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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the operation of the system of access to vehicle repair and maintenance information
established by Regulation (EC) No 715/2007 on type approval of motor vehicles with
respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6)
and on access to vehicle repair and maintenance information**

1. INTRODUCTION

Under Article 9 of Regulation (EC) No 715/2007 (the Euro 5-6 Regulation)¹ on access to vehicle repair and maintenance information (hereafter ‘RMI’²):

‘Not later than 2 July 2011, the Commission shall present to the European Parliament and to the Council a report on the operation of the system of access to vehicle repair and maintenance information, with particular consideration being given to the effect on competition and the operation of the internal market and the environmental benefits. The report shall consider whether it would be appropriate to consolidate all provisions governing access to vehicle repair and maintenance information within a revised framework directive on type approval.’

In 2011 there were very few Euro 5/6 vehicles serviced in independent workshops (most were still under warranty).³ Furthermore, neither an objective assessment of the operation of the system of access to vehicle RMI nor detailed technical data on it were available. This made necessary a comprehensive review of the operation of the system which could be used as a basis for drafting this report.

The European Commission consequently waited until the first quarter of 2014 to launch a study to review the operation of the system of access to vehicle RMI (hereafter ‘the RMI study’). The RMI study provides a comprehensive and detailed analysis, followed by recommendations, covering six areas essential for understanding the operation of the system. The study was published in the EU Bookshop in November 2014.⁴

The research methods for this study included a combination of desk research, database analysis (covering 19 official RMI websites), 80 stakeholder interviews and 2 467 surveys. Field research was also conducted through visits to three independent operators⁵ (hereafter ‘IOs’) in Germany, the UK and Poland. The groups of stakeholders consulted during the study included vehicle manufacturers (hereafter ‘original equipment manufacturers — OEMs’⁶);

¹ Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, OJ L 171, 29.6.2007, p. 1.

² ‘Vehicle repair and maintenance information’ means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of the vehicle and which the manufacturers provide for their authorised dealers and repairers, including all subsequent amendments and supplements to such information. This information includes all information required for fitting parts or equipment on vehicles.

³ Regulation (EC) No 715/2007 became applicable in September 2009. The new Euro 5 vehicles placed on the market after that date have a warranty period of at least 2 years and it took another 4 years before they were old enough to be taken to IOs for service or repair. In 2011, most Euro 5 vehicles were still under warranty and thus mainly serviced by authorised repairers. This situation has changed dramatically over the last few years as more Euro 5 vehicles have come out of warranty and/or have been sold to second users.

⁴ [RMI study](#).

⁵ Independent operators are undertakings other than authorised dealers and repairers which are directly or indirectly involved in the repair and maintenance of motor vehicles. This includes in particular repairers; manufacturers or distributors of repair equipment, tools or spare parts; publishers of technical information; automobile clubs; roadside assistance operators; operators of inspection and testing services; and providers of training for installers, manufacturers and repairers of equipment for alternative fuel vehicles.

⁶ Vehicle manufacturers are often referred to as original equipment manufacturers (OEMs).

repairers; tool and equipment manufacturers; parts suppliers and parts wholesalers; data publishers; type approval authorities; remanufacturers and national authorities responsible for vehicle periodic technical inspections.

The RMI study provides the Commission with the essential accurate and reliable data required to meet its reporting obligation. It was conducted in close cooperation with the Commission services and in accordance with the terms of reference of its call for tenders. Moreover, it was presented to stakeholders and Member States on several occasions in both the Technical Committee — Motor Vehicles and the Motor Vehicle Working Group, receiving general support from the participants.

The general purpose of the access to vehicle RMI legislation is to facilitate competition and the good functioning of the internal market. As the RMI study points out, once a vehicle has been purchased, competition on the markets for repair and maintenance services and for spare parts is less intense than on the market for new car sales. In other words, since spare parts and technical knowledge are often specific to a brand or model, consumers could be harmed by anti-competitive practices by the relevant manufacturer. In consequence, such practices may push up repair costs. Hence, the presence of IOs broadens consumer choice and ensures competition for vehicle manufacturer networks in the aftermarket sector.

