Alliance for the Freedom of CAR Repair in the EU

Type-approval Framework Regulation COM (2016)031

Repair and Maintenance Information (RMI)

AFCAR proposals for Trilogue discussions

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Alliance for the Freedom of Car Repair, AFCAR Coordination Secretariat
Boulevard de la Woluwe 42, bte5, BE-1200 Brussels, Tel. : +32.2.761.95.10 – Fax : +32.2.762.12.55
Mail : afcar@afcar-alliance.eu

1. Introduction

- The automotive aftermarket and mobility services sector is not a niche industry sector; it accounts **for 500,000 companies employing 3.5 million people across Europe offering services to 285 million vehicle owners** and business operators. Our sector offers quality service at an affordable price and stimulates independent entrepreneurship in a rapidly evolving business sector.

- The **Commission's Ricardo-AEA Study** into the effective functionality of the Euro 5 legislation for access to repair and maintenance information (RMI) identified in 2014 on 160 pages a number of structural deficiencies of this existing RMI legislation. The **Commission Report to Council and Parliament**[1] acknowledged in 2016 the difficulties encountered by independent operators throughout the entire aftermarket supply chain in accessing technical information. The Study and the Report made a series of concrete recommendations to improve the situation, but these were not included **from the outset** in the Commission proposal (2016) 31.

Updates are needed now!

- The RMI legislation dates from 2007 and needs urgent updates in order to maintain its initial purpose of ensuring undistorted competition and a good functioning of the Internal Market. It aims to ensure that vehicles conform to EU emission and safety standards throughout their entire lifetime. This requires regular servicing and repair, including operations such as diagnosis of malfunctions, repair services and spare part identification[2].

Legislative inertia cuts the lifeline of 500.000 SMEs in the automotive aftermarket and mobility services sector

- Updates in the current type-approval framework are literally **THE lifeline** that is needed to keep the entire vehicle repair and mobility services sector in business. Waiting to make structural adaptions 'later' term, as proposed by the European Commission, will have catastrophic and instant effects for our sector and will lead to bankruptcy of numerous SMEs. Not revising the RMI provisions **now** would constitute legislative negligence to the detriment of an SME driven industry sector that is the backbone of independent entrepreneurship. This would go against all principles of the EU: more jobs and more SME's prospering in Europe. **Action is needed now in the current legislative process and the window for action is closing rapidly.**

'*Better* regulation' instead of 'scandal-driven policy'

- Although it is comprehensible that the type approval revision focuses on measures to prevent another diesel scandal, an important market segment has been left out in the Commission's proposal for revision. The original intent contained in the existing type approval legislation supporting competition in the service and repair sector must be maintained.

- The revision is currently ongoing and once finalised, it is unlikely that it will be re-opened for review in the years to come. The window of opportunity is closing, leaving the automotive aftermarket and mobility services sector empty-handed!

- Any **hypothetical revision 'in future' cannot give any credible outlook**: Proposals to address Repair and Maintenance provisions **via delegated acts or via different legal instruments**, are not an option and quite

[1] Commission Report COM (2016)782 of December 2016 on the Functioning of the Regulation on Access to Repair and Maintenance Information.
[2] idem.

simply do not deliver sufficient legal certainty. The type-approval frame is the appropriate legal instrument for the technical RMI provisions, it is their most natural home. For delegated acts, they require that essential provisions must be first be enshrined in a robust and detailed manner in the "mother" legislative Act before they can then be used as a tool to complement and update legislation. This means that legislative action is required anyway now!

The way forward – Please take EP amendments on board *now in Trilogue*!

- There is the opportunity to 'repair' the omissions of the initial Commission proposal now in the course of the Trilogue discussions, as there is no justified reason for not addressing the RMI dispositions in the current legislative procedure. It would be **legislative negligence** to drop the EP amendments which guarantee the lifeline for so many SME and employees.

- The European Parliament amendments are a reflection of the "state of the art" of the industry today, and we ask the Commission and the Council to be supportive for these improvements.

2. As a first step: Clarification of misinterpreted issues raised by other stakeholders

- **Software/Algorithms:** RMI and 'algorithms' were unduly mingled by some parties. The debate around 'algorithms' is linked to the competences of the *market surveillance authorities* in Commission proposal Art. 23 (4,1), Art. 8 (EP AM 80) or Art. 13 (EP AM 132). Independent operators do not need, nor want, access to the algorithms of the vehicle's electronically controlled systems (we just need to know the *version of software* to ensure correct diagnostic and repair methods and to enable appropriate updates to be implemented as 'pass through' programming from the vehicle manufacturer's website[3]).

- **Addressing prematurely the 'connected car"?** The updating of the RMI Type-Approval legislation has nothing to do with addressing at this stage the issue of telematics access to the connected car. It is about maintaining the practical status, an evolution and adaptation to the state-of-the art in the industry to be reflected in an updated type approval legislation accordingly.

- **Does the ISO standard 18541 solve the RMI problems?** It has been insinuated most of the issues will be resolved by the introduction of the CEN/ISO 18541 standards which provide a standardised website format for RMI delivery. However, it is important to clarify that the CEN/ISO standard only standardises the access to the OEMs' websites, but it does not remedy to problems concerning connection and communication with the vehicle in substance. It addresses merely the lowest level of the value creation chain (repairers) within the Independent Aftermarket (IAM). Moreover, in our longstanding experience in the past 5 years as participants to the ISO standardisation process, it became very clear that robust provisions in the "mother regulation (the Act)" are the prerequisite for the ensuing technical standardisation process in CEN or ISO.

