



C L E P A
*European Association of
Automotive Suppliers*

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PRESS RELEASE

CLEPA Press release in response to the European Commission's proposed future competition law regime for the motor vehicle sector.

It has been and remains CLEPA's position that all motorists throughout Europe should have a right to go to a workshop of their choice, authorized or independent and that both should be in a position to provide safe maintenance and repair services. Such freedom of choice for repair and maintenance work requires that the independent sector has equal access to spare parts and technical repair information, including dual branding of components.

CLEPA welcomes the proposals made by the European Commission to give the European Aftermarket long-lasting and sustainable directions, as well as improved and robust regulations that can be enforced. The proposal shows in the opinion of CLEPA that DG Competition has a good understanding about the automotive aftermarket. CLEPA is of the opinion that with the proposed combination of the Mini BER and sector guidelines, the current balanced and competitive situation can be ensured for the future for all three market participants which are; Car Manufacturers (OEM), Suppliers (OES) and Independent Operators (IO).

However, from CLEPA's point of view, some smaller but nevertheless important corrections are needed. These corrections concern the used definitions: Repair and Maintenance Information (RMI) and Subcontracting.

CLEPA asks the European Commission to add the **definitions for Independent Operators (IO) and Repair and Maintenance Information (RMI)** from EC Regulation 715/2007 Article 3 (14 and 15) into the new legislation and to utilise the word "IO" in all relevant articles, instead of independent repairers and / or parts distributors. Similarly we ask to replace "technical information" consistently by "Repair and Maintenance Information (RMI)", in accordance with the definition.

CLEPA also welcomes the fact that the European Commission has recognised the need to ensure access to RMI for the existing car park; vehicles before Euro 5, and that the Commission will take the regulation for Euro 5 vehicles into account when assessing cases of suspected withholding of RMI.

As a final point, CLEPA welcomes the remarks from the Commission to add some guidelines in order to avoid abuse of **subcontracting**. The vast majority of vehicle components are developed and manufactured by the OES. CLEPA advocates that they should be free to sell their products as spare parts to authorised and independent aftermarket operators. This is often the only source of competition in the market for spare parts.

The matter is by no means confined to agreements that fall within the scope of the Subcontracting Notice of December 1978. Rather, the subcontracting notice rarely applies to agreements between an OEM and an OES. More than 50% of R & D spending and 75% of a car value come from the OES. Therefore, the OES is a (potential) competitor rather than an extended workbench.

The proposals from the Commission are a good step in the right direction, however to make it even more effective, some further fine-tuning towards these guidelines is needed.

**For more information, please contact Mr. Josef Frank, Director Aftermarket:
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CLEPA is the European umbrella membership organisation representing the interests of the global automotive supply industry. 77 of the world's most prominent suppliers for car parts, systems and modules and 28 National trade associations and European sectoral associations are members of CLEPA, representing more than 3,000 companies, employing more than three million people and covering all products and services within the automotive supply chain. Based in Brussels, Belgium, CLEPA is recognized as the natural discussion partner by the European Institutions, United Nations and fellow associations (ACEA, JAMA, MEMA, etc).
