ADPA
Automotive Data Publishers' Association

ADPA.EU

Enhancing Australia's first right to repair laws

ADPA submission

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Notice

This document is the detailed position from ADPA with a view to the consultation organised by the Australian government on enhancing Australia's first right to repair laws.

ADPA remains of course available to discuss it further with relevant institutions and fellow stakeholders.

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Introductory statements

- ADPA warmly welcomes the Treasury's effort to enhance Australia's first right to repair laws. At a time of rising costs and needs for strategice autonomy and self-resilience, the ability to repair complex products essential for the activities of individuals, businesses and public services is critical. Agricultural equipment and road vehicles unequivocally fall within this category.
- Some other regions and countries of the world already have developed detailed framework ensuring competition for the provision of aftermarket services, and therefore their competitive and innovative nature. Alignment on best practices is key to ensure scalability and legal certainty.
- Expérience shows that strong legal requirements are needed to prevent foreclosure of the market, as manufacturers are in a natural dominant position in their respective brand-specific aftermarket and have a monopoly on some essential inputs.
- ADPA is not specialised in agriculture machinery and therefore focuses its input on questions related to the automotive sector. However, according to the market, issues are similar and could benefit from a similar regulatory treatment.

Answers

Question 11 - Which proposal, if any, do you support in relation to safety information? Please outline your reasons and any alternative approaches you consider preferable.

ADPA supports option 2. Option 1 gives the possibility for data providers to unilaterally suspend the provision of information to the aftermarket; while such a decision can be challenged, this would be a costly and lengthy procedure during which the aftermarket would effectively be deprived of its ability to perform operations requiring data.

Question 13 - What are your views on the proposed approach to intermediaries? Please outline whether you support the proposal, any suggested refinements, and the expected benefits and costs of the proposal.

ADPA welcomes the proposal, as intermediaries play a key role for access to technical information. Repairers have the choice between managing a registration for each vehicle manufacturer (everytime with a different cost, log-in mechanism, search function, terminology…) and using the services of intermediaries such as the publishers of technical information (which provide a single entry point, with a single search function, a harmonized terminology, and enhanced information due to the inclusion of additional sources of information). The proposal would offer to repairers a solution which is not only more affordable, but also more convenient.[1]

However, the wording must be as precise as possible to avoid legal uncertainty, as shown by experience in the European Union. Regarding the three sub-points mentioned:

- The information should be available on the dedicated website of the vehicle manufacturer, as well as made available in an electronically form enabling direct processing.
- The price should be based on the cost of giving access to the data (not on the cost of developing the data, which vehicle manufacturers do anyway for their own purposes and for their authorized networks). Lack of clarity on the topic of fees, and resulting divergences of interpretations, have resulted in several ongoing litigations. Some vehicle manufacturers indeed multiplied their fees by 12 or 50. ADPA considers that it is legitimate for vehicle manufacturers to be compensated against the cost occurring from a legal obligation that is placed on them against their interests. While they can be put under an obligation to share their information for the sake of competition, and there is no reason to make them profit from it (which would undermine the objective of better competition), they should not be asked to do so at a financial loss, either. This would be the case if access would be entirely for free. This has been well explained by the European Commission. A proposed wording, based on Article 11 of the lately adopted End-of-Life Vehicle regulation (still to be published in the Official Journal of the European Union): "The manufacturers shall provide the information referred to in the first subparagraph free of charge. The manufacturers may collect reasonable and proportionate charges from […] publishers of technical information and repair and maintenance operators to the extent necessary to cover the actual administrative costs incurred for making the required information accessible through communication platforms."[2]
- In terms of latency, ADPA believes that the information should be made available ideally from the date of the type-approval of the vehicle, and no later than it is available to authorized and franchised repairers. Any vehicle might, on day 1 it is on the market, be serviced in the independent aftermarket, e.g. for a crash repair, and access to technical information would be necessary for that purpose. It is important to notice that intermediaries need access to technical information even before the vehicle enters a workshop, as they have to develop ex ante complete databases.

