaluation, the Commission received very few informal questions as to how the rules should be interpreted ([122]), reflecting a steady decline in requests for clarifications concerning the MVBER and the SGL over the past ten years, as illustrated in light blue below. Moreover, none of the formal complaints that it has received and subsequently rejected concerning vertical agreements in this sector hinged on a misunderstanding of the substantive rules.

[120] 28% of NCAs.

[121] See Annex V.

[122] Twelve in the timeframe between 2021-2025.

Figure 7: Outcomes of market information interactions with the European Commission's Directorate-General for Competition ("DG COMP") by year



Source: European Commission – DG COMP.
Notes: Classification of 305 market information interactions under the horizontal task code HT.564 – Motor vehicles. Messages from a single submitter are only counted as new submissions if the subject matter is materially different and at least 90 days have elapsed since the last previous correspondence.

4.1.1.2. Reducing over-exemption and under-exemption (second specific objective)

Block exemptions should prevent false positives (over-exemption) and minimise the incidence of false negatives (under-exemption). As explained above, block exemption regulations create safe harbours for categories of agreements that can generally be assumed to meet the conditions of Article 101(3) of the Treaty, namely that they: (i) contribute to improving the production or distribution of goods or to promoting technical or economic progress; (ii) allow consumers a fair share of the resulting benefit; (iii) do not impose restrictions which are not indispensable to the attainment of these objectives; and (iv) do not afford the parties the possibility of eliminating competition in respect of a substantial part of the products in question, thereby relieving the parties from the need to carry out an individual assessment of their agreement under Article 101 of the Treaty. It should be noted that if an agreement does not meet the conditions of the block exemption, an individual assessment is needed. The presence of a hardcore restriction (under the VBER or the MVBER) serves as a strong indicator of potential harm to competition. Such agreements are therefore likely to restrict competition within the meaning of Article 101(1) of the Treaty and unlikely to generate efficiencies or consumer benefits such as would allow an exemption pursuant to Article 101 (3) of the Treaty.

The provisions to consider when assessing this specific objective are those set out in Articles 4 and 5 MVBER and Articles 3 to 5 VBER. These include firstly the conditions to be met for an agreement to benefit from the exemption: namely, the market share threshold below which the exemption is granted ([123]) and the hardcore restrictions that remove the

[123] Article 3 VBER.

benefit of the block exemption for the whole agreement ([124]). Secondly, restrictions known as excluded restrictions, only remove the exemption for the specific clauses concerned, not for the entire agreement ([125]). The VGL and the SGL are relevant insofar as they provide additional guidance on the interpretation of the respective provisions of the VBER and the MVBER.

The findings

Overall, the findings suggest that the current framework remains largely robust and generally meets the objective of preventing false positives and avoiding false negatives. However, evolving business models in the automotive sector may have limited the extent to which the MVBER and the SGL reflect current market realities. In particular, while it appears that the market share threshold and the current lists of hardcore and excluded restrictions under Articles 4 and 5 VBER and Article 5 MVBER remain appropriate and well-founded, some potential false positives were identified, particularly regarding restrictions on access to essential inputs and new forms of vertical restrictions, such as extended warranties.

The market share threshold

Article 3 VBER provides that the block exemption shall only apply on condition that the market shares of the supplier and the buyer that are party to the agreement do not exceed the threshold of 30%. Both the majority of **respondents to the public consultation** ([126]) and all **NCAs** ([127]) generally believed the market share threshold to be appropriate for vertical agreements in the motor vehicle sector.

As for potential **false positives** (over-exemption), a few respondents to the public consultation ([128]) argued that the current threshold may be too high, alleging that very few players exceed 30% market shares. They argued that the 30% level had allowed players - especially large VMs - that the respondents considered to be dominant, to benefit from the MVBER and to continue to enjoy the market power conferred by their alleged dominance.

As for potential **false negatives** (under-exemption), some respondents to the public consultation considered the threshold to be too low ([129]). Some of them explained that, as the Commission defined repair services as brand-specific markets, the threshold prevented VMs with comparatively modest shares on the primary market from benefiting from the block exemption on the aftermarkets, where they would likely exceed the 30% exemption threshold.

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[124] Article 4 VBER and Article 5 MVBER.

[125] Article 5 VBER.

[126] 65% of stakeholders which replied to this question. Mainly independent parts dealers.

[127] One NCA explained that, in their jurisdiction, a distinction was made between brand-specific and non-brand-specific markets. While car sales are considered non-brand-specific, spare parts and repair services are treated as brand-specific, resulting in significantly higher market shares in the latter.

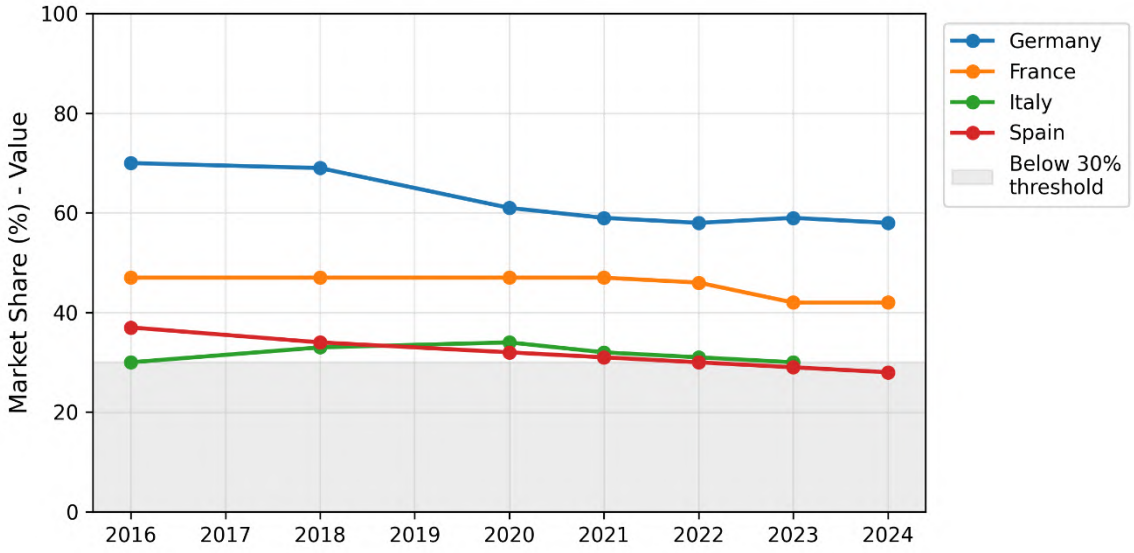
[128] 16% of stakeholders which replied to this question. Mainly independent repairers.

[129] 19% of stakeholders which replied to this question. Mainly VMs.

ICDP data suggest that authorised repair networks commonly have a share that is above 30% in brand-specific repair and maintenance markets (see Figure 8 below). In this context, stakeholder concerns regarding a potential "over-exemption" appear to be based on a misunderstanding. Some respondents assumed the threshold applies to VMs' market shares on the primary market for new vehicles. While few VMs exceed 30% in the primary markets, they commonly exceed 30% in their respective brand-specific aftermarkets, which are the ones relevant for the assessment of agreements relating to the supply of spare parts and repair services. It should be noted, however, that Figure 8 reports the overall revenue shares of authorised repair networks for all brands, whereas the market shares of the authorised networks of individual brands are likely to vary substantially around the overall values shown for each country.

The analysis would ideally be based on brand-specific revenue data for repair and maintenance activities carried out by both authorised and independent repairers. However, such data are not available, particularly for multi-brand independent repairers and disaggregated by brand. Market shares cannot be reliably approximated by counting authorised and independent repair outlets, since independent outlets operate on a multi-brand basis and there are likely to be substantial systematic differences (i) in size between independent and authorised repairers, and (ii) across brands in the share of repairs carried out by independent repairers.

Figure 8: Revenue share by value of authorised repair networks in repair and maintenance of passenger cars



Source: ICDP.
Notes: Shares estimated by ICDP based on survey responses from repairers and vehicle owners, job card information, vehicle age distributions, estimates of the costs of various repair and maintenance operations. Note that these estimates are cross-brand and cross-regional. Values for individual brands are likely to lie substantially above or below the respective country's overall share, and there is likely to be considerable regional and local variation.

As to the **Commission's monitoring and enforcement experience**, the 30% market share threshold has proven to be a level below which it can be presumed with sufficient certainty that agreements will satisfy the conditions of Article 101(3) of the Treaty. To date, the

Commission has not identified categories of agreements that do not benefit from the block exemption due to high market shares, but which are unproblematic in terms of their effect on competition; the identification of such a category would have been an indication that the threshold was set too low. Nor has it seen cases that have led it to consider withdrawing the exemption from any agreement or category of agreements in the motor vehicle sector. This indicates that the 30% exemption threshold is not set too high. When assessing the effectiveness of the threshold, the Commission has not only considered the level at which it is set, but also whether the agreements it covers continue to satisfy each of the cumulative conditions of Article 101(3), including the generation of efficiency gains, the pass-through of benefits to consumers, and the indispensability of any restrictions involved.

The hardcore and excluded restrictions

Article 4 VBER and Article 5 MVBER provide a list of hardcore restrictions, while Article 5 VBER provides a list of excluded restrictions.

As to the hardcore restrictions, a significant number of **respondents to the public consultation** ([130]) and a few **NCAs** ([131]) reported that they had encountered restrictions that should be qualified as hardcore but were not identified as such in the VBER or the MVBER (potential **false positives**). The most commonly mentioned of these concerned the prevention of access to essential inputs such as spare parts, technical information, vehicle-generated data, training, tools, and diagnostic equipment ([132]).

However, almost none of the respondents to the public consultation and none of the NCA respondents believed that any of the restrictions currently listed in Article 4 VBER and Article 5 MVBER should be removed from these lists. This suggests that the current lists of hardcore restrictions do not pose a risk of **false negatives**.

As to the excluded restrictions, some respondents to the public consultation ([133]) indicated having encountered types of vertical restrictions that are currently covered by the VBER and the MVBER which should be considered excluded restrictions of competition (false positives), namely restrictions like extended service agreements, loyalty schemes and extended warranties of up to 10 years. As to false negatives, 97% of stakeholders who responded to this question did not perceive any such risk. **NCAs** did not identify any false positives or false negatives with regard to the excluded restrictions.

Bearing the cumulative conditions of Article 101(3) in mind, the **Commission's monitoring and enforcement experience** in the motor vehicle sector has not, to date, led it to identify a clear need for additional hardcore or excluded restrictions. However, in light of a number of reported difficulties faced by independent repairers in accessing inputs for repair and maintenance – such as repair and maintenance information, vehicle-generated

[130] 69% of respondents who replied to this question. Mainly independent parts dealers.

[131] 30% of NCAs who replied to this question.

[132] As to the public consultation, this feedback came mainly from the independent aftermarket – specifically from independent parts dealers and repairers.

[133] 57% of stakeholders who replied to this question. Mainly independent parts dealers.

data, spare parts and diagnostic tools – it cannot be excluded that certain scenarios may warrant closer scrutiny going forward.

4.1.1.3. Protecting certain forms of competition in the motor vehicle sector (third specific objective)

The MVBER and the SGL have a third specific objective: protecting certain forms of competition in the motor vehicle sector. Overall, the evidence suggests that the MVBER and SGL have contributed to effective competition in the areas they address. This conclusion is supported by the feedback from both stakeholders and NCAs. Although market data is in line with these findings, the Commission has been cautious when attributing observed changes in metrics, such as the market share of independent operators, to the MVBER framework, since sector-specific antitrust law treatment is only one factor among many that have an influence on these metrics, and we could not credibly disentangle the effects of the MVBER and the SGL from that of the other elements, many of which would normally be expected to have a strong influence on competition ([134]). Keeping this caveat in mind, the following section summarises the evaluation of whether the MVBER and SGL have had a protective effect on the five forms of competition identified ([135]).

4.1.1.3.1. Preventing foreclosure of competing vehicle manufacturers and safeguarding their access to the market

In certain circumstances, restrictions in distribution agreements – especially the widespread use of single-branding clauses in motor vehicle distribution agreements entered into between suppliers and distributors – might make it unduly difficult for competing VMs to access the vehicle distribution and/or repair market ([136]). When examining inter-brand competition between VMs, competition from firms entering the market and/or expanding their market presence is of special interest ([137]). At the same time, where inter-brand competition is strong, consumers can readily compare offers across brands – both online and by visiting multiple dealers – thereby mitigating potential foreclosure effects and

[134] Among these factors are: vehicle fleet age and composition, income levels and price sensitivity, vehicle technology mix and electrification, warranty and leasing structures, the declining density of authorised networks, recent changes in design protection laws that allow for more use of low-cost "matching quality" parts, and the relations between insurers and the repair networks, in particular as regards body repairs.

[135] For the evaluation of whether MVBER and SGL have achieved their objectives relating to the aftermarket, this report focuses on passenger cars and light commercial vehicles. This is because purchasers of heavy trucks and buses are usually sophisticated professional operators that take into account the total cost of ownership, including servicing and parts, at the time of purchase. As a result, competitive constraints in the primary market are more likely to discipline outcomes in the aftermarket, negating the need for a separate, detailed assessment of aftermarket dynamics in all but a few cases. In other words, in the heavy-duty vehicle segments, the link between the primary market and the aftermarket is typically stronger than in the passenger car sector.

[136] The block exemption covers single-branding agreements where the supplier has a market share not exceeding 30% and on condition that the duration of single branding obligations does not exceed five years. See Article 3 of the MVBER read in conjunction with Article 5(1)(a) of the VBER and paragraphs 26 et seq. of the SGL.

[137] See point 2.1. of the 2009 Communication and paragraph 26 of the SGL (guidance on when single branding obligations are likely to infringe Article 101 of the Treaty).

contributing to better prices and/or services for consumers ([138]). Market shares on the primary market, and their fluctuations over time due to mergers and structural changes, can indicate whether incumbent manufacturers hold sufficient market power to foreclose retail and repair networks through e.g. single-branding clauses.

The findings

Overall, it appears that the objective of preventing foreclosure of competing VMs and safeguarding their access to the market has been either fully or partially achieved and that competition in this market is healthy.

Most **respondents to the public consultation** and **NCAs** ([139]) were of the view that this objective had been fully achieved ([140]), which is in line with the view expressed by both public consultation respondents and NCAs that, overall, competition between VMs had either stayed the same or intensified since 2021 ([141]). Only a few respondents believed that this objective had not or only partially been achieved, and these gave little explanation of their view. Respondents ([142]) also highlighted the growing presence of new entrants – particularly Tesla, Chinese manufacturers such as BYD, Geely and SAIC, as well as General Motors through its China-based joint ventures – in the European market, notably within the EV segment.

Data from **Wolk & Nikolic** show that concentration in the EU passenger car and light commercial vehicle manufacturing market increased noticeably in 2021 (from an HHI of 1 326 in 2020 to an HHI of 1 557 in 2021 ([143]), see Figure 9) following the merger between PSA and FCA, which created Stellantis. Since then, concentration has declined and stabilised, with the passenger car market remaining slightly more concentrated than before 2021 (HHI of 1 394), while commercial vehicles stayed moderately concentrated around 1 500. The truck sector has traditionally been more concentrated, with the truck sector HHI at 1 546 in 2024, similar to the level in the car market in 2021 following the FCA and PSA merger ([144]).

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[138] See point 2.1. of the 2009 Communication.

[139] 83% of NCAs that responded to this question said the objective had been fully achieved (this percentage excludes "Do not know" answers).

[140] 70% of respondents which replied to this question said it had been fully achieved (mainly independent parts dealers). 12.8% said it was partially achieved, another 12.8% it had not been achieved. 4.3% did not know an answer.

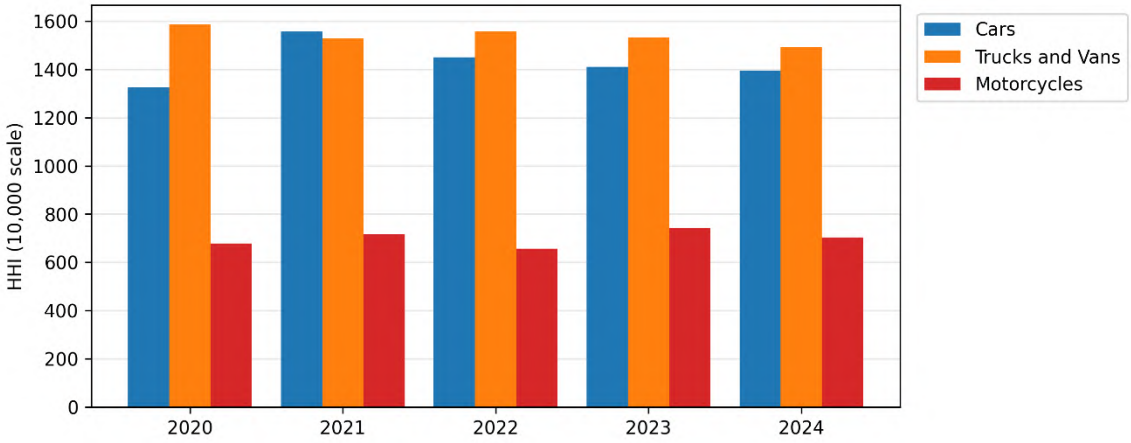
[141] See Section **Intensity of competition as perceived by stakeholders and NCAs**3.2.5. The vast majority of public consultation respondents stated competition had intensified; the majority of these also being independent parts dealers.

[142] See Annex V.

[143] Threshold values for HHI are somewhat arbitrary. Different authors have viewed markets as moderately concentrated if the HHI exceeds – variously – 1 000 or 1 500, and as highly concentrated if the HHI exceeds1 800, 2 000, or 2 500 (see Corfe, Gicheva 2017; 2010 US Horizontal Merger Guidelines; 2023 US Horizontal Merger Guidelines). The Horizontal Merger Guidelines (OJ C 2004/C 31/03, 5.2.2004, pp. 5–18) state that the Commission is unlikely to identify horizontal competition concerns in a merger with a post-merger HHI between 1000 and 2000, provided the change in HHI due to the merger does not exceed 150.

[144] Based on truck registrations in EU + NO + IS in the first half of 2024.

Figure 9: Market concentration (HHI) by year for new cars, trucks, and motorcycles



Source: Wolk & Nikolic.
Notes: Herfindahl-Hirschman Indexes computed on EU market shares based on sales of new personal cars, trucks, and of motorcycles as per registrations data for all EU 27 countries.

Figure 9 also shows concentration measures collected for the (imperfect) counterfactual proxy: the **motorcycle market**, to which only the VBER and VGL apply. These could be said to illustrate how the motor vehicle market might have evolved in the absence of the MVBER and SGL and show that the motorcycle market was less concentrated than the motor vehicle market.

However, this can likely be mainly explained by differences in cost structures, regulatory obligations, and economies of scale. Producing cars requires very high fixed investments in R&D, production facilities, and distribution networks ([145]), as well as compliance with regulatory requirements. These include safety standards such as crashworthiness tests, airbags, electronic stability control, and pedestrian protection; environmental and emissions rules such as CO_2 and NOx limits, fuel efficiency targets, and EV regulations; type approval and homologation procedures requiring extensive testing; and consumer protection obligations including mandatory recalls and onboard diagnostics ([146]). These high regulatory and capital requirements create significant barriers to entry, favouring a small number of large, global manufacturers and leading to a more concentrated market ([147]). In contrast, motorcycle production is generally less complex and less capital-intensive, with lighter regulatory burdens – particularly for small and mid-sized motorcycles – and more segmented regional demand, which allows a greater number of smaller and specialised manufacturers to compete ([148]).

In line with the views of respondents and the data collected, the **Commission's monitoring and enforcement experience** also indicates that this specific policy objective has been

[145] See Why Is the Automobile Industry Considered an Oligopoly? A Business Perspective - Our Business Ladder.

[146] See Automotive industry - Internal Market, Industry, Entrepreneurship and SMEs.

[147] See Why Is the Automobile Industry Considered an Oligopoly? A Business Perspective - Our Business Ladder.

[148] See Section 2.2

largely achieved. Over the period covered by this evaluation there were no indications (either through submissions received by the Commission or noted market developments) that VMs have found it particularly difficult to access the EU motor vehicle markets, either by entering, or by expanding their presence. It does not appear that any attempts by VMs operating in other parts of the world to enter or expand in the EU markets have been stymied by the existence of mono-brand sales networks.

4.1.1.3.2. Protection of cross-border trade

Cross-border trade enables consumers to shop within the Single Market and take advantage of price differences between Member States. The MVBER regime aims to ensure that motor vehicle distribution agreements do not restrict such parallel trade ([149]).

The findings

Overall, the analysis shows that parallel imports of new vehicles in the EU constitute a niche segment, accounting for only a very small share of total new car sales in 2023. Although statistical data are limited, the evidence suggests that parallel imports continued to give consumers the opportunity to shop across borders and benefit from price differences within the Single Market. Findings from the public consultation and NCAs indicate that distribution agreements generally did not impede cross-border commerce.

Respondents to the public consultation ([150]) as well as **NCAs** ([151]) were mainly of the view that the objective of preventing restrictions of parallel trade in motor vehicles has been fully or partially achieved. VMs were the most prominent among the respondents seeing the objective as having been fully achieved.

Data on parallel trade is scarce. Neither import-export statistics nor registrations data allow distinctions between vehicles imported by private persons and those imported through the VMs' distribution networks ([152]). However, **Wolk & Nikolic** assessed the volume of EU new vehicle parallel imports in 2023 using a bottom-up methodology. This involved a detailed mapping of market participants across eight EU countries ([153]), analysis of available company-level financial information and interviews with stakeholders. Based on these sources, Wolk & Nikolic estimate that in 2023 between 13 000 and 32 000 vehicles were parallel imported into these eight countries. This represents less than half of one percent of total registrations (between 0.19% and 0.46%).

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[149] See point 2.2. of the 2009 Communication and paragraphs 48 et seq. of the SGL (guidance on parallel trade restrictions).

[150] 35% of respondents to this question said the objective had been fully achieved (mainly VMs), 10% said it had been partially achieved, 12% said it had not been achieved. 44% indicated they did not know.

[151] 66% of NCAs that responded to this question said the objective had been fully achieved, 17% partially achieved and 17% not achieved (these percentages exclude "Do not know" answers).

[152] Both ICDP and Wolk & Nikolic examined the availability of data on this topic. ICDP could not offer any data. Wolk & Nikolic found what is reported in the following.

