



May 5, 2009

On behalf of the Canadian Chamber of Commerce, representing over 175,000 businesses from every region of Canada, I am writing with regard to Bill C-273, a Private Member's Bill (right to repair) that would amend the *Competition Act* and the *Canadian Environmental Protection Act (CEPA)*.


I understand that Bill C-273 principally is meant to address issues related to access by vehicle repair facilities of technical information and diagnostic tools required to complete certain types of vehicle repairs.

The Canadian Chamber of Commerce has two industry-wide concerns regarding the content of the Bill. First, the *Competition Act* is framework legislation that should not be amended to deal with sector specific issues – especially when the issue of concern could be dealt with without changes to this Act. Section 75 of the *Competition Act* (which would be amended by Bill C-273) has been in place since 1986, with few substantive amendments. The lack of amendment during this time indicates its continued usefulness as a mechanism for the Competition Tribunal and private parties and there is no need to change this now.

Secondly, although the stated purpose of Bill C-273 is to address issues specific to the automotive repair sector, the proposed amendments to the *Competition Act* are not limited to this sector; rather, the amendments would impact every business in which “technical information” is required to provide a service (e.g. aircraft repairs, photocopy repairs, phone repairs, software repairs, appliance repairs.) Indeed, the implications of the proposed amendments to the *Competition Act* are wide ranging.

Several of our members from a variety of sectors have expressed serious concerns with the potential broad implications of the Bill. The amendments broaden the scope of the refusal-to-deal provisions in the *Competition Act*. Some members have expressed concern that the amendments may increase the likelihood of the Act being used to further compulsory licensing in all sectors of the Canadian economy. For example, the broadening of the definition of “product” to include information does not expressly exclude proprietary information. This is a significant concern for companies whose main value proposition is intellectual property rights.

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Consequently, could the bill on its face imply that proprietary information like the source code for computer software, access information for proprietary telecommunications networks, blueprints and designs for proprietary products and even access to the underlying active pharmaceutical ingredient in a patented drug could be disclosed? This would be inconsistent with prior decisions of the Competition Tribunal and courts and violates and conflicts a party's right to control its proprietary information. In the automotive context, some of the information that would be included in the proposed new definition of "property" relates to security and key entry devices. It is not in the interests of consumers to have such information disseminated without safeguards.

Canada's economy continues to rely increasingly on knowledge-based industries. The uncertainty that the bill would create for business could cause Canada to be less competitive on the global stage and could act as a disincentive for foreign investment.

Given the current state of the economy, Parliament should not introduce more uncertainty into the business environment by amending important framework legislation such as the *Competition Act*. Bill C-273 is due to come before Parliament the week of May 11th for its second hour of debate. Given the negative effects this legislation would have for Canadian businesses, I would urge all Members to carefully consider this serious matter and vote against this bill.

Sincerely,



Shirley Ann George
Senior Vice-President, Policy





MAY 19 2009

May 13, 2009

JACK LAYTON, MP, DÉPUTÉ
TORONTO - DANFORTH
LEADER, NEW DEMOCRATIC PARTY
CHEF, NOUVEAU PARTI DÉMOCRATIQUE

Shirley Ann George
Senior Vice-President, Policy
The Canadian Chamber of Commerce
360 Albert Street, Suite #420
Ottawa, ON K1R 7X7

Dear Ms. George,

Thank you for writing about The Canadian Chamber of Commerce's concerns with Bill C-273, a Private Member's Bill (right to repair) that would amend the *Competition Act* and the *Canadian Environmental Protection Act (CEPA)*.

I appreciate learning of the Chamber's perspective on Bill C-273 and will forward it to my NDP caucus colleagues for their consideration. Canada's New Democrats believe that Canadian motorists should be allowed to choose their own mechanic. During the last election we proposed new 'right-to-repair' legislation which would require automakers to make diagnostic software available to all repair shops and technicians.