[3] The current legislation provides: "Vehicle manufacturers shall provide (…) any relevant software". Today, independent operators do get the genuine diagnostics/programming software of the vehicle manufacturers (e.g. Xentry from Daimler/ Odis from VW-Audi-Seat-Skoda/ Ista from BMW/ IORS from Ford) in order to do the diagnostics/programming which is necessary because some repair steps (e.g. software updates) are only possible with the vehicle manufacturer programme. The technology used is "pass-through", but to do this, you need a certain piece of software (a DLL file from the vehicle manufacturer), which allow the downloading of the programmes mentioned above. We do need to use this pass through programming software.

3. What is at stake – The EP amendments in greater detail

3.1. The importance of maintaining the OBD connector fully accessible for all OBD, diagnostics and RMI-related in-vehicle data

The OBD connector – Vital communication lifeline with the vehicle

For over 25 years, the physical standardised On-Board Diagnostics **(OBD)** connector has been the main live data port enabling communication with the vehicle. This OBD connector is used with equal rights by all players in the automotive value chain, ranging from vehicle manufacturers and their dealers to all other independent market operators in the wider definition of the RMI-Regulation. It has been the cornerstone of competitive diagnostics and repair methods, as well as the development of plug-in device based third party services, which have ensured innovation and consumer choice in the automotive servicing market

The paradox - The current practical status quo needs regulating!

Although this direct physical connection to the vehicle data has been universally used by all stakeholders, legislatively, it is only referenced for emissions related data
Vehicle manufacturers are now threatening to close the direct access via the OBD port or to restrict the scope to vehicle-generated data to emissions only (which represents just a small percentage of the vehicle repair work)[4] even in the workshop. Moreover, the PTI roadworthiness legislation provides that emissions should be tested using 'OBD' (and tailpipe) – however, without a clear *legal r*eference of the physical connector within the vehicle type-approval legislation, this would then not be possible any longer![5]

Some manufacturers have also started to reduce independent accessible communication via the OBD port (both whilst in motion and stationary) and are arbitrarily proposing the *unilateral* issuing of proprietary digital access certificates, despite the existing Regulations still being in force. Although the introduction of a simple and commonly agreed certification scheme could help to ensure direct access to in-vehicle data is safe and secure for specific requirements, doing so in a unilateral and proprietary basis in a costly and prohibitively complicated manner would not only fail to deliver on the prospect of enhanced security, but would also lead to consumer detriment, the stifling of new innovative mobility services in the market and reduced competition. This is wholly unacceptable, and a pertinent solution must be found.

Therefore, it is essential that the OBD connector and the direct access to the associated dataflow is maintained and remain fully accessible for all OBD, diagnostics and RMI-related in-vehicle generated data, as it is currently the case. Otherwise, the entire multi-brand vehicle servicing industry that supports innovation, independent entrepreneurship, competitive consumer choice and affordable mobility will be threatened.

When do independent operators need to communicate with the vehicle?

For clarification: Independent service providers need direct and bi-directional communication with the vehicle and its data when the vehicle is stationary (e.g. in the workshop, at the roadside in case of a breakdown or

[4] Today, the physical standardised OBD connector is legally referenced in the EU Vehicle Type-Approval legislation through a cross-referencing to the UNECE Regulations 83 (passenger cars) and 49 (heavy duty vehicles). For historic reasons, the UNECE Regulations focus primarily on emission-related data.
[5] The missing references to the OBD connector in the Commission initial proposal have been partially remedied through the WLTP, for passenger cars, however this was not been done for heavy duty vehicles (HDV), so the OBD connector HDV would be lost!

when conducting a periodical technical inspection), but only need 'read only' access to the vehicle and its data when it is in motion[6]. This clarification is important in the context of the most critical safety/security concerns of when the vehicle is being driven.

However, independent operators need to be able to communicate with the vehicle:

- when it is stationary (vehicle speed = 0km/h with the engine either on or off),
- when the vehicle is on the road, *but for read-only data*. This reading-access to data when the vehicle is being driven is needed for two essential reasons a) to conduct the evaluation/diagnosis or verification of dynamic vehicle data to e.g. ensure that a repair has been completed correctly and b) to allow plug-in devices that are compatible with the OBD port to be installed for remote services (e.g. diagnostics, prognostics or predictive maintenance services).

This is absolutely essential, because independent operators do not currently have any other possibility to offer remote services that need access to real-time data. So, it is necessary to continue to allow plug-in devices to be installed for remote services that in the future will also be fulfilled by an in-vehicle standardised, interoperable, secure and open-access platform that will have to be regulated to ensure equal rights for both vehicle manufacturers and multi-brand operators.

Therefore, AFCAR calls upon you to support the EP amendments n° 248, n° 324 (and n° 44 Recital)!

We call upon you to maintain the practical status quo and to include a clarification into the Type-Approval Regulation that the current OBD, diagnostics and RMI-related in-vehicle data stream shall remain fully accessible through the OBD port. This is why we call upon you to support the European Parliament's amendments n° 248, n° 324 and n° 44.

Safe and secure use of the OBD connector: AFCAR suggestions for improvements of the EP amendments

To address potential safety and security issues when using the OBD connector, AFCAR suggests for new types of vehicle, **three elements that would ensure a controlled, safe and secure use of the OBD connector and its dataflow:**

- **A company identification certificate**
  The independent operator communicating via a (connected) diagnostic tool with the OBD connector for specific functions (e.g. anti-theft related data or approved changes of emission control systems) should be identifiable. This should be done by using the existing **SERMI scheme**[7] for an 'identity certificate' of the independent operator.
- **Electronic communication certificates for connected devices**
  Furthermore, and linked to the company identification certificate, for read-out functions when the vehicle is in motion, electronic communication certificates should be used. As such, the communication between the vehicle and the (connected) diagnostic tool shall be authorised by an electronic certificate (e.g. in accordance with well-known technical standard ISO 20828).