[153] Germany, Netherlands, Sweden, Italy, Spain, Poland, France, Romania.

To assess the extent of price advantages available to consumers when buying re-imported passenger cars, Wolk & Nikolic obtained a sample of 2 165 cars on offer via a German online platform along with local list prices for equivalent vehicles and estimates for dealer discount levels by model. The estimated average price advantage for these vehicles was 12.7%. According to Wolk & Nikolic, consumers' principal reasons for buying through local sales outlets despite such price advantages are the limited availability of specific configurations, lower trust in foreign distribution channels, concerns regarding warranty coverage and aftersales support, administrative and logistical burdens, and concerns regarding resale value.

The **Commission's monitoring and enforcement experience** indicates that the objective of preventing obstacles to parallel trade and enabling consumers to purchase vehicles in other Member States has in part been met. The Commission has had substantial volumes of correspondence since 2021 (accounting for 12% of submissions on the motor vehicle sector), but none warranted the opening of a case, and it has not allowed it to detect any substantial obstructions on the part of suppliers.

4.1.1.3.3. Enabling independent repairers to compete with the manufacturers' networks of authorised repairers

Independent repairers, which are mostly SMEs, depend on unrestricted access to essential inputs such as spare parts, technical information and vehicle-generated data to compete effectively with authorised repair networks (see Figure 2). It is necessary to safeguard this access, as well as to prevent the exclusion of independent repairers through other indirect measures, such as the misuse of warranties by VMs and/or their authorised repairers ([154]). Ensuring effective competition from independent repairers is also key from a consumer perspective, as it preserves the ability of independent repairers to offer consumers comparable services, at often lower prices, and leads to more choice for consumers ([155]).

The findings

The evidence indicates that independent repairers continued to face challenges in accessing spare parts, and despite the changes made in 2023 to the SGL, the same thing applies to technical information and vehicle-generated data. As outlined in Section 3.2.2, technological changes – such as the transition towards electric and connected vehicles – also place pressure on their activities, affecting repair costs, service quality, and operational independence ([156]). However, this evidence was assessed alongside other market data, including the continued strong presence of independent repairers, to evaluate their overall competitive position. The collected data shows that the independent aftermarket has remained resilient, supported by an ageing vehicle parc; a greater proportion of older

[154] See point 2.3. of the 2009 Communication, Article 5 (a) of the MVBER and paragraphs 42 et seq. and 62 et seq. of the SGL (guidance on when vertical agreements between vehicle manufacturers and their authorised repair networks are likely to infringe Article 101 of the Treaty – in particular, if they discriminate against independent repairers).

[155] Paragraph 29 of the 2009 Communication.

[156] See JRC Study, Section 3.2.1.

vehicles tend to be repaired by independent repairers, often using alternative brands of spare parts.

Most **respondents to the public consultation** considered this objective partially achieved ([157]). VMs and the authorised network were most prominent among the respondents seeing the objective as fully achieved ([158]), while those considering the objective as not achieved often represented independent repairers or parts suppliers ([159]). This aligns with the findings discussed in Section 3.2.5., where predominantly stakeholders from the independent aftermarket reported a weakening of competition in repair and maintenance services.

Respondents who felt that the objective had not been achieved or fully achieved pointed to concerns like (i) restrictions on access to spare parts, including parts that were allegedly *de facto* only available from the VM (captivity); (ii) barriers to access to vehicle-generated data and technical information, such as manufacturers withholding essential vehicle data, limited and costly access to diagnostic and repair data, and a lack of transparency regarding what data was available to independent operators and at what cost. Additionally, secure gateways ([160]) and other technical barriers allegedly restricted access beyond what is necessary for cybersecurity purposes. VMs were also said to leverage their privileged access to vehicle-generated data to benefit their own networks, placing independent repairers at a disadvantage; (iii) misuse of warranties, where VMs allegedly steered consumers toward authorised repair networks; and (iv) bonus and rebate schemes, which respondents claimed made it difficult for repairers to seek alternative sources of spare parts.

NCAs mostly considered the objective achieved or partially achieved ([161]) but reported continued complaints from independent market participants about limited access to vehicle-generated data and technical information. It was also reported that authorised repairers continued to dominate the aftersales market during the warranty period, mainly due to limited consumer awareness of their rights, beliefs that warranties will be voided if repair or maintenance was carried out outside authorised networks, and the bundling of after-sales services with vehicle sales and financing.

The **data collected by the Commission** partly supports the feedback received from stakeholders and NCAs.

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[157] 19% of respondents to this question said the objective had been fully achieved, 60% said it had been partially achieved, 19% said it had not been achieved and 3% indicated that they did not know.

[158] Three stakeholders representing the authorised network and eight VMs out of 13 total replies.

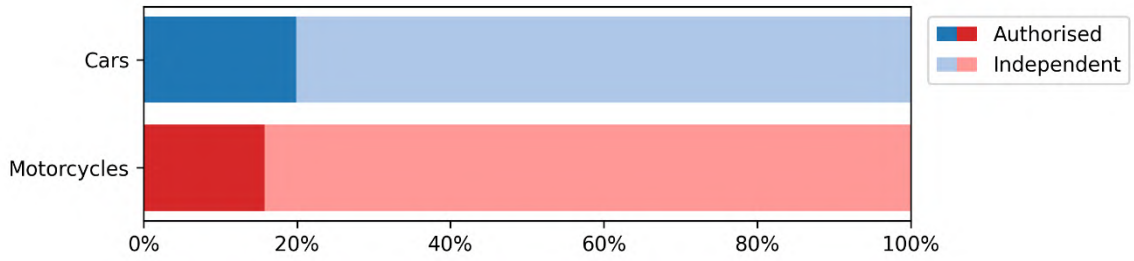
[159] Six stakeholders representing independent repairers out of 12 total replies.

[160] A secure gateway in EU cars is a digital security component acting as a firewall between a vehicle's internal network and the OBD port, preventing unauthorized access. As of 2024, it is widely implemented to comply with UN Regulation 155/156 on cybersecurity. It requires authentication, such as digital certificates, for diagnostics and flashing.

[161] 43% of NCAs that responded to this question said the objective had been fully achieved, 43% partially achieved and 14% not achieved (these percentages exclude "Do not know" answers). Regarding the question of how competition has generally evolved, the majority of NCAs did not observe significant changes in its intensity (see Section 3.2.5.)

As presented in Sections 3.2.2. and 3.2.3, independent repairers account for around 80% of all workshops in the EU's motor vehicle market and service most vehicles – particularly those over four years old. In the counterfactual proxy, the motorcycle market where the MVBER and the SGL could not have had an effect on competition, the distribution of authorised and independent repair outlets appears broadly similar.

Figure 10: Share of repair and maintenance outlets by authorised/independent status in eight EU Member States - 2024



Source: Wolk & Nikolic, Google maps.
Notes: The eight EU Member States are: Germany, France, Italy, Poland, Spain, Romania, Netherlands, and Sweden. Shares for motorcycles are based on manual inspection of a random sample of 500 outlets drawn from the full set (supplied by Wolk & Nikolic) of outlets listed on Google maps in these countries.

However, as explained above, the motorcycle sector differs from the passenger car sector in terms of scale, structure, usage patterns, and customer behaviour, and similarities in outlet numbers do not necessarily reflect comparable revenue shares or competitive conditions. In addition, the motorcycle sector is highly heterogeneous across sub-segments and suffers from more limited data availability. Outlet numbers alone are also of limited significance in the motor vehicle market: In terms of revenues, authorised repair networks account for roughly half of the market despite representing a smaller share of total outlets, reflecting higher average prices and advantages in newer vehicle segments, data access, and warranty-related work.

With regard to access to vehicle-generated data, the **JRC Study** and **ICDP data** support the view that such access has affected the ability of independent repair and service providers to deliver timely, high-quality, and cost-efficient services ([162]). Evidence from the **Verian survey** indicates systematic asymmetries regarding access to vehicle-generated data: While 93% of authorised workshops and 87% of authorised dealers reported they had both read and write access to vehicle-generated data, only 48% of independent repairers did, and just 5% of respondents said that full access is granted to all repairers. Moreover, 67% of VMs reported that they apply differentiated access policies for independent operators, particularly for advanced diagnostics and software updates ([163]). The capacity to provide preferential access to vehicle-generated data relies in part on proprietary data formats: out of all the firms in the survey, 38% said they use proprietary formats developed by OEMs, and 39% use mixed formats, depending on the data type. Standard industry

[162] See already Section 3.2.2., JRC Study, Section 4.1. and ICDP Report of 8 July 2025, IAM Update.

[163] Analytical Report Verian Survey, Section 2.2; JRC Study, Section 4.1.

formats (e.g. ODX, JSON) are the norm for only 16% of the respondents. Reflecting these challenges, nearly half ot the **Verian survey** respondents pointed to longer repair times and higher cost, and the JRC study additionally identified reduced repair quality, and, in some cases, even the inability to perform certain repairs.

The Commission cross-checked these findings against additional market evidence and found that **ICDP market reports from 2025** corroborate these challenges ([164]).

At the same time, market data (in particular from **ICDP** ([165])) shows that structural trends such as declining authorised network density, an ageing vehicle parc, the continued activity of former authorised repairers as independents, and cost-of-living pressures influencing consumer behaviour have supported the role and stability of independent repairers in the motor vehicle market and, as shown in Figure 5, the revenue share of independent repairers has even increased over the past years. In this context, the electrification of the vehicle parc has reinforced an existing division of labour: due to technical and investment requirements, repair and maintenance of newer ICE vehicles and EVs are largely handled by authorised networks, while independent repairers focus on older vehicles, maintaining consumer choice and competitive pressure.Whether independent repairers benefit from new entrants on the upstream market for the sales of new cars ([166]) depends on how the new entrants organise their repair network. When these new players establish repair networks, this may offer independent operators new opportunities to become authorised repairers, but it will not necessarily increase their business opportunities as independent operators. On the contrary, a diversification of the upstream market could pose additional challenges for independent repairers, whose business model is fundamentally multi-brand. Tooling costs and technological investments may increase as the number of brands rises. The fact that the newcomers often concentrate on electric vehicles is likely to increase these difficulties. Most of the Chinese manufacturers only entered the European market in 2021 or 2022, and for this reason independent repairers will not have been called upon to service many of their products (the vast majority will still be within the warranty period).

The **Commission's monitoring and enforcement experience** indicates that despite the changes made to the SGL in the 2023 revision, in particular regarding vehicle-generated data, independent repairers still face difficulties in accessing the inputs they need to repair vehicles. While some of these difficulties may be linked to these repairers' (often multi-brand) business models, and to the major investments needed to repair increasingly technologically advanced vehicles, it cannot be excluded that some of the difficulties may be due to restrictions relating to access to key inputs such as technical information and vehicle-generated data.

Although only one submission ultimately warranted further action by the Commission, restrictions on access to technical information, vehicle-generated data, spare parts and diagnostic tools have consistently been among the most frequently reported market issues

[164] ICDP Report of 8 July 2025, IAM Update.

[165] See Sections 3.2.2.2 and 3.2.3.

[166] See the data on new entrants (S&P Connect and ICDP) described in Section 3.2.1.

in submissions received since 2021 ([167]). Independent operators have alleged for instance that registration and authorisation procedures for secure gateways are needlessly complex or that downtime on the servers running secure gateways hampers their ability to perform repairs. Alleged limitations related to the abuse of warranties by VMs were reported to a lesser degree ([168]). Overall, these observed issues suggest that, while progress has been made under the 2023 SGL revision, barriers to full and effective access for independent repairers remain. This is also reflected in preliminary rulings addressing restrictions on access to vehicle-generated data; although issued under the Type Approval Regulation, they suggest that access barriers continue to exist ([169]).

4.1.1.3.4. Preventing foreclosure of spare parts suppliers

There are often large differences in price between parts sold or resold by a VM and alternative parts ([170]). The availability of alternative parts brings considerable benefits to consumers, in terms of both choice and price. Cars on European roads have an average age of 12.3 years ([171]), underlining the importance for consumers of a competitive spare parts market. The Commission therefore considers it necessary to protect access by spare parts manufacturers to motor vehicle aftermarkets, thereby ensuring that competing brands of spare parts continue to be available to both independent and authorised repairers, as well as to parts wholesalers ([172]).

The findings

Overall, the evidence suggests that the objective of preventing foreclosure of spare parts suppliers has been either fully or partially achieved.

Most respondents to the **public consultation** considered the objective to have been partially ([173]) or fully achieved ([174]), with only a small minority concluding that it had not

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[167] 23% of submissions related to these issues.

[168] 8% of submissions.

[169] See Judgment of the Court of 5 October 2023, *A.T.U. Auto-Teile-Unger GmbH & Co. KG and Carglass GmbH v FCA Italy SpA*, C-296/22, EU:C:2023:743, where the Court held that VMs cannot impose conditions on OBD access beyond those in the Type Approval Regulation, and UN Regulation 155 is without prejudice to EU data access law; and Judgment of the Court of 9 November 2023, *Gesamtverband Autoteile-Handel e.V. v Scania* CV AB, C-319/22, EU:C:2023:837,), where the Court held that databases must be fully searchable by VIN and additional features such as wheelbase, engine power, and trim level.

[170] See for instance European Auto Parts Buying Guide 2025: Smart Shopping for BMW, Mercedes, Porsche & More | European Wholesale Parts Blog.

[171] Wolk & Nikolic show that the average age of cars in Europe has increased from 11.4 years (2018) to 12.3 years (2022). The aging of the European car parc is confirmed by BCG, At the Crossroads – The European Aftermarket in 2035, p. 7.

[172] See point 2.5. of the 2009 Communication, Article 5 (a) – (b) of the MVBER, paragraphs 42 et seq. and 62 et seq. of the SGL (guidance on when vertical agreements between vehicle manufacturers and their authorised repair networks are likely to infringe Article 101 of the Treaty – in particular, if they discriminate against independent spare parts operators).

[173] 59% of respondents replying to this question. Mainly independent parts dealers.

[174] 24% of respondents replying to this question. Mainly VMs.

been achieved (175). VMs were most prominent among the respondents seeing the objective as fully achieved, while those considering the objective as partially achieved often represented independent parts dealers. In this context, independent parts dealers were also the main respondents noting competition in the distribution of motor vehicle spare parts had weakened, largely due to technological advancements and digitalisation[176]. By contrast, most **NCAs** considered it to have been fully achieved (177).

Respondents considering that the objective had been either partially achieved or not achieved at all referred to (i) restrictions imposed by VMs on access to spare parts, particularly those involving software coding or technical operations; (ii) increased complexity and cost for aftermarket suppliers caused by digitalisation, which created dependency on VMs for software updates and coding; (iii) commercial practices by VMs such as bonuses, rebates, or audits tied to the use of VM-branded parts and service packages, which allegedly discouraged authorised repairers from sourcing from independent parts suppliers; (iv) a lack of transparency and limited availability of spare parts for the aftermarket, and that when certain parts were in short supply, that supply was reserved for authorised dealers; and (v) tooling arrangements (178) as a further source of restriction, whereby VMs indirectly limit suppliers' ability to supply spare parts to the independent aftermarket through ownership structures, fee conditions, or technical constraints.

The **JRC Study** confirms that digitalisation and electrification have created new challenges and a potential risk of foreclosure in the supply of alternatives to the VMs' brands of spare parts (179). Modern parts replacement increasingly relies on diagnostic and usage data as well as parts coding systems, which gives VMs a structural advantage over suppliers of spare parts (in particular independents). Even when spare parts are physically available, independent operators may struggle to diagnose faults, predict component wear, reset systems after part replacement, or provide advanced or remote services without equal access to data. Data from the JRC study and the Verian survey (180) confirms that limited or read-only access to vehicle-generated data, diagnostics, software, and security codes –

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175 15% of respondents replying to this question. 2% indicated that they do not know the answer to this question.

176 See Section 3.2.5.

177 80% considered it fully achieved and 20% partially achieved (these percentages exclude "Do not know" replies). The majority of NCAs did also not observe significant changes in the intensity of competition, see Section 3.2.5.

178 Tooling arrangements refer to contractual and technical frameworks governing the ownership and use of production tools (often developed by tools suppliers but transferred to VMs), which may restrict aftermarket suppliers from producing spare parts for the independent aftermarket. Under the 1978 Subcontracting Notice (OJ C 1, 3.1.1979, pp. 2–3), subcontracting arrangements fall outside Article 101(1) of the Treaty where the contractor provides a necessary tool, shares a significant part in the product development costs or contributes necessary intellectual property rights, or know-how. As reflected in the SGL (para. 23), this safe harbour does not apply where such inputs are not "necessary" (e.g. where the supplier already possesses or can reasonably obtain them) or where the supplier is required to transfer ownership of the tool, intellectual property rights or know-how to the vehicle manufacturer.

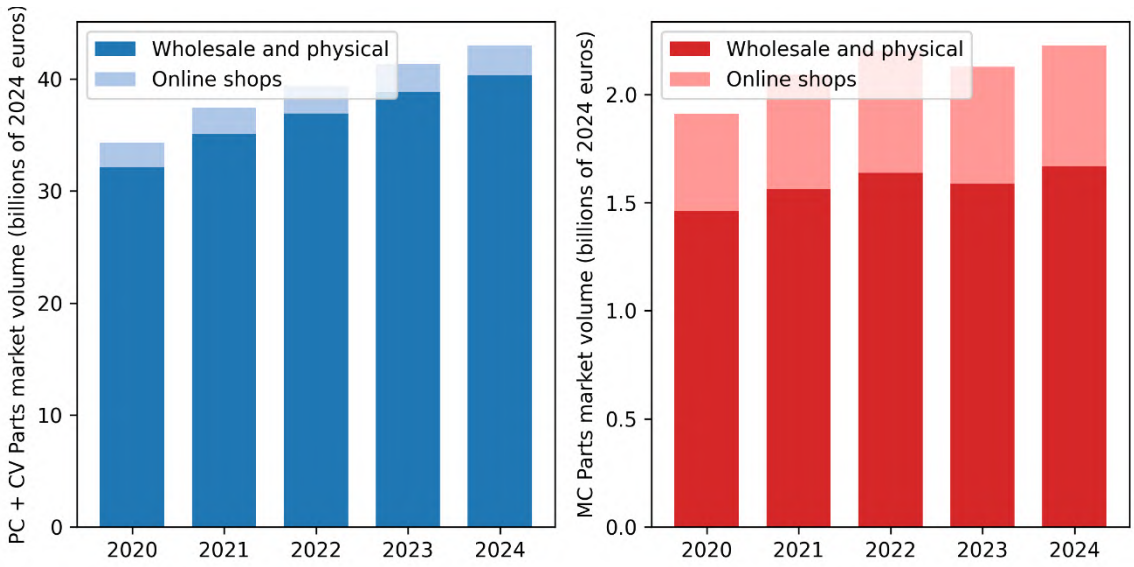
179 See JRC Study, Section 5.2.1., See also CLEPA Position Paper: *Access to in vehicle data*.

180 See Section 3.2.2 above.

particularly for electronic or safety-critical components – prevented independent repairers from performing certain repairs efficiently, increased operational costs, and reinforced dependence on VMs for updates and technical tools.

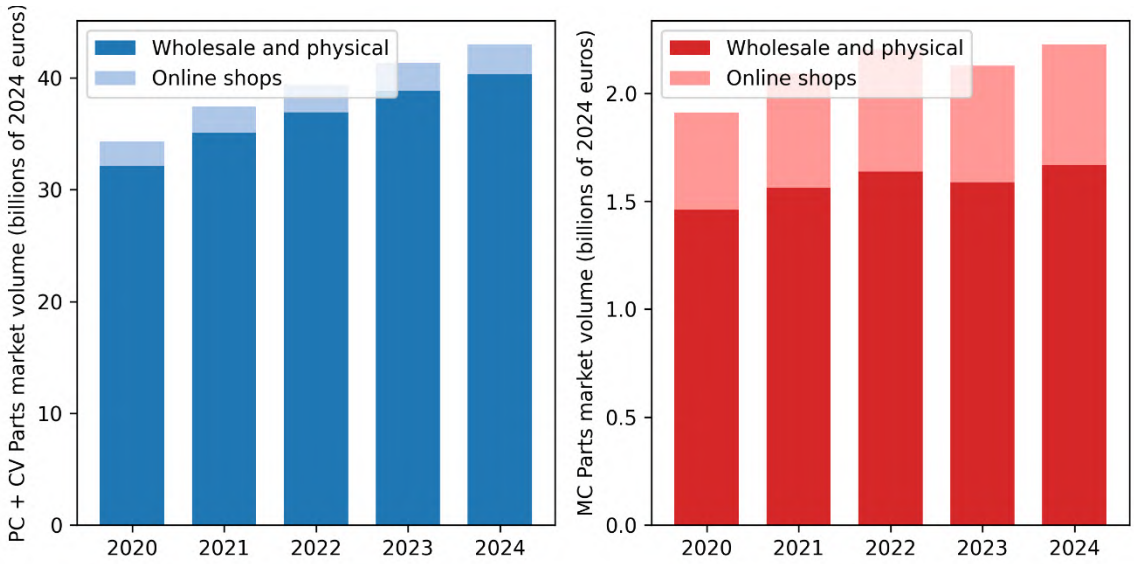
The results of the JRC study have been compared with other market data. **Wolk & Nikolic data** show no decline in independent parts distribution in the motor vehicle aftermarket (passenger cars and commercial vehicles) over the period 2020–2024 (Figure 11). On the contrary, revenue in independent parts distribution continued to grow in real terms and exceeds that of authorised parts distribution (estimated at EUR 31.5 billion) in value ([181]). This suggests that, at an aggregate market level, the objective of preventing foreclosure of independent spare parts suppliers has been at least partially achieved. Despite increasing vehicle complexity, digitalisation, and concerns about VM gatekeeping, independent parts distribution channels have not been displaced.

Figure 11: Independent parts distribution for passenger cars and commercial vehicles (left) and for motorcycles (right) in eight EU Member States – inflation adjusted



sub-ob

[181] Wolk & Nikolic Report. The figure is for 2024 and for the same eight-MS territory as the data shown in Figure 11.



Source: Wolk & Nikolic, Eurostat, UN World Development Indicators.
Notes: The eight EU Member States are: Germany, France, Italy, Poland, Spain, Romania, Netherlands, and Sweden. Inflation adjusted using GDP-weighted GDP deflator based on the five euro area countries.

