



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

Brussels, 16th May 2023

Subject: Sector-specific European legislation on access to in-vehicle data and functions is crucial for sovereign tasks

Dear President von der Leyen,

We have learned that the European Commission has decided against passing the impact assessment of a sector-specific regulation on access to vehicle data, previously carried out to the Regulatory Scrutiny Committee for consideration in February. As a result, the work on the legislation could now be delayed until after the European elections in May 2024.

Based on safety and environmental considerations, we see an extraordinary need for action and would like to ask the European Commission to reconsider this decision and act now on the sector-specific legislation.

The work of traffic police, accident analysis for court cases and the recurrent periodical technical inspection (PTI) for vehicles are elementary components to protect the interests of affected citizens and companies. Road safety is our joint priority, and we emphasize the importance of regulating and standardizing vehicle-generated data, especially to guarantee independent access to in-vehicle data, functions and resources that is needed to carry out sovereign tasks, such as the investigation and analysis of road accidents, vehicle inspection and prosecution. This can only happen with a sector-specific regulatory framework.

Multiple studies, including the ones carried out by the Joint Research Centre in 2018 and the European Commission in 2017 and 2021, have shown that horizontal legislation, such as the Data Act, has shortcomings and that a specific legislation on access to in-vehicle data is essential¹. In December 2022, the draft impact assessment presented by DG GROW reached the same conclusion on the need of a sector-specific automotive regulation. The proposal to extend the vehicle type approval legislation was supposed to have been sent for consideration by the Regulatory Scrutiny Board in early February 2023, to allow for adoption by the college in Q2/2023.

We have learned that the Directorate-General in charge of this file has regrettably decided not to pass on the impact assessment of this sector-specific regulation on access to vehicle data, which has already been carried out, to the Regulatory Scrutiny Committee for consideration in February. As a result, the work on the legislation is in danger of being reported after the European elections in May 2024.

We are therefore very concerned by this other delay in the process. These delays have real world consequences² on the safety of vehicles and environmental protection since current exclusive technical access of manufacturers to vehicle data compromises the fulfilment of

¹ In addition, the European Commission's studies focused only on B2B business cases and did not consider B2G business cases, for which access to in-vehicle data is also essential.

² Insufficient data for a comprehensive accident investigation result in an incomplete or inaccurate analysis, undermining law enforcement agencies' capacity to identify the accident's cause and prevent future occurrences. Obtaining the essential information to identify and track suspects or vehicles involved in criminal activities pose a challenge for law enforcement agencies and compromise their capacity to investigate and prevent criminal activities. During periodic technical checks and roadside inspections, third-party inspection agencies encounter difficulties in obtaining the essential data to conduct a comprehensive inspection.

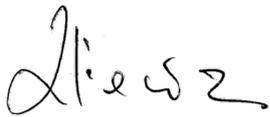
sovereign tasks. A lack of action by the European Commission would lead to isolated solutions depending on individual Member States or vehicle manufacturers and would counteract the independent third-party role and sovereign function of the signatories.

Data produced by vehicles and used to improve safety on the road as well as climate and environmental protection, should be made accessible to the police, experts active in the fields of accident research and accident reconstruction, and independent third-party organizations that are working to ensure safety and security. As a matter of principle, data sharing options should be available to the data producer regarding vehicle data sharing. Data access to enable data use should be standardized indeed.

We therefore call on the European Commission to come forward with a draft sector-specific legislation without delay to ensure that it can be referred to co-legislators within this Parliamentary term.

We thank you for your support in this matter and remain available for any discussion on the subject at your convenience.

Yours sincerely,



Stan Zurkiewicz,
Chairman of the Management Board,
DEKRA e.V. and DEKRA SE



Elvira Zsinkai,
President, ROADPOL



Dipl.-Ing. Jörg Ahlgrimm,
President, EVU