



Independent Service Providers call for a swift adoption of sector-specific legislation on access to in-vehicle data - Response to ACEA call for more delay

Brussels, 20th February 2023

Independent Service Providers (ISPs) call for swift adoption sector-specific legislation on access to in-vehicle data, functions & resources, refuting ACEA's call upon the European Commission to further delay its legislative proposal.

ACEA stated on 15 February that access to vehicle-generated data is already freely available, that ISPs should wait to assess the impact of the Data Act and that, in any event, sector-specific legislation could not achieve more than is already in the Data Act.

The ISPs hereby respond to these ACEA statements, taking each argument in turn:

1. The Commission has documented through several studies and, most recently, through a Public Consultation and a Targeted Stakeholder consultation, that there are systemic barriers (intrinsic to the vehicle design – and many other structural and behavioural impediments) for fair access of Independent Service Providers to vehicle-generated data, functions & resources.¹ Such systemic gatekeeper and other barriers cannot be remedied through the horizontal Data Act.

2. The European Commission's Data Act proposal itself emphasises this very point:

"...new rules are needed to ensure *that existing vehicle type-approval legislation* is fit for the digital age and promotes the development of clean, connected and automated vehicles. Building on the Data Act as a framework for the access and use of data, these rules will address sector-specific challenges, including access to vehicle functions and resources."²

Moreover, the European Parliament's ITRE Report from February 2023 on the Data Act explicitly mentions the need – on five occasions - for a sectorial regulation to ensure the availability of data which are essential for the repair & servicing of the connected products, in addition to the EP Resolutions in 2018 and 2019 calling for sector-specific legislation on access to vehicle-generated data in the automotive/mobility sector.³

¹ It is understood that there were 500 responses to the Public Consultation and 100 companies responded to the Targeted Stakeholder Consultation.

² Proposal for a Regulation of the European Parliament and of the Council on harmonised rules on fair access to and use of data (Data Act), Com(2022) 68 final, page 6.

³ European Parliament Resolution of 13 March 2018 on a European strategy on Cooperative Intelligent Transport Systems (2017/2067(INI)) and European Parliament Resolution of 15 January 2019 on autonomous driving in European transport (2018/2089(INI)).

3. Without the definition of stand-alone sector-specific legal and technical rules covering data, functions and resources⁴, it will not be possible for ISPs to *develop* their own competing digital services *in advance*. Without such rules, there will simply be no competing service providers to whom Users could consensually transfer their data, as intended by the Data Act.

The European Commission announced sector-specific legislation as far back as December 2020, for adoption by the College in 2021.⁵ Sector-specific legislation on access to health data is already in progress, showing that – as the Commission itself designed – “plug-in” sector-specific rules do not need to wait for the Data Act to be finalised.

The ISPs group stated:

“This statement lays bare ACEA’s strategy: delay, delay, delay. These delays have real-world consequences for the vast majority of the automotive and mobility actors and for consumer and business users alike, while benefitting only one stakeholder group due to their privileged position in the automotive and mobility eco-system.

The Commission forecasts that the vehicle-generated data market could potentially reach €400bn by 2030. Preventing fair competition in Europe, delaying innovation and loading more costs on European consumers and businesses for vehicle-generated data services seems an unlikely recipe for Europe leading in that global market.

It really is high time that the Commission brought forward this proposal. The evidential work has been done over six years, repeatedly demonstrating the fundamental need for sector-specific legislation. The time for action is now! We need certainty to invest and innovate in this sector”.

Laurianne Krid, Director General of the FIA Region 1, representing users, stated:

“Almost every European citizen uses some form of mobility on a daily basis. They should therefore enjoy the benefits of data-driven innovation, choice and especially affordable automotive and mobility services. This can only happen when targeted pro-consumer and pro-competitive rules are in place. European citizens should get these benefits now and not in several years’ time.




The costs of non-action for the European consumer will be high.”

⁴ These legal and technical rules would cover features such as e.g. real-time access to in-vehicle generated data (including those which are time-critical), the ability of a safe & secure bi-directional communication with the vehicle/ its functions and of a remote interaction with the driver, using the in-vehicle HMI functions (e.g. via the dashboard or voice commands).

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a Sustainable and Smart Mobility Strategy – putting European transport on track for the future, COM (2020) 789 final, Annex, page 3.

