

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2023/822**of 17 April 2023****on amending Regulation (EU) No 461/2010 as regards its period of application****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) Until 31 May 2023, Commission Regulation (EU) No 461/2010 ⁽²⁾ grants, to categories of vertical agreements and concerted practices in the motor vehicle sector, a block exemption from the prohibition contained in Article 101(1) of the Treaty, subject to certain conditions.
- (2) The operation of Regulation (EU) No 461/2010 was monitored and evaluated pursuant to Article 7 thereof. That evaluation revealed that the application of Regulation (EU) No 461/2010 has, overall, been positively perceived.
- (3) The benefit of the block exemption established by Regulation (EU) No 461/2010 is limited to vertical agreements and concerted practices in the motor vehicle sector in respect of which conformity with the conditions set out in Article 101(3) of the Treaty can be assumed with sufficient certainty. In that respect, there has been no significant change in the market conditions underpinning Regulation (EU) No 461/2010, therefore it can still be assumed with sufficient certainty that the vertical agreements and concerted practices in the motor vehicle sector to which that Regulation applies continue to satisfy the conditions set out in Article 101(3) of the Treaty. The application of Regulation (EU) No 461/2010 should therefore be extended.
- (4) In order to allow the Commission to take into account possible changes in market conditions, 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. 533/65.

⁽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

Regulation (EU) No 461/2010 is amended as follows:

(1) Article 7 is replaced by the following:

'Article 7

The Commission shall monitor the operation of this Regulation and carry out an evaluation thereof before 31 May 2028.';

(2) in Article 8, the second paragraph is replaced by the following:

'It shall expire on 31 May 2028.'

Article 2

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, 17 April 2023.

For the Commission
The President
Ursula VON DER LEYEN
