



Brussels, 30.6.2022
C(2022) 4324 final/2 -

ANNEX

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to the

COMMUNICATION FROM THE COMMISSION

Approval of the content of a draft for a Commission Regulation amending 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

ANNEX
COMMISSION REGULATION (EU) .../... of XXX amending 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

(Text with EEA Relevance)

DRAFT

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation No 19/65/EEC of 2 March 1965 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices¹, and in particular Article 1 thereof,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

- (1) Commission Regulation (EU) No 461/2010² grants a block exemption to categories of vertical agreements and concerted practices in the motor vehicle sector from the prohibition contained in Article 101(1) of the Treaty, subject to certain conditions. That Regulation applies until 31 May 2023.
- (2) Based on the Commission's evaluation of Regulation (EU) No 461/2010, following a public consultation, the Commission has gathered information and data showing with a sufficient degree of certainty that Regulation (EU) No 461/2010 has effectively helped businesses conduct the self-assessment of their vertical agreements in the motor vehicle sector. It has also been efficient, as in its absence, the costs resulting from assessing compliance of vertical agreements in the motor vehicle sector with Article 101 of the Treaty would have been higher. It has also added value making it easier for national competition authorities and national courts to apply the rules consistently.
- (3) The conditions on the basis of which the scope and content of Regulation (EU) No 461/2010 were determined have remained sufficiently similar for the application of that Regulation to be extended.
- (4) In order to allow the Commission to take into account possible changes in market circumstances, the period of application of Regulation (EU) No 461/2010 should be extended by five years.
- (5) Regulation (EU) No 461/2010 should therefore be amended accordingly,

¹ OJ 36, 6.3.1965, p. 533.

² Commission Regulation (EU) No 461/2010 of 27 May 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices in the motor vehicle sector (OJ L 129, 28.5.2010, p. 52).

HAS ADOPTED THIS REGULATION:

Article 1

Article 7 of Commission Regulation (EU) No 461/2010 is replaced by the following:

‘Article 7

The Commission will monitor the operation of this Regulation and shall carry out an evaluation of the Regulation before its expiry on 31 May 2028.’.

Article 2

In Article 8 of Commission Regulation (EU) No 461/2010, the second paragraph is replaced by the following:

‘It shall expire on 31 May 2028.’.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President
Ursula von der Leyen*