



Alliance for the Freedom of CAR Repair in the EU

To the attention of:

Executive Vice-President Valdis Dombrovskis
Executive Vice-President Frans Timmermans
Executive Vice-President Margrethe Vestager
Commissioner Thierry Breton
Commissioner Mariya Gabriel
Commissioner Paolo Gentiloni
Commissioner Didier Reynders
Commissioner Nicolas Schmit
Commissioner Kadri Simson
Commissioner Adina Vălean

Brussels, 27th January 2022

Urgent need for sector-specific legislation on 'Access to in-vehicle data and resources' (AIVDR)

Dear Executive Vice-Presidents,
Dear Commissioners,

On behalf of the AFCAR European Alliance, we would respectfully urge you to issue a proposal for robust sector-specific legislation to govern access to in-vehicle data in Europe.

"Making Europe fit for the Digital Age" was one of the strategic priorities expressed by President von der Leyen for the 2019-2024 period. We applaud the regulatory building blocks, underpinning Europe's digital leadership that you have advanced, which seek to preserve the highest level of privacy, security, safety, and ethical standards that Europeans deserves. The forthcoming Data Act will complete the "data family" and establish important overall data transaction principles for all of Europe's IoT sectors, mobility included.

The Data Act alone is not sufficient to foster fair competition, innovation and the development of a world-leading, data-driven mobility services industry. Similarly, a recent study by the FIA Region I showcases how the data protection framework alone will not suffice to safeguard consumers' free choice. It stresses how far-reaching are the effects that the technical solutions proposed can have on the consumers' ability to exert their data privacy rights.

Europe's vast automotive and mobility ecosystem, employing nearly 14m people – many in SMEs – is primed to unleash the transformational potential of the connected car to help meet the challenges of the transition to cleaner, smarter and more accessible mobility. Today, several use cases are beginning to be developed, such as predictive vehicle maintenance, remote diagnostics, breakdown avoidance services, 'Tyre—as-a-Service', optimised fleet management and logistics, 'pay-as-you-drive' insurance, and multi-modal mobility services, to name but a few. But restrictions on access to data, today, considerably limit Independent Service Providers' abilities to offer more innovative services for consumers and businesses, and to offer them more quickly.



Five years of wide-ranging evidence-gathering by the Commission with stakeholders from the whole ecosystem, have underlined that, whilst the use cases for vehicle-generated data are potentially limitless, they are entirely dependent on efficient access to in-vehicle data & resources.

Taking stock of these conclusions, we understand that it is for these reasons that the 2020 Sustainable and Smart and Mobility Action Plan included plans to “Review the current EU type approval legislation to facilitate car data-based services including interaction with energy system” and to “Propose a new regulatory framework to open up access to car data to mobility services.”¹ These proposals recognise the importance of opening access to vehicle-generated data to facilitate wider market development, including the growing importance of the integration of the mobility and energy markets in a world where smart charging of Electric Vehicles (EV) will become a fundamental driver of decarbonisation. Unfettered access to in-vehicle-generated data is also a turnkey for the development of other European strategic mobility initiatives, such as the new generation of Intelligent Transport Services.

The Commission undertook further evidence-gathering in 2021 through an extensive market survey which again substantiated that its sector-specific legislative approach was the right one. This conclusion was re-affirmed in September 2021 at a Workshop with all industry stakeholders present, where DG GROW reconfirmed its intention to elaborate sector-specific legislation on ‘Access to in-vehicle data & resources’ with a plan to issue a legislative proposal under the Vehicle Type Approval Regulation, which most recently had been notified for the first quarter of 2022.

The latest automotive and mobility market evolutions reinforce the need for targeted, tailored, and multi-faceted legislation to coherently address vehicle architecture, cybersecurity security, access rights and duties, consumer control, as well as overall governance. The vehicle manufacturers increasingly call on the hyperscalers’ services for the car and their intention is clearly to develop partnerships and co-monetisation opportunities on a large scale. As an example, Stellantis recently announced that it planned profits of up to 20 billion EUR by 2030 on software-enabled vehicles, whilst announcing a partnership with Amazon to develop their software. In such a world, the US tech giants, working together with the vehicle manufacturers, could simply create a new platform monopoly model that sits in the car rather than on a desktop or mobile device, while obtaining ever more data on the everyday lives of European citizens.

The stakes are high. The Commission has a unique opportunity to set the ground-rules early in the life of the vehicle-generated data market and to avoid the need to take long, onerous, and costly corrective action later. These rules could become the regulatory gold-standard as regulators around the world grapple with the same challenges.

The Commission has a successful track-record of establishing market-enabling access rules in the Single Market. The success stories are numerous and include air and rail travel, telecommunications, and energy. The outcome in each market is thriving competition, innovation, jobs, consumer choice and lower prices. We urge you to apply the same successful blue-print to the regulation of access to vehicle-generated data automotive and mobility services. The type-approval regime provides, as it has done for Access to Repair and Maintenance Information, the suitable legislative framework for implementing sector-specific legal *and* technical measures. In all the consultative information made available so far on the Data Act, *Automotive Type Approval regulation* has been cited as an example of an appropriate sector-specific implementation mechanism. We would ask for your consideration that such a proposal be set on its own legislative track to ensure expeditious scrutiny by the European Parliament and Council.

We therefore call upon the swift adoption of a Commission proposal for sector-specific legislation on ‘access to in-vehicle data & resources’ in order to make sure that the legislation can be adopted via the ordinary legislative procedure before the end of this parliamentary term in April 2024.

¹ Respectively actions 52 and 53.

Yours sincerely,



Sylvia Gotzen for the AFCAR Europe Alliance

The AFCAR Alliance represents a wide range of European stakeholders in the Automotive Aftermarket and Mobility Services Sectors, as well as vehicle dealers, operators in the mobility value chain and consumers. We account for over 4.5 million jobs, most of which are in the over 500.000 SMEs operating in this sector. Our companies offer competitive and affordable road transport and mobility solutions to the drivers of 308 million vehicles in the EU.

	<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 multibrand products and services to operators of the automotive aftermarket.</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.</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 main aim is to maintain a favourable European regulatory framework for the enterprises of motor trade and repair businesses it represents.</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 provide a healthier environment for the garage and test equipment industry throughout Europe and a stronger support to ensure competitive consumer choices for affordable mobility against the background of the increasing vehicle technology and complexity.</p>
	<p>The Fédération Internationale de l'Automobile (FIA) Region I is a consumer body representing European Mobility Clubs and their 37 million members. The FIA represents the interests of these members as motorists, riders, pedestrians and passengers. FIA Region I is working to ensure safe, affordable, clean and efficient mobility for all.</p>
	<p>FIGIEFA is the international federation of independent automotive aftermarket distributors. Its members represent retailers and wholesalers of automotive replacement parts and components and their associated repair chains. FIGIEFA's aim is to maintain free and effective competition in the market for vehicle replacement parts, servicing and repair.</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.</p>