

Motor vehicles: type approval with respect to emissions and on access to repair information

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In accordance with Article 9 of Regulation (EC) No 715/2007 (the Euro 5 and Euro 6 Regulation), the Commission submitted a report on the operation of the Vehicle Repair and Maintenance Information Access System (RMI).

In order to cope with competition in the vehicle repair market, independent repairers must be able to access technical information necessary for the repair of vehicles. This information is becoming increasingly important due to the increasing complexity of vehicles, the increasing number of automotive parts and the increased use of on-board electronics.

To this end, “original equipment manufacturers – OEMs” are required under EU law to guarantee independent, unrestricted and standardised access to independent RMIs for vehicles.

This report is based on a study launched by the Commission in 2014 which provides a comprehensive and detailed analysis of the functioning of the Vehicle RMI Access System (the “RMI study”). It examines the degree of compliance of the OTF with its obligations regarding access to vehicle RMI. It also examines whether the system of access to RMI set up by the Regulation meets its objectives with regard to the effects on competition and the environmental benefits.

Overall impact: in general, the report concludes that the implementation of the RMI regulations has contributed to the **overall improvement of access to RMI** in recent years. However, there are still some barriers depending on the OEMs and the type of specific information required, which weakens competition between official and independent repairers and creates unequal conditions of competition.

Changes to consider: the report identified several possible areas for improvement of RMI regulations:

- the **principle of “unrestricted access to RMI and in a standardised format in a non-discriminatory manner”**: experience has shown that the information required by independent operators (IOs) is not always the same as that required by official dealers . Consequently, the revision of this principle could be envisaged in order to refine the latter.

- **information that can be considered safety-related**: it is important to achieve a common understanding of the content and limitations of this concept.

The implementation of the **SERMI** (Safety Repair and Maintenance Information) system is expected to improve the situation. However, further technical discussions will be required to develop a roadmap for the implementation of the SERMI system and its integration into the RMI regulations. Legislative changes may be required.

- **Improve the procedure for lodging complaints with the vehicle approval authorities**: standardisation of the administrative provisions concerning complaints lodged by the IOs with the competent authorities could help to solve problems of an occasional or non-systematic nature. If necessary, simple procedural guidelines could be developed.

- **Access to information on data on automotive parts, as identified by vehicle identification number (VIN)**: IOs consider access to this information essential for their current business model. It should allow

them to manage logistics and inventory and ensure that the right parts are available, delivered on time and with minimal returns.

A future **common structured process** for the exchange of these data could therefore be included in the RMI regulations when they are revised in the future.

- **very small, niche and special purpose vehicles:** some very small and niche vehicle manufacturers consider current RMI regulations to be disproportionate to the size of their business. **Derogations** for these manufacturers could be envisaged in the context of future amendments to the RMI regulations.

- **adaptation to technical progress:** in the context of the examination of the effects on competition of the vehicle access RMI system, the RMI study deals with new challenges, the main one being **telematics**.

Specific definitions and means for the exchange of data should be clarified and included in the RMI regulations to ensure equitable access to information that can be transferred wirelessly.

European legislation should ensure that certain essential conditions are met, such as the prior consent of the driver or owner of the vehicle, fair competition, protection of data and privacy and non-falsifiable access.

Other points: the Commission is also encouraging OEMs and IOs to continue their discussions with a view to reaching agreement on certain matters which **fall outside the scope of the type-approval legislation** and which relate to contractual clauses or guidelines governed by commercial law and agreements between the parties (e.g. definition of the level of costs, practical guidance on contract negotiation methods, contractual clauses to ensure data protection).