[6] For the instances where independent operators have to 'write' data into the vehicle (e.g. when re-setting an error code, when re-coding a replacement part into the vehicle system or when performing an actuator test), then this may only be done when the vehicle is stationary.

[7] See SERMI certification scheme for access to security-related RMI in Article 70, Regulation COM (2016)-31. The SERMI scheme is designed to conduct accreditation schemes for the company identification and could to act as an independent certification body. Its scope would be expanded to accommodate granting of standardised, electronic communication certificates for (connected) diagnostic tools. Authorised or independent market operators need to contact only one single independent body for the certificate and not all vehicle manufacturers; arbitrary decisions with resulting adverse effects on independent service providers by the vehicle manufacturers could thus be prevented. The overall product approval and certification process is defined and agreed by all stakeholders, including the vehicle manufacturers and independent operators, as SERMI is composed of a 50:50 representation. The independent body itself is controlled by a national authority for accreditation.

This certificate shall also be obtained via the **independent body** (i.e. the existing SERMI scheme).This is important to avoid that each vehicle manufacturers issues proprietary electronic communication certificates with arbitrary access criteria and conditions leading to a proliferation of disparate solutions for each individual VM, which will become impossible in practice for independent operators.

- **'Developer Guidelines'**
  Moreover, to avoid potential problems during *the reading out of data* (e.g. preventing on-board data communication BUS overload by multiple requests from a plug-in device) *when the vehicle is in motion*, we ask that vehicle manufacturers provide a set of key parameters (such as e.g. data request criteria, Busload parameters), which must be respected by developers of plug-in devices.

  This follows the principles already being used by the vehicle manufacturers themselves who increasingly install retrofit plug-in devices as part of their own service offer. As these vehicle manufacturers' plug-in devices function safely and to ensure a level playing field with the manufacturer in his role as service provider, independent operators must be given the same opportunity to design their own plug-in devices according to the same key parameter requirements. This mechanism is already enshrined in Regulation 692/2008, Annex I, Appendix 5, points 1-2 where vehicle manufacturers have to provide key parameters to independent parts producers to ensure the compatibility of independent replacement parts with the vehicle's OBD system.

Summary of all proposals: Suggestion to support an extended EP amendment 248 and 324:

COM	EP	COUNCIL	Proposal for Trilogue
Omission from the Commission	***Article 65 – paragraph 3 a (new)*** *Manufacturers' obligations to provide vehicle repair and maintenance information* ***(AM 248)*** ***For the purpose of vehicle OBD, diagnostics, repair and maintenance, the direct vehicle data stream shall to be made available through the standardized connector as specified in UN Regulation No 83, Annex XI, Appendix 1, para 6.5.1.4 and UN Regulation No 49, Annex 9B.***	*(no amendments)*	Please support EP proposal (AM 248) with the following addendum as underlined (two new paragraphs): ***For the purpose of vehicle OBD, diagnostics, repair and maintenance, the direct vehicle data stream shall to be made available through the standardized connector as specified in UN Regulation No 83, Annex XI, Appendix 1, para 6.5.1.4 and UN Regulation No 49, Annex 9B.*** ***For new vehicle types, independent operators shall request certificates from an independent body that identifies the operator and electronic tools used when communicating with the vehicle for specific security functions or approved changes of the emission control systems or for read-only in-vehicle OBD, diagnostic, repair and maintenance data when the vehicle is being driven.*** ***Additionally, vehicle manufacturers shall make available key criteria necessary for the safe communication of devices that connect through the standardised serial port (OBD) connector for when the vehicle is being driven.***

Omission from the Commission	***Annex XVIII – point 2 – point 2.8 a (new)*** *Access to vehicle OBD and vehicle repair and maintenance information* ***(AM 324)***	*(no amendments)*	**Please support EP proposal (AM 324) with the following addendum (two new paragraphs):**

	For the purpose of vehicle OBD, diagnostics, repair and maintenance, the direct vehicle data stream shall be made available through the serial port on the standardised data link connector specified in paragraph 6.5.1.4 of Appendix 1 of Annex 11 to UNECE Regulation No 83 and Section 4.7.3 of Annex 9B to UNECE Regulation No 49.		***For the purpose of vehicle OBD, diagnostics, repair and maintenance, the direct vehicle data stream shall be made available through the serial port on the standardised data link connector specified in paragraph 6.5.1.4 of Appendix 1 of Annex 11 to UNECE Regulation No 83 and Section 4.7.3 of Annex 9B to UNECE Regulation No 49.*** ***For new vehicle types, independent operators shall request certificates from an independent body that identifies the operator and electronic tools used when communicating with the vehicle for specific security functions or approved changes of the emission control systems or for read-only in-vehicle OBD, diagnostic, repair and maintenance data when the vehicle is being driven.*** ***Additionally, vehicle manufacturers shall make available key criteria necessary for the safe communication of devices that connect through the standardised serial port (OBD) connector for when the vehicle is being driven.***

3.2. For a state-of-the-art access to RMI adapted to the needs of all operators along the supply chain

RMI to be better adapted to all Independent Operators in the supply chain!

Both, the **Ricardo–AEA Study and the Commission Report of December 2016**[8] emphasise the importance of an efficient functioning of **the entire multi-brand aftermarket supply chain** for the proper maintenance of vehicles. This has an impact on emissions, public health, road safety and the environment. Both highlight the function of independent operators (**IOs**) for the provision of multi-brand spare parts catalogues, multi-brand diagnostic tools, multi-brand RMI databases by publishers of technical information and third-party training providers. Competition for all such products and services, often performed by independent SMEs, is used by independent and authorised repairers, and highly relevant for consumers[9].