Greater competition between vehicle manufacturer networks and IOs is expected to lower costs to consumers for repair and maintenance. These costs are thought to represent a significant share of total consumer expenditure on motor vehicles. They may have an impact on public health and safety if they deter consumers from undertaking regular maintenance work. Vehicles that are not properly maintained are likely to have higher emissions and could negatively impact both road safety and the environment.

To compete in the vehicle repair market, IOs must be able to access vehicle RMI. Access to vehicle RMI is required to carry out a very broad range of operations related to maintaining a car throughout its lifetime, including diagnosis of malfunctions, repair services and spare part identification.

To this end, OEMs are required under EU legislation to ensure that IOs have easy, restriction-free and standardised access to vehicle RMI.

This report examines the level of compliance by OEMs with their obligations on access to vehicle RMI. It also examines whether the system of access to RMI put in place by the Regulation is achieving its original objectives in terms of effects on competition and the internal market, as well as environmental benefits.

Based on these findings, the report also outlines possible areas for change and improvement in the EU legislation for light passenger and commercial vehicles on RMI (hereafter, ‘the RMI Regulations’⁷).

Article 9 of the Euro 5-6 Regulation requires consideration to be given to whether to consolidate all provisions governing access to vehicle repair and maintenance information within a revised framework directive on type approval. This consolidation has been accomplished by means of the Commission’s proposal for a Regulation of the European

⁷ Regulation (EC) No 715/2007 and Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, OJ L 199, 28.7.2008, p. 1.

Parliament and of the Council on the approval and market surveillance of motor vehicles and their trailers.⁸

2. COMPLIANCE OF OEMS WITH THEIR OBLIGATIONS UNDER THE RMI REGULATIONS

The RMI study has assessed the implementation of, and levels of compliance with, Article 6 of the Euro 5-6 Regulation and Article 13 of Commission Regulation (EC) No 692/2008 for major OEMs across Europe.

The assessment of compliance focuses primarily on the functioning of the system via RMI websites which provide access to the vehicle information required by independent repairers.

The RMI study considers that, in general, levels of compliance with the RMI Regulations have improved over the past few years. OEMs have put considerable effort into ensuring that their systems provide the required information in compliance with the RMI Regulations.

Most of the issues related to access to RMI via OEMs' websites will be resolved to a great extent by the introduction of the CEN/ISO standards which provide a standardised format for RMI delivered via OEM's websites.⁹ The exceptions are access to information on bulk data on parts, as identified by the vehicle identification number (VIN), and remote diagnostic support.

On access to security-related RMI,¹⁰ although the RMI study considers there may be a need for further clarification and guidance, the introduction of the SERMI (SEcurity related Repair and Maintenance Information) scheme¹¹ should improve the situation.

On compliance by small manufacturers with the obligations in Article 6 of the Euro 5-6 Regulation, the RMI study points out that there appears to be general support among type-approval authorities (TAAs) for giving formal consideration to small volume manufacturers and multi-stage manufacturers within the RMI Regulations. This could take the form of a derogation or other acceptable methods of providing access to vehicle RMI.

Despite the progress achieved, there remain difficulties which hinder the overall functioning of the system of access to vehicle RMI.

⁸ Proposal for a Regulation of the European Parliament and of the Council on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles of 27.1.2016, COM(2016) 31 final, 2016/0014 (COD), which is currently being examined by the European Parliament and by the Council.

⁹ Parts 1 to 4 of ISO 18541 on Road vehicles -- Standardised access to automotive repair and maintenance information (RMI) -- Part 1: General information and use case definition (18/09/2014); Part 2: Technical requirements (18/09/2014); Part 3: Functional user interface requirements (18/09/2014); and Part 4: Conformance test (01/11/2015).

¹⁰ The SERMI scheme defines security-related RMI as the information, software, functions and services required to repair and maintain the features included in a vehicle by the manufacturer to prevent the vehicle from being stolen or driven away and to enable the vehicle to be tracked and recovered.

