

August 2022

# UFE's reply to the consultation of the European Commission on the [sectoral Data Act related to in-vehicle generated data](#)

## Questions

Understanding of the present situation

Between July 2019 and March 2020, the European Commission services organised a series of workshops with stakeholders to collect information on the current situation on vehicle-related and mobility services dependent on access to in-vehicle generated data. Additionally, between 2019 and 2021 a study on access to in-vehicle data, functions and resources (to be published together with the impact assessment to this initiative) was prepared.

The questions below aim at confirming and complementing the findings based on the aforementioned sources of information with a wider group of stakeholders on what is today the availability of vehicle-related and mobility services based on access to vehicle data, functions and resources as well as how easy it is to access in-vehicle generated data for the purpose of providing or developing these services.

## Possible way forward

In this section all respondents are invited to share their views on the need for, scope and expected impacts of a legislative intervention that would aim at complementing the Data Act. The purpose of these questions is to obtain views on the relevance of possible measures aiming at creating benefits from different economic, social and environmental perspectives and on the need for a possible regulatory intervention.

Question

8. Today, access to repair and maintenance information is subject to articles 61 and seq. of Regulation EU/2018/858. Access to other in-vehicle data for other purposes is not covered by Regulation EU/2018/858. Relevant applicable rules include competition rules and data protection legislation, and the upcoming Data Act (legislative proposal adopted by the Commission on 23 February 2022).

Do you consider that the current and upcoming legal framework applicable to access to in-vehicle generated data and resources sufficiently ensures fair and non-discriminatory access by all services providers (vehicle manufacturers, independent service providers and public authorities)?

- Yes
- No
- I don't know

Please explain. (500 characters maximum)

*A legal framework for smart charging and access to EV data is required. Some aspects are discussed in the revised RED II, AFIR, and EPBD. However, a non-discriminatory and secure access to EV data, at reasonable cost (based on objective and transparent costs), to third parties acting on behalf of the users, with their consent is missing. Without it, the development of smart charging risks being hampered, which will limit the potential for smart charging and flexibility using electric vehicles.*

498 out of 500 characters used

9. Which other issues beyond access to data would need to be updated in the vehicle approval legislation to take into account of the latest technical developments (e.g. on automated vehicles, on electric vehicles)?

*A standardised framework to collect, treat and share data must be defined to facilitate data sharing between different types and brands of electric vehicles, considering data protection rules. With a standardised framework, third parties wouldn't need to create a proper interface per set of data per car and battery manufacturers. This could avoid substantial adaptation cost to treat data that will, in the end, have the same end use (to deliver electromobility services).*

474 out of 500 characters used

10. Do you agree with the following statement:

	Yes	No	I don't know
There is no need for regulatory intervention. Access to in-vehicle generated data can be best handled by the market.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Measures must be implemented to secure access to in-vehicle data (while respecting general principles of fairness and non-discrimination)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
How vehicle data can be technically accessed (i.a. on board, on an external server etc.) should be regulated to ensure a secured, fair and non-discriminatory access	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The possibility of multiple direct, on-board access by services providers to vehicle data and functions will make it substantially more difficult to ensure safety and/or cybersecurity of the vehicle (as compared to access on an external server)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Rules on access to vehicle data, functions and resources should not only improve access for the purpose of providing vehicle-related and mobility services, but also enable public authorities to perform their tasks, i.e. in the field of climate, environmental and road safety policies.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

11. If you would like to explain further your above answers, please use the following free text box:

**2000 character(s) maximum**

*Smart and bidirectional charging offers many benefits: maximizing the use of renewable energy, optimizing grid connection cost, potentially reducing grid congestion and related investments, and minimizing the cost of charging for the electric vehicle user.*

*Smart and bidirectional charging can bring substantial gains to consumers by enabling them to charge their electric vehicle at the best time and at the lowest cost and consequently lower their electricity bill. Based on a study conducted by the French TSO, RTE, smart charging could reduce the charging cost (from 420€ per year per electric vehicle to 280€) by allowing consumers to charge their vehicle at moments when electricity is the cheapest.*

*More specifically, bidirectional charging would have a key role in developing prosumer models in which electric vehicle users could sell back electricity and make even more substantial financial benefits.*