It is our belief that we are standing up for Canadian auto consumers. In the United States, the Environmental Protection Agency already does some of what this bill is trying to achieve and we are attempting to follow America's lead, and institute this made-in-Canada solution.

Again, many thanks for keeping me informed of the views of the Canadian Chamber of Commerce.

Sincerely,

Jack Layton, MP (Toronto-Danforth)
Leader, Canada's New Democrats

JL/ce/cep232/4003

c.c. Brian Masse, MP
NDP Industry and Auto Sector Critic

Leader of the
Government in the Senate and
Minister of State (Seniors)



Leader du
gouvernement au Sénat et
ministre d'État (Aînés)

Ottawa, Canada K1A 0A4

The Honourable L'honorable
Marjory LeBreton, P.C.,c.p.

June 8, 2009

Shirley Ann George
Senior Vice President
Canadian Chamber of Commerce
360 Albert Street, Suite 420
Ottawa, ON
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Dear Ms. George,

Thank you for bringing to my attention the concerns of the Canadian Chamber of Commerce regarding Bill C-273.

Please let me assure you that the Government of Canada is aware of the concerns of the aftermarket industry with regards to the right to repair. We are engaged on the issue in an effort to ensure a fair and competitive marketplace. Our government supports the principle behind Bill C-273 and for this reason my colleagues in the House of Commons have supported this legislation by voting in favour of the Bill at second reading so that it may be considered in detail by the House of Commons Standing Committee on Industry, Science and Technology.

While the spirit of C-273 is in the right place, it is clear that the actual Bill requires serious review. While this review is underway, the government is taking action by bringing car companies and aftermarket organizations to the negotiating table to work out a voluntary agreement.

There are benefits to establishing a voluntary system, aside from the obvious advantage of keeping government out of regulating how businesses like those of your members run their affairs. A voluntary system would, for example, have the flexibility to evolve over time so it addresses changes in technology as they arise.

With this in mind, in April of this year, Industry Minister Tony Clement sent a strongly worded letter to all automakers calling on them to develop a voluntary accord here in Canada. I'm pleased to say there has been progress.

Representatives of the vehicle manufacturers and aftermarket industries have met recently to begin discussions on the development of a voluntary accord. Most parties have signed on to a process and time frame to draft this agreement.

One of these signatories is the National Automotive Trades Association (NATA). NATA represents a large portion of the aftermarket repair shops across the country and they had this to say in a recent letter to their members and the public:

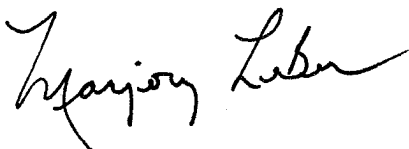
"NATA has publicly stated that in the absence of a voluntary agreement it would participate in the legislative process. Now that we have a commitment from the Canadian auto manufacturers, we do not believe legislation is necessary."

The National Automotive Trades Association, the Canadian Vehicle Manufacturers' Association and the Association of International Automobile Manufacturers of Canada have all strongly endorsed this voluntary process.

Ultimately, we need to look at the best possible solution for consumers and business owners to ensure fairness in an efficient and competitive marketplace.

Thank you, again Ms. George for your letter concerning Bill C-273. I hope that you have found this information useful and informative.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marjory LeBreton".

Marjory LeBreton



Francis M. Valeriote

Member of Parliament for Guelph



JUN 16 2009

OTTAWA

June 11, 2009

Ms. Shirley Ann George
Senior Vice-President, Policy
The Canadian Chamber of Commerce
360 Albert St., Suite 420
Ottawa, Ontario K1R 7X7

Dear Ms. George:

Thank you for your letter sharing your thoughts on Private Member's Bill C-273, *An Act to amend the Competition Act and the Canadian Environmental Protection Act (Right to Repair)*. I appreciate your efforts to bring your concerns to my attention.

