

## **CLEPA welcomes the ECJ's guidance on interpreting existing RMI legislation**

**The European Court of Justice (ECJ) has taken a significant step towards fostering competition in the vehicle repair market with its recent rulings on the secure access procedures for vehicle diagnostics via the OBD port and access to repair information.**

CLEPA welcomes the ECJ's guidance on interpreting existing RMI legislation, specifically Article 61 and the related Annex X of the Type Approval Regulation EU 858/2018, effective since 2020. Access to repair, spare parts, and diagnostic information is a prerequisite for proper vehicle servicing, and independent operators often face limitations in obtaining such information from vehicle manufacturers. Therefore, the two ECJ ruling strengthen the competitiveness of independent repairers in the interests of consumers.

Key points highlighted by CLEPA:

### **1. Access to comprehensive vehicle information**

The ECJ ruling ensures that independent operators have access to all necessary vehicle repair and maintenance information in a format allowing direct electronic use. This includes the Vehicle Identification Number (VIN), previously often omitted, leaving independent operators with incomplete and ambiguous spare parts information. This decision contributes to more accurate spare parts catalogues, reducing workload for identification of parts by suppliers, data publishers and distributors.

### **2. The VIN as non-personal data**

The ECJ clarifies that the VIN is not personal in nature, emphasising that even if combined with vehicle owner information, GDPR (General Data Protection Regulation) does not preclude vehicle manufacturers from the obligation of making VINs available to independent operators. CLEPA supports this decision, confirming that the VIN is integral to technical information for repair and maintenance, which must be provided by the vehicle manufacturer.

### **3. Cybersecurity compliance**

The ruling reaffirms the fundamental principle that cybersecurity measures should not supersede existing legislative frameworks, particularly those allowing unrestricted access to vehicle repair and maintenance information (RMI) and non-discriminatory access to OBD-information, as outlined in Article 61 paragraphs 1 and 4, and Annex X, paragraph 2.9 of the Type Approval Regulation 858/2018 (TAR). While recognising the importance of cybersecurity in ensuring the safe operation of connected and automated vehicles, CLEPA appreciates the court's stance against access restrictions that would exclude third parties from the repair and service market.

### **4. Strengthening the independent repair market**

ECJ's commitment to bolstering the independent repair market is evident in its rulings. The court provides valuable guidance on the continued implementation of Regulation UN155 in Europe. CLEPA emphasises that, even for cybersecurity, vehicle manufacturers must grant independent operators access to essential information for diagnostics, parts replacement, and repair and maintenance operations without conditions not mentioned in the Type Approval Regulation.

These rulings mark a pivotal moment in promoting fair competition, ensuring independent operators have the necessary tools to thrive in the evolving landscape of vehicle repair and maintenance. CLEPA remains open to a constructive dialogue with all stakeholders to explore technical solutions that ensure compliance with Regulation UN155 and the RMI provisions as outlined in the Type Approval Regulation.

### **About CLEPA**

CLEPA, the European Association of Automotive Suppliers based in Brussels, represents over 3,000 companies, from multi-nationals to SMEs, supplying state-of-the-art components and innovative technology for safe, smart and sustainable mobility, investing over €30 billion yearly in research and development. Automotive suppliers in Europe directly employ 1.7 million people in the EU.