*On the other hand, those services can increase electricity system efficiency and its security, by allowing to postpone the charge of the electric vehicle or by reducing the power delivered at the charging point during consumption peaks.*

*Ensuring a secure, non-discriminatory, access to data, at reasonable cost (based on objective and transparent costs), with the consent of the user, as well as to third parties acting on their behalf would allow to ensure that smart mobility services can be offered to guarantee the most profitable prices for consumers while preserving fair competition between stakeholders. Conditions for access to vehicle data for public authorities must be strictly defined.*

*A lot of the required information to provide electromobility services is not available to offer smart mobility services. It is therefore difficult to implement them today because of the necessary requirement for a manual encoding from the customer (thus making it difficult to automate the whole smart charging chain) and/or to resort to approximations.*

1959 out of 2000 characters used

12. Do you agree with the following statements:

Remote access to more, better quality in-vehicle generated data, functions and to vehicle resources...

	Yes	No	No opinion
is necessary to provide new vehicle-related and mobility services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
is necessary to enable the customers <sup>[1]</sup> to enjoy better choice, prices and quality of vehicle-related and mobility services (The category of 'customers' as used in this questionnaire refers to both professional customers, e.g. fleet owners and individual users)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<small>[1] The category of 'customers' as used in this questionnaire refers to both professional customers, e.g. fleet owners and individual users</small>			
will enable fair competition	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will contribute to improving road safety and reducing environmental impacts, such as air emissions	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
will lead to disappearance of certain small workshops/service providers who are not prepared for digitisation of their services provision	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
will lead to small workshops/service providers widening their share of the market	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
will require additional measures to protect privacy and personal data to be implemented by stakeholder to ensure General Data Protection Regulation (GDPR) compliance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will require increased investments and costs for vehicle manufacturers	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
will require increased investments and costs for services providers	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
will reduce vehicle manufacturers share of vehicle related (e.g. aftermarket) and mobility services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
will result in more expensive vehicles being offered	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

will result in less innovative vehicles being offered	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
will result in more innovative vehicles being offered	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will result in lower prices of vehicle components	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
will result in more innovative vehicle components	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will result in new/more innovative services for customers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
will result in an increase of the personnel of services providers, due to the expansion of the market	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

### Assessment of the impact of possible measures on access to vehicle data, functions and resources

The proposal for the Data Act will empower consumers with the right to have access to any accessible vehicle data and the right to share such data with third parties.

However, the Data Act provisions do not go into the details of access to functions and resources, which is crucial for the provision of data-dependent services in the automotive sector. In addition to ensure a proper implementation of the data act in the automotive/mobility ecosystem, such principles could be complemented by measures providing for standardisation on the data sets vehicle functions and resources concerned and by rules ensuring effective, safe and secured access as well as protection of privacy personal data and intellectual property.

The purpose of the questions below is to collect views of the expected positive and negative impacts for a set of possible measures, to inform the formulation and assessment of policy options by the Commission services. These questions are addressed to all citizens and stakeholders including public authorities in charge of specific public interest.

13. For each measure below, please tick the relevant boxes if you foresee positive or negative impacts. In the relevant box near each proposed measure, please mark your assessment of the general impact of the measure on your organisation. In the following rows, please advise on the expected specific impacts of the measure (on competition, innovation etc.). In answers to the following questions, you will be able to give more details with free text on the expected impacts.

	Positive impact	Negative impact	Neutral or no opinion
<p><b>1. Requirement for vehicle manufacturers to publish a catalogue of vehicle data and functions remotely accessible on a vehicle.</b> <i>In addition to the transparency requirements of the Data Act, such a catalogue could contain the data parameters available for remote access, the data specification and format, as well as availability of functions and resources accessible remotely. <a href="#">Impact on competition</a></i></p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on innovation</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on safety/security</a>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<a href="#">Impact on intellectual property rights</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on privacy</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on employment</a>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<a href="#">Impact on environment</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>2. Further requirements (in addition to those proposed under the Data Act) of non-monitoring of the business activity of a third party operator accessing vehicle data.</b> <i>This requirement, complementing the general provisions of the Data Act, would allow identification only for limited number of purposes, that would be listed in the Regulation , while requiring e.g. to mask the identity of the customers of services and of the service providers themselves in other cases; structural or functional arrangements to prevent monitoring in cases where identification is necessary. Compliance with such a legislation would be subject to periodic auditing by public authorities. <a href="#">Impact on competition</a></i></p>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<a href="#">Impact on innovation</a>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<a href="#">Impact on safety/security</a>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<a href="#">Impact on on intellectual property rights</a>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<a href="#">Impact on privacy</a>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<a href="#">Impact on employment</a>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<a href="#">Impact on environment</a>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