The Commission acknowledges the difficulties encountered by IOs along the entire aftermarket supply chain and outlined a number of remaining difficulties which hinder the overall functioning of the system of access to vehicle RMI:

3.2.1. An updated benchmark for the provision of RMI: The 'non-discrimination principle'

The Commission Report concluded that "the experience acquired through the implementation of the RMI Regulations has shown that the information needed by IOs is not always of the same nature as that of the authorised dealers. Indeed, certain IOs require information of a different nature or format compared to the

[8] Report COM (2016)782 from the Commission to the Council and the EP on the operation of the system of access to vehicle repair and maintenance information established by Regulation (EC) No 715/2007 on access to vehicle repair and maintenance information

[9] idem

authorised dealers, in order to provide to consumers the different services they need. Therefore, the revision of this principle could be considered, in order to fine tune it or to find a more appropriate benchmark for the compliance with manufacturers' obligations"[10].

Indeed, according to AFCAR's experience in the last years, the "non-discrimination" with the authorised repairer was applied by vehicle manufacturers in a too narrow manner with the result that the technical information was delivered in a form that was tailored to a repair shop, but is unuseable for operators in the upstream supply chain, hampering competition. As a matter of fact, it is now the vehicle manufacturer and its network and the information they use, which should be the benchmark. This is 'state-of-the-art' adaptation is reflected in the EP Amendment N° 60:

We therefore suggest to accept the EP amendment:

COM	EP	COUNCIL	Proposal for Trilogue
Art 3 – paragraph 1 point 46 *Definitions* 'vehicle repair and maintenance information' means all information required for diagnosing, servicing, inspecting, periodic monitoring, repairing, re-programming or re-initialising of a vehicle as well as for the fitting on vehicles of parts and equipment, and that is provided by the manufacturer to his authorised dealers and repairers, including all subsequent amendments and supplements to that information;	***Art 3 – paragraph 1 point 46*** *Definitions* ***(Am 60)*** 'vehicle repair and maintenance information' means all information required for diagnosing, servicing, inspecting, ***road worthiness testing***, ~~periodic monitoring~~, repairing, re-programming or re-initialising of a vehicle as well as for the fitting on vehicles of parts and equipment, and that is ***used or*** provided by the manufacturer ~~to~~ **,** ***including*** his authorised ***partners,*** dealers ~~and repairers~~***, repairers and network, to offer products or services for vehicle repair and maintenance purposes***, including all subsequent amendments and supplements to that information;	**Art 3 – paragraph 1 point 46** Definitions 'vehicle repair and maintenance information' means all information required for diagnosing, servicing, inspecting, periodic monitoring, repairing, re-programming, ~~or~~ re-initialising **or the remote diagnostic support** of a vehicle as well as for the fitting on vehicles of parts and equipment, and that is provided by the manufacturer to his authorised dealers and repairers, including all subsequent amendments and supplements to that information;	**Please accept EP proposal (AM 60) and Council proposal**

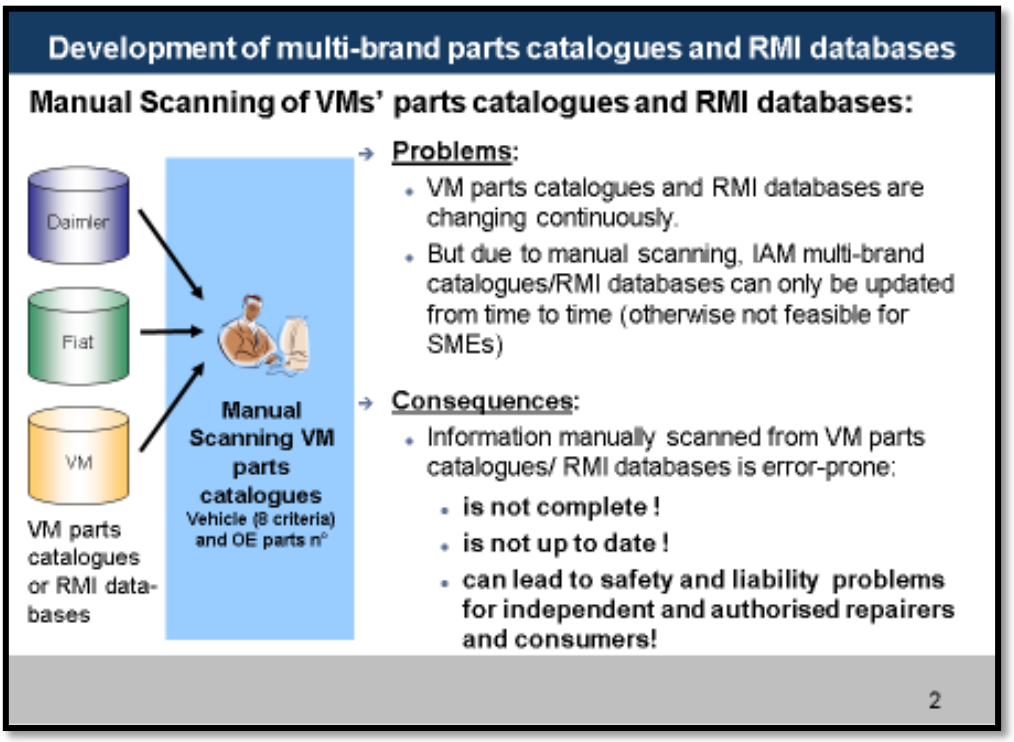
3.2.2. An adequate way for providing RMI: The 'electronicaly processable' form

In the same remit and following the Ricardo-AEA Study and Commission Report findings, independent operators in the upstream supply chain need the technical information in electronically processable form. This is not provided today! Vehicle manufacturers design their RMI websites to suit the case-by-case situation where a workshop has *one* specific repair job in his premises for *one* specific vehicle at hand.

