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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	20 May 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2021) 3377 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 20.5.2021 amending Annex X to Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the standardised access to vehicle on-board diagnostics information and repair and maintenance information, and the requirements and procedures for access to vehicle security information

Delegations will find attached document C(2021) 3377 final.

Encl.: C(2021) 3377 final



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COMMISSION DELEGATED REGULATION (EU) .../...

of 20.5.2021

amending Annex X to Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the standardised access to vehicle on-board diagnostics information and repair and maintenance information, and the requirements and procedures for access to vehicle security information

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 of May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) 595/2009 and repealing Directive 2007/46/EC¹ requires manufacturers to provide unrestricted and standardised access to vehicle OBD information, diagnostic and other equipment tools including the complete references, and available downloads, of the applicable software and vehicle repair and maintenance information to independent operators through websites using a standardised format.

New standards to facilitate the exchange of information between manufacturers and service providers have been agreed by CEN/ISO, with the involvement of both parties. It is therefore appropriate to refer to the use of the technical specifications of EN ISO 18541.

In addition, measures should be laid down for the implementation of Article 66(2) of Regulation (EU) 2018/858 with regard to the process by which accredited organisations approve and authorise independent operators to access information on vehicle security in accordance with the recommendations of the Forum on Access to Vehicle Information established under Regulation 692/2008.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In the preparation of this act, the Commission carried out appropriate consultations at expert level comprising the relevant stakeholders, social partners and Member State experts.

In accordance with the Better Regulation rules, the draft delegated act was published on the Better Regulation portal for a four-week feedback period between 7 January 2021 and 4 February 2021. In total, 15 stakeholders provided feedback. The Commission carefully considered and took note of all the comments received.

The comments focused mainly on the need to further specify certain requirements to ensure that the procedure set out in this delegated act is efficiently implemented. The relevant comments were taken on board during this process.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal basis of this delegated act is Article 61(11) of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 of May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) 595/2009 and repealing Directive 2007/46/EC.

¹ OJ L 151, 14.6.2018, p. 1.

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) 595/2009 and repealing Directive 2007/46/EC², and in particular Article 61(11) thereof,

Whereas:

- (1) Article 61(2) of Regulation 2018/858 requires vehicle manufacturers to make vehicle on-board diagnostics (OBD) information and vehicle repair and maintenance information (RMI) available on their own websites. There are, however, no harmonised criteria as to the manner in which that information is to be made available, which requires independent operators to adapt to numerous and different Web services and terminology.
- (2) The Report from the Commission to the European Parliament and the Council of 9 December 2016³ on the operation of the system of access to vehicle repair and maintenance information concluded that by standardising those websites and the corresponding terminology the burden on independent operators could be alleviated.
- (3) Since access to vehicle OBD information and vehicle RMI should be possible regardless of the type of powertrain of a vehicle, it is necessary to clarify that such access is not only compulsory for emission related requirements.
- (4) On 15 September 2014, the European Committee for Standardisation (CEN) published Parts 1 to 5 of standard EN ISO 18541 ‘Road vehicles — Standardized access to automotive repair and maintenance information (RMI)’. Those parts aim at facilitating the exchange between manufacturers and independent operators of vehicle OBD information and vehicle RMI by establishing the technical requirements and procedures for facilitating access to that information. It is therefore appropriate to refer in Annex X to Regulation (EU) 2018/858 to the requirements of Parts 1 to 5 of standard EN ISO 18541-2014.
- (5) Given that vehicle OBD information and vehicle RMI include information which is important for ensuring the security of the vehicle, access to certain vehicle security features should only be provided to independent operators complying with the requirements laid down in this Annex.

² OJ L 151, 14.6.2018, p. 1.

³ 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, COM(2016) 0782 final.

- (6) According to the recommendations of the Forum on Access to Vehicle Information, referred to in Article 66(1) of Regulation (EU) 2018/858, those requirements should include the approval of the independent operators concerned and the authorisation of their employees engaged in the relevant activities by accredited entities. It is therefore necessary to lay down the procedure for the approval and authorisation of independent operators to access vehicle security features, which should be based on the ‘Scheme for accreditation, approval and authorization to Access Security-related Repair and Maintenance Information (RMI)’, which was validated on 19 May 2016 by the European co-operation for Accreditation. It is also necessary to assess whether such operators are not involved in illegitimate business activities.
- (7) In addition, it is necessary to lay down the role and responsibilities of the bodies involved in the approval and authorisation of independent operators and their employees to be granted access to security-related vehicle repair and maintenance information.
- (8) In order to enable Member States and national authorities as well as economic operators to prepare for the application of the new rules introduced by this Regulation, the date of application should be deferred.
- (9) Annex X to Regulation (EU) 2018/858 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex X to Regulation (EU) 2018/858 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [*OJ Please insert the date of two years after the date of publication of this Regulation*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20.5.2021

For the Commission
The President
Ursula VON DER LEYEN