



## INDEPENDENT AFTERMARKET ALLIANCE FOR THE RIGHT TO REPAIR IN INDUSTRIAL B2B MARKETS

### THE ISSUE

Over the past years, it has become increasingly **difficult for independent manufacturers, suppliers, traders and service providers in the marine engine markets to play their competitive role on the aftermarket and offer their alternative parts and competing services** to customers. One of the reasons is the vertical integration of original manufacturers into the aftermarket. The current situation allows original manufacturers to exclude independent operators from the aftermarket and to “lock in” the customers, taking away their choice as to where they can repair their equipment. The Right to Repair for consumer goods (e.g. mobile phones, home appliances, cars, etc.) is increasingly safeguarded and the same should happen for industrial machines.

Now, more than ever, with the introduction of digitalisation, **the opportunities for equipment manufacturers to foreclose the aftermarket have increased significantly**. This is not only an issue in the marine industry, but also in other industries that deal with industrial machinery with a long life-span and large initial costs, which makes it difficult for customers to switch once the machine is purchased.

We strongly believe **this issue is urgent** as the very existence and independence of companies in the aftermarket relies on their ability to access the equipment for which they provide parts and services.

### THE SOLUTION

We aim to create an **Alliance of organisations representing independent companies that recognise the importance of the initiative**. The Alliance should encompass representatives from different industries that suffer from the same issue, ensuring a stronger voice. The goal is to approach the European Union (and its Directorate Generals) with facts and experiences from different industries to **establish a Right to Repair for industrial equipment in B2B markets**.

EMISA members have already contributed a sum to help start the Alliance. As the initiative progresses to include contributing parties from other industries we plan to register an entity with its own strategy, budget and management.

Member organisations should be:

- representing the interests of **Independent aftermarket operators** (not representing OEMs);
- active in **Industrial machines/markets**, related to products with a long lifespan;
- active in **B2B relations**, which includes businesses as end-users, but excludes consumers.

### A STRONGER VOICE

**We call on independent companies and the organisations representing them to join the Right to Repair Alliance, work together to establish the Right to Repair, and secure their future and independence in the aftermarket.**

## PROPOSED CHANGES

### 1. Allow access to data for equipment owners and independent repairers

Providing independent repairers with the fundamental right to access to the machine-generated data, functions and resources necessary for them to compete effectively in the aftermarket. Manufacturers should provide access to this access, at least as far as is necessary for the operation, maintenance, repair and upgrade of the equipment by an independent repairer and should refrain from foreclosure of aftermarkets.

### 2. Allow access to necessary tools, documentation and software for equipment owners and independent repairers

The proper operation, maintenance, repair and upgrade of industrial equipment may require certain tools, software and documentation related to the equipment. Manufacturers are to provide access to the tools, software and documentation, at least as far as is necessary for the operation, maintenance, repair and upgrade of equipment, to the owner of the equipment and independent repairers.

### 3. Ensure interoperability between manufacturers' software and third party software

Equipment software is often specific to the manufacturer, brand or model of industrial equipment. Ensuring that the equipment software is compatible with third party software from independent repairers, provides the latter with the ability to service and repair the equipment as needed.

### 4. Equitable terms for equipment owners and independent repairers

Access to machine-generated data, tools, software, and documentation is to be provided by the manufacturer, subject to equitable terms, without excluding independent repairers from the aftermarket for spare parts and services for industrial equipment by making such access impossible, partial and/or unreasonably costly.

### 5. Agree on a set of rules, addressing the points above, specific to industrial machinery with a long lifespan in a business-to-business context

Equipment owners and independent repairers in the aftermarket for industrial machinery face specific challenges related to equipment operation, repair and maintenance due to the nature of the equipment, industry practice and the lack of specific legislation. Adopting legislation, laying down the abovementioned points, provides legal certainty and ensures that equipment manufacturers, owners and independent repairers (often SMEs) are aware of their rights and obligations.

If you want to learn more, please contact us at [info@emisa.eu](mailto:info@emisa.eu).