



Access to vehicle data, functions and resources - reply to your letter of 5 April 2023

28th of April 2023

Dear Commissioner Breton,

We would like to sincerely thank you for your letter of the above date on behalf of President von der Leyen.

We very much welcome the shared objective of stimulating the vibrant and competitive development of data-driven innovation in the European automotive and mobility ecosystem and the importance of access to vehicle data, functions and resources with a view to stimulating the development of connected vehicle and mobility services.

Moreover, we are very pleased to hear that preparatory work on a sector-specific initiative is underway with a view to adoption by the Commission. The Data Act marks a significant advance on establishing data-sharing principles for Users, but, as the Commission itself identified, we urgently need sector-specific rules that will: i) establish the specific rights and duties that ensure equitable and secure access to vehicle data, functions and resources and ii) enable the technical means of access in the vehicle for service providers and the safe interaction with the drivers who can iii) avail themselves of a rich array of competitive services of their choosing in a safe and user-friendly way.

Given the extensive evidential work done by your services over recent years, we would hope that this work can now move swiftly and maximise the time available to the co-legislators to scrutinise the Commission's proposal, with a view to legislative adoption during the current Parliament.

Needless to say, the content of the Commission's proposal is of paramount importance. We understand that your services are considering a piece of "overarching legislation" that will contain the key principles that will govern a competitive European framework for access to vehicle data, functions and resources and that detailed technical rules would subsequently be proposed and adopted through secondary legislation.

Given the primary need to urgently establish clear rules for competition, innovation and deployment in the market, this approach makes a lot of sense. It will send a very important signal to the market, creating certainty to invest and innovate for all independent service providers throughout the value-chain, and for the vehicle manufacturers themselves.

We would urge you to ensure that the principles-based legislation addresses the following key principles and requirements — with technical requirements and standards to be enacted in subsequent secondary legislation:

- Non-discriminatory access to any data, functions and resources that are accessible to the vehicle manufacturer itself, including full transparency of what is available.
- Access to the human-machine interface (HMI) of the vehicle, where available to the vehicle manufacturer.
- As a baseline to be revised for technical progress on a rolling basis, a core set of data and functions to be provided in a standardised format whenever technically supported by the vehicle.
- Rules on non-monitoring of the users' access to data, functions and resources by the vehicle manufacturer.
- Preservation of access to the on-board diagnostics (OBD) port.
- Establishment of a statutory (Automotive Data) forum, under the leadership of the Commission, with the participation of stakeholder representatives, to develop implementation guidelines, recommendations for standardisation and updates to reflect technical progress in the digital era.

As we have done throughout this Commission, we will continue to provide substantive input as required by your services in these final stages of drafting. Given the extensive consultation that has been undertaken over several years, most notably with the public consultation and targeted stakeholder consultation in 2022, we would urge rapid progress through to College adoption and avoiding undue delay.

With the above principles enshrined in the Commission proposal and working to a timetable of speedy adoption, we strongly believe that this sector-specific legislation will deliver on the shared goals of a vibrant, innovative and world-leading data-driven, European automotive and mobility eco-system. Moreover, it will transform rich potential into actual European innovation, jobs, growth and global leadership.

Yours sincerely,

The Independent Service Provider Group