

Public consultation on the revision of the Union legislation on vehicle type-approval (Regulation (EU) 2018/858) with regard to access to in-vehicle generated data for the purpose of providing vehicle-related and mobility service

Fields marked with * are mandatory.

Introduction

The Commission adopted the Data Strategy^[1] to unleash the potential for innovation lying in industrial data. The Commission [proposal on the Data Act](#) is the last major cross-sectoral legislative initiative under the Strategy. The data strategy also announced the review of the current EU vehicle approval legislation for what concerns access to vehicle data. Access to vehicle data has been regulated at the EU level since 2007 as regards repair information and on-board diagnostic (OBD). Since then, the market for connected vehicles has developed. Connected vehicles now allow not only remote access to vehicle data, but also remote access to functions (e.g. remote door unlocking for car sharing, launching diagnostic routines) and resources (e.g. displaying information on a vehicle dashboard). This remote access enables not only remote diagnostic, but also new services such as mobility as a service, pay-as-you-drive insurance or smart charging.

The proposal for the Data Act will empower consumers and other users of connected products with the right to have access to any accessible vehicle data and the right to share such data with third parties. It introduces in particular consumer rights to access and share data with third parties, compensation and contractual principles for Business to Business data exchange, sets rules for Business to Government data access in case of emergency, as well as cloud services switching principles.

The Commission proposal for the Data Act is conceived as an instrument addressing access to data on connected devices across sectors. The Data Act will have a major impact on the mobility ecosystem, boosting innovation and competition in aftermarkets and other automotive services. Nevertheless, the horizontal framework of the Data Act may not address all the specificities of each industrial ecosystem. For instance, automotive aftermarkets may benefit from some additional measures.

The present questionnaire aims at consulting the public and the various groups of stakeholders on their experience and views concerning access to in-vehicle generated data for vehicle-related and mobility services^[2] and on possible legislative measures to ensure fair and secure access to vehicle data, functions and resources.

[1] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM/2020/66 final.

[2] This category is conceived broadly, as any service related to the use of a vehicle, the provision of which requires or is improved by in-vehicle generated data. It includes also services relating to participation of electric vehicles in the electricity market (such as bi-directional charging, i.e. from vehicle to grid/home).

Guidance on the questionnaire

This public consultation consists of some introductory questions related to your profile, followed by a questionnaire. **Please note that you are not obliged to respond to all questions in the questionnaire.**

At the end of the questionnaire, you are invited to provide any additional comments and/or to upload additional information, position papers or policy briefs that express the position or views of yourself or your organisation.

The results of the questionnaire as well as the uploaded position papers and policy briefs will be published online. Please read the specific privacy statement attached to this consultation informing on how personal data and contributions will be dealt with.

In the interest of transparency, if you are replying on behalf of an organisation, please register with the register of interest representatives if you have not already done so. Registering commits you to complying with a Code of Conduct. If you do not wish to register, your contribution will be treated and published together with those received from individuals.

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian

- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Roland

* Surname

Gagel

* Email (this won't be published)

roland.gagel@tuvsud.com

* Organisation name

255 character(s) maximum

CARA-Europe

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

615626346876-20

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|---|--|--|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Denmark | <input type="radio"/> Libya | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Åland Islands | <input type="radio"/> Djibouti | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Albania | <input type="radio"/> Dominica | <input type="radio"/> Lithuania | <input type="radio"/> Samoa |
| <input type="radio"/> Algeria | <input type="radio"/> Dominican Republic | <input type="radio"/> Luxembourg | <input type="radio"/> San Marino |
| <input type="radio"/> American Samoa | <input type="radio"/> Ecuador | <input type="radio"/> Macau | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Andorra | <input type="radio"/> Egypt | <input type="radio"/> Madagascar | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Angola | <input type="radio"/> El Salvador | <input type="radio"/> Madeira | <input type="radio"/> Senegal |
| <input type="radio"/> Anguilla | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Serbia |
| <input type="radio"/> Antarctica | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Seychelles |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Mali | <input type="radio"/> Singapore |
| <input type="radio"/> Armenia | <input type="radio"/> Falkland Islands | <input type="radio"/> Malta | <input type="radio"/> Sint Maarten |
| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Slovakia |

- Australia
- Austria
- Azerbaijan
- Azores
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Fiji
- Finland
- Former Yugoslav Republic of Macedonia
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Swaziland
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste

- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Canary Islands
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen

- Curaçao
- Latvia
- Saint Helena
- Zambia
- Ascension and Tristan da Cunha
- Cyprus
- Lebanon
- Saint Kitts and Nevis
- Zimbabwe
- Czech Republic
- Lesotho
- Saint Lucia
- Democratic Republic of the Congo
- Liberia
- Saint Martin

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, ‘business association’, ‘consumer association’, ‘EU citizen’) country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Feedback publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

Questions

Understanding of the present situation

Between July 2019 and March 2020, the European Commission services organised a series of workshops with stakeholders to collect information on the current situation on vehicle-related and mobility services dependent on access to in-vehicle generated data. Additionally, between 2019 and 2021 a study on access to in-vehicle data, functions and resources (to be published together with the impact assessment to this initiative) was prepared.