The Undersigning ISP associations

	<p>ADPA – the European Independent Data Publishers Association aims to ensure fair access to automotive data and information and to provide competitive framework conditions for independent data publishers. This will allow the publishers to be able to design and provide competitive, innovative and multi-brand products and services to operators of the automotive aftermarket. Press contact: Pierre Thibaudat – Director General – pierre.thibaudat@adpa.eu – tel: +32 2 761 95 18.</p>
	<p>AIRC - stands for Association Internationale des Réparateurs en Carrosserie. Formed in 1970, the AIRC is the global federation of leading national organisations in the area of vehicle repairs. These member organisations together represent more than 50,000 vehicle repair and vehicle builder companies in many countries. Press contact: Thomas Aukamm – Managing Director - aukamm@zkf.de – tel: +49 6031 79479-0.</p>
	<p>CECRA - the European Council for Motor Trades and Repairs- is the European Federation representing the interests of the motor trade and repair businesses and European Dealer Councils on behalf of vehicle dealers for specific makes. Its aim is to maintain a favourable European regulatory framework for the enterprises of motor trade and repair businesses it represents. Press contact: Bernard Lycke – Director General – Bernard.lycke@cecra.eu – tel: +32 2 771 96 56.</p>
	<p>CLEPA - the European Association of Automotive Suppliers, represents over 3,000 companies supplying state-of-the-art components and innovative technologies for safe, smart, and sustainable mobility. CLEPA brings together over 120 global suppliers of car parts, systems, and modules and more than 20 national trade associations and European sector associations. CLEPA is the voice of the EU automotive supplier industry linking the sector to policy makers. The automotive sector accounts for 30% of R&D in the EU, making it the number one investor. European automotive suppliers invest over 30 billion euros yearly in research and development. Automotive suppliers register over 9,000 new patents each year. Automotive suppliers in Europe generate 1.7 million direct jobs. Press contact: Clara Guillén - c.guillen@clepa.be – tel: +32 2 743 91 39.</p>
	<p>EGEA - the European Garage and test Equipment Association represents both manufacturers and importers of tools and equipment for the repair, servicing and technical inspection of vehicles, as an integral part of supporting the automotive industrial value chain. Its role is to ensure that its associations’ members can provide the best equipment and service to the automotive aftermarket by striving to keep members up-to-date concerning new vehicle technologies and legislative and standardisation requirements and thus be competitive in the garage and test equipment supply, service and calibration industry. Press contact: Jordi Brunet – Secretary General sg@egea-association.eu – tel: +32 499 39 04 59.</p>
	<p>FIA Region I Founded in 1904, the Fédération Internationale de l’Automobile (FIA) brings together leading national motoring organisations from 146 countries worldwide and is the governing body for world motor sport. The FIA Region I office, based in Brussels, is a consumer body comprising 100 Mobility Clubs that represent over 36 million members from across Europe, the Middle East and Africa. Press contact Diogo Pinto - dpinto@fia.com – tel: +32 2 282 08 12.</p>

	<p>FIGIEFA is the international federation of independent automotive aftermarket distributors. Its members represent independent distributors and wholesalers of automotive replacement parts and components and their associated repair chains. The 44,000 companies represented employ over 350,000 people in Europe in their 64,000 outlets, spread across Europe. Many of these companies are SMEs. FIGIEFA's aim is to maintain free and effective competition in the market for vehicle replacement parts, servicing and repair. Press contact: Álvaro de la Cruz alvaro.delacruz@figiefa.eu – tel: +32 276 19 516.</p>
	<p>Insurance Europe is the European insurance and reinsurance federation. Through its 36 member bodies — the national insurance associations — it represents all types and sizes of insurance and reinsurance undertakings. Insurance Europe, which is based in Brussels, represents undertakings that account for around 95% of total European premium income. Insurance makes a major contribution to Europe's economic growth and development. European insurers pay out over €1 000bn annually — or €2.8bn a day — in claims, directly employ more than 920 000 people and invest over €10.6trn in the economy. Press contact: Richard MacKillican Spokesperson - MacKillican@insurancееurope.eu - tel: +32 2 896 48 22.</p>
	<p>Leaseurope - the European Federation of Leasing Company Associations - represents both the leasing and automotive rental industries in Europe. The scope of products covered by Leaseurope members' ranges from hire purchase and finance leases to operating leases of all asset categories (automotive, equipment and real estate). It also includes the short-term rental of cars, vans and trucks. Press contact: Richard Knubben - Director-General - r.knubben@leaseurope.com – tel: +32 2 778 05 68.</p>