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To: [COMP VBER REVIEW](#)
Cc: [COMP GREFFE ANTITRUST](#)
Subject: HT.6179 - submission from an organisation
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On behalf the danish organization DASA (Danish Automotive Service Association) (in danish: Dansk Bilbrancheråd or DBR) that is an organization that primarily embraces SME's within the automotive, independent aftermarket we shall hereby send our comments to the new proposal for VBER.

First of all we shall refer to the input send from FNA with witch we have a cooperation via EASRA.

Next we shall point out the risk of car-manufacturer trying to escape the VBER via establishing agent-models and we shall ask for a strong surveillance of this issue. The agentmodels will not be covered by the VBER and therefore a strict agent-model will be able to bypass the competition within the automotive aftermarket to de complete damage of the free choice of consumers and carowners.

Moreover we shall give a brand-new example of a warranty-misuse that has taken place in Denmark regarding KIA. KIA has a 7-year warranty but it turns out that it is almost impossible for a KIA-owner to gather and present enough documentation from the service-history if his car has been maintained and serviced by an independent repairer.

This was a 5 year old KIA with an engine-crash, where the carowner had has the KIA serviced at his local (independent) repairer. The KIA-workshop asked him to provide the fully stamped service-book (log-book), all of the underlying invoices, the work-cards and also documentation that each sparepart used at each service is approved by KIA. This task he failed to comply with and therefore KIA never got to examine the engine.

The issue for the court was whether the carowner had provided enough documentation in the service-book for KIA to at least examine the car or if KIA had a right to ask for other documentation.

KIA won the first battle in court – but they won with to verdicts before and one verdict against. And – and that is the funny part – the only legal verdict was the one voting against KIA. The majority that voted before KIA was to experts without any legal background. Therefore the verdict has been appealed.

But it is a crystal-clear example on how carmanufacturers all over try to keep competition from the independent repairers off.

The verdict can bee seen here (in Danish):

https://domstol.fe1.tangora.com/media/-300011/files/BS-40573-2020-SHR_Dom.pdf

Off course – if KIA had started the examination of the engine and this examination had established a justified suspicion that the crash had been caused by wrong oil or in other ways bad og wrong spare parts, KIA would have been right in shutting down the hood of the car and

demanded more information/documentation from carowner. But this never happened because he gave up only due to the amount of information regarding his service and maintenance. Most people would have done the same if they where asked to gather information regarding the type approval for brake disks and oils for a full 5-year of service.

We experience that when we address issues as the above mentioned to the Danish Competition Authorities we are met with very little interest and very much administration. Therefore most of the cases that we have brought before the Danish Competition Authorities have been rejected with a reference to the resources necessary to use from the Authority set above the possible outcome of the effort. Strictly cost-benefit. And therefore lots of cases ends in nothing.

If we in DASA in any ways can help further on please do not hesitate to get in touch.

Kind regards

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