<p><b>3. Principle of equal remote access to data, functions and resources that are accessible to the vehicle manufacturer, together with safety/cybersecurity principles and reporting obligations on the implementation of such principles.</b> <i>This requirement would include the possibility to communicate with the driver. Implementing rules could further define in more detail what conditions would be considered unfair or discriminatory and which restrictions could be considered justified. Impact on competition</i></p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on innovation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on safety/security	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on intellectual property rights	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on privacy	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on employment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on environment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<p><b>4. Requirement to make a minimum set of standardised data, functions and resources to be remotely accessible to services providers.</b> <i>Such a minimum list would be defined in an annex to be revised periodically via a Commission Regulation to stay in tune with technological development This measure could also define the specifications and format of those data and functions included in the minimum set. Impact on competition</i></p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on innovation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on safety/security	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on intellectual property rights	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on privacy	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact on employment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Impact on environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>5. Requirements to preserve the access to the On-Board Diagnostic (OBD) port open while ensuring security of “writing” access, e.g. by means of an independent accreditation, approval and authorisation scheme.</b> <i>Today, many services providers use the vehicle’s OBD to collect vehicle data remotely. However, such remote access to the OBD port is being restricted for cybersecurity purposes. The requirement referred to above would aim at preserving access to the OBD the extent possible without compromising cybersecurity of a vehicle. Impact on competition</i></p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on innovation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on safety/security	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on intellectual property rights	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on privacy	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on employment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Impact on environment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

6. Provisions further specifying the conditions and means of access, to on-board platforms, whenever such platforms are available in the vehicle, with defined criteria and process for admission of applications to such platforms (same for all third parties' and manufacturer-related entities). <a href="#">Impact on competition</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on innovation</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on safety/security</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on intellectual property rights</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on privacy</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on employment</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<a href="#">Impact on environment</a>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Governance rules on remote access to enable a secured but non-discriminatory access of the different stakeholders. These rules would further specify the manner in which access to data would be performed and controlled. <a href="#">Impact on competition</a>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<a href="#">Impact on innovation</a>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<a href="#">Impact on safety/security</a>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<a href="#">Impact on intellectual property rights</a>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<a href="#">Impact on privacy</a>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<a href="#">Impact on employment</a>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<a href="#">Impact on environment</a>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

14. I would like to further explain expected positive or negative impacts of the requirement for vehicle manufacturers to publish a catalogue of vehicle data and functions remotely accessible on a vehicle. **1000 character(s) maximum**

*Publishing a catalogue of vehicle data would contribute to the implementation of a level playing field to all stakeholders providing smart mobility services and transparency. This catalogue should also safeguard a non-discriminatory access to data, at reasonable cost (based on objective and transparent costs) of all types of electric vehicles. Further consideration should be taken to guarantee that all the data required for the swift deployment of smart mobility services will be accounted in the catalogue (see answer to question 18). The transparency that will result from such a catalogue would be particularly beneficial to all stakeholders involved in smart mobility services (electricity suppliers, electromobility service providers, charging point operators...) but also to electric vehicle users.*

809 out of 1000 characters used.

15. I would like to further explain expected positive or negative impacts of further requirements (in addition to the measures already proposed in the Data Act) to prevent monitoring of the activity of a



third party operator accessing vehicle data, function and resources.

*1000 character(s) maximum*

16. I would like to further explain expected positive or negative impacts of the principle of equal remote access to data, functions and resources that are accessible to the vehicle manufacturer, together with safety/cybersecurity principles and reporting obligations on the implementation of such principles.

*1000 character(s) maximum*

*It is crucial to prevent manufacturers of domestic and industrial batteries, and by extension car manufacturers, from foreclosing markets linked to smart mobility services, which would limit the flexibility potential linked to electric vehicles. Remote access to data, as an application of the "extended vehicles" principle, would present a high risk of markets foreclosure. To avoid this, on-board application platform or nearby-system using smart meters should be preferred.*

*In any case, a principle of equal remote access to data must apply: guaranteeing fair conditions of competition in terms of remote access to data would stimulate competition between players in the smart mobility services sector. In turn, this would benefit consumers who would benefit from a diversified offer of smart mobility services at the most profitable prices.*

810 out of 1000 characters used.

17. I would like to further explain expected positive or negative impacts of possible requirements to make a minimum set of data, functions and resources to be remotely and directly accessible.

*1000 character(s) maximum*

*Making a minimum set of data, functions and resources to be directly accessible would be important to ensure smart charging services.*

134 out of 1000 characters used.

18. I would like to further explain which data/functions should be part of the set referred to in question 17. In addition to general description below, you can also upload a document with more detailed specification.

*1000 character(s) maximum*

*Manufacturers of domestic and industrial batteries, and by extension car manufacturers, shall enable*

*real-time access to basic battery management system information, including battery capacity, state of health, state of charge and power set point, to battery owners and users as well as to third parties acting on their behalf, such as building energy management companies and electricity market participants, under non-discriminatory terms and at reasonable cost (based on objective and transparent costs). This access is an essential prerequisite to ensure consistency with article 15 of Directive 2019/944 on common rules for the internal market for electricity.*

*It is crucial to give an open access to data related to the vehicle (identification information, location of connection to a charging point) but also the charging features (starting time and ending time of charging per charging point and total output delivered during the recharge).*

948 characters out of 1000 used.

19. I would like to further explain expected positive or negative impacts of possible requirements to preserve the access to the On Board Diagnostic port open while ensuring security of “writing” access.

**1000 character(s) maximum**

20. I would like to further explain expected positive or negative impacts of possible provisions specifying the conditions and means of access to on-board platforms, whenever such platforms are available in the vehicle, with defined criteria and process for admission of applications to such platforms (same for all third parties’ and manufacturer-related entities)

**1000 character(s) maximum**

*Under an on-board platform, the applications installed make it possible to perform specific tasks and to provide access to functionalities, services, or digital products. Therefore, third parties can develop and run their own application in this system, thereby directly accessing the information available in the vehicle by exploiting existing resources and offering the user an experience comparable to what he would have with the features, services and products implemented by the manufacturer.*

*Finally, the vehicle’s safety and integrity can be easily preserved by setting up specific accesses to data for each category of player (manufacturer, institutions, services, insurers, etc.) and by partitioning these accesses from each other.*

740 out of 1000 characters used

21. If the Union legislation was to require any of the measures establishing defined criteria and process for admission of applications to on-board platforms, what should be the criteria for admission of third-party applications and a secured access to vehicle data?

**500 character(s) maximum**

22. I would like to further explain expected positive or negative impacts on possible governance rules on remote access to enable a secured but non-discriminatory access of the different stakeholders  
**1000 character(s) maximum**

23. Taking into account the measures already proposed in the Data Act, which additional aspects of B2B contracts should be regulated for the sector? Which aspects should be left to the parties?  
**500 character(s) maximum**

24. Do you see any other measures that should be considered? If so please explain their impacts  
**500 character(s) maximum**

25. Do you see any other impacts of the proposed measures?  
**1500 character(s) maximum**

#### **Any additional comments**

Question If you have any comments or supplementary information to add to your replies to the above questions, please insert this here:

**1000 character(s) maximum**

*The use of smart charging standards established by the IEC such as ISO15118-20, 63310/OCPP or EN 61850 would facilitate the recovery and processing of the above-mentioned data, but also the definition of the message format, which would facilitate interoperability and the development of third-party actors in smart charging. Implementation of the future IEC 63119 which will likely replace the Open Charge Point Interface protocol (OCPI) must also be ensured.*

458 out of 1000 characters used

#### **Final Remarks**

Should you wish to provide additional information (for example a position paper) or raise specific points not covered by the questionnaire, you can upload your additional document here.

Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this public consultation. The document is an optional complement and serves as additional background reading to better understand your position.