¹¹ The SERMI scheme, provided for in Article 13(9) of Regulation (EC) No 692/2008, aims to create a European-wide process for accreditation, approval and authorisation to access security-related RMI, which should streamline the current patchwork of OEM systems.

The key issues involve challenges for repairers when accessing RMI directly from OEM websites. The wide variation in user interfaces and software incompatibilities cause great inconvenience to users, particularly occasional users or repairers that service many different brands.

Other controversial issues stem from different interpretations by stakeholders of certain aspects which have not been sufficiently detailed in the legislation. Examples are terms such as ‘a standardised format’, ‘readily accessible’, ‘in a prompt manner’ and ‘unequivocal vehicle identification’, as well as detailed requirements on the provision of training materials and on the relevant on-board diagnostics (OBD)/vehicle RMI information. TAAs have called for additional guidance on these to help them verify whether compliance has been achieved. Therefore, the RMI study concludes that the level of detail provided by the RMI Regulations for such aspects should be increased (see Section 2 of the RMI study).

3. ASSESSMENT OF THE EFFECTS ON COMPETITION AND ON THE INTERNAL MARKET OF THE SYSTEM OF ACCESS TO RMI

The aim of the provisions in the RMI Regulations is to create and protect fair market conditions for all kinds of services linked to the repair and maintenance of motor vehicles. This is not limited to their immediate repair but includes a wide range of repair and maintenance-related services which go beyond the repair itself (i.e. tool manufacturing, data publishing and parts sales and distribution). Competition for all such services, often performed by independent small and medium-sized enterprises (SMEs), is highly relevant for consumers.

The key factors determining consumer choice and benefits, as the RMI study points out, are the costs of repair and maintenance services, the availability and choice of local repairers, and the freedom to choose parts and part quality.

Overall, these factors have been improved as RMI Regulations have allowed for more effective competition in the automotive aftermarket. This in turn has led to lower consumer costs for repair and maintenance and has protected consumer choice, allowing an owner to take their vehicle to whichever outlet they choose.

However, issues have been identified which need to be addressed in order to give all players equal access to technical information.

In general, consumers appear to have benefited from market competition through lower spending on repair and maintenance, while vehicle technology has improved at the same time, as highlighted in the RMI study.

This section will summarise the impacts on competition and on the internal market for repairers, parts distributors and wholesalers, manufacturers of diagnostic and repair tools and publishers of technical information.

3.1. Repairers

Most repairers are SMEs and the investment in tools and training required for repairing increasingly complex modern vehicles is substantial (given rapidly growing product variety and consumer vehicle customisation). It is thus not economically viable for them and too complex (each OEM has its specific website and IT system) to purchase vehicle RMI separately from each individual OEM. Independent repairers therefore rely on access to

vehicle RMI mainly through other third-party providers (under the broader definition of ‘independent operators’), including:

- spare parts information via multi-brand catalogues provided by parts wholesalers and distributors;
- multi-brand diagnostic tools provided by manufacturers of diagnostic and repair tools;
- multi-brand repair and maintenance information provided by publishers of technical information; and
- third-party training providers.

All of these actors are the main source of technical information for independent repairers, but they also provide services to authorised repairers because they are increasingly becoming multi-brand.

SMEs repairers tend to struggle with the costs of the technical information, tools and training required to service modern vehicles and with aggressive promotional pricing strategies for standardised products. The traditional standalone repairers are expected to be significantly affected and this is reflected in the increasing number of independent garages joining franchise networks. One of the principal reasons for joining such networks is to obtain access to technical information from vehicle manufacturers, as well as access to training and marketing.

3.2. Parts distributors and wholesalers

The major issue of concern to parts distributors and wholesalers is access to unequivocal parts identification information. This is a complex topic which has been the subject of litigation since 2009 both at national level (through complaints to vehicle companies and TAAs, as well as litigation before national courts) and at EU level (through informal contacts with the European Commission).¹² Notwithstanding the issues related to how the RMI Regulations should be interpreted, parts wholesalers report that the lack of unequivocal access to parts information typically leads to two or three parts being identified as relevant. Where repairers are unable to identify a single part, they usually order multiple parts and return those that are not needed.