The same data also shows the development of independent parts distribution in the motorcycle aftermarket between 2020 and 2024. Overall, growth in motorcycle parts distribution has been more limited than in the passenger car and commercial vehicle segments, with a higher share of online distribution indicating that direct purchases by consumers are more common in the motorcycle market. Any effect on parts distribution due to vehicle electrification may not yet be visible. As shown in Figure 4, only 2.2% of vehicles on EU roads were battery-electric in 2024.

The **Commission's monitoring and enforcement experience** indicates that the objective of preventing foreclosure of spare parts suppliers has been at least partially achieved. Issues brought to the Commission on an informal basis since 2021 most frequently concerned restrictions on access to spare parts and/or diagnostic tools, thereby confirming the findings from the public consultation and the JRC study. However, the overall number of such submissions remained stable and limited ([182]), and none of these reports led to the identification of actual infringements affecting spare parts suppliers that would have resulted in the Commission adopting a decision.

4.1.1.3.5. Protecting intra-brand competition

(a) between dealers of the same brand

The vast majority of new motor vehicles are distributed through the VM's authorised networks. By exempting vertical agreements providing for quantitative selective distribution or exclusive distribution so long as the market share threshold of 30% is not exceeded and no hardcore restrictions are included, the MVBER regime allows suppliers that do not have significant market power to limit the numbers of firms authorised to distribute their products.

[182] Five submissions were received in 2021, three in 2022, three in 2023, and four in 2024.

Another specific policy sub-objective of the MVBER regime is to protect competition between dealers of the same brand ([183]). Such intra-brand competition can contribute to better retail conditions for consumers, including price competition and service quality ([184]). At the same time, a reduction of intra-brand competition (i.e. competition between dealers of the same brand) is by itself less likely to lead to negative effects for consumers if – as shown in Section 4.1.1.3.1. – inter-brand competition (i.e. competition between dealers of different brand) is healthy ([185]).

The findings

Overall, the evidence suggests that the objective of protecting price competition between dealers of the same brand has largely been achieved. While certain developments, such as network consolidation and the partial rollout of agency models, may have reduced the intensity of intra-brand competition in specific cases, these developments have not altered the overall structure of distribution markets. Authorised dealers continued to operate predominantly as independent resellers capable of competing on price, and VMs have not, at a market-wide level, significantly diminished intra-brand price competition.

Respondents to the public consultation were generally of the view that the objective of protecting competition between dealers of the same brand had been fully or partially achieved ([186]). VMs were most prominent among the respondents seeing the objective as having been fully achieved, while those considering the objective as partially achieved often represented independent parts dealers. This division is also reflected in the responses on changes in competition since 2021, with stakeholders roughly split between those seeing it as having intensified and those seeing it as having weakened ([187]). Most **NCAs** considered the objective of protecting competition between dealers of the same brand as having been fully achieved ([188]).

As to the contributors that saw the objective as not having been achieved or having been only partially achieved, both NCAs and respondents to the public consultation pointed to trends such as the consolidation in authorised dealer networks and a reduction of the number of authorised dealerships, partly driven by the willingness of some large VMs to rely more on the agency model, and the growing share of VM-owned outlets. Respondents to the public consultation also mentioned refusals by VMs to authorise qualified dealers.

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[183] See point 2.2. of the 2009 Communication and paragraphs 42 et seq. of the SGL (guidance on when selective distribution agreements are likely to infringe Article 101 of the Treaty).

[184] See point 2.2. of the 2009 Communication.

[185] See paragraph 21 of the VGL.

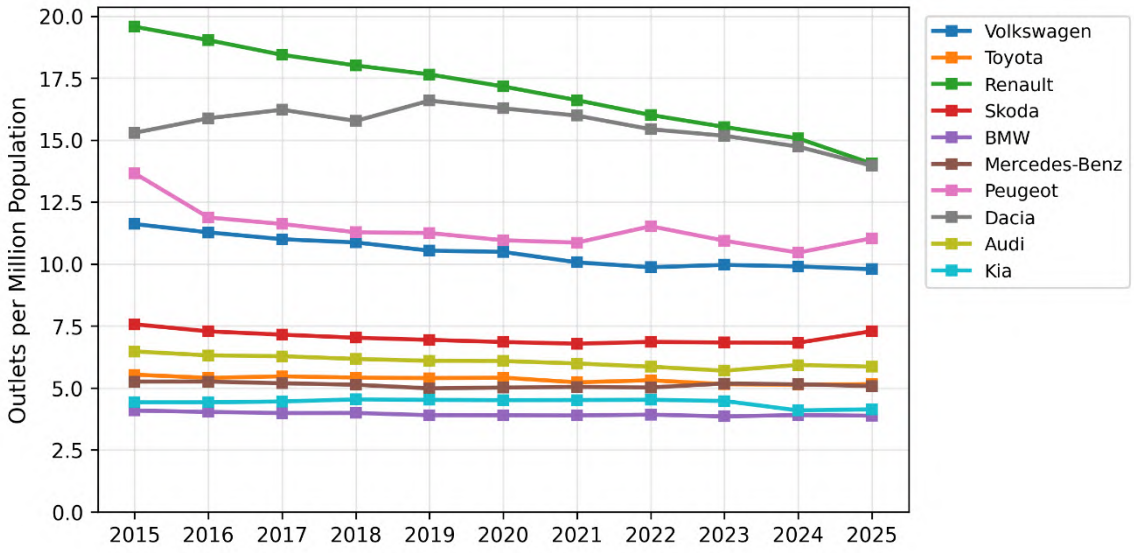
[186] 26% of respondents replying to the question said the objective had been achieved (mainly VMs), while 56% said it had been partially achieved (mainly independent parts dealers) and 6% that it had not been achieved. 12%the indicated they did not know.

[187] See Section 3.2.5.

[188] 57% considered the objective achieved, 29% partially achieved and 14% not achieved (these percentages exclude "Do not know" replies). The replies from NCAs on the perceived intensity of competition aligns with this; NCAs mostly did not see a change in the intensity of competition. See Section 3.2.5.

ICDP Data confirms the observation that VMs were rationalising their networks during the period under evaluation (.[189]). Figure 12 provides greater granularity on this process, showing a broad and sustained decline in the number of authorised sales outlets per million population across the EU's top ten brands between 2007 and 2025. While the magnitude and timing of network contraction vary by brand, the overall pattern is one of consolidation, with particularly pronounced reductions among higher-density networks such as Renault, Volkswagen and Peugeot. By contrast, premium brands (BMW, Audi, Mercedes-Benz) exhibit lower outlet densities throughout the period and more gradual adjustments over time.

Figure 12: Authorised sales outlets by brand per million population in the EU

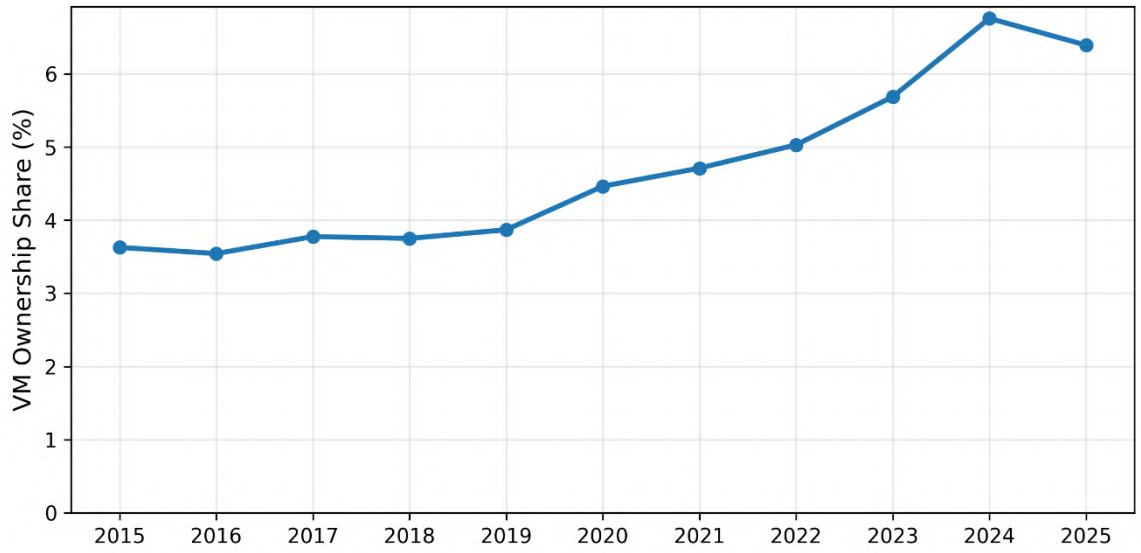


Sources: ICDP, UN World Population Prospects.
Notes: The ten brands shown are those with the greatest combined sales in the EU over the 2015-2025 period.

As regards VM-owned outlets, **ICDP data** show a sustained increase over recent years; however, this trend reversed between 2024 and 2025, marking the first decline in seven years (see Figure 13). The long-term increase is largely attributable to Tesla, which owns all its sales outlets in the EU.

[189] See Section 3.2.4.

Figure 13: VM ownership share of sales outlets in the EU



Source: ICDP's ECDH 2025.
Notes: A disaggregation of the various brand's contributions to the change between 2015 and 2025 shows that 83% of the increase is attributable to Tesla, which directly owns all its sales outlets in the EU.

As noted above in Section 3.2.4, the JRC Study shows that selective distribution remains the dominant model in the automotive sector, while agency, mixed, and direct sales models play only a limited role. Despite the growth of online channels, where the local knowledge advantage of dealers should be less important ([190]), direct online sales remain marginal, with the vast majority of vehicle sales in Europe still concluded through authorised dealers, reflecting cautious manufacturer strategies and persistent consumer preferences.

The **Commission's monitoring and enforcement experience** is in line with the above data as it indicates that the objective of protecting competition between dealers of the same brand has at least partially been met. Since the last MVBER evaluation, only 3% of informal submissions received since 2021 concerned alleged restrictions on access to authorised dealers' or repairers' networks for new motor vehicles, and the sole formal complaint was ultimately rejected. Finally, the Commission has not run any cases involving barriers to intra-brand competition, such as resale price maintenance.

(b) between authorised repairers of the same brand

Effective competition on the market for repair and maintenance services not only depends on the competitive interaction between independent and authorised repairers but also on the degree of such interaction within the network of authorised repairers. This is all the more true for owners of new vehicles, who tend to have them serviced in authorised garages ([191]). Given their greater reliance on authorised networks, for these consumers such competition is crucial to ensure adequate choice, competitive pricing, and high-quality service. Given the generally strong market position of authorised repair networks, their particular importance for owners of newer vehicles, and consumers' limited willingness to

[190] See footnote 80.

[191] See JRC Study, Section 4.2.2.

travel long distances for repair services, the conditions of access to authorised repair networks play a key role in effective competition. The SGL therefore explain that submitting applicants to quantitative selection is likely to cause the agreement to fall within Article 101(1) of the Treaty ([192]). Since many authorised repair agreements might not benefit from block exemption, due to the market shares of the parties, limits on the number of authorised repairers would need individual self-assessment under Article 101(3) of the Treaty.

The findings

Overall, the objective of protecting competition between repairers of the same brand appears to have been achieved. However, evidence suggests that VMs' tighter control over authorised repair networks, restrictions on the sale or transfer of dealerships, and increasing vertical integration may have limited repairers' autonomy. Data indicate that the number of authorised outlets has declined in recent years, while VMs' growing presence in the distribution of spare parts, repair services, and digital platforms have further concentrated market power.

The vast majority of respondents to **the public consultation** indicated that the objective had been fully or partially achieved ([193]). VMs were most prominent among the respondents seeing the objective as fully achieved, while those considering the objective as partially achieved often represented independent parts dealers. Some of the respondents who considered that this objective had either not been achieved or had only partially been achieved referred to (i) increased control by VMs, who allegedly limit the number of authorised repairers and often refuse to authorise new entrants; (ii) VMs obstructing the sale or transfer of existing dealerships; and (iii) VM-driven vertical integration giving VM-owned outlets better access to inputs when compared to their authorised peers.

All **NCAs** were of the view that the MVBER had either fully or partially achieved the objective of protecting competition between repairers of the same brand ([194]).

ICDP data confirms that the number of authorised repair outlets has continued to decrease in recent years (see also Figure 14 below) ([195]). This trend reflects deliberate network rationalisation strategies pursued by VMs, which have reduced the number of authorised dealers, as well as rising costs associated with compliance with franchise standards, notably in relation to corporate identity, equipment and training, as well as investments linked to vehicle electrification ([196]). Recent analyses by ICDP also indicate

[192] See paragraph 70 of the SGL.

[193] 31% of respondents to this question considered in fully achieved (mainly VMs), 55% partially achieved (mainly independent parts dealers), and only 4% not achieved. The rest indicated they did not know the answer to this question.

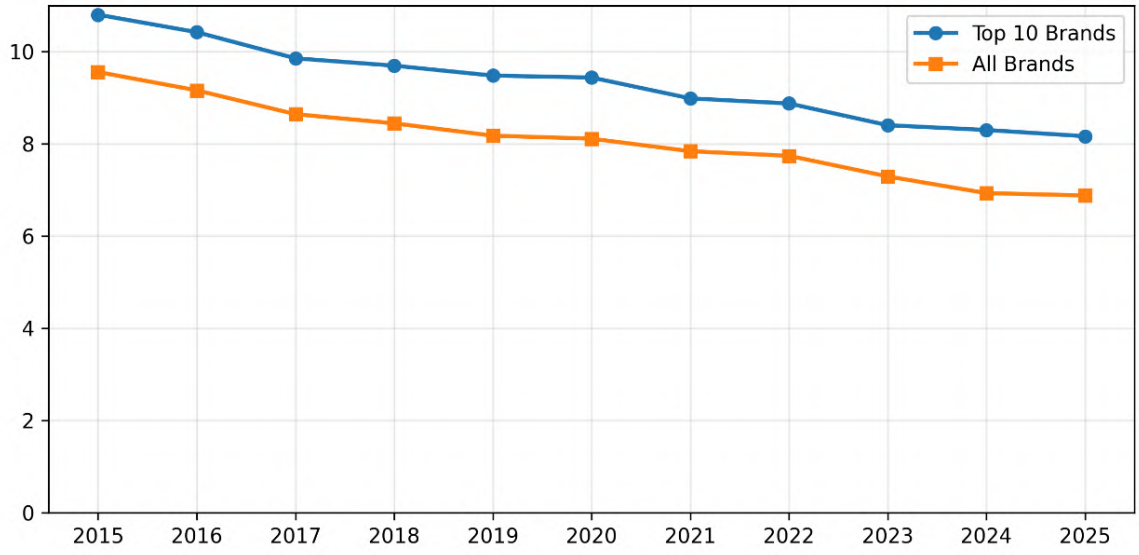
[194] 66% said it had been fully, 33% said it had been partially achieved (percentages exclude "Do not know" replies).

[195] Figures from the ECDH. See also CLEPA & Roland Berger 2022 Study: The Electrification of Light Vehicles – Boon or bane for the European aftermarket?, page 14.

[196] ICDP Report of 17 and 18 Octobre 2023, *How can OEM-franchised networks move on from their reliance on service-to-sales cross-subsidy?*.

that authorised dealers were facing structurally declining aftersales profitability combined with rising fixed costs, which reinforced VM incentives to concentrate repair volumes within smaller, more tightly controlled networks ([197]). In that context, restrictions on network access and the use of quantitative selection criteria were liable to have a greater impact on competition within authorised repair networks.

Figure 14: Average number of authorised repair and maintenance outlets per brand and per million population in the EU



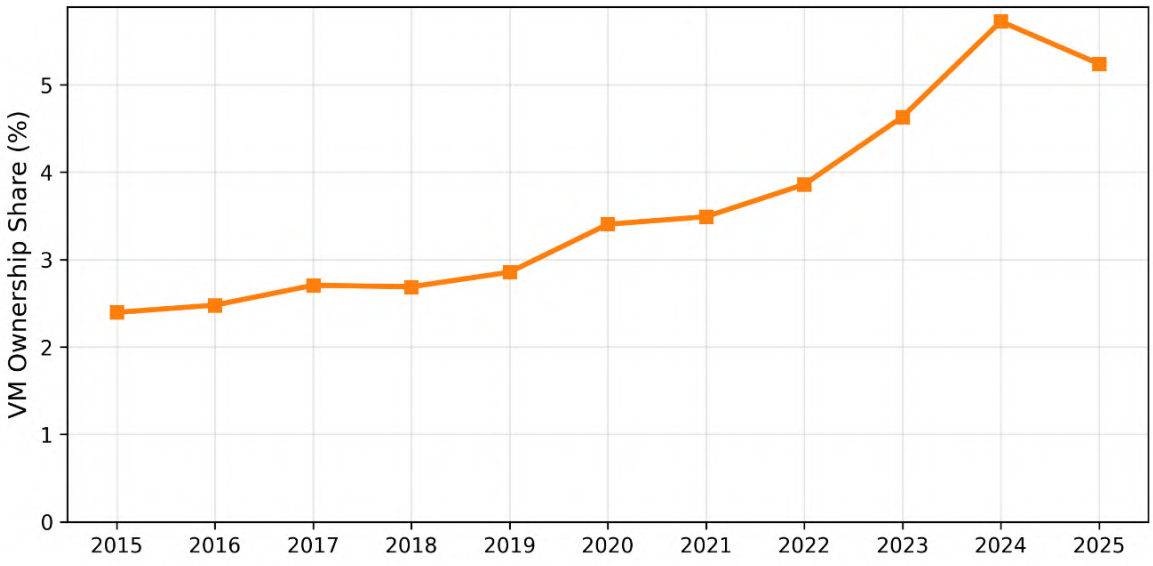
Sources: ICDP, UN World Population Prospects.
Notes: The number of authorized outlets was computed for each brand and then averaged using each brand's registrations of new vehicles in the EU as weights. Top 10 brands are those with the greatest combined sales in the EU over the 2015-2025 period.

Data from the **JRC Study** is in line with the ICDP data and shows that VMs increased their presence in automotive aftermarkets through ownership of spare parts suppliers, repair networks and digital platforms, such as Stellantis' ownership of Eurorepar and Renault's expansion of Motrio and acquisition of Fixter ([198]). This growing VM presence in downstream repair and maintenance activities, including in the servicing of BEVs, competes with the services of authorised repairers. As regards VM-owned outlets, **ICDP data** reflects a sustained increase over recent years (Figure 15).

[197] ICDP Report of 17 and 18 October 2023, *How can OEM-franchised networks move on from their reliance on service-to-sales cross-subsidy?*.

[198] See JRC Study, Section 4.2.1.

Figure 15: VM ownership share of repair and maintenance outlets in authorised networks



Source: ICDP's ECDH.
Notes: A disaggregation of the various brand's contributions to the change between 2015 and 2025 shows that 81% of the increase is attributable to Tesla, which directly owns all its service outlets in the EU.

Lastly, the **Commission's monitoring and enforcement experience** also indicates that the objective of protecting competition between repairers of the same brand has at least been partially met. Informal submissions alleging restrictions on access to authorised dealers or repairers' networks, which affected repair and maintenance services, accounted for only 1% of all submissions received since 2021. Therefore, the evidence available does not indicate any generalised or widespread practices on the part of suppliers to refuse network entry to candidate repairers that met quality criteria.

4.1.2. Efficiency

The criterion of efficiency looks at whether the MVBER, together with the SGL, has been efficient in achieving its objectives, considering the costs and benefits associated with applying it. In accordance with the current framework, businesses should self-assess the compliance of their vertical agreements in the motor vehicle sector with Article 101 of the Treaty, which necessarily entails costs for businesses. The MVBER and the SGL aim to simplify and facilitate this self-assessment.

In this context, it is important to note that the MVBER and the SGL **do not impose any additional obligations on businesses** beyond those imposed by Article 101 of the Treaty. In assessing whether the MVBER and the SGL have been efficient in achieving their objectives, several elements were considered: (i) the types and amount of costs incurred by businesses when assessing whether their vertical agreements in the motor vehicle sector are covered by the block exemption; (ii) whether such costs are proportionate to the benefits provided by the MVBER and the SGL; and (iii) whether, absent the MVBER and the SGL, the costs of assessing the compliance of vertical agreements in the motor vehicle sector with Article 101 of the Treaty would have been higher.

The findings

Overall, the evidence gathered in the evaluation suggests that the MVBER and the SGL have been efficient. No stakeholders mentioned that these rules created inefficiencies. On the contrary, respondents reported that the MVBER and the SGL brought benefits, particularly through increased legal certainty, while reducing compliance costs. However, despite these consistent views, the data collected is not sufficient to allow these costs to be quantified and to confirm a reduction in cost due to the MVBER and the SGL.

Most **respondents to the public consultation** ([199]) considered that costs associated with the MVBER and the SGL were small compared to the benefits. Some respondents mentioned for example that the legal certainty resulting from the application of the MVBER can reduce the number of costly legal disputes between the parties to an agreement ([200]). Moreover, the vast majority of respondents, across all stakeholder groups ([201]), considered that costs stemming from the assessment of the compliance of vertical agreements in the motor vehicle sector with Article 101 of the Treaty **would have been higher** without the MVBER and the SGL.

As to the type of costs incurred when assessing whether their vertical agreements in the motor vehicle sector are covered by the block exemption, a number of respondents provided a qualitative estimate and described the nature of the costs they incur. Most respondents referred to costs for external counsel and internal lawyers, followed by costs for internal administration ([202]). However, most respondents indicated that they were unable to provide any quantitative estimates ([203]). This was because it was not possible for them to identify the relevant costs among the total compliance and legal costs they incur. A few respondents did provide cost estimates ([204]), some specifying monetary amounts, others using internal staffing levels. However, the limited nature of this input does not enable any reliable conclusions to be drawn on average levels of compliance assessment costs. This is in part because such costs are incurred by a wide range of actors, from small independent repairers to large parts distributors, VMs, and associations, of which the very

[199] Among respondents who provided a definite answer, 63% considered the costs to be small relative to the benefits. Mainly spare parts manufacturers.

[200] Among the respondents who considered that the costs associated with the MVBER regime to be small compared to the benefits, 41% held this view.

[201] Among respondents who provided a definite answer, 97% were of this view.

[202] Among the 65 respondents who answered this question, 79% mentioned costs related to external counsel and internal lawyers, while 43% cited costs associated with internal administration. These categories are not mutually exclusive, as the vast majority of respondents referred to several types of costs in their responses.

[203] Only 21% of respondents who replied to this question provided actual figures.