This leads to the situation that today, for example multi-brand spare parts catalogue developers and multi-brand RMI database providers do **a manual (!) screening** of the vehicle manufacturers websites, case-by-case, which need to be re-processed part-by-part, information-by-information, vehicle-by-vehicle. All of this is not only totally uneconomical, but **it is first and foremost a safety issue.** With this manual case-by-case screening method, **it is a sheer impossibility for independent operators to ensure that multi-brand RMI databases or spare parts catalogues are fully complete, correct and up-to-date.** This manual screening process generates serious deficiencies for independent parts catalogues and RMI multi-brand systems in regard to the completeness and accuracy being up to date. And this becomes potentially a **liability problem** cascading down to the repair shop and ultimately to the consumer!

The only remedy is to provide that vehicle manufacturers' RMI and parts information will be made available in machine readable and electronically processable form.

[10] Commission Report, p.8



We therefore call upon you to support pertinent amendment proposal for Article 65 from the European Parliament on the matter:

COM	EP	COUNCIL	Proposal for Trilogue
Article 65 – paragraph 2- subparagraph 2	***Article 65 – paragraph 2- subparagraph 2 (AM 247)***	***Article 65 – paragraph 2- subparagraph 2***	**Please support EP Amendment 247 (which is much clearer than the similar AM 246) regarding the "machine readable and electronically processable format" for independent operators other than repairers**
The vehicle OBD and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. In particular, this access shall be granted in a manner which is non-discriminatory compared to the provision given or access granted to authorised dealers and repairers.	The vehicle OBD and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. . ~~In particular, this access shall be granted in a manner which is non-discriminatory compared to the provision given or access granted to authorised dealers and repairers.~~ ***For independent operators other than repairers, the information shall also be given in a machine-readable format that is capable of being electronically processed with commonly available IT tools and software and which allows independent operators to carry out the task associated with their business in the aftermarket supply chain***.	(Note: *No changes from the Council)*	

3.2.3. A relation to the VIN does not per se constitute personal data

Vehicle manufacturers stated that they can not give the Vehicle Identification Number (VIN) because it would constitute personal data. This is not correct and is based on outdated information.

The European Court of Justice recently clarified the definition of 'personal data': The Judgement C-582/14 (dated 19 October 2016) represents a landmark decision which put an end to a long-lasting expert dispute over the exact definition of "personal data". The ECJ provided for a rather limited definition of what personal data is: Information is only deemed personal data if the given data controller has direct – or via legal means indirect – knowledge allowing such information to be linked to an individual person.

However, independent operator upstream the supply chain do not have, nor can they simply get the addresses of consumers/car owners behind the VIN. In many countries, these addresses are held e.g. by the type-approval authorities and are only released upon specific legal grounds (e.g. absconding after a traffic accident), but may not be requested by independent operators for sheer business purposes.

Therefore, many (technical) information must no longer be deemed personal data in the hand of given companies, as such companies simply might not have any possibility to link such data to a given person.

If one were to see it differently, vehicle manufacturers should also not process any VINs in their systems, as they have no consent declaration from vehicle owners for this in many cases. Vehicle manufacturers generally have no contact with the buyer of a (used) vehicle (they obtain personal data from a client often because they oblige their dealers to transfer these customer data to them). As such, the vehicle manufacturer, can then link these addresses to the VIN.

For many operators upstream the supply chain, the VIN is 'just' a technical number and only need to use the VIN as an unequivocal vehicle identification number, nothing more.

3.2.4. An unequivocal spare parts identification in 'electronically processable' form

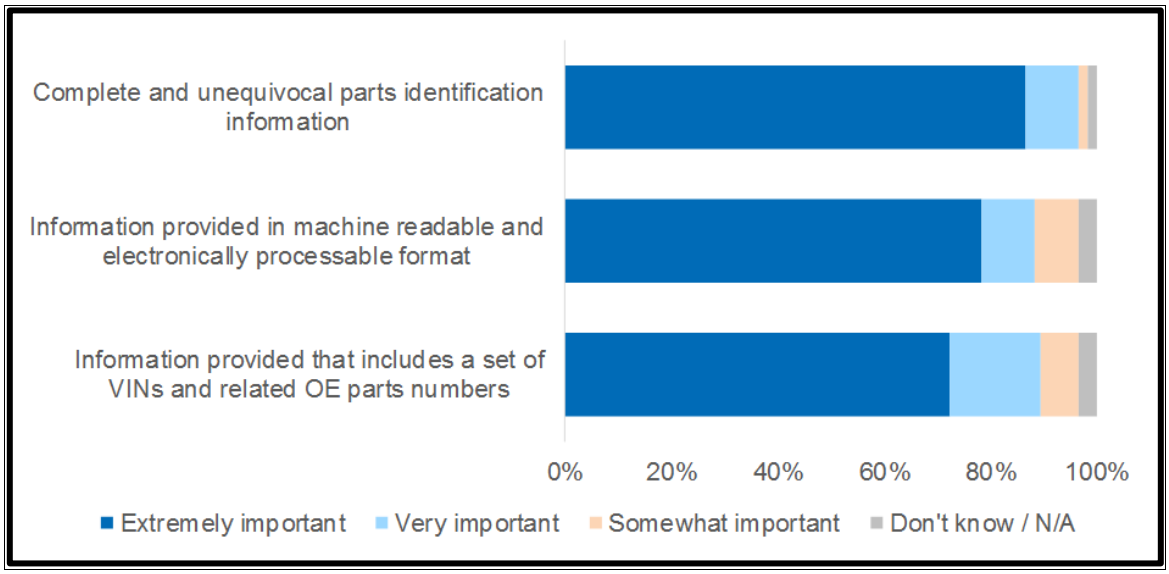
The current Article on 'spare parts identification' in Annex XVIII (point 6 point 6.1–para 3) provides since 2011 that vehicle manufacturers must make available the spare parts identification i.a. by OE-part number, VIN (plus additional criteria) to determine the factual replacement parts of the vehicle. However, this provision did not materialise in practice, because vehicle manufacturers do not provide the information in 'electronically processable form'.