This leads to increases in overall costs (estimated at 10-15 %) due to additional expenditures on logistics and administration, which may ultimately lead to higher parts prices for consumers. Furthermore, as vehicle complexity increases, this issue is expected to become more prevalent.

The majority of parts wholesalers and distributors rely on data/information from other independent providers rather than accessing data directly from OEMs. This is due to delays in their availability, the price of the information, difficulties in identifying the right contacts and the very long timescale involved in reaching agreements.

¹² For details, including complaints before TAAs and litigation, see sections 4.3.2, 4.3.3 and 4.3.4 of the RMI study, pages 67 to 69.

3.3. Manufacturers of diagnostic and repair tools

Even though they are aware of their rights under the RMI Regulations, tool manufacturers continue to prefer reverse engineering over directly accessing the technical information they require from OEMs. This is despite the drawbacks of reverse engineering — namely, that it entails considerable time, effort and cost and does not produce complete information. The reasons mentioned by manufacturers for using reverse engineering rather than direct access to OEM technical information are mainly:

- the price of access to information;
- contractual clauses;
- the format of the information provided;
- delays and long timescales.

This is also likely to affect the competitiveness of the other independent repairers, because multi-brand tool manufacturers are unable to place their products on the market at the same time as the OEM-branded tools.

3.4. Publishers of technical information

Data publishers (also known as independent republishers) provide multi-brand technical information to a range of aftermarket operators. Their clients include both independent and authorised workshops, parts suppliers and wholesalers. Independent republishers allow the aftermarket operators to circumvent the problem of dealing with different data structures between OEM websites and obtain the information at a lower price.

Direct access to OEM data is the only way that data republishers can obtain all of the relevant information they need.

The main challenges that publishers of technical information face are the following:

- the price of access to information;
- obtaining republishing licences from OEMs;
- contractual clauses imposed by OEMs including restrictions unviable for republishers;
- the format of the information provided to facilitate electronic processing (e.g. the format of the data, the visibility of updates and the completeness of information, which influence the speed and the costs of data processing).

Any problems related to the transfer of information from OEMs to republishers in the first stage (e.g. delays in obtaining contracts, incompleteness/inaccuracy of the data etc.) tend to spread through to the end users.

4. ENVIRONMENTAL BENEFITS OF THE SYSTEM OF ACCESS TO RMI

As a starting point, the RMI study identified three potential mechanisms through which access to RMI could have a positive impact on the environment:

- avoiding excess emissions from malfunctioning or incorrectly maintained equipment;
- allowing repair and maintenance work on vehicles to be carried out closer to the vehicle's usual location;
- reducing lifecycle emissions due to remanufacturing or refurbishing of parts and components.

Access to RMI may indeed in some cases be useful to identify certain malfunctions resulting in additional vehicle emissions. This is especially the case for malfunction codes that are specific to each OEM. If IOs have access to these codes, repairs may be performed more quickly and therefore at lower cost.

However, the RMI study underlines that the actual effects of access to RMI on overall emissions are limited as almost all malfunctions related to emission control are signalled by the OBD system.

Furthermore, the study concludes that improvements in environmental quality are difficult to quantify due to a paucity of independent data, and the real-world impact will not be evident for several years.

5. POSSIBLE AREAS FOR CHANGE AND IMPROVEMENT OF THE RMI REGULATIONS

In accordance with the analysis set out in the previous sections, and on the basis of the relevant recommendations of the RMI study, several essential elements of the RMI Regulations could be improved. Even after the introduction of the CEN/ISO standards, there appears to be a need to address shortcomings, in particular as regards the following issues.