[204] On the lower end, an independent repairer reported EUR 5 000 annually, while an association for the authorised and independent aftermarket indicated EUR 10 000 in addition to the involvement of one full-time employee. A third respondent (independent parts dealer) estimated annual costs of around EUR 40 000. At the higher end of the range, two other associations for the authorised and independent aftermarket reported two full-time employees plus EUR 10 000. Another association estimated costs in terms of personnel only, citing two full-time equivalents, but without providing a monetary value. These numbers provide an insufficient basis to estimate the total or average costs facing the tens of thousands of repairers or the many dealers, parts distributors, importers and VMs in the EU.

few responses received are a selected sample; e.g. the sole repairer to respond to the question reports having had a legal dispute, but such disputes are rare. Combining the cost estimates received with those received during a 2021 public consultation in the context of the last review of the MVBER, along with assumptions about the numbers of actors to which these costs can be applied, results in an estimated total annual compliance assessment cost of between 86 million and 375 million euros ([205]).

Asked about their enforcement costs, a slight majority of **NCAs** considered that the MVBER had no impact ([206]). Although the rules provide NCAs with a structured framework for their enforcement activities, some NCAs highlighted that conducting such an assessment remained difficult due to, *inter alia,* the limited case law and the complex and technical nature of the specific cases in the automotive industry. However, other NCAs reported a reduction of enforcement costs and assessed their costs of using the MVBER and the SGL as reasonable and proportionate to the benefits obtained ([207]).

4.1.3. Coherence

When assessing the coherence of the MVBER and the SGL, the VBER and the VGL, as well as the other rules and guidance on the application of Article 101 of the Treaty and other EU legislation with relevance for vertical agreements in the motor vehicle sector must be considered. For example, the Article 81(3) Guidelines ([208]) provide additional guidance on the application of the four conditions of Article 101(3) of the Treaty and therefore apply for the purposes of carrying out individual assessments under Article 101 of the Treaty of vertical agreements in the motor vehicle sector. Similarly, the Notice on the definition of the relevant market ([209]) and the Horizontal Block Exemption Regulations ([210]) and related Guidelines ([211]) are also relevant. In addition, it is necessary to assess whether other EU

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[205] High and low scenario figures were computed by (i) adjusting the 2021 cost data for inflation up to 2025; (ii) converting FTEs into cost by assuming 120000 in cost per FTE; (iii) averaging costs across actors of a type and assigning the sole figure from independent repairers also to authorised repairers; (iv) obtaining estimates for the populations of each type of actor in the EU (independent repairers, authorised repairers, associations, parts dealers, insurers, parts suppliers, VMs); (v) correcting for likely selection in reporting by assuming a share of each type that does not face compliance costs in a given year; (vi) summing up resulting costs across actor types.

[206] 57% of NCAs

[207] 43% of NCAs

[208] Communication from the Commission, Notice - Guidelines on the application of Article 81(3) of the Treaty, OJ C 101, 27.4.2004, pp. 97–118.

[209] Commission Notice on the definition of the relevant market for the purposes of Union competition law ("Market Definition Notice"), OJ C, C/2024/1645, 22.2.2024, ELI: http://data.europa.eu/eli/C/2024/1645/oj.

[210] Commission Regulation No 1217/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the functioning of the European Union to categories of research and development agreements, OJ L 335, 18.12.2010, pp. 36-42 ELI: http://data.europa.eu/eli/reg/2010/1217/oj, and Commission Regulation No 1218/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty to categories of specialisation agreements, OJ L 335, 18.12.2010, pp. 43–47, ELI: http://data.europa.eu/eli/reg/2010/1218/oj.

[211] Communication from the Commission, Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements ("Horizontal Guidelines"), OJ C 259, 21.7.2023, pp.1–125.

legislation with relevance for vertical agreements in the motor vehicle sector is coherent with the MVBER and the SGL. In this regard, it is important to consider the Type Approval Regulation as well as legislation on access to vehicle-generated data, such as the Data Act.

The findings

The evidence gathered indicates that the different instruments of the MVBER regime are generally coherent both within and between themselves. The MVBER regime seems to be also coherent both with other Commission rules and guidance on the application of Article 101 of the Treaty, as well as with other EU legislation with relevance for vertical supply and distribution agreements. Nevertheless, **respondents to the public consultation** identified a few areas where they perceive a lack of consistency. Moreover, respondents and NCAs called on the Commission to ensure consistency with any potential upcoming legislative initiative particularly in the area of access to vehicle-generated data.

The majority of respondents indicated that there were no inconsistencies or contradictions within ([212]) or between ([213]) the different instruments that compose the MVBER regime. Similarly, most respondents indicated that the MVBER regime is coherent with other Commission instruments that lay down rules or provide guidance on the application / interpretation of Article 101 of the Treaty ([214]), and with existing or upcoming Commission instruments in the area of competition policy and enforcement ([215]). No respondent cited any specific examples of inconsistencies in any of these categories. In line with this, the vast majority of **NCAs** considered the instruments of the MVBER regime to be coherent both in themselves and with other instruments that provide guidance on the interpretation of Article 101 of the Treaty ([216]).

A majority of respondents ([217]) indicated, however, that the MVBER regime was not coherent with other existing or upcoming EU rules or policies ([218]). As regards perceived inconsistencies between the MVBER regime and other existing Commission instruments in competition policy and enforcement, some respondents ([219]) mentioned potential misalignments with instruments complementary to competition law such as the Digital

[212] 58% of respondents who replied to this question considered that there were no inconsistencies. Mainly VMs and spare parts manufacturers.

[213] 55% of respondents who replied to this question considered that there were no inconsistencies.

[214] 74% of respondents who replied to this question considered that there were no inconsistencies.

[215] 64% of respondents who replied to this question considered that there were no inconsistencies.

[216] Only one NCA considered the instruments of the MVBER regime to be incoherent in themselves, without providing any examples thereof.

[217] 61% of respondents who replied to this question considered that there were inconsistencies. Mainly spare parts manufacturers and independent repairers.

[218] The issues raised by respondents who believed that there was a lack of coherence across frameworks are addressed per area in more detail in Annex V.

[219] 44% of the respondents who believed that there was a lack of coherence between the MVBER regime and other existing or upcoming Commission instruments in competition policy and enforcement held this view.

Markets Act ("DMA") ([220]) and the Digital Services Act ("DSA") ([221]) in relation to the increasing integration of software-based features in cars. However, VMs are not designated as gatekeepers within the meaning of the DMA nor as very large online platforms ("VLOPs") within the meaning of the DSA. Some respondents also perceived inconsistencies between the MVBER regime and other existing or upcoming EU rules or policies, notably with the provisions related to vehicle technical information set out in the Type Approval Regulation, including its Delegated Act ([222]). This regulation sets out conditions to be met before new motor vehicles are brought to market. Other respondents pointed to more recent policies like the Cyber Resilience Act ([223]) and the Data Act on the basis that the provisions of these frameworks may impact access to vehicle-generated data. They expressed concerns that these instruments might allow or reinforce VMs' control over vehicle-generated data, making it harder for independent operators to compete ([224]).

Regulatory developments post-dating the consultation period, such as the Guidance on vehicle data accompanying the Data Act (published in September 2025) and the Delegated Act amending Annex X of the Type Approval Regulation (adopted in March 2026) provide an updated regulatory framework that confirms the coherence of the MVBER regime.

In particular, Annex X to the Type Approval Regulation establishes the technical requirements for providing data and technical information to independent operators in the automotive sector as part of the type-approval process for new vehicles. The recent amendment extends the access obligation beyond the traditional OBD connector to encompass all channels through which vehicle data flows. It also codifies the relationship between cybersecurity requirements and data access rights, mandates non-proprietary reprogramming, and strengthens the position of data publishers and diagnostic tool manufacturers. Taken together, these changes amount to a comprehensive modernisation of the technical access framework.

The Cyber Resilience Act establishes horizontal cybersecurity requirements applicable for products with digital elements, including diagnostic tools. Annex X of the Type Approval Regulation refers to the Cyber Resilience Act and some other instruments with regard to "conditions that VMs may impose". However, the Cyber Resilience Act does not apply to

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[220] Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act).

[221] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC ("Digital Services Act"), OJ L 277, 27.10.2022 pp. 1–102, ELI: http://data.europa.eu/eli/reg/2022/2065/oj.

[222] Among the respondents who believed that there was a lack of coherence between the MVBER regime and other existing or upcoming EU rules, 44% held this view.

[223] Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) 2019/1020 and Directive (EU) 2020/1828 ("Cyber Resilience Act"), OJ L 2024/2847, 20.11.2024, ELI: http://data.europa.eu/eli/reg/2024/2847/oj.

[224] Among the respondents who believed that there was a lack of coherence between the MVBER regime and other existing or upcoming EU rules, 36% held this view.

vehicle cybersecurity requirements, which fall within the scope of the Type Approval Regulation.

The Data Act establishes a horizontal framework governing access to and use of data generated by connected products, including vehicles. While its third-party access model is user-mediated and limited to data rather than broader technical information, the Guidance on vehicle data demonstrates that the framework nevertheless covers a substantial vehicle data catalogue.

Against this background, the approach of the MVBER regime and that of these frameworks do not appear to be incompatible, but rather complementary.

The SGL are structured around a unified and broad concept of essential inputs for repair and maintenance, encompassing, *inter alia*, technical information and vehicle-generated data. Although, when interpreting their agreements in the light of the SGL, parties can draw inspiration from the categories of inputs referenced in other regulatory frameworks, such as product-generated data under the Data Act and its guidance on vehicle data, or RMI and OBD information under the Type Approval framework, the assessment logic differs, because the task of the MVBER regime is to provide a framework for parties in the sector to assess whether their vertical agreements are compatible with Article 101 of the Treaty. Unlike the Data Act or the Type Approval framework, the SGL follow competition law logic, and therefore do not provide that access must be given to all items that feature on a defined list ([225]), but instead aim to prevent foreclosure of independent operators stemming from a lack of access to items that, in a particular set of circumstances, are deemed essential for repair and maintenance activities ([226]).

In this vein, **NCAs** also emphasised the importance of coherence between the MVBER regime and any potential future EU rules on access to vehicle-generated data, to ensure competitive access to data for all actors involved.

The **Commission's monitoring and enforcement practice** seems to confirm the coherence of the MVBER regime. Since 2021, the Commission received no submissions highlighting perceived inconsistencies either within the MVBER regime itself or between the MVBER regime and other EU legislation.

4.2. How did the EU intervention make a difference and to whom?

When assessing whether, as an intervention at EU level, the MVBER, together with the SGL, provides **added value**, it should be noted that competition law is an area where the EU has exclusive competence. This means that the EU alone is allowed to legislate and adopt binding acts in this area, whereas the Member States are only allowed to legislate if empowered by the EU to implement those acts. Moreover, the Empowerment Regulation

[225] Or indeed that access need not be given when an item does not appear in such a list.

[226] They must therefore assess whether, in an individual case, *"withholding the item in question will have an appreciable impact on the ability of independent operators to carry out their tasks and exercise a competitive constraint on the market"* – paragraph (62a)(a) of the SGL.

of 1965 grants the power to adopt block exemption regulations for categories of vertical agreements only to the Commission, and not the Member States

The findings

Based on the evidence gathered, it appears that the MVBER, together with the SGL, provides EU added value. Overall, a large majority of both **respondents to the public consultation** ([227]) and **NCAs** consider that: (i) the MVBER regime has made it easier for NCAs and national courts to apply the rules consistently ([228]); and (ii) national guidance, enforcement practice of NCAs and relevant national case-law could not have been equally or more effective than the MVBER regime ([229]). Only very few respondents considered that the MVBER regime had not made it easier for NCAs and national courts to apply the rules consistently ([230]).

EU added value is especially clear for parallel trade, where the SGL provide guidance that safeguards the benefits of the Single Market for consumers.

4.3. Is the intervention still relevant?

The assessment of the **relevance** of the objectives of the MVBER and the SGL focuses on whether they have proven to be appropriate and whether they still correspond to current needs, taking into account market developments since their adoption. As mentioned above, the MVBER and the SGL pursue a general objective through three specific objectives ([231]). In order to assess the continuing relevance of these objectives, the following elements were examined (i) whether the material scope of the MVBER was still appropriate, i.e., whether it should continue to cover only self-propelled vehicles intended for use on public roads and having three or more road wheels, or whether it could be extended to cover other vehicles; and (ii) whether respondents still perceived these objectives as relevant today.

The findings

As for the **current scope** of the MVBER, a large majority of NCAs and respondents ([232]) to the public consultation, across all stakeholder groups, were of the view that this was still appropriate. One NCA and some respondents ([233]) considered the current definition to be too narrow. These respondents argued that the scope of the MVBER should be widened to also cover two- and three-wheeled vehicles (such as motorcycles, mopeds and

[227] Mainly independent parts dealers.

[228] Among respondents to the public consultation who provided a definite answer, 85% were of this view. As for NCAs, 87% shared this view. Responses of 'don't know' were excluded from this calculation.

[229] Among respondents to the public consultation who provided a definite answer, 92% were of this view. All NCAs shared this view. Responses of 'don't know' were excluded from this calculation.

[230] The issues raised by the two respondents who provided an explanation are addressed in Annex V.

[231] See Section 2.1.2.

[232] Among respondents who provided a definite answer, 77% considered the current scope of the MVBER to still be appropriate. Responses of 'don't know' were excluded from this calculation.

[233] Among respondents who provided a definite answer, 23% considered the current scope of the MVBER to be too narrow. Responses of 'don't know' were excluded from this calculation.

scooters) ([234]). On balance therefore, it appears that the **current scope of the MVBER is still appropriate**.

As for the **general and specific objectives** of the MVBER and the SGL, **respondents to the public consultation** generally agreed that these objectives remain relevant today and emphasised the continued need to provide an EU-wide framework to ensure legal certainty in the sector as to the application of Article 101 of the Treaty ([235]).

This is aligned with the **Commission's monitoring and enforcement experience**, which is that two of the three specific objectives of the MVBER and SGL – (i) providing legal certainty and (ii) reducing the risk of false positives and false negatives – remain relevant today. As regards the current relevance of the third specific objective (and its sub-objectives), the views of the NCAs and respondents to the public consultation, as well as the findings based on external data, and the Commission's monitoring and enforcement experience are presented below.

(1) *Preventing foreclosure of competing vehicle manufacturers and safeguarding their access to the market*

The protection of inter-brand competition is relevant in general as one of the core aims of competition policy. All **NCAs** and the vast majority of **respondents to the public consultation** ([236]) indicated that this sub-objective was **still relevant** in the motor vehicle sector.

(2) Protection of cross-border trade

NCAs and respondents to the **public consultation** were of the view that this sub-objective was still relevant. The **Commission's monitoring and enforcement experience** also points in the same direction. Submissions received by the Commission also frequently refer to cross-border sales ([237]) demonstrating that such issues remain pertinent to market participants. Moreover, the relevance of cross-border trade protection in the motor vehicle sector should not be assessed in isolation; the Commission has recently reaffirmed that the protection and promotion of the Single Market remain a core element of its policy strategy ([238]). For individual consumers to benefit from the Single Market, it is essential that they are able to purchase products and services across borders without encountering artificial barriers ([239]). Next to a home, the motor vehicle is the most expensive investment

[234] Among the respondents who believed that the current definition should be widened, 64% held this view. The vast majority of respondents raised several points concerning the scope of the current definition.

[235] Although no specific question addressing this issue was asked in the Public Consultation Questionnaire, the responses to the final question whether respondents had "any additional comments" were analysed. None of the respondents questioned the continued relevance of the objectives of the MVBER and the SGL; on the contrary, respondents emphasised the importance of the increase in legal certainty.

[236] Only one respondent indicated that this sub-objective was no longer relevant today.

[237] 12% of submissions received between 2021 and 2025, see Figure 7.

[238] Communication from the Commission, The Single Market: our European home market in an uncertain world. A strategy for making the Single market simple, seamless and strong, COM(2025) 500, 21.5.2025

[239] *Ibid*., p.16.

that the average consumer will make, and if cross-border purchases are hampered in this sector, the risk of consumer harm is therefore higher than average.

On balance therefore, it appears that **this sub-objective is still relevant.**

(3) Enabling independent repairers to compete with the manufacturers' networks of authorised repairers

NCAs and **respondents to the public consultation** were of the view that this sub-objective was still relevant, with many respondents pointing to the need to ensure that new technologies, such as those related to vehicle-generated data, are taken into account ([240]).

The **Commission's monitoring and enforcement experience** is that independent repairers exert vital competitive pressure on the authorised networks. Independent repairers' ability to compete depends on their access to key inputs such as spare parts, technical information, tools, training, and – increasingly – data. It is especially important to ensure, through the enforcement of Article 101 of the Treaty based on sector-specific guidance, that when essential, such inputs are not unjustifiably withheld, or that access to them is not restricted due to, for example, differentiated access policies, as highlighted by the Verian survey.

As outlined above, since the number of EVs on the road that are no longer protected by warranty is still low, few EV owners take them to independent workshops. Outside specialised areas such as car glass replacement, few such repairers yet faced the challenge that such vehicles could bring to their ability to compete. The same is true of highly connected and "software defined" vehicles. On balance, over the past few years, the advantage conferred on independent repair operators by the increasing pool of older vehicles has outweighed any possible difficulty brought by vehicles with high levels of integrated new technologies ([241]). This is unlikely to be so in the future, implying that the policy sub-objective is likely to become even more relevant.

On balance, therefore, it appears that **this sub-objective is still relevant.**

(4) Preventing foreclosure of spare parts suppliers

All **NCAs** and the vast majority of **respondents to the public consultation** ([242]) indicated that this sub-objective was still relevant, with some respondents indicating that independent repairers still seem to face issues in relation to spare parts sourcing.

In the **Commission's monitoring and enforcement experience**, competition from spare parts suppliers (both OES and independents) continues to be vitally important for independent repairers wishing to offer high-quality service at a reasonable cost to end consumers. Spare parts make up a major fraction of the cost of vehicle repair and maintenance and when alternative brands of parts are available, competition drives prices

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[240] See Annex V.

[241] See Section 3.2.2 and 4.1.1.3.3. **Enabling independent repairers to compete with the manufacturers' networks of authorised repairers**for further background, including the data sources that show these developments.

[242] Only one respondent indicated that this sub-objective was no longer relevant today.

down. Two kinds of rigidities seem to persist on the downstream market. First, authorised repairers continue to source the vast majority of their parts requirements from the VM, instead of directly from the manufacturer of those parts, or from matching quality suppliers. Second, the reliance on diagnostic and usage data, as well as parts coding systems ([243]), often reduces repairers' incentives to source non-original parts. In addition, at the upstream level, spare parts suppliers face constraints due to limited or restricted access to the processes and technical specifications required to ensure compatibility of the parts supplied to the independent aftermarket with the VM's infrastructure, which can further restrict effective competition on the downstream market. The Commission's experience therefore supports the line broadly advanced by NCAs and respondents to the public consultation.

On balance, therefore, it appears that **this sub-objective is still relevant.**

(5) Protecting intra-brand competition

(a) between dealers of the same brand

All **NCAs** and the vast majority of **respondents to the public consultation** ([244]) indicated that this sub-objective was still relevant.

Fostering intra-brand competition is particularly important where inter-brand competition is only moderate or weak. As shown in Section 4.1.1.3.5 (a), intra-brand competition has not decreased significantly since 2021. In line with the above, the **Commission's monitoring and enforcement experience** in this regard is that this sub- objective remains relevant. As regards passenger cars, the existence of dealer groups that may hold a portfolio of brands in a particular local area ([245]), thereby potentially reducing inter-brand competition in that area, may be an indication that the protection of intra-brand competition remains a relevant objective for passenger car distribution.

On balance, therefore, it appears that **this sub-objective is still relevant.**

(b) between repairers of the same brand

All **NCAs** and the vast majority of **respondents to the public consultation** ([246]) indicated that this sub-objective was still relevant.

As already and shown above ([247]), data collected by ICDP highlights a general decrease in the number of authorised repairer outlets from 2015 to 2025, alongside a gradual expansion of VM presence in the automotive aftermarkets. Consumers are generally willing to travel only limited distance for vehicle repair and servicing, implying that competition between repairers primarily takes place between geographically close repair shops. In this context, the reduction of authorised outlets has led to changes in the level of competition between

[243] See Section 4.1.1.3.4.

[244] Only one respondent indicated that this sub-objective was no longer relevant today.

[245] As a result of the observed consolidation trend between dealer groups.

[246] Only one respondent indicated that this sub-objective was no longer relevant today.

[247] See Section 4.1.1.3.5. (b).

repairers of the same brand and supports the finding that this sub-objective remains relevant.

In the Commission's monitoring and enforcement experience, partly because they are the only outlets able to do the work covered by the VMs' warranties, and partly because of consumer perception ([248]), authorised repairers have an important role to play on the aftermarkets, especially for the owners of newer vehicles. The qualitative requirements placed on authorised repair shops appear to have increased, partly due to the increase in technology in modern cars, and the correspondingly high investments needed to be able to maintain and repair them ([249]).

On balance, therefore, it appears that **this sub-objective is still relevant.**

Beyond the assessment of the sub-objectives above, the broader market developments described in Section 3 are likely to further reinforce their continued relevance in the coming years. In particular, increasing reliance on vehicle-generated data, the progressive electrification of the vehicle fleet ([250]), and the growing vertical integration and market position of VMs are expected to have a significant impact on competitive dynamics in both primary and aftermarkets ([251]). Against this background, the objectives of the MVBER and the SGL to safeguard effective competition and ensure a level playing field across the motor vehicle ecosystem are still relevant.

5. WHAT ARE THE CONCLUSIONS AND LESSONS LEARNED?

5.1. Conclusions

The evaluation confirms that both the MVBER and the SGL are welcomed by the market. Overall, they have met their objectives, which continue to remain relevant today.

The evaluation in particular shows that the MVBER and the SGL have generally increased legal certainty for stakeholders, provided a common framework for NCAs and national courts in the application of Article 101 of the Treaty, and have generally not led to the over-exemption or under-exemption of vertical agreements in the motor vehicle aftermarkets. However, there are indications that the instruments have not been fully effective in addressing restrictions on access to essential inputs. Stakeholder views, supported by empirical data, further indicated that the MVBER and the SGL have been broadly effective in protecting certain forms of competition in the motor vehicle sector. New and expanding VMs have continued to access the market, cross-border trade has continued to occur and independent repairers and spare parts suppliers have retained a significant, although sometimes constrained role, despite market trends such as digitalisation and

[248] In practice, as warranty-covered repairs can only be carried out by authorised repairers, consumers tend to rely on them for all repair and maintenance services during the warranty period.