An **updated Ricardo-AEA Investigation[11] of August 2017** among the major multi-brand aftermarket service providers (i.e. first equipment suppliers and parts producers /parts wholesalers/ RMI database publishers) confirmed that this is still THE most important problem hampering them in delivering competitive services to independent and authorised repair shops:[12]

[11] Ricardo-AEA Investigation "Parts Identification Survey", August 2017 commissioned by CLEPA and FIGIEFA, (publication in preparation).

[12] Only the 17 digit VIN is complete and thus accurate; In Europe, only 11 digits of the VIN are standardised, but despite that, vehicle manufacturers deviate (or 'interpret') the standard so that an unequivocal identification of the vehicle is not possible. Only the full 17 digit VIN, comprising all equipment features, is accurate.

Factors contributing to IAM ability to compete



"Mission impossible"

Vehicle manufacturers state that it is not their task to "ease" the work of IOs, and that they can "help themselves because the information does exist". However, the manual case-by-case scanning method (in the absence of any processable alternative!) makes it a sheer **impossibility** to design a complete and accurate correlation, and thereby competitive spare parts catalogues:

Example: The Mercedes 'Electronic Parts Catalogue' (EPC) with 320.000 parts relevant for the IAM:

Assuming that 5 minutes of research time are needed per linkage* for the manual scanning of the complete parts catalogue = this would require 83 man-years!**

➔ To update the IAM catalogues monthly, an IO would need 1.000 persons just for 1 vehicle manufacturer.
➔ To update the IAM catalogues weekly, an IO would need 4.000 persons just for 1 vehicle manufacturer.

*(*Linkage means the mapping between an OE article number and a particular vehicle, plus the information under which conditions the OE number fits to that vehicle; in average, each OE part number has 5 linkages = 1.6 Mio. linkages.)*
*(** on the basis of 200 working days per year)*

Given the enormous increase in vehicle types and variants, immense data volumes must be processed. For this reason, it is necessary that access to the required data in electronic form is enabled for the purposes of further own processing to ensure the completeness, actuality and accuracy of the multi-brand spare parts catalogues.

We therefore call upon you to support pertinent amendment proposal to improve the spare parts identification in Annex XVIII from the European Parliament:

COM	EP	COUNCIL	Proposal for Trilogue
Annex XVIII –point 6 point 6.1 –para 3 *Requirements* Information on all parts of the vehicle, with which the vehicle, as identified by the VIN and any additional criteria such as wheelbase, engine output, trim level or	***Annex XVIII – point 6 – point 6.1– para3*** *Requirements* ***(AM 325)*** Information on all parts of the vehicle, with which the vehicle, as identified by the VIN and any additional criteria such as wheelbase, engine output, trim level or options, is equipped by the vehicle	***Annex XVIII – point 6 – point 6.1 – paragraph 3*** *Requirements* (Note: *No changes from the Council)*	**Please support the EP proposal (AM 325).**

options, is equipped by the vehicle manufacturer and that can be replaced by spare parts offered by the vehicle manufacturer to its authorised repairers or dealers or third parties by means of reference to original equipment (OE) parts number, shall be made available in a database that is easily accessible to independent operators.	manufacturer and that can be replaced by spare parts offered by the vehicle manufacturer to its authorised repairers or dealers or third parties by means of reference to original equipment (OE) parts number, shall be made available***, in the form of machine readable and electronically processable datasets,*** in a database that is ~~easily~~**,** accessible to independent operators.		

No 'new' data requested!

The amendment above only concretises the "how" of the access. No new data are requested in this process. The respective information elements *do exist* within the vehicle manufacturers databases, and the proposed amendment ensures simply that these spare parts information data are not only 'indicated' on the screen, but made 'useable' by independent operators. To do this, independent operators do not need to physically get the databases as a whole, but simply request a search mechanism (query) on the databases of the vehicle manufacturers with a download function.

No access to algorithms, nor infringement of database rights

Vehicle manufacturers' neighboring rights or copyrights do not preclude the provision of spare parts identification data. To clarify: The IAM does not need vehicle manufacturers' algorithms, but the data sets generated by them.

Moreover, the investments made by vehicle manufacturers in the course of the establishment of the relevant databases are investments that vehicle manufacturers must in any case make in order to satisfy the requirements of product safety laws. In the case of, for instance, a recall vehicle manufacturers must act in a focused manner in order to determine which parts are integrated in which vehicle. For this reason, this information must be linked. The fact that these data can also be used for services in the aftermarket – in particular for the sale of spare parts – is an economically useful "side" effect for vehicle manufacturers. The investments in these databases are not worthy of protection within the meaning of database producers' neighboring rights.

No information on a 'silver platter'

The objection made by vehicle manufacturers that this would present everything to competitors on a "silver platter" misconstrues that there is only one source of information for the entire IAM: namely vehicle manufacturers themselves and that, due to technical developments (both in respect of the vehicle and in the area of data processing) there is no alternative to the provision of electronic data for further processing.
The regulation provides that access can be provided to the information for a fee. The electronic provision of the data therefore ultimately does not result in an unreasonable burden for vehicle manufacturers, either financially or in terms of labor.