Considering the similarities of the markets and of the stakeholders between Australia and the European Union, ADPA recommends to align, to some extent, the legal provisions on each markets, which would render the negotiation of global contracts easier and faster, to the greater benefit of end-consumers.

[1] Ricardo, The Motor Vehicle Block Exemption Regulation (MVBER): An essential piece of legislation for providing repair and maintenance information in the automotive aftermarket, 24.03.2021

[2] ADPA, *Position paper on Data Act Guidelines for reasonable compensation*, 20.02.2026, in particular Annexes 1 & 2

Question 14 - Beyond those factors outlined in the proposal, what, if any, additional obligations or limitations should be considered in the provision of scheme information to intermediaries?

Vehicle manufacturers sometimes abuse legitimate concerns such as anti-theft, data privacy and cybersecurity to not share technical information. Inspiration could be taken from §62b of the Supplementary Guidelines to the Motor Vehicle Block Exemption Regulation 2023/822, which states: "When considering withholding on security grounds a particular item that is essential for repair and maintenance, such as those belonging to the categories of input set out in paragraph 62 of these Guidelines, parties should assess whether withholding the item in question would be a proportionate means to address the security concerns at issue. They should therefore examine in particular whether less restrictive measures would suffice."

ADPA proposes to upgrade this paragraph to cover other kinds of concerns, as follows: ""When considering withholding a particular item that is essential for repair and maintenance, such as those belonging to the categories of input set out in paragraph 62 of these Guidelines, on the grounds of legal requirements covering for example security, cybersecurity, antitampering, or data privacy, parties should be able to demonstrate that withholding the item in question would be a proportionate means to address the concerns at issue. They should therefore examine in particular whether less restrictive measures would suffice."

Question 15 - How should the scheme apply to remote service providers?

ADPA recommends to not make distinctions between different categories of providers, whether repairers, intermediaries or remote service providers. This opens the door to complex debates to determine to which category (with specific rights and obligations) a certain operator belongs. Experience in the European Union shows that vehicle manufacturers are sometimes trying to use this argument to restrict independent operators. Besides, sometimes, due to the nature of the business, an operator can fall within several categories.

Question 16 - What are your views on the proposed expansion of the scheme to repair and maintenance history? Please outline whether you support the proposal, any suggested refinements, and the expected benefits and costs of the proposal.

ADPA welcomes the proposal, as it is essential for the aftermarket to have access to the service history of a vehicle to understand exactly which operations need to be carried out. It helps ensure the roadworthiness of the vehicles and also support the resale value of second-hand cars, which is critical for fleet operators having to invest in clean, more expensive vehicles.

Question 18 - What are your views on the proposed mandate to quote the price of scheme information in Australian dollars? Please outline whether you support the proposal, any suggested refinements, and the expected benefits and costs of the proposal.

It seems logical and fair that the prices should be given in the national currency; it improves transparency and business certainty.

Question 19 - What are your views on the proposed amendment to factors relevant to determining fair market value of scheme information? Please outline whether you support the proposal, any suggested refinements, and the expected benefits and costs of the proposal.

The proposal seems logical, but could be flawed if a scheme exists in a third country without clear, restrictive provisions on fees: then the comparison would be done with very high prices, and vehicle manufacturers could argue that they should be able to impose similar high prices in Australia. It is essential to cap the fees that they can collect, and the only balanced way to do so (not penalizing them nor the aftermarket) is to have these fees cost based.

Question 22 - What are your views on the proposed approach to timeframes where there is an accompanying supply of hardware? Please outline whether you support the proposal, any suggested refinements, and the expected benefits and costs of the proposal.

ADPA welcomes the concept of proposal 10. However, limiting it to 5 days might not account for delays in delivering the hardware, so the aftermarket operator would be forced to acquire again the data after 5 days in case it receives the hardware only after 6 days. An alternative wording could be: "providing that scheme information must be made available for a minimum period of five business days after reception of the needed hardware".

Question 24 - Which proposal, if any, do you support in relation to security information? Please outline your reasons and any alternative approaches you consider preferable.