[249] The identical brand-specific tooling purchased by all authorised repairers is increasingly costly.

[250] Namely, according to GlobalData, by 2035 more than 80% of the vehicle parc (including EVs, ICE and hybrids) is expected to have connectivity capabilities.

[251] See for this also the JRC study, Sections 4.1., 5.2. and 5.3.

increasing VM control over key inputs, including in relation to parts coding and related requirements linked to spare parts replacement. Also, intra-brand competition among authorised dealers and repairers has generally persisted despite market trends such as consolidation of authorised networks and growing vertical integration on the part of VMs.

Non-discriminatory access to technical information and vehicle-generated data is becoming increasingly important for ensuring competition in the aftermarket. Independent parts suppliers and repairers in the aftermarket have reported ongoing difficulties in this regard, despite recent changes to the SGL and EU data-related legislation.

These market developments have broadly confirmed the relevance of the objectives of the MVBER and the SGL.

The evidence gathered further suggests that the MVBER and the SGL have been efficient. In their absence, the costs of assessing the compliance of vertical agreements in the motor vehicle sector with Article 101 of the Treaty would likely have been higher. Overall, these costs are considered proportionate to the benefits delivered by the MVBER and the SGL.

The evaluation also indicates that the MVBER and the SGL are broadly coherent with other relevant EU legislation and policies and support the uniform application of Article 101 of the Treaty to motor vehicle vertical agreements across the Union. NCAs and respondents to the public consultation stressed the importance of coherence between the MVBER regime and newer EU frameworks, particularly regarding access to vehicle-generated data. That said, the instruments reported by some respondents as being incoherent with the provisions of the MVBER regime do not appear to be incompatible with it, and the differences between the instruments rather relate to the fact they pursue different objectives.

Finally, the evidence points to clear EU added value. The MVBER and the SGL appear to have facilitated the consistent application of Article 101 of the Treaty to agreements in the motor vehicle sector by NCAs and national courts. Accordingly, the objective of supporting enforcement by competent authorities and enabling stakeholders to self-assess their vertical agreements with greater legal certainty has been achieved.

5.2. Lessons learned

The evaluation highlights broader lessons regarding the operation of the MVBER and the SGL in a rapidly evolving sector. Digitalisation and electrification are reshaping the entire value chain and increasing the strategic importance of access to vehicle-generated data and digital interfaces for competition in aftermarkets. In this context, the evaluation points to the need for enforcement of Article 101 of the Treaty, based on sector specific guidance, by addressing concerns related to limited or restricted access to such essential inputs: namely, to be effective in preventing VMs from using ongoing digitalisation and electrification trends as a means to foreclose the independent channel. The evaluation also showed that, while technical lists of information or tools can support compliance, overly detailed or technology-specific formulations risk becoming outdated over long review cycles.

The evaluation further underlined the importance of carefully articulating the interplay with cross-sectoral and sector-specific legislation, in particular the Data Act and the Type Approval Regulation, whose different objectives may at times lead to outcomes that differ from those under EU competition law. While the requirements and lists annexed to such technical regulations should be used as a guide to what can be seen as essential input, assessment under Article 101 of the Treaty must consider several factors, including availability within authorised networks and actual use for repair and maintenance.

Overall, the evaluation demonstrated the need for flexibility in determining what constitutes an essential input, given the rapidly evolving technological landscape, shaped by an increasing reliance on data, connectivity and electrification. At the same time, it reaffirmed that effective enforcement of competition rules is key to ensuring that European consumers continue to benefit from a wide choice of repair outlets and spare parts brands, as well as competitive prices and innovation in aftermarket services.

ANNEX I. PROCEDURAL INFORMATION

1. Lead DG, Decide reference

The Directorate-General for Competition ("DG Competition") is the lead Directorate-General ("DG") for this evaluation.

The Decide reference of this evaluation is PLAN/2023/2859.

2. Organisation and timing

The evaluation of the Motor Vehicle Block Exemption Regulation ("MVBER") and the Supplementary Guidelines ("SGL") was launched on 18 January 2024. The purpose of the evaluation is to gather facts and evidence on the functioning of the MVBER along with the corresponding Guidelines and assess the extent to which they are still fit for purpose considering the current competitive situation in the sector.

The call for evidence, which set out the background of the evaluation as well as its purpose and scope was published on the Commission's *Have Your Say* portal on 27 May 2024 and was open for comments until 24 June 2024. The call for evidence also presented the consultation activities that would take place during the evaluation, in particular a public consultation and consultations of the NCAs.

The evaluation was carried out in close cooperation with other interested Commission Services. The inter-service steering group ("ISSG") set up for that purpose comprises representatives of the Directorates General CLIMA, CNECT, ECFIN, ENV, GROW, JRC, MOVE, RTD, as well as the Secretariat-General and the Legal Service, which are associated by default to any such initiative. The ISSG was set up in January 2024 and met for the first time on 20 March 2024. Further meetings were held on 11 December 2024, 22 September 2025 and 17 February 2026.

The table below presents the timing of the activities undertaken in the course of the evaluation, and other relevant milestones:

Timing	Step
14 December 2023	Signature of the contract for the JRC Study
18 January 2024	Launch of the evaluation in Decide Planning
20 March 2024	1st ISSG meeting with the following agenda items: Presentation of the planned evaluation of MVBER and SGL Discussion on the draft consultation strategy, draft call for evidence, proposed timeline of the initiative and status of the JRC Study.
27 May 2024	Publication of the call for evidence – *open for comments until 24 June 2024*
11 December 2024	2nd ISSG meeting with the following agenda item: Discussion on the draft questionnaire for the public consultation
29 January 2025	First questionnaire to NCAs (6-weeks consultation period)

Timing	Step
28 February 2025	Publication of the online public evaluation questionnaire – *open for comments until 23 May 2025*
7 July 2025	RSB Upstream meeting
22 September 2025	3rd ISSG meeting with the following agenda item: Discussion on the draft summary of the public consultation
9 October 2025	Publication of the summary report of the public consultation
9 December 2025	Second questionnaire to NCAs (5-weeks consultation period)
14 December 2025	Submission of the final report of the JRC Study
17 February 2026	4th ISSG meeting with the following agenda item: Discussion on the draft SWD
25 March 2026	RSB meeting on the draft SWD
17 June 2026	Publication of the final report of the JRC Study
25 June 2026	Publication of SWD

3. Consultation of the RSB

The evaluation was selected for scrutiny by the Regulatory Scrutiny Board. An upstream meeting with the RSB took place on 7 July 2025 to discuss DG Competition's evaluation for the MVBER and the SGL. The RSB members and DG Competition discussed the current state of play for the evaluation. In this respect, the RSB members emphasised the need for a clearer description of the problems to be addressed through the evaluation and the need for evidence and quantitative data for support to the extent possible. Also, the use of a counterfactual analysis and the assessment of the sample of stakeholders were signalled as important elements to analyse.

The meeting with the RSB regarding the draft SWD took place on 25 March 2026. The outcome was a positive opinion with reservations, issued on 27 March 2026. The RSB's general comments were the following:

(1) The report does not sufficiently analyse the effectiveness and efficiency of the intervention, including in terms of how benefits and costs accrue to different actors, such as end consumers.

(2) The report does not adequately isolate the impact of the MVBER regime on the evolution of the motor vehicle market and independent after-market.

(3) The conclusions of the report are not underpinned by sufficient evidence, including effectiveness regarding data transmission; the relevance of the intervention in the evolving market requires further analysis.

The specific comments below elaborate on these aspects. The following table provides information on how the comments made by the RSB were addressed in this SWD.

RSB comments	*Action taken*
The analysis of effectiveness and efficiency should provide greater insight into the benefits and costs for all relevant stakeholders, including how these have shifted over the evaluation period. The analysis should better reflect the diverging views of stakeholders, in particular on the level of competition. The report should better explain the effects on end consumers, for instance in terms of prices, quality and variety of choices	To provide more insight into the benefits for all stakeholders, further details were added in Sections 2.1.2 (Objectives) and 4.1.1 (Effectiveness), in particular regarding effects on end consumers. The intervention logic was also revised to include effects on end consumers. As to costs, the difficulties for drawing conclusions for costs were explained further. To better reflect diverging views of stakeholders, more emphasis on these views, including on the level of competition, was added in Section 4.1.1 (Effectiveness).
The report should attempt to better isolate the impacts of the MVBER and the SGL on the evolution of the motor vehicle market and independent aftermarket. It should explore to what extent counterfactual analysis could further provide meaningful evidence, possibly drawing from comparisons with third country jurisdictions and natural experiments.	The difficulty of isolating the impact of the intervention on the motor vehicle sector was explained better (Section 4.1.1.3.). Additional explanations were added in Section 2.2 (Point of comparison) to address the key structural and regulatory differences that undermine the value of a geographic counterfactual.
The report should further analyse the data gaps. For instance, the report states that non-discriminatory access to vehicle-generated data is becoming increasingly important for ensuring competition in the aftermarket, and respondents to the public consultation reported limited access to vehicle-generated data and technical information as a concern. Further observational data should enrich the analysis, in particular on the independent segment of the after-market.	Additional observational data was included in Section 4.1.1.3.4 (Enabling independent repairers to compete with the manufacturers' networks of authorised repairers).
The coherence assessment of the report should be more specific on the coherence of the MVBER regime with the evolving regulatory framework, in particular the Data Act and the type-approval framework. The evaluation should, beyond relying on data regarding opinions of various actors, also provide its own assessment of the coherence of provisions contained in various interventions. Where using opinion data, it should clearly analyse perceived inconsistencies on opinion data to conclude whether the MVBER regime remains coherent.	Additional explanations were added in Section 4.1.3 (Coherence) regarding the interaction between the Data Act, the type-approval framework and the MVBER regime. It was also clarified that within this broad regulatory framework, the MVBER regime continues to remain coherent.
The report should better explain the relevance of the intervention within the rapidly evolving nature of the market as well as the technological development, including as regards the emergence of electric and hybrid vehicles and the evolution of factors such as cost pressures, profit margins and competitive pressures in the automotive markets.	Further explanations were added in Section 4.3 (Relevance).
The conclusions should be revised to better reflect the underlying evidence and limits of the	Adjustments were made to Section 5.1 (Conclusions).

RSB comments	*Action taken*
analysis, including as regards the attribution of the effects of the intervention and to the achievement of its objectives. Conclusions should also clearly reflect the findings regarding the increasing importance of access to motor vehicle generated data, limitations of transfer of such data, and related impacts on competition on the independent aftermarket. Clearer lessons learned should also be explicitly defined in the conclusions and include data needs for future monitoring and evaluations.	Further consideration was given in Section 5.2 (Lessons learned) to the impact of restricted or limited access to vehicle generated data and technical information for independent operators.

4. Evidence, sources and quality issues

For the purposes of the evaluation of the MVBER and the SGL, the main source of evidence used to inform the assessment of each evaluation criterion was the data and information gathered from businesses and other market players that use the MVBER and the SGL in their economic activities. Other sources of evidence were the enforcement experience of NCAs, the evidence presented in the JRC Study and by external data providers. The NCAs' enforcement experience proved to be limited. The evidence was gathered via the following consultation activities: the call for evidence, the questionnaires sent to NCAs, the public consultation, the study and external data (see more details in the sections below). DG Competition also held meetings with various stakeholders to learn about their experience in applying the MVBER and the SGL.

5. The JRC Study

The evaluation was supported by a sector-specific study conducted by the JRC. The purpose of the study was to provide an analysis of market developments with respect to the digital transformation of the automotive markets as described in Annex II below.

The study topic required highly specialised technical expertise in the motor vehicle sector. The JRC team was well placed to provide this expertise, having previously conducted a study on in-vehicle data in support of an initiative on in-vehicle data for DG GROW. It was therefore decided to entrust the study to the JRC. Compared with launching an open tender procedure to identify external consultancies, this approach ensured that the necessary level of expertise was secured in a more efficient and targeted manner.

The Administrative Agreement ("AA") with the JRC was signed on 14 December 2023. The scientific and technical work to be carried out under the study was entitled "*Digital transformation of the automotive markets: an economic and technical analysis (MVBER)*" and Annex 1 and Annex 2 contained in particular the technical specifications and a detailed work plan. According to recital 3 of the AA, the work was to be executed within 14 months, meaning that the final report was due by 14 February 2025. On 28 March 2024, the JRC launched an open call for tender for a survey to collect data for the study. In spite of the extension of the bidding period at the request of one of the economic operators which showed interest in the Call, only one offer was finally submitted. Upon evaluation, the offer

did not reach the minimum quality threshold and therefore the Call was declared void. This unavoidably had an impact on the work plan and timeline foreseen in the AA.

A first amendment was subsequently agreed on 12 September 2024 to extend study period to 20 months (i.e., with the final report due by 14 August 2025), in order to allow the incorporation of newly available data and the relaunch of an open call for tender for the data collection survey. The amendment also increased the total budget. After relaunching the open call, the contract was awarded to the Verian Group, which conducted a CATI-based multi-country survey across nine EU Member States between June and July 2025, interviewing key automotive aftersales actors to collect data on digitalisation, vehicle data access, and distribution models.

A second amendment signed on 14 February 2025 extended the duration to 24 months, resulting in the final report being submitted on 14 December 2025. The JRC study was published on 17 June 2026.

The ISSG was consulted informally ([252]) on the technical specifications for the JRC Study and was kept informed of all key steps throughout the study.

6. Use of external expertise

In addition to the JRC study, DG Competition also relied on the Framework contract for services ("(FWC")) with EBSCO ([253]), a provider of research databases, to obtain additional quantitative data on the automotive aftermarket. Under the FWC, EBSCO is appointed as a single contractor and acts as an intermediary and third-party agent for the payment of the contracting authority's purchase orders.

Through the FWC and via EBSCO, DG Competition acquired data from the companies ICDP and Wolk & Nikolic. EBSCO submitted the formal offers from both data providers on 6 November 2025, and, following DG Competition's signature, signed the purchase orders on 18 November 2025. The procurement aimed to support the evaluation with robust data on market concentration, dealer and repair networks, cross-border trade, and spare parts supply, including for the motorcycle sector.

ICDP submitted the data on 4 December 2025. Wolk & Nikolic submitted the final deliverable on 30 January 2026.

[252] Informally, as the ISSG for the MVBER evaluation had not yet been officially established at the time of the consultation. Therefore, the members of the ISSG from the recent review, which had remained largely unchanged, were consulted.

[253] Contract No 10844 (OP/2022/OP/0002), in force from 21 November 2022.

ANNEX II. METHODOLOGY AND ANALYTICAL MODELS USED

1. Description and use of the sources

1.1. Open public consultation

Between 28 February 2025 and 23 May 2025, the Commission services carried out a public consultation to gather stakeholder views on the functioning of the MVBER and the SGL. The objective was to gather qualitative and quantitative evidence on all five evaluation criteria from the perspective of stakeholders.

The public consultation generated 74 contributions, submitted through the online questionnaire. 28 participating respondents also submitted position papers, which largely echoed the issues raised in the contributions to the public consultation. The contributions to the public consultation came from a variety of respondents representing different levels of the supply chain, in particular business associations and companies/business organizations, but also consumer organizations, non-governmental organizations, trade unions, one EU citizen and some other stakeholders. The summary report of the contributions to the public consultation was published on the Commission's "*Have Your Say*" portal ([254]) on 9 October 2025. This summary report is part of the synopsis report provided in Annex V.

1.2. Targeted consultations of NCAs

During the evaluation phase, two targeted consultations of NCAs were conducted. The first of these aimed at collecting mostly statistical information about the NCAs' enforcement activities concerning vertical restraints in the motor vehicle sector. The Commission services received 25 contributions, including one from one of the EFTA States. This consultation forms part of the synopsis report provided in Annex IV. The second questionnaire aimed to gather the NCAs' views about the performance of the MVBER and the SGL against the five evaluation criteria. The Commission services received 11 contributions. The information provided by NCAs contributed to the assessment of all five evaluation criteria and is part of the synopsis report provided in Annex V.

1.3. JRC Study

The JRC Study collected sector-specific information on relevant industry indicators, with a particular focus on the digital transformation of the automotive markets with respect to three concurrent trends: (i) vehicle electrification, (ii) vehicle connectivity and (iii) evolving distribution models (in the following: "the JRC Study"). The JRC Study also includes a survey conducted by the independent research firm Verian among various businesses operating in the automotive sector which provided a data-driven analysis of the

[254] See: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14126-Evaluation-of-the-Motor-Vehicle-Block-Exemption-Regulation-/public-consultation_en

impacts resulting from digital transition and its implications in the automotive aftermarket, notably on repair and maintenance services and spare parts market. The JRC Study discusses how these trends may impact vertical relations and shape competition in the repair and maintenance market, which contributed to the assessment of the criteria of effectiveness. The final study is available on the EU Publications Portal and the JRC Publications Repository ([255]). The SWD has taken the findings of the JRC study on board, acknowledging their consistency with the team's sector-specific expertise, while critically reflecting on them and placing them in the appropriate contextual framework.

1.4. External datasets and publications

A contractor purchased datasets and publications from two external data providers on behalf of the Commission services. The purpose of this procurement was to complement the evaluation with robust market and industry data, in particular with respect to the following market dynamics: (i) VMs' market concentration, market shares, and industry dynamics (entries, exits, mergers); (ii) vehicle dealer networks, including margins, ownership, and their evolution over time; (iii) cross-border trade in vehicles, including sales, pricing differences, and consumer mobility; (iv) independent repairers vs. authorised networks (size, coverage, market/revenue share, activity); (v) repair networks by brand, including margins, ownership, and network dynamics; and (vi) spare parts suppliers, including sales, volumes, and margins. The information resulting from these datasets and publications helped provide a detailed analysis of market developments in the motor vehicle sector and supported the assessment of the evaluation criteria of effectiveness and relevance.

1.5. Spontaneous stakeholder submissions

The Commission services received spontaneous submissions from several stakeholders that wished to supplement their contribution to the public consultation with additional evidence. Some stakeholders provided studies as supplementary evidence. All such submissions were published on the dedicated MVBER review webpage on DG Competition's website ([256]). These additional submissions were used to enhance the Commission services' understanding of conditions on the markets, and of the positions of the respondents concerned.

[255] See: Home - Publications Office of the EU and JRC Publications - Transforming automotive markets: an economic and technical analysis.

[256] See: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14126-Evaluation-of-the-Motor-Vehicle-Block-Exemption-Regulation-/public-consultation_en.

1.6. Commission monitoring and enforcement practices

The evaluation included an analysis of the Commission's decision-making practice, as well as its informal correspondence ([257]) with stakeholders in the motor vehicle sector since the last evaluation ([258]).

2. Processing and triangulating of the evidence collected

For the purposes of the evaluation of the MVBER, together with the SGL, evidence from various sources had to be analysed and triangulated.

The main sources of evidence used for the assessment of each evaluation criterion are listed in the table below. A further breakdown of this table, which includes the evaluation questions for each criterion and a more detailed reference to the sources used, is provided in the evaluation matrix contained in Annex V.

Sources **Criteria**	Public consultation	NCA consultation on MVBER/SGL performance	JRC Study	External datasets	Commission's experience
Effectiveness	✓	✓	✓	✓	✓
Efficiency	✓	✓			
Coherence	✓	✓			✓
EU added value	✓	✓			
Relevance	✓	✓		✓	✓

For the assessment of each evaluation criterion, the following approach was used. The assessment started with the results of the **public consultation**. An in-depth analysis of the feedback received provided a preliminary but comprehensive understanding of the main issues faced by stakeholders as regards the functioning of the current rules. This allowed the Commission services to establish the issues on which stakeholders held common positions, as well as the issues on which their positions diverged. The assessment of the specific issues raised was carried out based on: (i) the examples and the level of detail provided by stakeholders to support their concerns with concrete evidence; (ii) the variety of positions; and (iii) the extent to which different types or groups of stakeholders shared the same view. The results of this consultation provided the stakeholders' perspective on the effectiveness, efficiency, relevance, coherence and EU added value of the MVBER,

[257] Informal submissions (sometimes referred to as "market information letters") differ from formal complaints in that they do not contain the information required by "Form C" annexed to Commission Regulation 773/2004. Moreover, in many cases, they do not allege particular breaches of the EU competition rules, but rather ask questions relating to the qualification of a particular set of circumstances.

[258] The analysis used the period defined by the following cut-off dates: after 1 January 2021 and until 31 October 2025, in order to take account of the date on which the analysis for the previous evaluation concluded.

together with the SGL. The evaluation took due account of the fact that the views of businesses operating at different levels of the supply chain might differ with regard to particular aspects of the MVBER and the SGL.

The **first consultation** with NCAs aimed to gather statistical information about their enforcement activities with regards to vertical restraints in the motor vehicle sector. The **second consultation** aimed to gather the NCAs' perspective on the performance of the MVBER and the SGL against the five evaluation criteria. The two consultations provided a significant amount of evidence on the most common types of behaviour encountered, as well as the challenges faced by NCAs in applying the MVBER and the SGL. The evidence of the public consultation was compared to and contrasted with the evidence resulting from the consultation of the NCAs. The combination of these sources resulted in a more complete and balanced understanding of the areas where the MVBER, together with the SGL, had not been functioning well, or not functioning as well as it could.

The **JRC Study** and the **external data and publications** provided a significant amount of data regarding market trends and the automotive aftermarket's competition landscape during the period under review. Both sources contributed notably to the analysis of the effectiveness of the performance of the MVBER and the SGL in protecting certain forms of competition in the motor vehicle sector.

Finally, whenever possible, the findings of the abovementioned sources have been supplemented by the **Commission's monitoring and enforcement experience** in the area since the last evaluation.

3. Limitations and robustness of findings

3.1. Limited scope of the JRC Study

The contribution that the JRC Study brought to the evaluation was limited by its intentionally focussed scope, in that its core objective was to gather sector-specific information on relevant industry indicators, concentrating on the digital transformation of the automotive markets. While indicative of trends shaping the competitive landscape as described in Section 3.2, the study did not have any meaningful impact on the results of the evaluation, except with regard to the criterion of effectiveness.

3.2. Limits relating to data gathering

The assessment of the motor vehicle market was subject to structural data limitations. Market data relating to motor vehicle distribution and aftermarkets is fragmented, commercially held, and not publicly accessible in a comprehensive or harmonised format.

