

CLEPA feedback to the impact assessment of the Data Act

CLEPA appreciates the intention of the Commission to provide with the Data Act a robust regulatory framework as general guidance for data sharing and to raise the awareness of businesses on the benefits of data sharing is a pre-requisite to allow all parties to benefit from data-driven innovation.

CLEPA recognises that B2B data sharing currently may have data holders with stronger negotiating power which might impose unfair terms and conditions to the detriment of different market players, potentially pushing existing ones out and preventing new ones from entering it. Therefore, CLEPA supports the Commissions' findings regarding the necessity of guidance for contracts to mediate negotiation power between market players. An effective data economy will need specified guidelines regarding a fair market value of data.

While the Data Act is a horizontal regulation, we appreciate that it leaves room for sector-specific regulations which CLEPA sees important especially for the automotive sector regarding fair access to in-vehicle data. In our position paper attached, we argue that such regulation can and should help ensure fair and equal access to data and resources. CLEPA appreciates the intention in the IIA to reflect specific characteristics of the automotive sector regarding rules on access to data to be assessed as part of the type-approval regulation.

Vehicle manufacturers are currently deploying services based on data, functions, and resources to which third parties do not have competitive access, and existing communication interfaces such as OBD-connectors are increasingly limited in the data and functions and restricted to authorised access only, granted by the vehicle manufacturers. Although some progress was made regarding the provision of in-vehicle data to third parties via data marketplaces CLEPA sees a sector specific regulation as essential to avoid the risk of further competition distortion in the market for new mobility services as well as in the existing repair and maintenance market (aftermarket).

CLEPA supports the intention to provide clarity on rules for B2B access to and sharing of personal and non-personal data. We encourage the Commission to provide further clarification on the definition of personal and non-personal data to ensure that both can be shared safely. CLEPA has recognised during the deployment of first use cases that the provision of user consent has substantial impact on the competitive situation of service providers and consumer acceptance. CLEPA would like to see general guidance in the Data Act on the way how user consent and user details must be provided along the value chain. CLEPA would like to see ensured in the Data Act that any gatekeeper who could act also as competitor does not need to get access to consumer details derived from GDPR requirements.

For a fast deployment of a data economy and leverage of innovation it will be essential that potential roadblocks generated by other regulations will be detected and eliminated. CLEPA supports the

initiative to investigate the Database Directive which should not limit the use of sensor generated data in vehicles.

CLEPA also appreciates the intention to improve the technical standards for portability of data generated by individuals. A prerequisite for wide acceptance at consumer level to share data is the freedom to decide with whom vehicle data get shared with.

CLEPA is convinced that standardised governance data will help to accelerate the deployment of services in B2B and B2G use cases. Good examples are On-Board-Diagnostic (OBD) data, eCall or data standardised by SENSORIS which enabled the fast and large-scale deployment of diagnostics, safety, or traffic related information services. CLEPA would like to see general guidance on such standardised governance data to be provided in the Data Act.