

Competition and Consumer Amendment
(Motor Vehicle Service and Repair Information Sharing Scheme) Bill 2020

28 January 2021

Dear Madam, dear Sir,

Founded in 1957 and based in Brussels, FIGIEFA is the European federation representing the political interests of independent distributors of automotive spare parts towards European Union's and United Nations' institutions. It brings together 20 national associations, as well as leading market players. It also coordinates closely with sister organisations around the globe to ensure the worldwide protection of the interests of consumers by promoting fair competition for all aftermarket players, in particular by putting authorised networks and independent operators on an equal footing.

This is why, and in close cooperation with the Australian Automotive Aftermarket Association (AAAA), whose efforts we fully support based on our European experience, we have looked with deep interest the ongoing discussions in Australia regarding a potential amendment to the Competition and Consumer legislation, which would include a scheme for the sharing of repair information. **We believe such an amendment to be a step in the right direction by addressing a very important issue.**

Over the last years, the volume and complexity of RMI has increased significantly, due to the emergence of new vehicle technologies, the complexification of vehicle electronic systems resulting in increasingly complex layers of RMI, and the increasing specialisation of some parts tailored to specific vehicle models. With the advent of new powertrains and connected and automated mobility, this trend will accelerate. Therefore, affordable, reliable, efficient, access to repair and maintenance information (RMI) is essential for independent operators to be able to continue offering the services expected by end-consumers, especially with regards to the roadworthiness, safety and environmental performance of their vehicles.

However, **in order to fully address future developments arising from technological innovation and business practice, we also believe that the amendment should be even more ambitious.** In particular, telemetry shouldn't be excluded from 'Scheme Information'.

Telematics are becoming a critical component of the automotive aftermarket's operations. By being able to remotely conduct the diagnostics of a vehicle, and even able to remotely fix the vehicle, vehicle manufacturers are gaining an unprecedented competitive advantage which doesn't not impact only independent operators, but also authorised repairers, as the OEM itself can now, from everywhere in the world, conduct such operations.

OEMs commonly use unsustainable fears linked with access to digital content/functions by third parties, such as cybersecurity or data privacy concerns. Yet, solutions do exist which both guarantee the highest standards in terms of cybersecurity and data privacy and, in the same time, fair competition between all market players.

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Cybersecurity certification schemes can be put in place, and independent operators do not request the personal data of the consumers (unless these consumers are willing to share them), but merely purely technical information needed to determine the “health status” of a vehicle.

Some OEMs have already attempted to remove the OBD port and others will seek to do this in the future. This is why over time, independent repairers need access to the diagnostic information that is transmitted by the vehicle. It seems to be reasonable for a consumer to grant access to this diagnostic information to their repairer of choice. If the OBD port would be to completely disappear, then manufacturers should ensure that independent repairers continue to have access to the vehicles diagnostic information and can have access to the information required to diagnose a fault and fix that fault.

This is why we believe it would be more efficient for the legislation to already include telemetry, as an exclusion would make the legislation quite void in a relatively short timeframe by not addressing the structural changes which the sector is going through. By already including the issue, only the Scheme Rules would need an update in the future, while by excluding it, a new legislation would be necessary to address this issue for competition.

We would be happy to provide any supporting evidence you might require and we stay at your disposal to answer any of your question, in particular on the situation here in the European Union.

Best regards,

A handwritten signature in blue ink that reads "Sylvia Gotzen". The signature is written in a cursive style with a downward-pointing arrow at the end of the last word.

Sylvia Gotzen

FIGIEFA CEO