Both external data providers consulted for this evaluation – Wolk & Nikolic and ICDP – confirmed that the motor vehicle distribution market is not comprehensively documented. Available data are typically compiled for commercial purposes and does not systematically cover all variables relevant for a competition assessment. The following sections illustrate two specific areas where data constraints were particularly significant.

Parallel trade data

In the assessment set out in Section 4.1.1.3.2 of the SWD, **Wolk & Nikolic** specifically assessed the use of official import–export statistics (Eurostat COMEXT) as a potential data source but ultimately discarded it. They reported that Eurostat trade statistics do not differentiate vehicles by age or build year, making it impossible to distinguish factory-new vehicles from near-new or used vehicles, which is critical for assessing parallel imports. Moreover, they do not distinguish between vehicles imported as part of VMs' internal logistics and those imported for commercial resale by independent traders. Finally, vehicle trade flows are reported in kilograms rather than units, requiring strong assumptions on average vehicle weights and introducing a level of uncertainty incompatible with robust competition analysis.

Motorcycle data

For the counterfactual proxy, namely the motorcycle sector, DG Competition requested both external data providers, Wolk & Nikolic and ICDP, to supply data on market dynamics as described in Section 1.4. of Annex II, also for the motorcycle sector. However, both providers indicated that such data are very limited. ICDP reported that it did not hold any relevant data for this sector, whereas Wolk & Nikolic provided DG Competition with the data incorporated in this SWD. Both providers also highlighted that the motorcycle and motor vehicle sectors differ substantially in several respects – beyond the fact that the MVBER and SGL apply only to one of the sectors. Any differences between the two sectors can therefore not be attributed to the MVBER and SGL.

3.3. Limits relating to stakeholder feedback

By definition, feedback exercises such as the public consultation, which are subject to voluntary participation, do not necessarily lead to representative results. Although a large variety of stakeholder groups responded to the public consultation, some of these accounted for a higher share of responses than others.

In the assessment in Section 4, reference is made to specific stakeholder groups whenever the views reported were expressed primarily by one or more such groups rather than being shared by all respondents to the public consultation. However, the evaluation does not disregard diverging views, either within the same or across different stakeholder groups. This approach is also reflected in Annex V, which presents the different views and issues raised by respondents per area of the rules.

In addition, the assessment in Section 4 below is presented on the basis of the views of those respondents to the public consultation which actually gave specific replies to the questions concerned. This means that the views of those respondents replying "don't know", "not applicable", "not relevant" and similar, or leaving their replies blank, are not taken into account where general conclusions are drawn. With regard to the views of NCAs, reference is made generically to "NCAs", since the purpose is to outline the main points raised without regard to the number of contributions addressing a particular point, or whether or not a particular point of view is shared by all the NCAs. However, for issues on which NCAs expressed clearly diverging views, both sides of the argument are presented.

Finally, conclusions are based on those NCAs that expressed a view on a particular point, excluding therefore those indicating that they did not have a view and those that did not reply to a particular question.

As for the contributions received from consumers and/or their associations, one EU citizen and three entities identifying themselves as "consumer associations" responded to the public consultation. This limited contribution of consumers to the evaluation is probably explained by two factors. First, the MVBER and the SGL have a technical nature, being primarily aimed at providing guidance to businesses in the motor vehicles sector self-assessing compliance of their vertical agreements with EU competition law. Consumers and consumer associations may therefore be neither aware of the regime's existence, nor familiar with the way it functions. Second, although the regime has an impact on the prices at which consumers buy products and services in the sector and on the choice of such products and services available to them, consumers are generally not aware of the terms of vertical agreements in the sector. They may therefore not be able to link the prices and other purchase conditions they encounter with the way that the supply chain functions, or to the safe harbour provided by the MVBER and the SGL.

3.4. Limited experience in the enforcement of the MVBER and the SGL

The enforcement experience of both NCAs and the Commission as regards the MVBER and the SGL has been modest, in that although complaints were submitted and cases were pursued, few infringements were detected. Between 1 June 2020 and 31 January 2025, NCAs reported a total of 26 closed cases concerning vertical restraints in the motor vehicle sector, among which two were concluded with prohibition decisions. Since 1 January 2021, the Commission received 101 submissions, two of which became formal complaints. None of these resulted in a prohibition decision, as they were all rejected. To overcome these limitations, the Commission supplemented its enforcement practice with an analysis of the informal submissions concerning the automotive sector received over the same period.

ANNEX III. EVALUATION MATRIX

Evaluation criteria	Evaluation questions	Data sources	Points of comparison	Indicators
Effectiveness	Have the MVBER and the SGL achieved the specific objectives of (i) providing legal-certainty (ii) reducing the risk of over- and under-exemption, and (iii) protecting certain forms of competition in the motor vehicle sector?	- Public consultation - NCAs' consultation - Sector-specific study carried out by the JRC - External data from specialised data providers - Commission's monitoring and enforcement experience	Assessment of the effectiveness looks at the extent to which the MVBER and the SGL have fulfilled their specific objectives of increasing legal certainty, reducing over- and under-exemption, and protecting certain forms of competition in the motor vehicle sector compared to a situation in which these rules are not in place.	Stakeholder views; NCA assessments; Market development data; Assessments of key technological developments by JRC; Comparison of measures of primary market concentration, parts distribution revenue growth, and independent repairer shares to adjacent sector (motorcycles); Frequency of market information interactions by topic and conversion ratios into cases.
Efficiency	Are the costs proportionate to the benefits provided by the MVBER and the SGL?	- Public consultation - NCAs' consultation	Assessment of the efficiency of the MVBER and the SGL looks at whether the costs are proportionate to the benefits provided, as compared to a situation in which these rules are not in place.	Stakeholder and NCA views of efficiency; Costs of self-assessment of vertical agreements; benefits of MVBER and SGL.
Relevance	Are the objectives of the MVBER and the SGL still appropriate? Is the material scope of the MVBER still appropriate?	- Public consultation - NCAs' consultation - External data from specialised data providers - Commission's monitoring and enforcement experience	Assessment of relevance looks at whether the specific policy sub-objectives behind the MVBER and the SGL, and the material scope of the regime, are still appropriate, as compared to a situation in which these rules are not in place.	Stakeholder and NCA views of relevance by objective; Evolution of prevalence of distribution models; JRC investigation into the importance of diagnostic and usage data; Topic distribution of market information interactions.
Coherence	Is the MVBER regime coherent internally and with other EU rules?	- Public consultation - NCAs' consultation - Commission's monitoring and enforcement practice	Assessment of coherence consists in looking at (i) whether the MVBER regime is internally coherent, (ii) whether the MVBER regime is coherent with other Commission instruments that provide rules or guidance on the application or	Stakeholder and NCA views on coherence vis-à-vis various classes of documents; Commission assessment of potential conflicts informed by feedback from stakeholders.

			interpretation of Article 101 of the Treaty and (iii) whether the MVBER regime is coherent with other relevant EU legislation.	
EU added value	Has the MVBER regime made it easier for NCAs and national courts to apply the rules consistently? Has the MVBER regime provided added value?	- Public consultation - NCAs' consultation	Assessment of EU added value consists in looking at whether the same results could have been achieved with action at national level.	Stakeholder views of EU added value; NCA views of benefits of uniform application; Assessment of pro-competitive effects from parallel trade.

ANNEX IV. OVERVIEW OF COST AND BENEFITS

Table 1. Overview of costs and benefits identified in the evaluation							
		Citizens/Consumers		Businesses		Administrations	
		Quantitative	Comment	Quantitative	Comment	Quantitative	Comment
Block exemption for distribution and repair agreements in the motor vehicle sector and guidance on how to apply it							
Direct compliance costs:	Type: recurrent	N/A	Individuals do not have to comply with competition law in their capacity as citizens, so they do not incur any cost	N/A	Costs incurred by businesses are linked to the compliance assessment of vertical agreements in the motor vehicle sector with Article 101 of the Treaty. Those costs would therefore be linked to the (internal or external) competition law analysis. However, such cost is hard to isolate and, therefore, to quantify. The limited number of quantitative responses, combined with significant divergence driven by factors such as varying company sizes, operational complexity, geographic differences in fee structures, and methodological inconsistencies in cost allocation, prevents drawing general conclusions on actual cost levels facing the tens of thousands of repairers or the many dealers, parts distributors, importers and VMs in the EU.	N/A	N/A

Enforcement costs:	Type: recurrent	N/A	N/A	N/A	N/A	N/A	The MVBER and the SGL aim to facilitate the identification of vertical agreements presumed to comply with Article 101 of the Treaty with sufficient certainty, thereby contributing to enforcement cost reductions. Responses from NCAs during the evaluation confirm this general effect, indicating either no impact on costs or reduced enforcement costs. However, NCAs didn't provide quantitative data on costs, limiting overall conclusions to qualitative feedback.
Indirect costs:	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Direct benefits:	Type: recurrent	N/A	The MVBER and the SGL provide direct benefits to consumers by ensuring effective competition in the automotive sector. This creates benefits for innovation, the market and therefore consumers' welfare. However, it is not possible to quantify them precisely, as they form part of the broader positive impact of EU competition rules and market dynamics.	N/A	The evaluation confirms that, businesses, especially SMEs, enjoyed benefits from the MVBER and the SGL, notably in terms of legal certainty, reduced compliance costs, and the ability to self-assess their agreements without prior approval from the Commission. Where the conditions of the block exemption are fulfilled, businesses can be confident that their agreements are compatible with Article 101(1) of the Treaty, thereby lowering legal risk and administrative burden. These instruments also contribute to more efficient commercial planning and contracting, as the detailed guidance clarifies the conditions under which		The competition law analysis of vertical agreements in the motor vehicle sector by the Commission and NCAs is facilitated by the MVBER and the SGL. However, such benefits are very hard to quantify, as it is impossible to quantify how much time case handlers spend analysing vertical agreements in the motor vehicle sector as part of their enforcement work.

					distribution, repair, and spare-parts agreements are likely to comply with competition rules. This reduces the need for extensive legal analysis and external advice, facilitating faster negotiations and implementation of agreements. While stakeholders report such efficiency gains, their precise quantification remains difficult due to the absence of measurable counterfactual scenarios and the diversity of business models in the sector.		
Indirect benefits:	N/A	N/A	N/A	N/A	N/A	N/A	N/A

ANNEX V. STAKEHOLDER CONSULTATION - SYNOPSIS REPORT

The Commission services gathered stakeholder opinions on the effectiveness, efficiency, relevance, coherence, and EU added value of the MVBER regime through a call for evidence, public consultation and targeted consultation with the NCAs.

1. Call for evidence

1.1. Overview of respondents to the call of evidence

The call for evidence was published on the Commission's "*Have Your Say*" portal on 27 May 2024. During the subsequent four-week feedback period (until 24 June 2024), a total of 59 stakeholders ([259]) responded to the call of evidence. These stakeholders were business associations (27), EU citizens (15), companies and businesses (9), consumer organisations (3), NGOs (2), trade unions (2) and one public authority, the Austrian Federal Ministry for Labour and Economy (Bundesministerium für Arbeit und Wirtschaft, "BMAW"). EU stakeholders came from Belgium (10), Denmark (10), France (9), Germany (8), Italy (4), Austria (3), Netherlands (3), Spain (3), Czechia (2), Sweden (2), Finland (1), Poland (1), Portugal (1). In addition, stakeholders also came from Switzerland (2) and the UK (1).

1.2. Summary of key messages

Stakeholders supported the fundamental principles of the current regime as it provides legal certainty. However, while some stakeholders expressed satisfaction with the current regime and consider it still fit for purpose, other stakeholders called for clearer guidance and stronger enforcement. Stakeholders noted the ongoing digitalisation of motor vehicles that makes access to vehicle-generated data essential for repairs. They pointed to the issue of equal access to data as a matter of concern that may require clarification in the MVBER regime. Stakeholders also noted the recent trend of VMs choosing an agency model, rather than authorised dealerships, for distribution of new cars. While some stakeholders consider that so far this trend was not significant enough to require changes in the current regime, other stakeholders were of the view that it already has impact on dealerships and may require the attention of the MVBER regime. Finally, stakeholders expressed the view that the MVBER regime should be expanded to cover other types of motor vehicles such as motorcycles and off-road vehicles.

2. Public consultation

2.1. Overview of respondents to the public consultation

The public consultation was launched on 28 February 2025 and ran for 12 weeks until 23 May 2025. The questionnaire for the consultation was published in all 24 official languages of the EU. 74 contributions were submitted in response, with 31 stakeholders also

[259] One submission was lodged twice.

submitting position papers, which largely echoed the issues raised in their contributions.

The 74 respondents to the consultation included 43 business associations; 18 company/business organisations; three consumer organizations; one EU citizen; two non-governmental organisations; two trades unions and four contributors of other types ([260]).

The distribution of replies across organization size was: 30 micro (1 to 9 employees); 15 small (10 to 49 employees); 18 large (250 or more employees); ten medium-sized (50 to 249 employees); and one EU citizen. The highest number of responses came from Belgium (15) ([261]) and Germany (14), followed by France (10). The remaining contributions were from Denmark (6), Italy (5), Poland (4), Spain (4), Austria (3), Czechia (3), Netherlands (2), Switzerland (2), Finland (2), Ireland (1), United Kingdom (1), Sweden (1) and Slovakia (1).

Contributions were received from respondents representing companies or other organisations active at various levels of the supply chain. Specifically, 17 respondents were independent parts dealers/ associations thereof, eight were independent repairers/associations thereof, seven were VMs/associations thereof, two were authorised repairers/associations thereof, and seven were parts manufacturers/associations thereof. Additionally, there were two authorised dealers, two law firms, one independent dealer, one motor vehicle importer, and one intermediary buyer. 26 respondents did not specify their main function/activity. 45 respondents were involved with passenger cars, 26 with other vehicle types ([262]), and two specifically with light commercial vehicles.

[260] The four stakeholders, which identified as "other" include one business association, two law firms and an individual.

[261] It should be noted that most of the respondents that selected "Belgium" as country of origin are associations of European scope, which are based in Brussels.

[262] "Other" vehicles include two- and three-wheeled motor vehicles (such as motorcycles and mopeds), as well as agricultural, forestry, construction, and off-road machinery not classified under standard passenger cars, commercial vehicles, heavy goods vehicles, or buses.

2.2. Main findings of the consultation

2.2.1. Effectiveness (Have the objectives been met?)

2.2.1.1. Intensity of competition

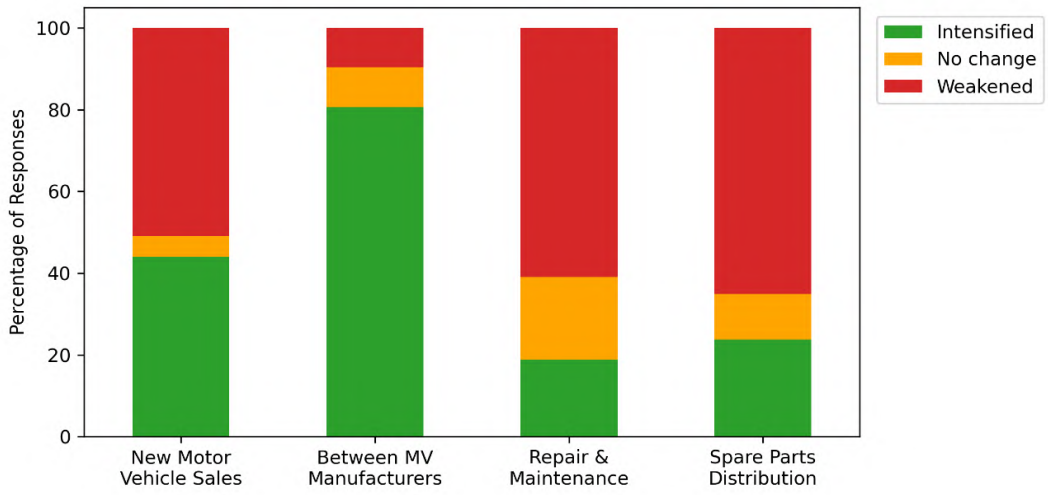

Figure 1 – Evolution in intensity of competition across different market segments ([263])

With regard to the first question, asking whether stakeholders considered that competition in new motor vehicle distribution had intensified, weakened or stayed the same since 2021, respondents were roughly equally divided between those who believed that competition in new motor vehicle sales had intensified (25) ([264]) and those who believed it had weakened (31) ([265]).

The second question enquired whether stakeholders considered competition between VMs had intensified, weakened or stayed the same since 2021. The responses indicated intensified competition between VMs since 2021, with 50 respondents ([266]) reporting increased competition and only six ([267]) seeing weaker competition.

With regard to the first two questions, the rapid transition to EVs ([268]) and the entry of new

[263] Answers not matching the three categories (e.g., "Do not know", missing values) are excluded from the percentage calculations.

[264] One authorised dealer, one authorised repairer, one independent parts dealer, four independent repairers, one law firm, two VMs, one motor vehicle importer, and 14 classified as "other".

[265] One authorised dealer, one authorised repairer, 15 independent parts dealers, two independent repairers, one intermediary buyer, one law firm, four classified as "other", and six parts manufacturers.

[266] Two authorised dealers, two authorised repairers, 16 independent parts dealers, seven independent repairers, one law firm, two VMs, one motor vehicle importer, one parts manufacturer, one independent dealer, and 17 classified as "other".

[267] One intermediary buyer, one law firm, two parts manufacturers, and two classified as "other".

[268] 13 independent parts dealers, three independent repairers, one independent dealer, two VMs, one authorised dealer, and 11 classified as "other".

players into the motor vehicle market ([269]) was mentioned as one of the main factors behind intensified competition between VMs. On the other hand, the shift to agency models ([270]) and a reduction in numbers of authorised outlets ([271]) were named as factors weakening competition in new motor vehicle distribution.

As to the third question, which enquired whether stakeholders believed competition in repair and maintenance services for motor vehicles had intensified, weakened or stayed the same since 2021, 39 stakeholders ([272]) reported weaker competition and only 12 ([273]) reported that competition had intensified. Technological advancement and digitalisation ([274]), as well as the increasing numbers of "captive parts" ([275]) (i.e., parts for which no brands other than that of the VM are available), were named as primary factors driving the change to weaker competition.

The fourth question enquired whether stakeholders believed competition in the distribution of spare parts for motor vehicles had intensified, weakened or stayed the same since 2021. Here, the majority (41 respondents) ([276]) claimed that competition had weakened, while 15 ([277]) answered that competition had intensified. Strategies used by VMs to maintain and expand their control over the aftermarket, particularly through technological measures, were cited as a main factor of a weaker competition ([278]). On the other hand, factors such as the aging vehicle parc ([279]) and the growing availability of independent parts ([280]) were seen as factors intensifying competition.

2.2.1.2. Scope of the MVBER

The first question asked market participants whether they considered the market share

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[269] 16 independent parts dealers, four independent repairers, one parts manufacturer, one independent dealer, one motor vehicle importer, one authorised repairer, one authorised dealer, two VMs, one law firm, and 11 classified as "other".

[270] 14 independent parts dealers, four parts manufacturers, two independent repairers, and two classified as "other".

[271] 13 independent parts dealers, one part manufacturer, one independent repairer, and two classified as "other".

[272] 13 independent parts dealers, seven parts manufacturers, three independent repairers, one authorised repairer, one was a law firm, one independent dealer, and 13 classified as "other."

[273] One independent parts dealer, five independent repairers, one motor vehicle importer, and five classified as "other".

[274] 13 independent parts dealers, seven parts manufacturers, three independent repairers, one independent dealer, and nine classified as "other".

[275] Nine independent parts dealers, and one parts manufacturer.

[276] 14 independent parts dealers, six parts manufacturers, four independent repairers, one authorised repairer, one law firm, one independent dealer, and 13 classified as "other."

[277] Two were authorised dealers, two independent repairers, two VMs, one independent parts dealer, one motor vehicle importer, and seven classified as "other."

[278] 14 independent parts dealers, six parts manufacturers, four independent repairers, one independent dealer, one authorised repairer, and 11 classified as "other".

[279] Two VMs, and two classified as "other".

[280] One VM, one authorised dealer, and two classified as "other".

threshold for the application of the MVBER ([281]) to still be appropriate. 41 ([282]) of the 63 responses to this question indicated that the threshold was appropriate, 10 ([283]) indicated that it was too high, and 12 ([284]) indicated that it was too low. Respondents that considered the threshold to be too high opined that the 30% level had allowed players - especially large VMs - that the respondents considered to be dominant, to benefit from the MVBER, with the result that the regime could not limit the market power of such undertakings ([285]) Respondents that considered the threshold to be too low explained that, since repair services were defined as brand-specific markets, the threshold prevented VMs with comparatively modest shares on the primary market from benefiting from the block exemption on the aftermarkets, where they would likely exceed the 30% exemption threshold ([286]).

The second question asked market participants whether they had encountered any types of vertical restriction in the motor vehicle sector that the VBER / MVBER do not list as *hardcore* but which, in the experience of the respondent, have a similar impact. Of the 68 respondents who replied to this question, 47 replied "yes" ([287]), while 17 answered in the negative ([288]). The most commonly-mentioned type of restriction concerned the prevention of access to essential inputs such as technical information, vehicle-generated data, training, tools, and diagnostic equipment ([289]).

The third question asked market participants whether they had encountered any types of vertical restriction in the motor vehicle sector that the VBER did not list as *excluded* but which the respondent believed had a similar impact to such restrictions. Of the 63 respondents who replied to this question, 36 ([290]) replied "yes" and mentioned restrictions like extended service agreements, loyalty schemes and extended warranties of up to 10 years ([291]) and direct sales of new vehicles by manufacturers ([292]).

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[281] The MVBER currently applies to agreements between VMs and their authorised dealers or repairers where their combined market share does not exceed 30% on the relevant market.

[282] 17 independent parts dealers, seven parts manufacturers, two authorised dealers, two independent repairers, one authorised repairer, one independent dealer, and 11 classified as "other."

[283] Five independent repairers, one intermediary buyer, one law firm, and three classified as "other".

[284] Seven VMs, one motor vehicle importer, one law firm, and three classified as "other".

[285] One independent repairer, one law firm, and one was classified as "other".

[286] Seven VMs, and two classified as "other".

[287] 15 independent parts dealers, eight independent repairers, six parts manufacturers, two authorised repairers, one intermediary buyer, one law firm, one independent dealer, and 13 classified as "other."