Proposal 12 seems to ensure similar levels of security as proposal 11, while cutting red tape for repairers. Please note however that such a scheme should not be reserved to repairers, but also be open to other independent in the aftermarket, such as intermediaries and remote service providers.

Question 27 - What are your views on the proposed changes to reporting requirements? Please outline whether you support the proposal, any suggested refinements, and the expected benefits and costs of the proposal.

ADPA very warmly welcomes the proposal, which would improve transparency and accountability.

Question 28 - What are your views on the proposed expansion of the Scheme Adviser's reporting functions? Please outline whether you support the proposal, any suggested refinements, and the expected benefits and costs of the proposal.

ADPA welcomes the proposal, which would improve transparency and accountability.

Question 29 - What are your views on applying prohibited terms and conditions to scheme offers? Please outline whether you support the proposals, any suggested refinements, and the expected benefits and costs of the proposal.

ADPA welcomes proposal 15, which improves legal certainty.

Question 30 - What are your views on the proposed clarification to the operation of the bundling prohibition? Please outline whether you support the proposal, any suggested refinements, and the expected benefits and costs of the proposal.

ADPA does not support the proposal. It is too easy for a vehicle manufacturer to claim it has to bundle services and products, and it can keep customers captive. While it can be of course challenged in case of abuse, procedures are lengthy and costly and in the meantime, harm is accomplished. Electronic form should not be avoidable for vehicle manufacturers; there are cases of abuse where data intermediaries receive information via fax or post, which is preventing them from operating efficiently.

Annex 1 - References

Reports

- Ricardo, *The benefits of vehicle repair and maintenance on safety and sustainability*, 13.02.2025, https://www.adpa.eu/publication/the-benefits-of-vehicle-repair-and-maintenance-on-safety-and-sustainability/
- Ricardo, *The Motor Vehicle Block Exemption Regulation (MVBER): An essential piece of legislation for providing repair and maintenance information in the automotive aftermarket*, 24.03.2021, https://www.adpa.eu/wp-content/uploads/2026/07/MVBER-Review-Final-Report-24.3.2021.pdf

Position Papers

- ADPA, *Position paper on Data Act Guidelines for reasonable compensation*, 20.02.2026, https://www.adpa.eu/wp-content/uploads/2026/02/2026-02-ADPA-position-paper-Compensations-guidance-under-the-Data-Act.pdf
- ADPA, *Position paper on MVBER*, 26.05.2025, https://www.adpa.eu/wp-content/uploads/2025/05/2025-05-ADPA-position-paper-MVBER.pdf

Legislation

- Type Approval Regulation 2018/858 https://eur-lex.europa.eu/eli/reg/2018/858/oj/eng
- SERMI Delegated Regulation 2021/1244 https://eur-lex.europa.eu/eli/reg_del/2021/1244/oj/eng
- Data Act Regulation 2023/2854 https://eur-lex.europa.eu/eli/reg/2023/2854/oj
- Euro 7 Regulation 2024/1257 https://eur-lex.europa.eu/eli/reg/2024/1257/oj/eng
- End of Life Vehicle Regulation https://www.europarl.europa.eu/doceo/document/TA-10-2026-0227_EN.html

About ADPA Members

ADPA Members are worldwide pioneers and leaders for the repairability of increasingly complex goods providing aggregated, harmonised, intelligible and ready-to-use technical information for the repair, maintenance and servicing of over 280 million vehicles from more than 40 different manufacturers on European roads ensuring their roadworthiness, safety and environmental performance over their lifetime in a reliable, timely and affordable way.

About ADPA - Automotive Data Publishers' Association

ADPA, the Automotive Data Publishers' Association, aims to ensure fair access to automotive data and information needed for servicing, repairing and maintaining road vehicles.

It advocates for international, European and national legislations maintaining and improving competition and consumers' choice in the automotive aftermarket by preventing or limiting the establishment of brand-specific monopolies.

Founded in 2016 and based in Brussels, ADPA is a Member of ACE, the Automotive Coalition for Europe, AFCAR, the Alliance for the Freedom of Car Repair in the EU, FAAS, the Forum on Automotive Aftermarket Sustainability, and SERMI, the association for security-related repair and maintenance information.

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