European Commission's proposal for Data Act welcomed,

but robust automotive-specific legislation urgently required

PRESS RELEASE

Brussels, 23 February 2022 - A broad coalition representing a wide range of major automotive aftermarket stakeholders, as well as operators in the mobility services value chain, consumers, the insurance and the tyre industries welcomes today's publication of the proposal by the European Commission for a European Union's Data Act.

The Data Act lays down important principles. It establishes an important right for users to access the data generated through their use of connected products, and to assign rights of access to the data to a third-party service provider of their choice. Also, aftermarket repair and maintenance services and access to diagnostics information are explicitly included. Other important provisions include the manufacturer's obligations to make the data transparent and "easily accessible" to the user, restrictions on the manufacturer to monitor the activities of the user or third-party and on compensation for the costs of making data available, particularly for SMEs.

However, while the coalition recognises the Data Act represents a relevant step forward towards the development of the European Data Economy, it strongly believes that **the Data Act will not be sufficient by itself in the automotive sector**. The ecosystem needs sector-specific automotive legislation translating the principles and provisions of the Data Act into concrete, legal and technical measures for the automotive sector. Also, certain aspects of the Data Act require more clarity for the automotive sector, as they currently leave too much room for interpretation, creating legal uncertainty and a high risk of litigation. Only a dedicated piece of legislation will provide the confidence and incentive independent service providers require to invest in new data driven services, which will benefit consumers and the whole society by providing smarter, safer and more sustainable mobility solutions.

In particular, stand-alone "*ab initio*" rights for third-party service providers to access the data and information that are essential to develop competing services are missing. Under the Data Act approach, all these independent service providers would only get a derived right, which completely neglects that these parties need, in the first instance, to know and test *in advance* what data and functions are in principle available and will be at their disposal. The moment when consumers give their consent to the data transfer of their co-generated data "on the fly" is much too late. Therefore, **only an autonomous and stand-alone access right to the tools and resources required to develop the means of access will enable the independent service providers to develop competing digital services in advance so that these can be offered, marketed and advertised to the consumers** or other data co-generators. Access rights must be backed by proper means to exert them.

Furthermore, five years of wide-ranging evidence-gathering by the European Commission with the contribution from stakeholders of the 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 and resources.

The coalition therefore calls on the European Commission to swiftly propose robust sector-specific legislation on access to in-vehicle data and resources so that co-decision procedure can proceed as from October 2022 and be completed before the end of this parliamentary term in April 2024.

Signatories

The automotive services and mobility market is very significant, currently accounting for over 4.5 million jobs in over 500.000 companies, many of them SMEs. It is an ecosystem in its own right and must be allowed to develop and flourish. Fostering such ecosystems and enabling the European services sector to grow, within a robust regulatory framework defining the rights and obligations of all market participants, is the only way of effectively competing with the hyperscalers.

ADPA Automotive Data Publisher Association	**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.	www.adpa.eu
AIRC Association Internationale des Réparateurs en Carrosserie	**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.	www.airc-int.com
cecra The voice of European vehicle dealers and repairers	**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.	www.cecra.eu
EGEA European Garage Equipment Association	**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 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,	www.egea-association.eu
ETRMA European Tyre & Rubber manufacturers' association	**ETRMA** 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.	www.etrma.org
FIA REGION I	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.	www.fiaregion1.com
FIGIEFA Automotive Aftermarket Distributors	**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	www.figiefa.eu
insurance europe	**Insurance Europe** is the European insurance and reinsurance federation. Through its 37 member bodies — the national insurance associations — Insurance Europe represents all types of insurance and reinsurance undertakings, eg pan-European companies, monoliners, mutuals and SMEs. 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 generate premium income of more than €1 200bn, directly employ over 950 000 people and invest over €10 200bn in the economy.	www.insuranceeurope.eu
Leaseurope The Voice of Leasing and Automotive Rental in Europe	**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.	www.leaseurope.org