I have reviewed the issue extensively in consultation with manufacturers, local mechanics and industry stakeholders. Although I did not support the proposed legislation when it came before the House of Commons recently, I respect the range of opinions that exist on this piece of legislation. This is a matter of utmost importance involving issues of vehicle safety and the protection of intellectual property rights of auto manufacturers on the one hand and small business needs for information on the other. The proposed legislation requires the industry to make available to third party repair shops intellectual property information and diagnostic equipment.

I spoke on the legislation in the House of Commons and suggested adopting the voluntary model that is set out in the National Automotive Service Task Force initiative that exists in the United States. The National Automotive Service Task Force is a voluntary, co-operative effort among the automotive service industry, the equipment and tool industry and automotive manufacturers. The task force ensures that automotive service professionals have the information, training, and tools needed to properly diagnose and repair today's high-tech vehicles, assures the flow of relevant information, and includes a system to deal with complaints.

The auto industry is already working towards a Canadian version of this framework which is a positive first step toward the sharing of information. The high-tech nature of today's vehicles means vehicle repairs demand specific training and extensive diagnostic equipment and tools. Currently, technical information is, to a certain degree, available on-line. As well, information is often shared between dealership and independent mechanics on an informal basis. However, it is important to establish a mechanism of continuity and consistency and one that would respect the value of the manufacturers' investments in research and development as well as rights to intellectual property yet also ensure that consumers have a range of choice in auto service without feeling the service may be compromised by inadequate information or resources available to the mechanic.

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House of Commons

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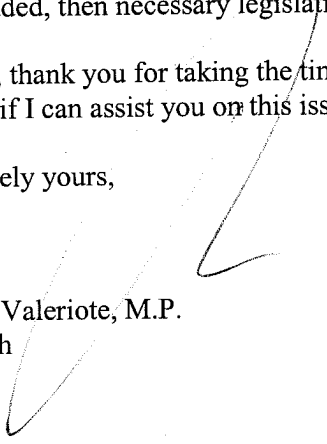
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Efforts are currently underway by the industry, including international automakers, in which technical and non-technical working groups from manufacturers and dealers, as well as after-market service and repair providers to create protocols and solutions to address the needs of service providers and consumers.

I prefer a permanent voluntary agreement to more legislation. Such a volunteer agreement, I am advised, can be completed well before legislation dealing with the issues can be implemented. If it is not successfully concluded, then necessary legislation, including the initiatives put forward in Bill C-273, could follow.

Again, thank you for taking the time to contact me on the Right to Repair legislation. Please contact my office if I can assist you on this issue or any other matter of concern.

Sincerely yours,



Frank Valeriote, M.P.
Guelph

Minister of Labour



Ministre du Travail

Ottawa, Canada K1A 0J2

June 12, 2009

Shirley Ann George,
Senior Vice-President, Canadian Chamber of Commerce
360 rue Albert St.
Suite 420
Ottawa, ON K1R 7X7

Dear Ms. George:

I would like to take this opportunity to thank you for your letter about Bill C-273, *An Act to amend the Competition Act and the Canadian Environmental Protection Act, 1999 (Right to Repair)*.

The Government is aware of the concerns of the aftermarket industry with respect to the right to repair. We are engaged in an effort to ensure a fair and competitive marketplace. It is clear that Bill C-273 needs serious review; and the Government is taking action by bringing car companies and aftermarket organizations to the negotiating table to work out a voluntary agreement.

The Government will look at the best possible solution for consumers, one which will ensure fairness and an efficient and competitive marketplace.

Sincerely,

A handwritten signature in black ink, consisting of several large, flowing loops.

Hon. Rona Ambrose, P.C., M.P.

Minister
of Natural Resources



Ministre
des Ressources naturelles

Ottawa, Canada K1A 0E4

AUG 12 2009

Ms. Shirley Ann George
Senior Vice-President, Policy
The Canadian Chamber of Commerce
360 Albert Street, Suite 420
Ottawa, Ontario K1R 7X7

Dear Ms. George:

Thank you for your letter of May 5, 2009, expressing The Canadian Chamber of Commerce's views and concerns with respect to Bill C-273, *An Act to amend the Competition Act and the Canadian Environmental Protection Act, 1999* (right to repair).