For the IAM, the provision of information for the purposes of further processing is only the first step on the path to independent, competitive, multi-brand spare parts catalogues. **Many efforts continue to be required by independent operators** to subsequently to be able to link one's own products (spare parts) correctly to vehicles and installation locations, combine several articles in repair kits or vice versa, or offer individual spare parts for repair instead of the exchange of a complete system etc. All this is needed in order to ultimately be able to offer repairers a uniformly structured spare parts catalogue for all vehicle brands and to thereby be competitive on the maintenance and repair market.

3.2.5. Repair and Maintenance Information based on unequivocal vehicle identification

In the same remit, the provision of independent multi-brand RMI-information-databases for any repair shop depends on an accurate vehicle identification. Due to the increasing variety in models and variants and given the growing technical complexity of modern vehicles, the ability to identify the exact equipment of a vehicle is of major importance to deliver the accurate RMI.

Indeed, any independent operators needs to know what equipment/system/function is built into each vehicle (i.e. the specific equipment features behind the serial number of the VIN (Vehicle Identification Number)). This unequivocal vehicle identification by VIN is crucially needed to allow independent RMI-database publishers to create complete and accurate multi-brand RMI databases which will enable independent operators to match the pertinent diagnostic, repair, maintenance or ePTI (electronic Periodic Testing Inspection) information in question to the respective vehicle. This is why vehicle manufacturers shall make available for the RMI information the VIN number together with a description (plaintext) of all the corresponding specification features in electronically processable form.

COM	EP	COUNCIL	AFCAR Proposal for Trilogue
	Annex XVIII – point 7 a (new) *Requirements for Type-Approval* ***(AM 329)*** ***Vehicle manufacturers shall make available via a web service or as a download an electronic data set comprising all VIN numbers (or a requested sub-set) and the correlated individual specification and configuration features which were originally built into the vehicle.***		**Please support EP proposal (AM 329)**

3.3. Improvement of the functioning of multi-brand diagnostic test equipment and speedy software updates

Both the **Ricardo–AEA Study and the Commission Report of December 2016** emphasise the importance of an efficient functioning of the entire multi-brand aftermarket supply chain for the proper maintenance of vehicles, including the provision of diagnostic tools and test equipment. Following this analysis, the European Parliament proposed (in AM 323 and AM 327) provisions to adapt the RMI specific for multi-brand test diagnostic equipment to the state-of-the art within the industry.

Without these provisions, proper diagnostics and repair will not be possible any longer, if the communication with the vehicle cannot be established properly. This means being able to do all the necessary steps from the diagnostics to repair, concluding with a fast reprogramming, by using the correct communication protocols and efficient tools. The existing standardisation of the vehicle communication interface (VCI) is not sufficiently robust and requires a revision to ensure that accurate and reliable communication with the vehicle is possible when independent operators use their VCI with the vehicle manufacturers' pass-through programming functions.

COM	EP	COUNCIL	Explanation	Proposal for Trilogue
Annex XVIII – point 6 – point 6.4 *Requirements* ***With regard to vehicles falling in the scope of Regulation (EC) No 595/2009,*** reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC ***RP1210B*** using non-proprietary hardware. ***Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required***. For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC ***RP1210B***, the manufacturer shall offer ***either*** a validation of independently developed VCIs ***or the*** information***, and*** loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.	***Annex XVIII – point 6 – point 6.4*** *Requirements* ***(AM 327)*** ~~With regard to vehicles falling in the scope of Regulation (EC) No 595/2009,~~ Reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 ~~or TMC~~ ~~RP1210B~~ ***RP1210*** using non-proprietary hardware. ~~Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required.~~ ***If reprogramming, or diagnostics, is conducted using ISO 13400 DoIP, it shall comply with the requirements of the standards referred to in the first subparagraph***. ***Where vehicle manufacturers use additional proprietary communication protocols, then these protocol specifications shall be made available to independent operators.*** For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC ~~RP1210B~~ ***RP1210***, the manufacturer shall offer ~~either~~ ***within six months of the granting of type approval,*** a validation of independently developed VCIs ~~or the~~ ***and the test environment, including*** information, ~~and~~ ***on the specifications of the communication protocol and the*** loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware. ***Corresponding conformity compliance must be ensured either by mandating CEN to develop appropriate conformity standards or by using existing ones such as SAE J2534-3.*** ***The conditions set out in Article 67(1) shall apply to fees for such***	***Annex XVIII – point 6 – point 6.4*** *Requirements* [Note from the editor: No changes from the Council]	The reference to Reg. 595/2009 in the Commission proposal **wrongly restricted** the reprogramming standards to **Heavy Duty Vehicles** (whereas they apply today also to any duty vehicles!) So this is a very important deletion! **RP 1210:** the existing standards contained in the legislation are still used by various vehicle manufacturers, but updated versions are being introduced and are likely to be adopted by vehicle manufacturers (e.g. TMC RP1210**C**), so the reference to the TMC RP1210**B** should be deleted to allow the use of later versions of this interface standard. **Deletion:** For simplification, the detailed list of possible hardware has been deleted but this is included under the term 'non-proprietary hardware'. **High speed updates:** High speed communication based on Diagnostics over Internet Protocol (DoIP) shall be implemented in compliance with ISO 22900-2, which simply states that the higher speed Ethernet protocols should be based on these existing standards (e.g. ISO 22900-2 which already includes the reference to ISO 13400 Ethernet standard) to ensure that IOs are still able to conduct high speed software updates and to develop their own independent diagnostic test procedures without being constrained by the vehicle manufacturer. **New communication protocols:** Vehicle manufacturers, in deviation from the legislation, use more and more protocols (outside the standards referenced in existing legislation) for software updating and diagnostic purposes. These protocols shall also be made available *available to IOs*. **Validation process:** This process is included into the current legislation, but it needs clarification**.** A validation is needed to make sure that the independent test tool is able to accurately communicate with the vehicle using standardised communication protocols. These are subject to OEM-specific interpretation ("dialects") today and additionally, vehicle manufacturers often simply do not respond to validation requests, impose dissuasive fees, or do not make test procedures available. It is therefore necessary to have a more robust 'testing environment' that includes conformity compliance to ensure that the VCI communication standards are implemented correctly. **Compliance with CEN:** The existing provision concerning the validation of vehicle communication interfaces (VCI's) in the current legislation should be made more robust by introducing standardised conformity compliance testing, for both the vehicle manufacturer and VCI manufacturers. Some conformity standards already exist (e.g. SAE J2534-3), but where no corresponding conformity compliance standard exists, the	**Please support the EP proposal (AM 327)**

