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Commission prolongs Motor Vehicle Block Exemption Regulation and updates the Supplementary Guidelines

The European Commission has prolonged the Motor Vehicle Block Exemption ('MVBER') for 5 years, that was set to expire on 31 May 2023. The MVBER will now apply until 31 May 2028.

This limited prolongation will allow the Commission to react in a timely manner to possible market changes, such as those resulting from vehicle digitalisation, electrification and new mobility patterns.

A number of the changes to the Supplementary Guidelines are intended to streamline it with the new Vertical Block Exemption Regulation ('VBER'), the new Vertical Guidelines and the type approval legislation.

The most striking substantive changes introduced to the Supplementary Guidelines all relate to access to repair and maintenance information (RMI). Some highlights:

- RMI now also explicitly includes vehicle-generated data that is essential for repair and maintenance.
- Technical information that qualifies as RMI extends to information required to work (not only on ECU, but also) on ADAS and battery management systems with a view to introduce or restore settings recommended by the supplier, as well as to activation codes needed to install certain parts.
- If a vehicle manufacturer considers withholding access to RMI based on security grounds, it needs to assess whether withholding access is appropriate (or whether less restrictive measures would address its security related concern).
- If an OEM withholds RMI (incl. vehicle data qualifying as RMI) from independent operators and also does not put that RMI at the disposal of its authorised network, such conduct may amount to an abuse of dominance under Article 102 TFEU.

For more information, please see:

- The Commission's press release; and
- The prolonged MVBER and the Supplementary Guidelines.