The questions below aim at confirming and complementing the findings based on the aforementioned sources of information with a wider group of stakeholders on what is today the availability of vehicle-related and mobility services based on access to vehicle data, functions and resources as well as how easy it is to access in-vehicle generated data for the purpose of providing or developing these services.

Possible way forward

In this section all respondents are invited to share their views on the need for, scope and expected impacts of a legislative intervention that would aim at complementing the Data Act. The purpose of these questions is to obtain views on the relevance of possible measures aiming at creating benefits from different economic, social and environmental perspectives and on the need for a possible regulatory intervention.

8. Today, access to repair and maintenance information is subject to articles 61 and seq. of Regulation EU/2018/858. Access to other in-vehicle data for other purposes is not covered by Regulation EU/2018/858. Relevant applicable rules include competition rules and data protection legislation, and the upcoming Data Act (legislative proposal adopted by the Commission on 23 February 2022).

Do you consider that the current and upcoming legal framework applicable to access to in-vehicle generated data and resources sufficiently ensures fair and non-discriminatory access by all services providers (vehicle manufacturers, independent service providers and public authorities)?

- Yes
- No
- I don't know

Please explain.

500 character(s) maximum

risk of vehicle data monopoly by the OEM; risk of lack of innovation and competition on data based services; risk of impeding freedom of choice in the aftermarket; lack of definition of data categories and who shall be entitled to manage access; need to define the tripartite vehicle owner, keeper and driver and define who can access what data, risk of data deletion of vehicle data after sales of a vehicle due to unclear application of GDPR

9. Which other issues beyond access to data would need to be updated in the vehicle approval legislation to take into account of the latest technical developments (e.g. on automated vehicles, on electric vehicles)?

Please explain

500 character(s) maximum

Data exchange with external-to-vehicle data storage, independent of OEM
 Right for vehicle owners to define content and extend of vehicle data stored at provider of owners choice
 Process to transfer access rights to vehicle data irrevocably after sale of a vehicle
 Access to vehicle functions by authorized service providers with minimal latency

10. Do you agree with the following statement:

	Yes	No	I don't know
There is no need for regulatory intervention. Access to in-vehicle generated data can be best handled by the market.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Measures must be implemented to secure access to in-vehicle data (while respecting general principles of fairness and non-discrimination)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
How vehicle data can be technically accessed (i.a. on board, on an external server etc.) should be regulated to ensure a secured, fair and non-discriminatory access	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The possibility of multiple direct, on-board access by services providers to vehicle data and functions will make it substantially more difficult to ensure safety and/or cybersecurity of the vehicle (as compared to access on an external server)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Rules on access to vehicle data, functions and resources should not only improve access for the purpose of providing vehicle-related and mobility services, but also enable public authorities to perform their tasks, i.e. in the field of climate, environmental and road safety policies.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

11. If you would like to explain further your above answers, please use the following free text box:

2000 character(s) maximum

12. Do you agree with the following statements:

Remote access to more, better quality in-vehicle generated data, functions and to vehicle resources...

	Yes	No	No opinion
is necessary to provide new vehicle-related and mobility services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
is necessary to enable the customers ^[1] to enjoy better choice, prices and quality of vehicle-related and mobility services (The category of 'customers' as used in this questionnaire refers to both professional customers, e.g. fleet owners and individual users)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
^[1] The category of 'customers' as used in this questionnaire refers to both professional customers, e.g. fleet owners and individual users			
will enable fair competition	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will contribute to improving road safety and reducing environmental impacts, such as air emissions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will lead to disappearance of certain small workshops/service providers who are not prepared for digitisation of their services provision	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
will lead to small workshops/service providers widening their share of the market	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
will require additional measures to protect privacy and personal data to be implemented by stakeholder to ensure General Data Protection Regulation (GDPR) compliance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will require increased investments and costs for vehicle manufacturers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
will require increased investments and costs for services providers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will reduce vehicle manufacturers share of vehicle related (e.g. aftermarket) and mobility services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will result in more expensive vehicles being offered	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
will result in less innovative vehicles being offered	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
will result in more innovative vehicles being offered	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will result in lower prices of vehicle components	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
will result in more innovative vehicle components	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will result in new/more innovative services for customers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will result in an increase of the personnel of services providers, due to the expansion of the market	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Assessment of the impact of possible measures on access to vehicle data, functions and resources

The proposal for the Data Act will empower consumers with the right to have access to any accessible vehicle data and the right to share such data with third parties.

