

EN

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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(19.11.2024)

EU law¹ requires non-original replacement parts with a critical bearing on safety and environment (e.g. tyres, brake pads and discs, light bulbs, catalytic converters) to meet the same requirements as original parts².

Parts or equipment that may pose a serious risk to the correct functioning of systems essential for the vehicle safety or environmental performance must be authorised. Member States may maintain their national provisions until the Commission establishes, based on an evaluation, the list referred to in Article 55(4) of Regulation (EU) 2018/858³. The Commission has the possibility to take safeguard measures to withdraw the authorisations granted to parts that may pose a serious risk.

This issue was discussed at the Technical Committee for Motor Vehicles in 2020 where Member States expressed a strong preference to maintain the regulation of spare parts at national level. This does not prevent the Commission from reassessing the situation in the future and making a proposal, if needed.

Regulation (EU) No 461/2010⁴ specifies the conditions under which motor vehicle spare parts distribution and repair and maintenance service agreements are exempted from the application of Article 101(1) of the Treaty on the Functioning of the EU⁵. The associated Supplementary Guidelines (2010/C 138/05)⁶ provide detailed guidance on the interpretation of the Regulation. These documents do not mandate the use of particular parts for particular purposes, nor do they establish that any particular part is safe or of matching quality with those of original components.

¹ In accordance with Article 50 of Regulation (EU) 2018/858 of the European Parliament and of the Council, vehicle components and separate technical units, including those intended for the aftermarket, may only be made available on the market or entered into service if they comply with the requirements of the relevant regulatory acts listed in Annex II to the Regulation and are marked in accordance with Article 38.

² For example, the General Safety Regulation (EU) 2019/2144 sets out requirements for the approval of replacement brake lining assemblies, drum brake linings and discs and drums.

³ OJ L 151, 14.6.2018, p. 1.

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02010R0461-20230507>

⁵ [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52014XC0830\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52014XC0830(01))

⁶ [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52010XC0528\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52010XC0528(01))