The Harper Government is aware of the concerns of stakeholders regarding Bill C-273. I understand that the Honourable Tony Clement, Minister of Industry, has written to all automobile manufacturers asking them to find a solution to this issue. In the United States, automobile manufacturers and the aftermarket industry worked together to develop a voluntary approach. The Harper Government is committed to fostering a fair, equitable, and competitive marketplace. At the same time, it is important to recognize consumer interests, as well as to ensure a sustainable automobile industry and environmentally sound future for Canada.

Again, thank you for writing on this important matter.

Yours sincerely,

A handwritten signature in black ink that reads "Lisa Raitt".

The Honourable Lisa Raitt, P.C., M.P.

c.c.: The Honourable Tony Clement, P.C., M.P.
Minister of Industry

Canada

Minister of Industry



Ministre de l'Industrie

Ottawa, Canada K1A 0H5

AUG 19 2009

12/8/09
Ms. Shirley Ann George
Senior Vice-President, Policy
The Canadian Chamber of Commerce
360 Albert Street, Suite 420
Ottawa, Ontario K1R 7X7

Dear Ms. George:

Thank you for your letter of May 5, 2009, expressing the Canadian Chamber of Commerce's views regarding Bill C-273, *An Act to amend the Competition Act and the Canadian Environmental Protection Act, 1999* (right to repair).

If passed, this bill would require that all car manufacturers make information, software, tools and training widely available to car owners and independent aftermarket service providers. The Government of Canada is aware of the underlying concerns of all stakeholders, and notes the Chamber's specific concerns with respect to amending the *Competition Act*.

As you know, Bill C-273 recently passed second reading and was referred to the House of Commons Standing Committee on Industry, Science and Technology. The concerns you raise will, in all likelihood, be subject to discussion when the Committee considers the legislation.

The government is committed to fostering a fair, equitable and competitive marketplace, while recognizing consumer interests and ensuring a sustainable automotive industry and an environmentally sound future for Canada.

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Canada

I appreciated receiving your views on this matter, and trust that this information is helpful.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tony Clement', with a large, sweeping flourish at the end.

Tony Clement

Minister of the Environment



Ministre de l'Environnement

SEP 02 2009

The Honourable L'honorable

Jim Prentice

Ottawa, Canada K1A 0H3

AUG 27 2009

Ms. Shirley Ann George
Senior Vice-President, Policy
The Canadian Chamber of Commerce
420 – 360 Albert Street
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Dear Ms. George:

Thank you for your correspondence of May 5, in which you expressed concerns regarding Bill C-273, An Act to amend the *Competition Act* and the *Canadian Environmental Protection Act, 1999* (right to repair).

I appreciate receiving your viewpoints on this matter. As Minister of the Environment, I place a high value on your feedback.

As you may be aware, Bill C-273 passed second reading and was referred to the House of Commons Standing Committee on Industry, Science and Technology. Therefore, you may also wish to bring your concerns to the attention of the Committee. You can reach the House of Commons Committees Directorate at 613-992-3150 or cmteweb@parl.gc.ca.

The Government of Canada is committed to fostering a fair, equitable and competitive marketplace, while recognizing consumer interests and ensuring a sustainable automotive industry and environmentally sound future for Canada.

Given Industry Canada's lead role on this file, I am forwarding a copy of your correspondence to the Honourable Tony Clement, Minister of Industry, for his consideration. Please accept my best regards.

Sincerely,

The Honourable Jim Prentice, P.C., Q.C., M.P.

c.c.: The Honourable Tony Clement, P.C., M.P.