However, the Data Act provisions do not go into the details of access to functions and resources, which is crucial for the provision of data-dependent services in the automotive sector. In addition to ensure a proper implementation of the data act in the automotive/mobility ecosystem, such principles could be complemented by measures providing for standardisation on the data sets vehicle functions and resources concerned and by rules ensuring effective, safe and secured access as well as protection of privacy personal data and intellectual property.

The purpose of the questions below is to collect views of the expected positive and negative impacts for a set of possible measures, to inform the formulation and assessment of policy options by the Commission services. These questions are addressed to all citizens and stakeholders including public authorities in charge of specific public interest.

13. For each measure below, please tick the relevant boxes if you foresee positive or negative impacts. In the relevant box near each proposed measure, please mark your assessment of the general impact of the measure on your organisation. In the following rows, please advise on the expected specific impacts of the measure (on competition, innovation etc.). In answers to the following questions, you will be able to give more details with free text on the expected impacts.

	Positive impact	Negative impact	Neutral or no opinion
<p>1. Requirement for vehicle manufacturers to publish a catalogue of vehicle data and functions remotely accessible on a vehicle. <i>In addition to the transparency requirements of the Data Act, such a catalogue could contain the data parameters available for remote access, the data specification and format, as well as availability of functions and resources accessible remotely.</i> Impact on competition</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on innovation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on safety/security	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on intellectual property rights	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on privacy	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on employment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>2. Further requirements (in addition to those proposed under the Data Act) of non-monitoring of the business activity of a third party operator accessing vehicle data. <i>This requirement, complementing the general provisions of the Data Act, would allow identification only for limited number of purposes, that would be listed in the Regulation, while requiring e.g. to mask the identity of the customers of services and of the service providers themselves</i></p>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

<i>in other cases; structural or functional arrangements to prevent monitoring in cases where identification is necessary. Compliance with such a legislation would be subject to periodic auditing by public authorities. Impact on competition</i>			
Impact on innovation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on safety/security	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on on intellectual property rights	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on privacy	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on employment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on environment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3. Principle of equal remote access to data, functions and resources that are accessible to the vehicle manufacturer, together with safety/cybersecurity principles and reporting obligations on the implementation of such principles. <i>This requirement would include the possibility to communicate with the driver. Implementing rules could further define in more detail what conditions would be considered unfair or discriminatory and which restrictions could be considered justified. Impact on competition</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on innovation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on safety/security	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on intellectual property rights	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on privacy	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on employment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Requirement to make a minimum set of standardised data, functions and resources to be remotely accessible to services providers. <i>Such a minimum list would be defined in an annex to be revised periodically via a Commission Regulation to stay in tune with technological development This measure could also define the specifications and format of those data and functions included in the minimum set. Impact on competition</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on innovation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on safety/security	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on intellectual property rights	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on privacy	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on employment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on environment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

<p>5. Requirements to preserve the access to the On-Board Diagnostic (OBD) port open while ensuring security of “writing” access, e.g. by means of an independent accreditation, approval and authorisation scheme. <i>Today, many services providers use the vehicle’s OBD to collect vehicle data remotely. However, such remote access to the OBD port is being restricted for cybersecurity purposes. The requirement referred to above would aim at preserving access to the OBD the extent possible without compromising cybersecurity of a vehicle.</i> Impact on competition</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on innovation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on safety/security	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on intellectual property rights	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on privacy	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on employment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>6. Provisions further specifying the conditions and means of access, to on-board platforms, whenever such platforms are available in the vehicle, with defined criteria and process for admission of applications to such platforms (same for all third parties’ and manufacturer-related entities). Impact on competition</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on innovation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on safety/security	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on intellectual property rights	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on privacy	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on employment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>7. Governance rules on remote access to enable a secured but non-discriminatory access of the different stakeholders. These rules would further specify the manner in which access to data would be performed and controlled. Impact on competition</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on innovation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on safety/security	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on intellectual property rights	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on privacy	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on employment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on environment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

14. I would like to further explain expected positive or negative impacts of the requirement for vehicle manufacturers to publish a catalogue of vehicle data and functions remotely accessible on a vehicle.

1000 character(s) maximum

Benefit of distinction of personal, vehicle technical or in-use data and different handling regarding GDPR rights; Benefit to define by data category who is entitled to manage data access; definition of data that can be considered private and non-private, hence define what can be subject to deletion, etc.

