



POSITION PAPER THE RIGHT TO REPAIR IN MARINE ENGINE MARKETS

ISSUE

Over the past years, it has become increasingly difficult for independent manufacturers, suppliers, traders, and service providers in the marine engine markets to sell their parts and services to customers. One of the reasons is the **vertical integration of original manufacturers into the aftermarket**. This issue is catalysed by the growing reliance on digital technology, which **allows original manufacturers to exclude independent operators from the aftermarket and “lock in” their customers over the long lifespan of the machine**. Similar issues are present in other markets for industrial machinery (e.g. agriculture, railway, construction, lifts).

The design of **brand- and model-specific digital equipment, software, and services** (e.g. electronic control units, digital monitoring, data services) enhance monopolisation of the aftermarkets. This, coupled with the **lack of specific legal measures** to address it, creates opportunities for original manufacturers to **foreclose access to the equipment**.

We strongly believe this issue is urgent, as the existence and independence of companies in the aftermarket and the freedom of customers to choose who services their equipment depends on their ability to access the equipment.

EFFECTS

Without access to the equipment, independent operators are **at risk of either becoming dependent on the manufacturer, exiting the market, or ceasing to do business**. End-customers are likely to face less **choice, increased prices, drop in quality and repairability and limited availability**. These effects are likely to negatively affect competition, innovation, and sustainability efforts.

The Right to Repair for consumer goods (e.g. mobile phones, home appliances, etc.) has been initiated. The regulatory focus needs widen its scope and look at foreclosure of aftermarkets for industrial machines.

SOLUTION

There is an **urgent need for the establishment of specific legal measures** at the EU-level, addressing the growing risk of foreclosure of equipment in the marine engine and other industrial aftermarkets, dealing with industrial machinery with a long lifespan in a B2B context.

Such legal measures must address the following points:

- **Allow access to machine-generated data for equipment owners and independent repairers.**
- **Allow access to necessary tools, documentation and software for equipment owners and independent repairers.**
- **Ensure interoperability (safe and real-time) between manufacturers’ software and third party software.**
- **Ensure availability of the above on fair and equitable terms for equipment owners and independent repairers, enabling the latter to carry out their tasks independently and exercise a competitive constraint on the aftermarket.**

If you want to learn more, please send an email to info@emisa.eu.