[288] Seven VMs, two authorised dealers, one independent parts dealer, one parts manufacturer, one law firm, one was a motor vehicle importer, and four classified as "other."

[289] 15 independent parts dealers, three independent repairers, two parts manufacturers, one authorised repairer, and two classified as "other".

[290] 15 independent parts dealers, six independent repairers, two parts manufacturers, one an authorised repairer, one intermediary buyer, one law firm, one independent dealer, and nine classified as "other."

[291] 15 independent parts dealer, and one independent repairer.

[292] Three respondents classified as "other".

The fourth question asked market participants to identify any types of vertical restriction in the motor vehicle sector that the VBER / MVBER listed as *hardcore* but which, in their experience, did not have a similar impact to the other hardcore restrictions. Only four ([293]) of the 61 respondents who replied to this question answered "yes" ([294]), pointing to (i) resale price maintenance (Article 4(a) VBER); and (ii) the restriction of authorised dealers' ability to sell motor vehicles or spare parts in other Member States (Article 4(b) VBER).

The last question asked market participants to identify any types of vertical restriction in the motor vehicle sector that the VBER lists as excluded but which, in the respondents' view, did not have a similar impact to the other excluded restrictions. Only two ([295]) of the 60 respondents who replied to this question answered "yes", and the only restriction identified was the post-term non-compete obligation covered by VBER Articles 5(1)(b) and 5(3).

2.2.1.3. Prevalence of particular restrictions

The first question aimed at verifying whether the motor vehicle block exemption rules achieved the following specific objectives for the sector.

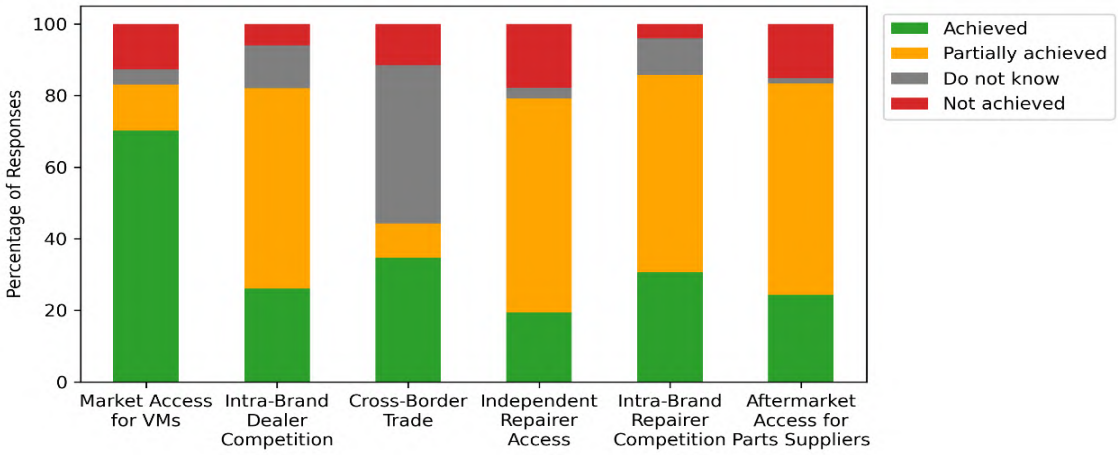

Figure 2 – Extent to which objectives have been achieved ([296])

On ensuring access to vehicle retail and repair markets for VMs wishing to enter new markets or expand their market presence, 33 ([297]) considered that it had been achieved. A smaller number of respondents stated that it had been partially achieved (6) ([298]) or not

[293] Two independent repairers, one intermediary buyer, and one classified as "other".

[294] Only two of those who answered "yes" pointed to hardcore restrictions that they believed should not be considered as such. Another "yes" response did not even mention a hardcore restriction, and the remaining "yes" response referred specifically to the restriction of part/tool/equipment suppliers' ability to sell to authorised/independent repairers/distributors or end users (Article 5(b) MVBER) but included a statement that did not match the question.

[295] One independent repairer, and one citizen.

[296] Non relevant responses and missing responses were excluded from the bar chart.

[297] 15 independent parts dealers, seven VMs, two independent repairers, one law firm, one authorised repairer, one motor vehicle importer, one independent dealer, and five classified as "other".

[298] One independent repairer, and five classified as "other".

achieved (6) ([299]). On protecting competition between dealers of the same brand, 13 ([300]) considered that the objective had been achieved and 28 ([301]) considered that it had been or partially achieved. Only three ([302]) considered the objective not to have been achieved. On preventing restrictions on cross-border trade in motor vehicles, 18 considered the objective achieved ([303]), five partially achieved ([304]), and six not achieved ([305]). On enabling independent repairers to compete effectively with authorised repairers, 13 – mostly VMs ([306]) – saw the objective as having been achieved. 40 ([307]) respondents considered it to have been partially achieved and 12 ([308]) considered it not to have been achieved. On protecting competition between authorised repairers of the same brand, 27 ([309]) said that it had been partially achieved and 15 ([310]) that it had been fully achieved. Only 2 ([311]) believed it had not been achieved. On ensuring spare parts suppliers' access to the aftermarket, 39 ([312]) indicated that this objective had been partially achieved and 16 ([313]) that it had been fully achieved. 10 ([314]) considered that it had not been achieved.

The main reasons given by respondents for not considering the specific objectives to have been fully achieved focused on an alleged increase in control exercised by VMs over the aftermarkets. Key issues mentioned in this context included restricted access to spare parts and vehicle-generated data, proprietary tools and technical barriers, and commercial

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[299] One authorised repairer, one intermediary buyer, one law firm, and three classified as "other."

[300] Seven VMs, one law firm, one authorised dealer, one motor vehicle importer, and three classified as "other".

[301] 14 independent parts dealers, two independent repairers, one authorised dealer, one authorised repairer, one independent dealer, and nine classified as "other."

[302] One law firm and one intermediary buyer, and one classified as "other".

[303] Seven VMs, one motor vehicle importer, one law firm, one authorised dealer and eight classified as "other".

[304] Two independent repairers, and three classified as "other".

[305] One authorised dealer, one law firm, one independent parts dealer, one independent repairer, one intermediary buyer, and one classified as "other".

[306] Seven VMs, two authorised dealers, one law firm, one motor vehicle importer, and two classified as "other".

[307] 17 independent parts dealers, five parts manufacturers, four independent repairers, one independent dealer, one authorised repairer, and 12 classified as "other".

[308] Four independent repairers, two parts manufacturers, one authorised repairer, one intermediary buyer, and four classified as "other".

[309] 15 independent parts dealers, three independent repairers, one independent dealer, one authorised dealer, and seven classified as "other".

[310] Seven were VMs, one authorised dealer, one motor vehicle importer, one authorised repairer, one law firm, and four classified as "other".

[311] One intermediary buyer, and one classified as "other".

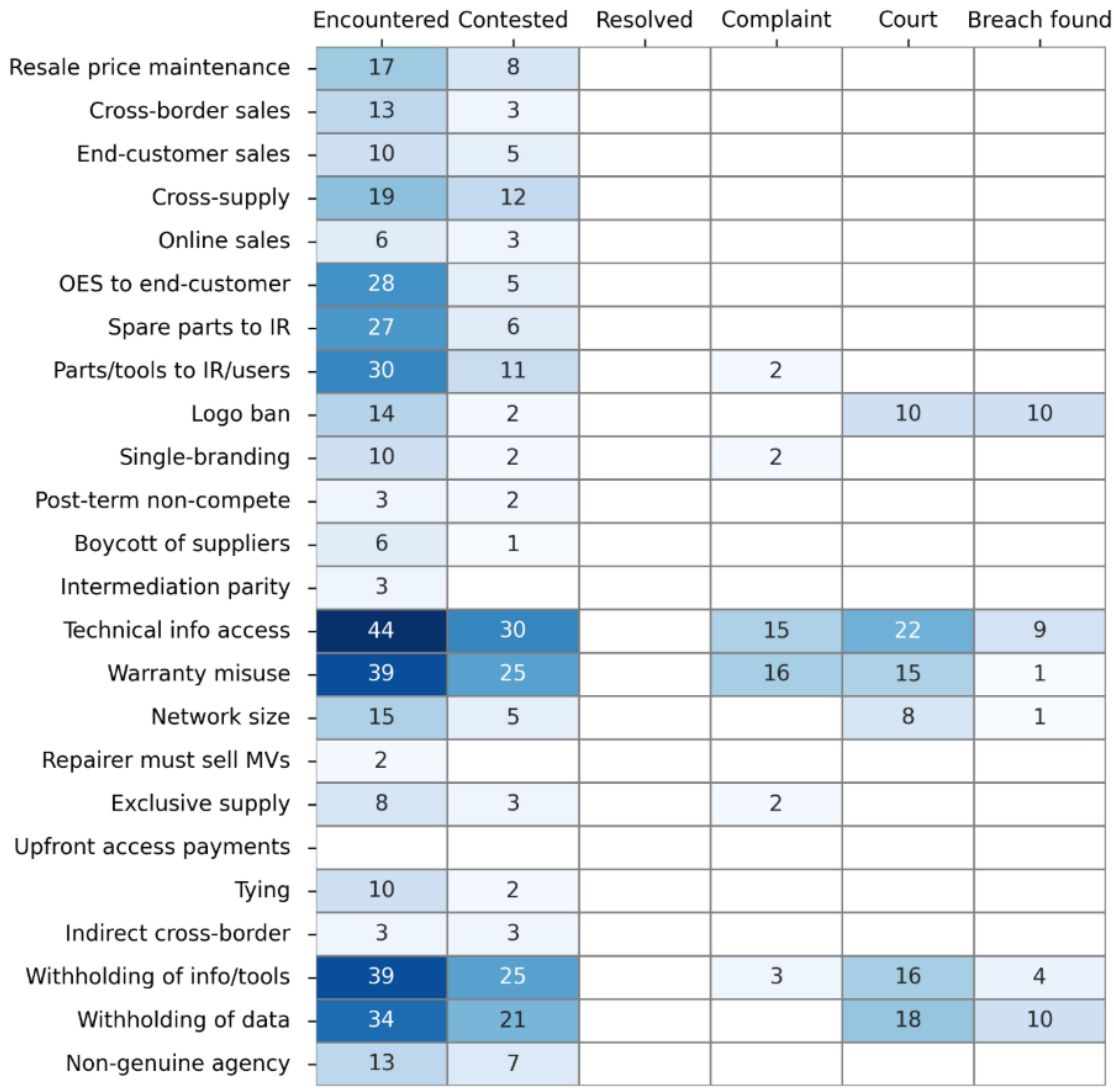
[312] 16 independent parts dealers, four independent repairers, one authorised repairer, one intermediary buyer, one independent dealer, one parts manufacturer, and 15 classified as "other".

[313] Seven VMs, four parts manufacturers, one law firm, one authorised dealer, one motor vehicle importer, and two classified as "other".

[314] Three independent repairers, two parts manufacturers, one law firm, and four classified as "other".

practices like bonuses, rebates, or warranty steering that favour authorised networks. Consolidation of dealer and repair networks, refusal to authorise new entrants, and shifts to agency models were also highlighted.

The second question asked market participants whether, since 2021, they had encountered particular defined restrictions in the context of agreements to which they or their clients were party. The figure 3 below summarises the replies.



	Encountered	Contested	Resolved	Complaint	Court	Breach found
Resale price maintenance	17	8				
Cross-border sales	13	3				
End-customer sales	10	5				
Cross-supply	19	12				
Online sales	6	3				
OES to end-customer	28	5				
Spare parts to IR	27	6				
Parts/tools to IR/users	30	11		2		
Logo ban	14	2			10	10
Single-branding	10	2		2		
Post-term non-compete	3	2				
Boycott of suppliers	6	1				
Intermediation parity	3					
Technical info access	44	30		15	22	9
Warranty misuse	39	25		16	15	1
Network size	15	5			8	1
Repairer must sell MVs	2					
Exclusive supply	8	3		2		
Upfront access payments						
Tying	10	2				
Indirect cross-border	3	3				
Withholding of info/tools	39	25		3	16	4
Withholding of data	34	21			18	10
Non-genuine agency	13	7				

Figure 3 – Number of respondents who encountered various restrictions

The third question asked market participants whether they had encountered any conduct on the part of a contractual partner that, in their view, served as an indirect means of achieving anti-competitive results.

43 of the 63 respondents who replied to this question answered "yes" ([315]). The most frequently mentioned practices related to (i) misuses of warranties to "funnel" consumers

[315] 16 independent parts dealers, five independent repairers, four parts manufacturers, two authorised dealers, two authorised repairers, one intermediary buyer, one independent dealer, and 12 classified as "other".

to authorised repairers; (ii) restrictions on access by independent operators to technical information and vehicle-generated data; (iii) restrictions on the supply of spare parts to the independent aftermarket; (iv) restrictions related to coded parts; (v) refusals of access to authorised repair networks; (vi) application of bonus/rebate schemes and restrictive commercial terms; and (vii) alleged shifts to non-genuine agency models.

2.2.1.4. Legal certainty: clarity for firms as to what the law means

The first question asked market participants whether, based on their experience, the motor vehicle block exemption rules had generally achieved legal certainty compared to a hypothetical situation in which the MVBER and the SGL did not exist (but the VBER and the VGL did). A vast majority of respondents (58) ([316]) considered that the aim had been achieved, while seven ([317]) replied to the opposite.

The second question asked whether the definitions contained in the motor vehicle block exemption rules had increased legal certainty compared to a hypothetical situation in which no such rules existed.

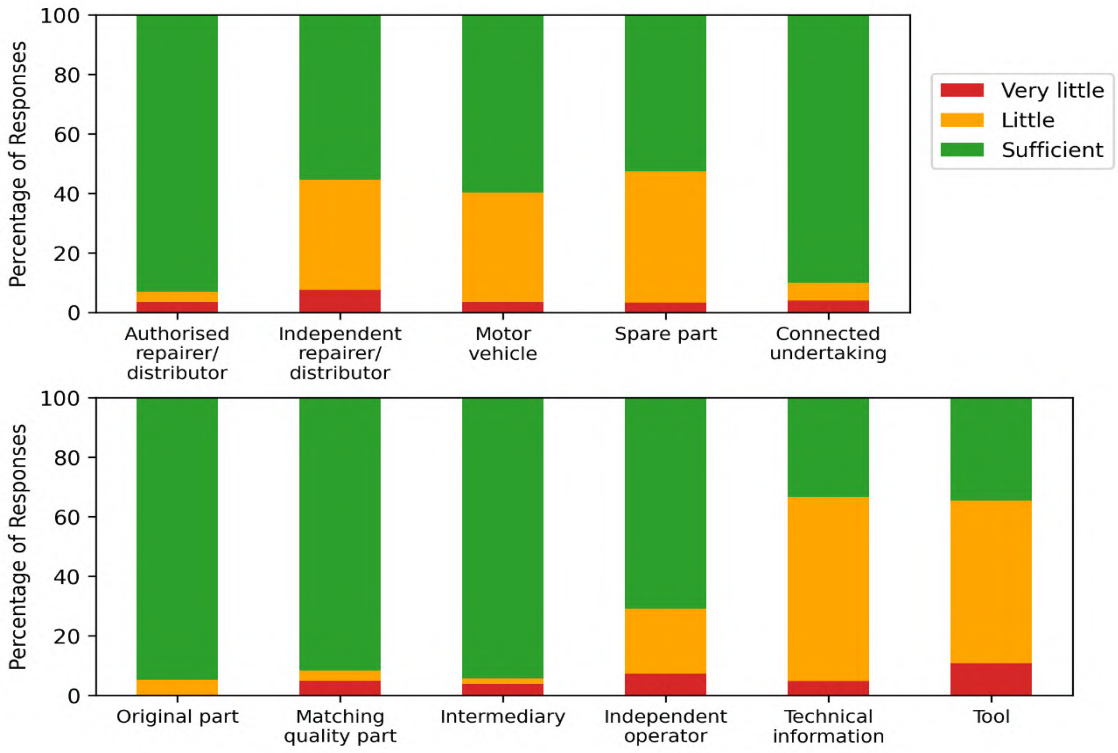


Figure 4 – Extent to which definitions in the MVBER and SGL have increased legal certainty ([318])

[316] 17 independent parts dealers, seven parts manufacturers, seven VMs, four independent repairers, two authorised dealers, one independent dealer, one motor vehicle importer, one authorised repairer, one law firm, and 17 classified as "other".

[317] Two independent repairers, one law firm, one authorised repairer, one intermediary buyer, and two classified as "other".

[318] "Don't know," "No answer," and any value other than "Very little", "Little", or "Sufficient" are not shown as percentages in the graph.

The stakeholders were of the view that most definitions in the MVBER provided sufficient legal certainty, but not for all:

- The definition of "independent repairer/ distributor" (MVBER Article 1(1)(e)-(f)), was considered too narrow in view of current technological developments. Namely, "independent repairer" did not include remote service providers, such as those assisting with vehicle programming from another location using software tools ([319]). As regards "motor vehicle" (MVBER Article 1(1)(g)), some respondents referred to the exclusion of two- and three-wheeled vehicles ([320]).
- As regards "spare part" (MVBER Article 1(1)h)), respondents mentioned that it did not include software components ([321]).
- As regards "technical information" (SGL recital 66), many respondents claimed that the current definition was too narrow to reflect the rapid technological advancements in the automotive sector as it did not include related processes necessary for parts activation codes and any licensed software required for replacement parts, as well as modern systems like Advanced Driver Assistance Systems ("ADAS") and battery management ([322]).
- As regards "tool" (SGL recital 68), some respondents argued that the definition did not adequately reflect the role of software-based and electronic tools, or address after-sales obligations or data access requirements ([323]).

The third question asked market participants to evaluate whether the following provisions of the motor vehicle block exemption rules had increased legal certainty compared to a situation in which these two instruments did not exist (but the VBER and the VGL did) with regard to certain restrictions. The replies are summarised in the graph below:

[319] 13 independent parts dealers, one independent repairer, and five classified as"other".

[320] 14 independent parts dealers, one independent dealer, and five classified as "other".

[321] 16 independent parts dealers, one independent repairer, and one classified as "other".

[322] 17 independent parts dealers, and two classified as "other".

[323] One independent repairer, and four classified as "other".

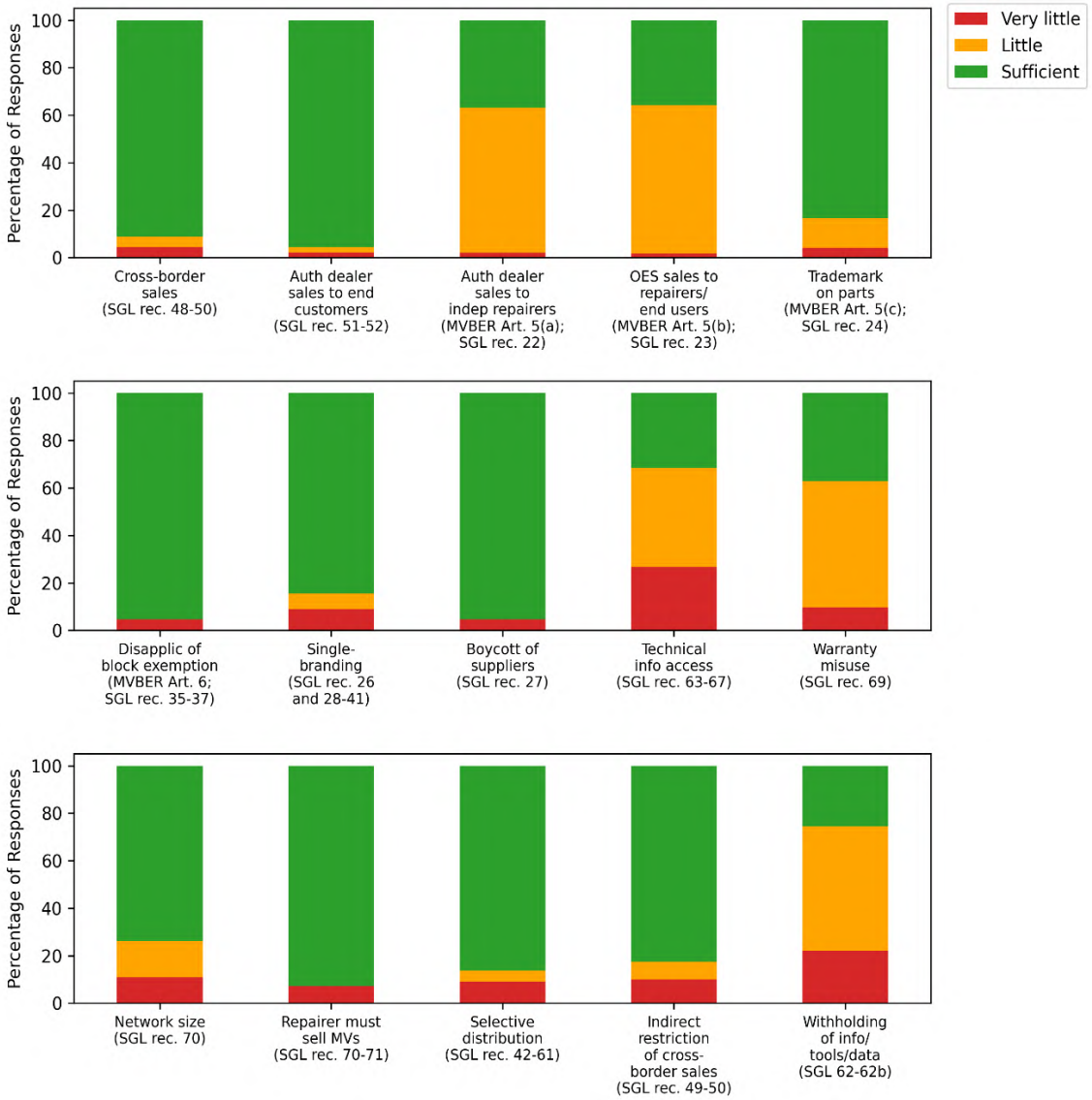


Figure 6 – Legal certainty achieved by general provisions ([324])

The following restrictions in particular were cited as provisions that had increased legal certainty "little" or "very little":

- Restriction on the ability of authorised dealers within a selective distribution system to sell spare parts to independent repairers (MVBER Article 5(a); SGL recital 22): Respondents alleged a lack of legal certainty regarding indirect restrictions on independent repairers' ability to access parts ([325]).
- Restriction on the ability of suppliers of parts/tools/equipment to sell to authorised/independent repairers/distributors or end users (MVBER Article 5(b); SGL recital 23): Some respondents expressed concerns that the current wording of the provisions was vague, particularly as regards what constituted a "restriction", allegedly leading to

[324] The graph only includes "Very little", "Little", or "Sufficient" answers. Other responses ("Do not know", "No answer" or missing answers) are not shown.

