

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 Office of Fair Trading (OFT) highlights 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