

What is Block Exemption?

A guide for motorists and independent repairers

In October 2003 European Union legislation, 'Block Exemption Regulations 1400/2002' (BER) came into force.

This gave motorists more freedom in their decision as to who should repair and service their vehicles – now any garage can be used without invalidating the manufacturer's warranty (subject to certain conditions).

This was as a result of four specific 'freedoms' that were introduced, aimed at safeguarding free competition in the entire market for vehicle spare parts, service and repair. These meant:

parts distributors can supply parts of the appropriate quality to dealers and authorised repairers without the vehicle manufacturer / assembler using 'dealer / repairer contracts' or other means to prevent them.

parts manufacturers can no longer be forced by their original equipment (OE) contract to limit supply of parts to the vehicle manufacturer / assembler.

parts manufacturers can supply OE products under their own brand so motorists and repairers will not feel they have to go to a main dealer for a certain part. Anyone with a legitimate need for technical information has a right of access to it in a usable form and at a reasonable cost.

The BER covers service and maintenance during the warranty period and prohibits vehicle manufacturers' warranties from including conditions requiring that:

all normal maintenance be provided within the vehicle manufacturer's network.

all parts used must be the manufacturer's original spare parts.

The European Commission declared that such clauses in a warranty document would represent 'an unjustified restriction for the consumer'.

The Automotive Distribution Federation (ADF) have written proof from the Office of Fair Trading (OFT) that:

Independent repairers CAN carry out normal maintenance and repair services during a vehicle's warranty period without invalidating the warranty conditions provided that:

the service is carried out in accordance with the manufacturer's servicing schedules and is recorded as such.

any parts used are of 'appropriate quality' and are recorded as such.

If you need any further information on this topic or if you have any evidence of vehicle manufacturers or their dealers infringing these rules, then please do contact the ADF office.

These notes are intended to introduce interested parties to the topic of BER. They should not be taken as a definition of the law or proposed laws. Whilst every care has been taken in the writing of these notes myFavouriteGarage.com can accept no liability for any event arising from their use.