	validation or information and hardware.		Commission shall mandate CEN to create the necessary standards.	

3.4. For competitive lubricants and fluids

The availability of competitive lubricants and fluids is crucial for competitive choice in the automotive servicing market. This is why we call upon you to submit **new amendments**:

Definition of vehicle RMI (Article 3, Annex XVIII)

Repair and maintenance information should be considered *broadly*, **covering all information required for vehicle repair and maintenance services**. To further improve the text, it must be made explicit – in Article 3 (46) and in the corresponding Annex XVIII – that RMI also covers technical specifications regarding *fluids* (lubricants, brake fluids, cooling liquids …).

Commission proposal	**AFCAR proposal for amendment**
(46) 'vehicle repair and maintenance information' means all information required for diagnosing, servicing, inspecting, periodic monitoring, repairing, re-programming or re-initialising of a vehicle as well as for the fitting on vehicles of parts and equipment, and that is provided by the manufacturer to his authorised dealers and repairers, including all subsequent amendments and supplements to that information;	(46) 'vehicle repair and maintenance information' means all information required for diagnosing, servicing, inspecting, road worthiness testing, **fluids (technical functional requirements for lubricants, brake fluids, cooling liquids …),** repairing, re-programming or re-initialising of a vehicle as well as for the fitting on vehicles of parts and equipment, and that is used or provided by the manufacturer, including his authorised partners, dealers, repairers and network, to offer products or services for vehicle repair and maintenance purposes, including all subsequent amendments and supplements to that information;

Annex XVIII para 2.5.2

Commission proposal	**AFCAR proposal for amendment**
service handbooks, including service and maintenance records;	service handbooks, including service and maintenance records, **technical specifications references for fluids to be used in the vehicle (particularly lubricants, brake fluids, cooling liquids, …) ;**

Annex XVIII para 2.6.3 (new)

Commission proposal	**AFCAR proposal for amendment**
	full relevant information regarding technical functional requirements as specifications of the manufacturer to enable the development of alternative fluids (particularly lubricants, brake fluids, cooling liquids, …) which comply with these requirements.

Access to vehicle RMI and proof of compliance (article 68, Annex XVIII)

When a vehicle manufacturer takes a final prototype to be type approved this vehicle is effectively in its final version and ready for production. The technical specifications for that vehicle are known and should be released **before the vehicle is placed on the market**.

These technical specifications are indeed essential for other actors in the value chain to start developing products for that given vehicle and to be able to supply such products when the vehicle enters the market. If technical information about fluids is not fully accessible in a timely manner, only products from vehicles manufacturers or from their partners will be available. As a result, independent operators and consumers will be deprived of choice.

Article 68 (1)

Commission proposal	AFCAR proposal for amendment
1.The manufacturer that has applied for EU type-approval or national type-approval shall provide the approval authority with proof of compliance with Articles 65 to 70 within six months from the date of the respective type-approval.	1.The manufacturer that has applied for EU type-approval or national type-approval shall provide the approval authority with proof of compliance with Articles 65 to 70 within six months from the date of the respective type-approval **however before the date on which the vehicle is placed on the market**.

Annex XVIII para. 7.2

Commission proposal	AFCAR proposal for amendment
Where the vehicle OBD and vehicle repair and maintenance information is not available, or does not conform to the requirements of this Annex, the manufacturer shall provide that information within six months of the date of the type-approval.	Where the vehicle OBD and vehicle repair and maintenance information is not available, or does not conform to the requirements of this Annex, the manufacturer shall provide that information within six months of the date of the type-approval **however before the date on which the vehicle is placed on the market**.

* * * *

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.

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 main aim is to maintain a favourable European regulatory framework for the enterprises of motor trade and repair businesses it represents.

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 supporting the automotive industrial value chain. Its role is to provide a healthier environment for the garage and test equipment industry throughout Europe and a stronger support to ensure competitive consumer choices for affordable mobility against the background of the increasing vehicle technology and complexity.

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.

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 parts, servicing and repair.

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.

UEIL (the Union of the European Lubricants Industry) represents the interests of the lubricants industry in Europe, with a special focus on SMEs and independent companies that produce lubricants and metal processing fluids essential for the automotive and industrial sectors.

AFCAR - Alliance for the Freedom of Car Repair in the EU. Created in 1997, AFCAR is an alliance of the independent European associations with the aim is to promote fair competition in the market for vehicle servicing and repair. Members of AFCAR are: ADPA (European Independent Data Publishers Association), AIRC (Association International Réparateurs en Carrosserie), CECRA (European Council for Motor Trades and Repair), EGEA (European Garage Equipment Association), FIA (Fédération Internationale de l'Automobile), FIGIEFA (International Federation of Automotive Aftermarket Distributors), Leaseurope (European Rental and Leasing Industry) and UEIL (the Union of the European Lubricants Industry).