Canada





Ottawa, mercredi 3 juin 2009

Madame Shriley Ann George
Vice-présidente politique
La Chambre de commerce du Canada
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Sujet : Projet de loi C-273, droit de réparer

Madame George,

J'ai pris connaissance de votre longue lettre, visant à défendre le statu quo de la grosse entreprise canadienne.

Comme je suis porte-parole adjoint en matière d'environnement et très impliqué dans ce dossier, un point de votre lettre m'a particulièrement allumé. Vous dites que cette nouvelle loi toucherait tous les secteurs où des renseignements techniques sont nécessaires à la prestation d'un service. Elle toucherait par exemple les réparateurs d'avions, de photocopieurs, de téléphones, de logiciels et ordinateurs (j'imagine), d'appareils ménagers et davantage.

Alors que nous traversons une crise écologique et environnementale et, par conséquent, économique, et que nous devons considérer l'épuisement de certaines ressources ainsi que leur coût proportionnel, la réparation de TOUT ce que nous possédons se doit d'être favorisée. Par contre, les producteurs de biens préfèrent remplacer plutôt que de réparer. Cela représente des coûts énormes sur l'environnement. C'est agir comme si les matières premières étaient inépuisables et renouvelables. Cette attitude égoïste est à mon sens irresponsable.

Ne vaudrait-il pas mieux favoriser toutes les formes de réparations? De plus, dans un milieu rural, comme le mien, les services de réparations peuvent devenir une excellente source de création d'emplois décentralisés. Faire vivre nos régions fait partie du développement durable.

J'aimerais connaître l'opinion de mes petites Chambres de commerce locales, elles qui n'ont pas de grosses industries à protéger.

Le 21^{ème} siècle est porteur d'une pression environnementale que le siècle précédent n'a pas connue. Il nous force à réfléchir autrement.

À titre d'environnementaliste, je partage ici mon opinion personnelle que je transmets au porte-parole du dossier pour le Bloc Québécois. Nous avons voté en faveur de ce projet de loi, en deuxième lecture, afin qu'il soit étudié en comité. Le rejeter sans étude aurait été irresponsable de notre part.

Je vous remercie pour votre lettre qui m'a incité à de nouvelles réflexions.

Recevez, madame George, l'expression de mes sentiments les meilleurs.

A handwritten signature in black ink, appearing to read 'C. Ouellet', with a long horizontal flourish extending to the right.

Christian Ouellet
Député de Brome-Missisquoi
Porte-parole en matière de logement social et itinérance
Porte-parole adjoint en matière d'environnement

Cc/ M. Robert Bouchard, porte-parole en matière d'industrie, science et technologie
Chambre de commerce Farnham
Chambre de commerce de Cowansville
Chambre de commerce de Lac-Brome
Chambre de commerce de Magog-Orford
Chambre de commerce de Potton

Minister of Transport,
Infrastructure and Communities



Ministre des Transports,
de l'Infrastructure et des Collectivités

Ottawa, Canada K1A 0N5

JAN - 6 2010

Ms. Shirley Ann George
Senior Vice-President, Policy
The Canadian Chamber of Commerce
420-360 Albert Street
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Dear Ms. ~~George~~ 

I am writing in response to your correspondence of May 5, 2009, regarding Bill C-273. Please accept my apologies for the delay in replying.

Transport Canada is not aware of any well-researched studies indicating that a potentially limited choice in service providers affects or could affect road safety. Thus, the department has no authority under the *Motor Vehicle Safety Act* to propose any regulatory amendments.

The right-to-repair issue involves many factors, such as an open marketplace and fair competition between businesses and consumer issues, all of which fall within the purview of Industry Canada. I understand that Industry Canada has been working directly with auto assemblers and after-market service providers on the right-to-repair issue. I have therefore taken the liberty of providing the Honourable Tony Clement, Minister of Industry, with a copy of your correspondence for his information.

Thank you for writing.

Sincerely,



John Baird, P.C., M.P.

c.c. The Honourable Tony Clement, P.C., M.P.