15. I would like to further explain expected positive or negative impacts of further requirements (in addition to the measures already proposed in the Data Act) to prevent monitoring of the activity of a third party operator accessing vehicle data, function and resources.

1000 character(s) maximum

OEM as likely gatekeeper of the vehicle access would have less possibility to restrict competition on data based business models of independent service providers, hence improving competition.

16. I would like to further explain expected positive or negative impacts of the principle of equal remote access to data, functions and resources that are accessible to the vehicle manufacturer, together with safety/cybersecurity principles and reporting obligations on the implementation of such principles.

1000 character(s) maximum

This part of the regulation would be a true breakthrough for bi-directional in-vehicle services and would make competition and innovation for such services much better than if OEM keep most of that right on their own

17. I would like to further explain expected positive or negative impacts of possible requirements to make a minimum set of data, functions and resources to be remotely and directly accessible.

1000 character(s) maximum

Data categories of vehicle data must be classified into different categories as suggested by CARA Europe with the CARA List. This will enable a fair and GDPR compliant distinction of data and the definition on who shall be entitled to manage access rights (owner- keeper- driver)

18. I would like to further explain which data/functions should be part of the set referred to in question 17. In addition to general description below, you can also upload a document with more detailed specification.

1000 character(s) maximum

see CARA List of CARA Europe published at CARA Website (see below attached) https://cara-europe.org/wp-content/uploads/2021/07/InCarData_2021.pdf

Please upload your file(s)

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

11e3091a-f3a5-4ceb-a613-33d70cdd92b9/InCarDara_Paper_Short_2021.pdf

17ecae7c-41c3-4c2d-8346-b07b1d9a50a8/InCarData_2021_V2.pdf

19. I would like to further explain expected positive or negative impacts of possible requirements to preserve the access to the On Board Diagnostic port open while ensuring security of “writing” access.

1000 character(s) maximum

Many business models of in Car services today depend already on OBD access. Continued access to OBD would be crucial to enable OEM independent companies to continue to provide current existing services and develop new services based on the same access method

20. I would like to further explain expected positive or negative impacts of possible provisions specifying the conditions and means of access to on-board platforms, whenever such platforms are available in the vehicle, with defined criteria and process for admission of applications to such platforms (same for all third parties' and manufacturer-related entities)

1000 character(s) maximum

no comment

21. If the Union legislation was to require any of the measures establishing defined criteria and process for admission of applications to on-board platforms, what should be the criteria for admission of third-party applications and a secured access to vehicle data?

500 character(s) maximum

- 1) Certification of such provider for Cyber Security ISO 21434 and Software Update Management 24089, as well as for ISO 27001 in general
- 2) Data processing and storage within the EU
- 3) Submission to Auditing of data and business process to a 2nd and/or 3rd party based on reasons defined in the legislation
- 4)

22. I would like to further explain expected positive or negative impacts on possible governance rules on remote access to enable a secured but non-discriminatory access of the different stakeholders

1000 character(s) maximum

no further comment to the CARA Standpoint In Car Data (see attachment to Q 18)

23. Taking into account the measures already proposed in the Data Act, which additional aspects of B2B contracts should be regulated for the sector? Which aspects should be left to the parties?

500 character(s) maximum

Transfer of data access rights with change of ownership of a vehicle (irrevocable)
Classification of data into different categories
Freedom of Choice for the Owner where to store vehicle data independent of OEM,
Defintioon of the triparty Vehicle Owner, keeper and driver to ensure GDPR compliant access to the right data category
Ensuring that real driving emissions and service history of a vehicle stay transparant throughout the lifetime of a vehicle

24. Do you see any other measures that should be considered? If so please explain their impact

500 character(s) maximum

25. Do you see any other impacts of the proposed measures?

1500 character(s) maximum

Any additional comments

If you have any comments or supplementary information to add to your replies to the above questions, please insert this here:

1000 character(s) maximum

CARA Europe represents the professional vehicle remarketing companies of Europe, Leasing, Finance, rent-a-car, Service providers, Inspection providers, data providers. We would be please to enter an further discussion with the DG or comission to explain the relevance of our standpoint. We have address concrete examples in the attached document for reference of our answers.

Final Remarks

Should you wish to provide additional information (for example a position paper) or raise specific points not covered by the questionnaire, you can upload your additional document here.

Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

Please upload your file(s)

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

2deb3e29-4821-4884-b515-03ac595eeddd/CARA_response_to_the_public_EU_Consultation_Car_Data_-_FINAL_2022_06_10.pdf

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