5.1. Review of the reference to the principle of 'unrestricted and standardised access in a non-discriminatory manner' in the obligation for manufacturers to provide access to vehicle RMI

Under Article 6(1) of the Euro 5-6 Regulation, access to vehicle RMI is to be provided by manufacturers to IOs 'through websites using a standardised format in a readily accessible and prompt manner, and in a manner that is non-discriminatory compared to the provision given or access granted to authorised dealers and repairers'. This principle of providing access to vehicle RMI information 'on a non-discriminatory basis' also appears in paragraphs (5) and (6) of the same Article.

The experience acquired through 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 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 provided for in Article 6 of the Euro 5-6 Regulation.

5.2. Clarification of which information may be considered to be security-related as opposed to safety-related

Although there is a legitimate need to restrict access to security-related information, without a common understanding of the content and boundaries of this notion discrepancies are likely to continue.

As explained in Section 2, the introduction of the SERMI scheme should improve the situation as regards procedures and administrative arrangements. Nevertheless, further technical discussions between the Commission and the stakeholders involved are necessary to draw up a roadmap for implementing the SERMI scheme and incorporating it in the RMI Regulations. This would involve making the necessary legislative amendments.

5.3. Improving the procedure for filing complaints with the TAAs

Standardising administrative provisions for complaints filed by IOs with the TAAs for breaches by OEMs of their obligations to provide access to vehicle RMI would help to address issues that are occasional or not systematic in nature. It should also clarify how TAAs should deal with complaints filed in several Member States.

If necessary, after consultation of TAAs and stakeholders, simple procedural guidance could be issued.

5.4. Access to information on data on vehicle parts, as identified by the VIN, and through a common structured process

The Commission acknowledges that this is a highly controversial issue. As Section 3.2 explains, it is currently under litigation due to divergent interpretations, by OEMs and IOs, of the requirements set out in subparagraphs 2, 3 and 4 of point 2.1. of Annex XIV to Commission Regulation (EC) No 692/2008.

Access to information on data on vehicle parts, as identified by the VIN, is considered essential by IOs for their current business model. It should help them manage logistics and inventories and ensure that the right parts are available, delivered on time and with minimal returns. In this respect, the main challenge for IOs currently is the need for manual scanning of data.

The new set of ISO 18541 standards on access to RMI, referred to in Section 2, does not cover a common structured process for exchanging data on vehicle parts which can be replaced by spare parts, as identified by the VIN. A future common structured process for exchanging this data could therefore be included in the RMI Regulations when they are revised in the future.

This common structured process should reflect the interests and needs of vehicle manufacturers and IOs alike, and should also investigate solutions such as open data formats. These requirements need not be as detailed as the current CEN/ISO standards (based on use cases) for access to vehicle RMI websites.

5.5. Introduction of derogations or alternative means of providing RMI for very small volume, niche and special-purpose vehicles

According to the RMI study, small volume and niche vehicle manufacturers tend to have the lowest number of IOs using their websites. For this reason and because of their very low share of the automotive market, some of these manufacturers consider the current RMI Regulations to be disproportionate to the size of their operations. Furthermore, implementing the new CEN/ISO standards on access to vehicle RMI or other processes, such as the SERMI scheme, will also require additional investment.

There are no derogations from manufacturers' obligations in Article 6 of the Euro 5-6 Regulation for small volume or niche vehicle manufacturers. This has been emphasised by

TAAAs as a cause for concern. Derogations for such manufacturers could be considered in future amendments to the RMI Regulations in alignment with the provisions on access to vehicle RMI for other categories of vehicles, such as agricultural and forestry vehicles or two- or three-wheel vehicles and quadricycles.

5.6. Adaptation to technical progress

In examining the effects on competition of the system of access to vehicle RMI, Section 5.5. of the RMI study briefly explores emerging issues, the most relevant of which is telematics.

The RMI study concludes that, in general, the scope of vehicle RMI is likely to include at least some information transferred wirelessly. But the precise definitions and means for data exchange will need to be further clarified and included in the RMI Regulations to ensure fair access to information.

