



## AFCAR statement on Court Case ECJ ruling: a milestone for Fair Competition in the Automotive Aftermarket

25<sup>th</sup> October 2023

AFCAR and ETRMA welcome the recent ECJ ruling in the case of Carglass/ATU vs. FCA as a significant leap towards fostering fair competition in the automotive aftermarket industry, ultimately benefiting European consumers. This momentous decision echoes our unwavering commitment to establishing a level-playing field and ensuring equitable access to diagnostic, repair and maintenance information (RMI) and vehicle data. These principles are fundamental in upholding the competitiveness of aftermarket services catering to the 280 million vehicles owned by consumers and businesses across Europe.

This judgment is clear and resolute: vehicle manufacturers are bound by the limitations specifically foreseen in the Type Approval Regulation 2018/858 concerning access to OBD and repair and maintenance information. Independent operators must be granted access to the “full diagnostic data stream” via the OBD port, encompassing data reading and writing during standstill, and data reading when the vehicle is in motion.

Another key aspect of the ECJ judgement is the recognition that compliance with UNECE Regulation R155 on Cybersecurity (now cross-referenced in the EU General Safety Regulation 2019/2144) does not absolve vehicle manufacturers of their RMI obligations under the Type Approval legislation. The Court ruled that imposing a secure gateway with conditions that obstruct legitimate operators’ access rights is prohibited.

AFCAR and ETRMA have consistently advocated for cybersecurity in vehicles, supporting practical and proportionate protective measures. The creation of SERMI stands as a testament to constructive engagement by the independent aftermarket to address critical security concerns related to access to security (anti-theft)-related RMI.

**The ECJ ruling addresses a crucial facet of fair competition in the automotive aftermarket. We urge the Commission to finalise the legal framework and expedite its proposal on the sector-specific data legislation, which should include specific requirements to maintain accessibility to OBD port data and functions. This proposal should strike a balance, allowing manufacturers to safeguard security-critical vehicle functions while ensuring effective access for legitimate operators.**

It is important to note that the ECJ case exclusively pertains to repair and maintenance use cases. Sector-specific legislation must extend this scope to foster innovation and service development across the broader mobility and automotive services landscape. Embracing the opportunities presented by the digital and green transition mandates that all market participants have fair and secure access to in-vehicle data, functions, and resources under the proposed legislation.

*For more information, read the European Court of Justice (Eighth Chamber) ruling [here](#), regarding Case C-296/22 opposing ATU and Carglass to FCA Italy.*

AFCAR Members:

