



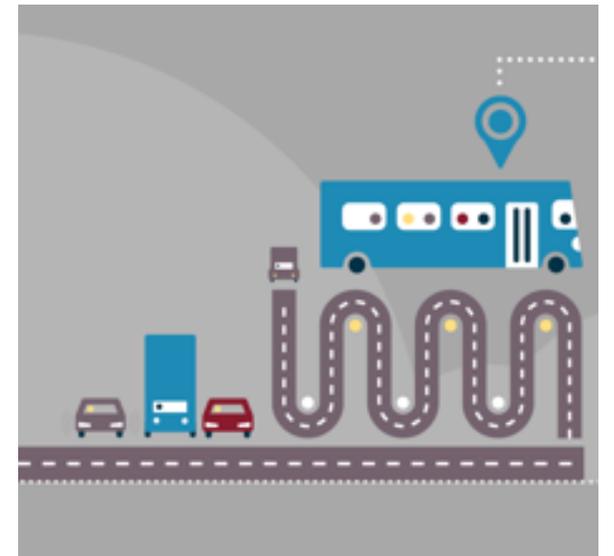
## 2010 – 2020 – 2030: Cars will still need parts

The European Commission looks at competition and market power.

In 2010 it decided that vehicle retailing no longer required special rules.

In 2020 it examines whether the aftermarket still requires specific legislation post-2023.

- Can OE suppliers sell to the aftermarket?
- Can OE suppliers apply their own logo?
- What about access to information and warranties?
- New market forces: GAFA, China on the rise?
- Impact of electric, connected and autonomous cars on aftermarket competition?



## What if the MVBER did not exist?

The MVBER includes rules that do not exist for other sectors.  
If the MVBER were to expire, the general rules („VRBER“) would apply.

- **MVBER:** OE supplier can sell spare parts to wholesalers and all repairers.  
**VRBER:** OE supplier can sell spare parts to independent repairers.
- **MVBER:** OE supplier can apply own logo to original equipment (dual branding).  
**VRBER:** No particular rule on dual branding.
- **MVBER:** OEM cannot stop authorised repairer from selling parts to independent repairer.  
**VRBER:** No particular rule on IAM access to OEM spare parts.
- **MVBER Guidelines:** Tooling arrangements, warranties must not impede competition.  
**VRBER Guidelines:** No particular rules (...and the Subcontracting Notice from 1978 rarely helps).
- **MVBER Guidelines:** Independent operators have access to technical information.  
**VRBER Guidelines:** No particular rules (...and Type Approval Regulation or Digital Markets Act may not suffice).

# Digital Markets Act – COM(2020) 842

The proposed Digital Markets Act (“DMA”) would combine ex-ante regulation with traditional competition law enforcement:

1. **Strict regime for “Gatekeepers”** with obligations regarding their conduct and concentrations:
  - Allow end users better access to products and services via the platform;
  - Allow users to un-install any pre-installed software applications;
  - Refrain from using data acquired by the platform in relation to business users to then compete with those business users;
  - Allow business users and providers of ancillary services access to the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;
  - Allow free real-time access and use of data generated by the use of the platform by business users and end users engaging with the products or services.
2. **Market investigation** as a new competition tool.
3. **Fines** of up to 10% global turnover and, in case of systematic infringements, structural remedies.

# Regulation (EU) 2018/858

## EU Type Approval Regulation:

- OEM have to grant independent operators access to repair and maintenance information, live vehicle data.
- Regulation promotes competition in the automotive aftermarket, including the market for vehicle information.
- Key questions:
  1. **Application to vehicles type-approved before September 2020:** Commission affirmative.
  2. **Form of data:** Bulk data sets must be available, Motor Vehicle Working Group October 2020.
  3. **Fees:** Reasonable and proportionate means cost-based?
  4. **On-board-diagnostics:** OBD port opening fees and verification process? Cybersecurity concerns?

# Thank you!



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