The increasing connectivity of vehicles is currently changing the automotive industry landscape. The data that were previously accessed via a physical connection in the vehicle are now increasingly accessible remotely. This will open up the possibility of providing access to real-time information, allowing for remote diagnosis support and prognosis, as well as many other services (e.g. usage based insurance, assistance services, location-based services, smart charging of electric vehicles, car sharing, traffic management, etc.).

In addition, vehicles will be capable of connecting with the infrastructure and with other vehicles to allow cooperative and highly automated driving. This will also increase their technical complexity and will require a harmonised approach, which should be reflected in specifications and standards as envisaged in Articles 6 and 8 of Directive 2010/40/EU (the ITS Directive).¹³

These emerging challenges have raised concerns over the potential exclusion of IOs from this new business model, and/or the monitoring of their activities by OEMs which are competing with them. The role of European legislation will be crucial to ensure that, as a matter of principle, certain essential conditions are met, in particular those identified by the C-ITS Platform:¹⁴

- prior consent of the data subject (driver/owner of the vehicle);
- fair and undistorted competition;
- data privacy and data protection;
- tamper-proof access and liability;
- data economy.

¹³ Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport, OJ L 207, 6.8.2010, p. 1.

¹⁴ See Chapter 8 of the Report of the C-ITS platform on access to in-vehicle data and resources: <http://ec.europa.eu/transport/themes/its/doc/c-its-platform-final-report-january-2016.pdf>.

These conditions should be met while taking into account OEMs' need to protect their potential intellectual property. This is a primary concern for OEMs, as their proprietary information falls outside the scope of access to vehicle RMI legislation.

The recent adoption of the eCall type-approval Regulation¹⁵ has refocused attention on the need to put in place the conditions for open and undistorted competition in the use of in-vehicle data. In Article 12 of the Regulation the European Parliament and the Council have asked the Commission to assess the need of requirements for an interoperable, standardised, secure and open-access platform.

Three technical solutions for accessing the vehicle data have been identified by the C-ITS Platform. They will be assessed in the study on access to in-vehicle data and resources awarded by the Commission to TRL (Transport Research Laboratory) which is to be finalised in the second quarter of 2017. The three solutions are:

- an on-board application platform;
- an in-vehicle interface;
- a data server platform.

The technical and legal conclusions of the study on access to in-vehicle data and resources will provide the basis for adapting the RMI Regulations applying to telematics, among other things.

6. OTHER SUBJECTS OUTSIDE THE SCOPE OF TYPE-APPROVAL LEGISLATION

The RMI study makes a series of recommendations for improving the operation of the system of access to RMI. The Commission considers that these recommendations do not fall under the scope of the RMI Regulations. They are related to contractual clauses or guidelines which do not fall under the scope of type-approval legislation and are subject to commercial law and the agreements reached between the parties, namely:

- the setting of fee levels;
- guidelines for contracting between OEMs and specialist intermediaries;
- guidance on practical and mutually acceptable contract negotiation practices, including:
 - examination of cancellation and territorial clauses;
 - appropriate fees that can be charged;
 - appropriate metrics on which to base fees;
- best practice for timescales required to negotiate contracts and reach agreements;
- contractual clauses to ensure adequate protection and use of data.

¹⁵ Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC, OJ L 123, 19.5.2015, p. 77.

7. CONCLUSIONS

To be competitive and provide adequate service to customers, independent repairers need to be able to access the technical information necessary to repair vehicles. This information is increasingly important due to the greater complexity of vehicles, the growing number of parts and greater use of on-board electronics.

The implementation of the RMI Regulations has contributed to the overall improvements in access to RMI in recent years. However, certain obstacles persist, depending on the OEM and specific type of information required. This weakens competition between authorised and independent repairers and creates an uneven playing field.

On the basis of the changes and improvements suggested in Section 5 of this report, and subject to the results of the Better Regulation procedure, the Commission will consider the steps needed to improve the operation of the system of access to vehicle RMI.

In addition, the Commission encourages both OEMs and IOs to continue their discussions in order to reach agreement on the subjects identified in the RMI study which fall outside the scope of type-approval legislation, as referred to in Section 6 of this report.