



Ursula von der Leyen  
President of the European Commission  
Rue de la Loi, 200  
1049 Brussels

Brussels, 14 December 2023

Dear President von der Leyen,

**Re. Urgent action needed on pro-consumer and pro-competitive access to in-vehicle data legislation**

We are writing to emphasize the critical need for prompt action on the pro-consumer and pro-competitive access to in-vehicle data legislation. While we appreciated your commitment to bringing forward this legislation in Commissioner Breton's letter on your behalf in April, we are dismayed by another reported delay in adopting the proposal.

Seven years of evidence-gathering by the European Commission clearly document a quasi-monopolistic market structure, hindering consumer welfare and impeding smart, sustainable, and safe mobility in Europe. Recent rulings by the European Court of Justice have underscored the urgency of addressing anti-competitive practices by vehicle manufacturers<sup>1</sup>.

Affordability of mobility is paramount for Europeans for whom 22% of their second-largest household cost goes on vehicle repair and maintenance. Connected vehicles in Europe, expected to reach 115 million by 2030, present an opportunity for cost savings and a range of societal benefits, including smarter, safer and cleaner mobility. The electromobility revolution will be highly dependent on vehicle-generated data for smart and seamless charging and the integration of the vehicle into the energy system.

However, the current market structure, dominated by proprietary telematics systems, hampers competition. Research conducted for the Fédération Internationale de l'Automobile (FIA) Region 1, representing Europe's drivers, found that in the absence of an EU regulatory framework that provides equal access to data generated by the vehicle owner/user, potential annual losses for the independent automotive aftermarket and consumers would be €26Bn by 2030 and €95Bn by 2050<sup>2</sup>.

We acknowledge concerns raised by vehicle manufacturers but understand that the Commission intends to pursue a principles-based approach to its regulatory proposal, and therefore not overly prescriptive, nor compromising road safety or cybersecurity, and aligning with the principles of the Internal Market. Considering this, we endorse the Commission's thoughtful and balanced approach and regret the repeated and wilful misrepresentation by ACEA of both the benefits of the initiative and the policy asks of the independent sector.

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<sup>1</sup> Case C-296/22 ATU & Carglass vs. FCA Italy and Case C-319/22 GVA vs. Scania.

<sup>2</sup> Extract from [T]he automotive digital transformation and the economic impacts of limited data access, conducted by QUANTALYSE for the FIA Region I, September 2023.

The draft proposal has successfully navigated Better Regulation steps, but a crucial deadline looms with the implementation of UNECE Regulation 155 on 7<sup>th</sup> July 2024. Without a regulated EU access framework, the shutdown of the Onboard Diagnostics (OBD) Port poses a threat to independent service providers and the existing European data services market, which to date has depended on access via the OBD Port as a stop-gap solution in the absence of viable alternatives.

While the new legislation may not be enacted within this timeframe, the adoption by the Commission of proposal for a sector-specific regulation would be a positive signal, which would prevent significant market disruption. Further delays in adopting a proposal could harm not just the OBD-based services market, but also the development of new over-the-air services and hold back Europe's global market competitiveness.

Respectfully, we urge the Commission to prioritise competition, investment, and innovation by promptly adopting this crucial legislation. European consumers and businesses deserve timely access to smarter, safer, and more sustainable mobility.

We appreciate the great many demands on your time, but we would also hereby like to request a meeting with you personally to discuss this critical issue for the future growth of our entire European sector.

Sincerely yours,

The Undersigning Associations

ADPA – AIRC – CECRA – CLEPA – EGEA – ETRMA – FIA – FIGIEFA – Insurance Europe – Leaseurope

*cc Executive Vice Presidents Vestager, Šefčovič and Dombrovskis*

*Vice President Schinas*

*Commissioners Breton, Reynders, Vălean, Simson, Hoekstra, Ivanova, Gentiloni, McGuinness and Wojciechowski*

	<p><b>ADPA</b> – the European Independent Data Publishers Association, aims to ensure fair access to automotive data and information needed for the repair and maintenance of the 280 million vehicles on EU roads, contributing to their continuous roadworthiness over their lifetime. Its members design and provide competitive, innovative and multi-brand solutions to operators of the automotive aftermarket. Contact: Pierre Thibaudat - Director General - <a href="mailto:pierre.thibaudat@adpa.eu">pierre.thibaudat@adpa.eu</a> - Tel: +32 2 761 95 18.</p>
	<p><b>AIRC</b> - 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. Contact: Thomas Aukamm - Managing Director - <a href="mailto:aukamm@zkf.de">aukamm@zkf.de</a> - Tel: +49 6031 79479-0.</p>
	<p><b>CECRA</b> - 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. Contact: Bernard Lycke - Director General - <a href="mailto:Bernard.lycke@cecra.eu">Bernard.lycke@cecra.eu</a> - Tel: +32 2 771 96 56.</p>
	<p><b>CLEPA</b> - 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&amp;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. Contact: Benjamin Krieger - Secretary General - <a href="mailto:b.krieger@clepa.be">b.krieger@clepa.be</a> - Tel: +32 2 743 91 30.</p>
	<p><b>EGEA</b> - 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. Contact: Jordi Brunet - Secretary General - <a href="mailto:secretariat@egeaassociation.eu">secretariat@egeaassociation.eu</a> - Tel: +32 2 761 95 15.</p>

	<p><b>ETRMA</b> is the voice of tyre and rubber goods producers to various European institutions. ETRMA activities focus on the following key interdependent areas: representation, co-ordination, communication, promotion and technical liaison. The primary objective of ETRMA is to represent the regulatory and related interests of the European tyre and rubber manufacturers at both European and international levels. ETRMA is the sole interlocutor, specifically designated by the European tyre and rubber producers to carry out this critical task. Contact: Adam McCarthy - Secretary General - <a href="mailto:a.mccarthy@etrma.org">a.mccarthy@etrma.org</a> - Tel: + 32 2 218 49 40.</p>
	<p><b>FIA Region I</b> 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. Contact: Laurianne Krid - Director General - <a href="mailto:lkrid@fia.com">lkrid@fia.com</a> - Tel: +32 (2) 282 08 18.</p>
	<p><b>FIGIEFA</b> 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 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. Contact: Sylvia Gotzen - CEO - <a href="mailto:sylvia.gotzen@figiefa.eu">sylvia.gotzen@figiefa.eu</a> - Tel: +32 2 761 9510.</p>
	<p><b>Insurance Europe</b> is the European insurance and reinsurance federation. Through its 37 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. Contact: Nicolas Jeanmart - <a href="mailto:jeanmart@insuranceeurope.eu">jeanmart@insuranceeurope.eu</a> - +32 485 893031.</p>
	<p><b>Leaseurope</b> - 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. Contact: Richard Knubben - Director-General - <a href="mailto:r.knubben@leaseurope.com">r.knubben@leaseurope.com</a> - Tel: +32 2 778 05 68.</p>