[325] 16 independent parts dealers.

divergent practices among VMs and dominant suppliers, and inconsistent compliance ([326]).

- Restriction of independent operators' access to technical information (SGL recitals 63-67)/ Misuse of warranties (SGL recital 69)/ Withholding of essential technical information, tools, training, and vehicle-generated data (SGL 62-62b): Some respondents claimed a lack of enforcement in practice ([327]).

The fourth question asked market participants to identify any other specific areas where they considered that there was a lack of legal certainty and to explain the reason. In response, stakeholders notably mentioned (i) vehicle warranties ([328]); (ii) access to vehicle-generated data, digital functions, and remote diagnostics and Repair and Maintenance Information (RMI) ([329]); (iii) the MVBER's hardcore restrictions ([330]); (iv) access to authorised networks and the distinction between accessories and spare parts ([331]).

In the last question, market participants were asked to identify any other items provided to authorised repairers that, in their view, should have been considered as technical information for the purposes of the motor vehicle block exemption rules (see paragraph 66 SGL). They mentioned : (i) cybersecurity-related functions and protected systems ([332]); (ii) diagnostic tools and software-related information ([333]); (iii) battery-related information (EVs and hybrids ([334])); (iv) technical specifications and compatibility information for parts ([335]); (v) preventive and predictive maintenance data ([336]); (vi) ADAS calibration and configuration data ([337]); (vii) Over The Air functions and remote diagnostics ([338]); (viii) telematics and access to vehicle-generated data ([339]); (ix) vehicle and parts integration

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[326] Two independent repairers, and one parts manufacturer.

[327] One independent repairer, and seven classified as "other".

[328] 14 independent parts dealers, two independent repairers, one independent dealer, and one classified as "other".

[329] Three independent repairers, two independent parts dealers, one parts manufacturer, and one classified as "other".

[330] Eight independent parts dealers, and two parts manufacturers.

[331] One independent repairer, and one classified as other.

[332] 11 independent parts dealers, four parts manufacturers, three independent repairers, and one classified as "other".

[333] Three parts manufacturers, two independent repairers, one independent dealer, and six classified as "other".

[334] 11 independent parts dealers, four parts manufacturers, three independent repairers, and two classified as "other".

[335] Four independent parts dealers, two parts manufacturers, one independent repairer and five classified as "other".

[336] Three parts manufacturers, one independent repairer, and three classified as "other".

[337] Four parts manufacturers, two independent repairers, one independent dealer, and five classified as "other".

[338] One independent repairer, and one classified as "other".

[339] Two independent repairers, and one classified as "other".

systems ([340]); (x) technical service bulletins and working solutions ([341]); (xi) prices and licensing terms ([342]); and (xii) training and guidance materials ([343]).

2.2.2. Efficiency (Were the costs involved proportionate to the benefits?) ([344])

The first and second questions asked market participants to identify the types of costs incurred when assessing whether vertical agreements can benefit from the motor vehicle block exemption rules and assess them annually. Most respondents (51) ([345]) referred to costs for external counsel and internal lawyers, followed by costs for internal administration (28) ([346]), reporting costs range from EUR 5 000 to EUR 40 000, depending on the nature and size of the respondent ([347]).

The third question asked market participants to indicate whether they consider costs to have been proportionate to the benefits that the motor vehicle block exemption rules have brought. Most of those who replied (17) felt that the costs associated with the MVBER rules were small relative to the benefits ([348]). By contrast, ten responses ([349]) considered the costs to be large compared to the benefits.

The last question asked market participants to provide an estimate of the level of assessment costs they would have incurred if the assessment had had to rely directly on Article 101 TFEU (i.e., no motor vehicle block exemption rules). The vast majority of respondents considered that without the motor vehicle block exemption rules, assessment costs would have been higher ([350]).

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[340] 11 parts dealers, one independent dealer, one independent dealer, and five classified as "other".

[341] Four respondents classified as "other".

[342] Three independent parts dealers.

[343] 12 independent parts dealers, five parts manufacturers, three independent repairers, and six classified as "other".

[344] Respondents which did not provide any reply to any of the questions of the "Efficiency" section are not taken into account in the graph below.

[345] 17 independent parts dealers, seven VMs, five parts manufacturers, two independent repairers, two law firms, one independent dealer, one motor vehicle importer, one authorised repairer, one authorised dealer, one intermediate buyer, and 13 classified as "other".

[346] Seven parts manufacturers, seven VMs, two independent parts dealers, one independent repairer, one independent dealer, one authorised repairer, one law firm, and eight classified as "other".

[347] On the lower end, an independent repairer reported EUR 5 000 annually, while an association for the authorised and independent aftermarket indicated EUR 10 000 in addition to the involvement of one full-time employee. A third respondent (independent parts dealer) estimated annual costs of around EUR 40,000. At the higher end of the range, two other associations for the authorised and independent aftermarket reported two full-time employees plus EUR 10 000. Another association estimated costs in terms of personnel only, citing two full-time equivalents, but without providing a monetary value.

[348] Five parts manufacturers, two independent parts dealers, one authorised repairer, one authorised dealer, and eight classified as "other".

[349] Five independent parts dealers, two independent repairers, one law firm, and two classified as "other".

[350] Only one respondent, an association representing the interests of authorised vehicle dealers and repair shops, was of the view that the costs would have been the same without the MVBER regime

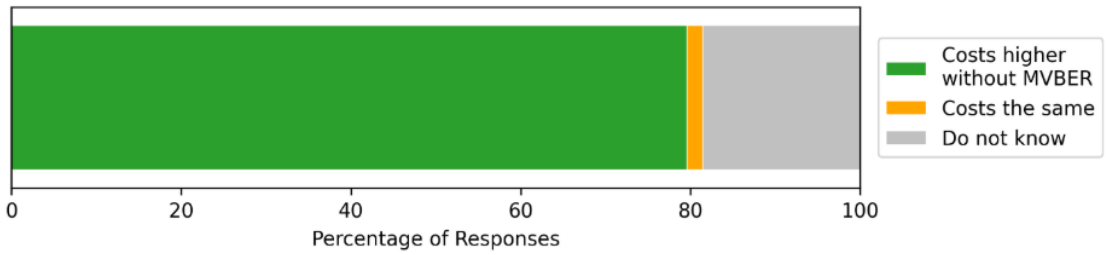

Figure 8 – Level of assessment costs if market participants had had to rely on the VBER and the vertical guidelines instead ([351])

2.2.3. Relevance (Do the objectives of the rules still correspond to the current needs?)

The first question asked market participants whether the objectives of the motor vehicle block exemption rules were still relevant today. The responses showed broad agreement on relevance:

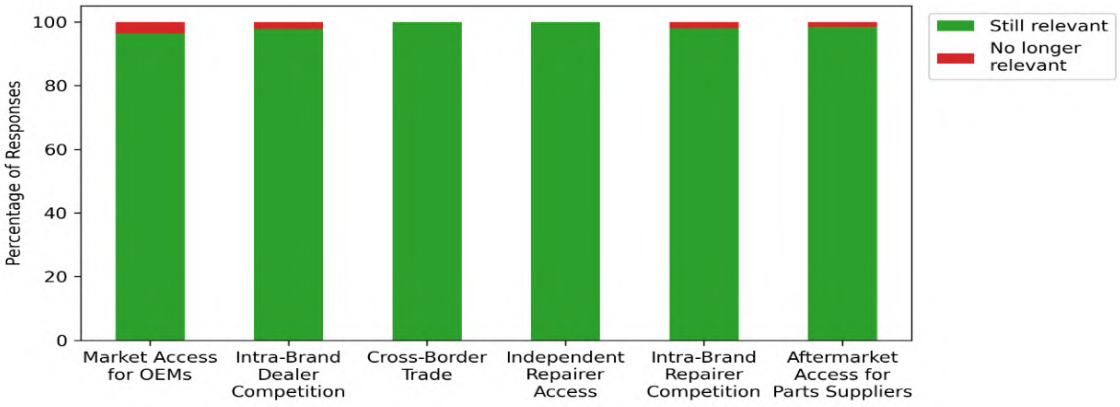

Figure 9 – Relevance of objectives ([352])

The second question asked market participants to indicate whether, in their view, the material scope of the sector-specific regime for vertical agreements concerning motor vehicles, defined in Regulation 461/2010 as self-propelled vehicles intended for use on public roads and having three or more road wheels was still appropriate. 47 respondents ([353]) considered that the current scope was still appropriate, whereas 14 ([354])

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[351] Only missing answers were excluded from this graph.

[352] The graph only shows replies indicating "Objective still relevant" and "Objective no longer relevant". Missing answers and all other responses are excluded.

[353] Among the respondents who believed that the current scope was still appropriate, 17 were independent parts dealers, four were parts manufacturers, four were independent repairers, two were authorised dealers, two were VMs, two were law firms, one was an authorised repairer, one was a motor vehicle importer, one was an intermediary buyer, and 13 were classified as "other." 31 of these stakeholders were active specifically for passenger cars; nine for passenger cars, light commercial vehicles, heavy goods vehicles, busses and coaches; one for passenger cars, light duty and heavy duty vehicles; two for light commercial vehicles; one for light- and heavy duty vehicles; three for or active in all types of vehicles, and an association for competition studies.

[354] Among the respondents who believed that the current scope was no longer appropriate, three were parts manufacturers, two were independent repairers, one was an authorised repairer, and one was an independent dealer, and seven were classified as "other". Of these stakeholders, five were active specifically in the

explained that the current definition was too narrow.

2.2.4. Coherence (Are the rules consistent internally and with other EU rules?)

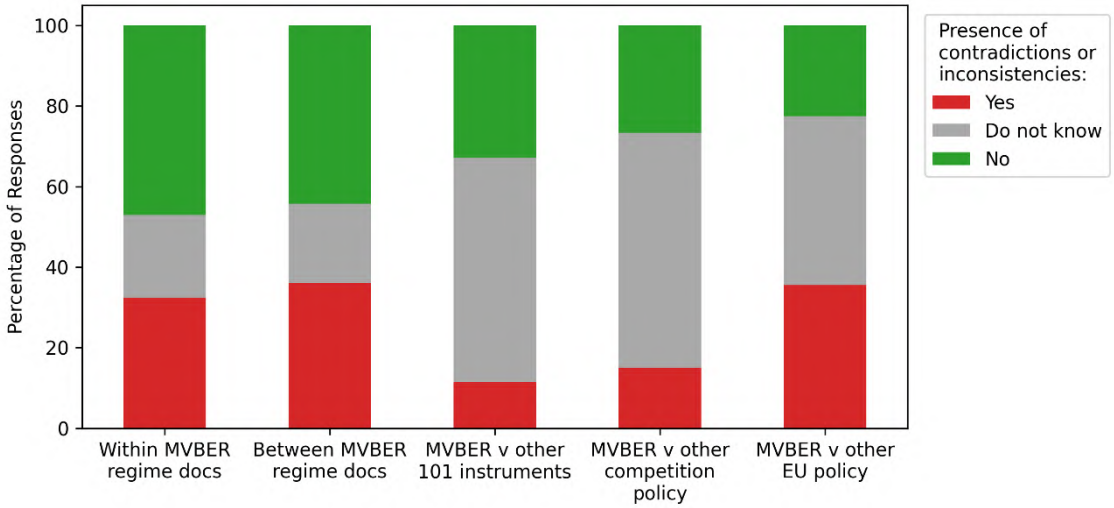

Figure 10 – Perceived contradictions between MVBER and other legal instruments ([355])

The first set of questions in this section asked market participants to indicate whether, in their experience, there were any inconsistencies or contradictions within any of the individual instruments making up the motor vehicle block exemption rules. 32 respondents considered that there were no inconsistencies or contradictions ([356]), while 22 believed that there were inconsistencies ([357]). The respondents which identified inconsistencies or contradictions were asked to elaborate on their position. However, the specific feedback given did not address in fact contradictions within the motor vehicle exemption rules.

The second question enquired whether, in the market participants' experience, there were inconsistencies or contradictions between the instruments that make up the motor vehicle block exemption rules (for example, instances where a provision of the MVBER is inconsistent with a provision of the VBER). 27 respondents replied that there were no inconsistencies or contradictions ([358]), while 22 indicated that such inconsistencies or contradictions were present ([359]). However, respondents did not report actual

passenger car business; another six represented a broader range of vehicles, including passenger cars, light commercial vehicles, heavy goods vehicles, buses and coaches, as well as two- and three-wheelers; two were active for passenger cars, light commercial vehicles, heavy goods vehicles, buses and coaches.

[355] Missing values, blanks, and "No answer" entries are excluded from the graph.

[356] Seven VMs, five parts manufacturers, two independent parts dealers, one authorised repairer, one independent repairer, one law firm, one motor vehicle importer, and 14 classified as "other."

[357] 14 independent parts dealers, two independent repairers, one authorised dealer, one intermediary buyer, one independent dealer, and three classified as "other."

[358] Two VMs, five parts manufacturers, one independent parts dealer, one independent repairer, one authorised dealer, one authorised repairer, one law firm, one motor vehicle importer, and 14 classified as "other."

[359] 16 independent parts dealers, one independent repairer, one intermediary buyer, one independent dealer, and three classified as "other."

inconsistencies between the block exemption instruments.

The third question asked whether, in the market participants' experience, there were any inconsistencies or contradictions between the motor vehicle block exemption rules and other Commission instruments that lay down rules or provide guidance on the application / interpretation of Article 101 TFEU (such as other block exemption regulations, the Horizontal Guidelines, the Notice on the definition of the relevant market or the Guidelines on the application of Article 101(3) TFEU). 34 respondents stated that they are unable to answer this question. 20 stakeholders replied that there were no such inconsistencies/contradictions ([360]). Seven respondents replied that such inconsistencies/contradictions were present ([361]).

The fourth question asked whether, in the market participants' views, there were inconsistencies between the motor vehicle block exemption rules and other existing or upcoming Commission instruments in the area of competition policy and enforcement. 39 respondents stated that they "did not know". 16 explained that there were no inconsistencies or contradictions ([362]). By contrast, nine respondents considered that there were some inconsistencies or contradictions ([363]). The three responses ([364]) which identified inconsistencies and made relevant comments ([365]) mentioned a misalignment between the MVBER and the Digital Markets Act (DMA) ([366]), the Digital Services Act (DSA) ([367]) and the Data Act ([368]). Respondents were concerned that these digital laws primarily target large technology platforms and do not address the growing role of automotive manufacturers as digital gatekeepers. As cars increasingly integrate software-based features, they raised concern that certain vehicle functions – like spare parts

[360] Two VMs, four parts manufacturers, two independent parts dealers, one independent repairer, one authorised dealer, one authorised repairer, one law firm, one motor vehicle importer, and seven classified as "other."

[361] Two independent repairers, one independent parts dealer, one intermediary buyer, and three classified as "other."

[362] Three independent parts dealers, one parts manufacturer, one independent repairer, one authorised repairer, one motor vehicle importer, two VMs, one authorised dealer, one law firm, and five classified as "other".

[363] One independent parts dealer, one independent repairer, one intermediary buyer, one independent dealer, and five classified as "other."

[364] One business association of unauthorised dealers, one consumer and two consumer organisations.

[365] A number of responses contained general or irrelevant comments and are therefore not included here.

[366] Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), OJ L 265, 12.10.2022, pp. 1-66, ELI: http://data.europa.eu/eli/reg/2022/1925/oj.

[367] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27.10.2022, pp.1-102, ELI: http://data.europa.eu/eli/reg/2022/2065/oj.

[368] Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act), OJ L, 2023/2854, 22.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2854/oj.

management – could shift from MVBER's scope to that of digital laws, despite offering the same end-user utility.

In the last question, market participants were asked whether, to the best of their knowledge, there were any inconsistencies between the motor vehicle block exemption rules and other existing or upcoming EU rules and policies. 26 respondents stated that they "did not know". 22 considered that there were some inconsistencies or contradictions ([369]), while 14 ([370]) answered in the negative.

12 respondents ([371]) that answered in the positive concerned vehicle-generated data. In particular, these respondents noted potential conflicts between the motor vehicle block exemption rules and more recent or upcoming EU rules and policies like the GDPR ([372]), Cyber Resilience Act ([373]) UN-ECE Regulation 155 ([374]) and the proposal ([375]) to amend Annex X of the Type approval Regulation. These newer frameworks were said to allow or even reinforce VM control over vehicle-generated data, making it harder for independent operators to compete. This would be contrary to the objectives of the block exemption rules for motor vehicles.

Six respondents ([376]) that answered in the positive referred to the Type Approval Regulation and stated that the motor vehicle block exemption rules should be updated according to the provisions on vehicle technical information included therein, such as recitals 50, 52 and 61. Some other respondents also raised concerns that definitions of technical information in the Type Approval Regulation and also the End-of-Life Vehicle Framework create confusion and legal uncertainty, if the same categories of information are not included in the SGL.

Two comments ([377]) also mentioned a misalignment between the motor vehicle block

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[369] Six parts manufacturers, four independent repairers, two independent parts dealers, one law firm, one independent dealer, and eight classified as "other."

[370] Two VMs, three independent parts dealers, one authorised dealer, one authorised repairer, one law firm, one motor vehicle importer, one parts manufacturer, and four classified as "other."

[371] Four parts manufacturer, two unauthorised repairers, one unauthorised dealer, two associations of unauthorised repairers; three consumer organisations

[372] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, pp. 1–88, ELI: http://data.europa.eu/eli/reg/2016/679/oj.

[373] Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act), OJ L 2024/2847, 20.11.2024, ELI: http://data.europa.eu/eli/reg/2024/2847/oj.

[374] UN Regulation No. 155 - Cyber security and cyber security management system available here.

[375] COMMISSION DELEGATED REGULATION (EU) …/... amending Annex X to Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the standardised access to vehicle on-board diagnostics information and repair and maintenance information, and the requirements and procedures for access to vehicle security information, C/2021/3377 final.

[376] One publisher of technical information, three consumer organisations, two parts manufacturers.

[377] One association of independent repairers and one citizen.

exemption rules and the EU's environmental and sustainability goals, especially those outlined in the European Green Deal. According to them, while the motor vehicle block exemption rules emphasized competition, environmental policy promoted repairability and product longevity. Respondents argued that the MVBER did not sufficiently support these environmental goals and could therefore hinder the transition to a circular economy.

2.2.5. EU added value (Could the same results have been achieved with action at national level?)

The first set of questions in this section asked market participants to indicate whether, in their experience, the motor vehicle block exemption rules had made it easier for national competition authorities ("NCAs") and national courts to apply the rules consistently. The great majority of respondents (50) replied "yes" to the above question ([378]), while few (9) concluded the opposite ([379]).

The second set of questions enquired whether, in the experience of the market participants, the motor vehicle block exemption rules had provided added value, or whether national guidance, the enforcement practice of NCAs and relevant national case-law could have been equally or more effective. As can be seen from the figure below, the vast majority of respondents considered that national provisions would have been less effective ([380]).

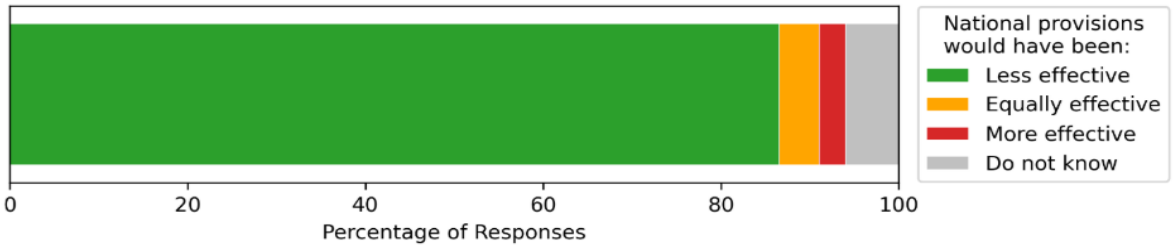

Figure 11 – Added value of MVBER vs national provisions ([381])

2.2.6. Final comments submitted by stakeholders

In response to the final question, which asked stakeholders to add anything else that might be relevant for the evaluation of the motor vehicle block exemption rules, many stakeholders repeated earlier points, underscoring a clear divide between VMs, who considered the framework adequate, and independent operators, who did not. Respondents acknowledged that the MVBER and SGL had provided legal certainty and a harmonised EU framework, but mentioned also some limitations, including restricted access to

[378] 14 independent parts dealers, seven VMs, seven parts manufacturers, two authorised dealers, one authorised repairer, one law firm, one motor vehicle importer, one independent dealer, and 15 classified as "other."

[379] Two independent repairers, one authorised repairer, one intermediary buyer, one law firm, and four classified as "other."

[380] 16 independent parts dealers, seven VMs, seven parts manufacturers, two independent repairers, two authorised repairers, one authorised dealer, one law firm, one motor vehicle importer, one independent dealer, and 19 classified as "other".

[381] Missing replies are excluded from the chart.

technical information, diagnostic tools, software, and vehicle-generated data, particularly for SMEs; VMs' growing control over digital ecosystems; captive spare parts in EVs; and limited enforcement options for small and micro-enterprises. Several respondents also highlighted the relevance of the 2012 FAQs as a useful source of guidance.

3. Consultation of the NCAs

In January 2026, the Commission services surveyed the NCAs from Member States about their views on the performance of the MVBER regime against the five evaluation criteria. In total, 11 NCAs replied to the consultation. In general, they stated that they had no or little experience in applying the MVBER regime. The NCAs opined that the MVBER regime was still adequate to address competition issues in the automotive aftermarkets. Some NCAs explained that the electrification and digitalisation of motor vehicles increases the dependency of the automotive aftermarkets on technologies and equipment provided by the VMs as well as on information provided by the VMs and generated by the motor vehicles. It was suggested that the MVBER regime should be clarified in order to guarantee the access of the automotive aftermarkets to these technologies and information. In addition, some NCAs pointed out to a trend towards agency distribution model. It was suggested, in this respect, that the MVBER regime should clarify the factors defining agency agreements. Finally, some NCAs advanced the view that the guidance given on the misuse of manufacturer's warranties is not clear enough and that the SGL could clarify the distinction between legal warranties, extended warranties and warranty extensions.