



August 2, 2022

## **Feedback on European Commission Call for Evidence on Access to Vehicle Data, Functions, and Resources**

The Autonomous Vehicle Industry Association (“AVIA”) writes to provide feedback on the European Commission’s call for evidence regarding a proposed initiative to regulate access to vehicle data, functions, and resources.<sup>1</sup> We appreciate the opportunity to comment on the Commission’s proposal. As explained below, we encourage the Commission to proceed with the “Option 0” approach identified in the call for evidence with respect to autonomous vehicles.

By way of background, AVIA is comprised of the world’s leading technology, ridesharing, trucking, and automotive companies. Our mission is to realize the benefits of autonomous vehicles (“AVs”) (i.e., SAE/ISO Levels 4- and 5-capable vehicles) and support the safe and expeditious deployment of these technologies. With its broad array of technical expertise and experience in the technology, automobile, and transportation network sectors, AVIA welcomes the opportunity to continue to work with the Commission in an effort to develop the right solutions that will promote the deployment of AVs in Europe.

AVs promise tremendous safety, mobility, and efficiency benefits, holding the potential both to save lives and to change the way we move. In Europe, the Commission estimates that roughly 18,800 people were killed in a road crash in 2020, while preliminary figures for the first six months of 2021 indicate that the number of road fatalities increased 2% compared to the same period in 2020.<sup>2</sup> The ongoing tragedy on our roadways underscores the need to support AV operations. As the Commission has recognized, connectivity and automation will create new road safety opportunities by reducing the role of human error.<sup>3</sup> AVs have the potential to reduce fatal traffic crashes because, unlike human drivers, AVs will never drive drunk, drowsy, or distracted—all major contributors to roadway deaths.

Moreover, Europe is home to millions of individuals—including seniors and those with visual impairments—who stand to benefit greatly from the increased safety and mobility that

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<sup>1</sup> *Call for Evidence for an Impact Assessment: Access to Vehicle Data, Functions and Resources*, Ares(2022)2302201 (March 29, 2022), available at [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13180-Access-to-vehicle-data-functions-and-resources\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13180-Access-to-vehicle-data-functions-and-resources_en) [hereinafter *Call for Evidence*].

<sup>2</sup> Directorate-General for Mobility and Transport, *Road Safety: European Commission Rewards Effective Initiatives and Publishes 2020 Figures on Road Fatalities*, Eur. Comm’n (Nov. 18, 2021), [https://transport.ec.europa.eu/news/road-safety-european-commission-rewards-effective-initiatives-and-publishes-2020-figures-road-2021-11-18\\_en](https://transport.ec.europa.eu/news/road-safety-european-commission-rewards-effective-initiatives-and-publishes-2020-figures-road-2021-11-18_en).

<sup>3</sup> *EU Road Safety Policy Framework 2021-2030 – Next Steps Towards “Vision Zero”* SWD (2019) 283 final (June 19, 2019), <https://transport.ec.europa.eu/system/files/2021-10/SWD2190283.pdf>.



AVs could provide. In addition to offering these safety and mobility benefits, autonomous driving technology can also help to reduce traffic congestion, improve environmental quality, and advance transportation efficiency.

We agree with the Commission’s statement that “[a]ccess to data, functions and resources is crucial for the development of innovative data-driven mobility services.”<sup>4</sup> Since the collection and sharing of AV data is already addressed under existing EU regulations, however, we are concerned that sectoral intervention would lead to duplicative regulatory requirements that could drain the resources of regulators and industry members alike. Under such a system, regulators would be forced to move resources away from more productive endeavors as they pursue duplicative materials from industry, while the additional regulatory burden would make it difficult for small- and medium-sized enterprises to compete with larger entities in the AV marketplace. Further, redundant regulatory requirements could lead to conflicting oversight authority.

AVs are subject to regulation under the forthcoming Commission Implementing Regulation regarding type-approval of automated driving systems (“ADS”) of fully automated motor vehicles (“ADS Act”).<sup>5</sup> The ADS Act addresses collection and sharing of vehicle data, and it will require manufacturers to provide instructions on how to access the data collected by fully automated vehicles.<sup>6</sup> Manufacturers will also be required under the ADS Act to provide specific data to the applicable type-approval authority in applications for type-approval.<sup>7</sup> Once type-approval has been granted, the ADS Act specifies that the ADS manufacturer must implement a technical system to enable the transport service operator to provide type-approval authorities, market surveillance authorities, or other authorities designated by Member States

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<sup>4</sup> *Call for Evidence*.

<sup>5</sup> Commission Implementing Regulation Laying Down Rules for the Application of Regulation (EU) 2019/2144 of the European Parliament and of the Council as Regards Uniform Procedures and Technical Specifications for the Type-Approval of the Automated Driving System (ADS) of Fully Automated Motor Vehicles, Ref. Ares (2022) 2667391 [hereinafter *ADS Act*].

<sup>6</sup> *ADS Act* at Annex II, Section 9.8. The Commission’s type-approval legislation also requires vehicles to be equipped with event data recorders, which must meet certain criteria related to collection, storage, and availability of vehicle data. *See* Regulation 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166.

<sup>7</sup> *ADS Act* at Annex III, Section 3.1.1.



with in-vehicle data to verify compliance with type-approval requirements, conduct road safety research, and identify safety-relevant gaps.

Outside of ADS-specific legislation, the Data Act governs vehicles—including autonomous vehicles—that obtain, generate, or collect data concerning their performance, use, or environment.<sup>8</sup> As the Commission recognizes, the Data Act “will have a major impact on the mobility ecosystem,” including with respect to “automotive or electric vehicles related services.”<sup>9</sup> Meanwhile, other existing legislation governs vehicle repair data and competition rules, while Member State laws address data collection and disclosure specific to AV operations.

Given the forthcoming implementation of these data sharing requirements, AVIA believes that further sectoral intervention with respect to accessing AV data would be inappropriate at this time. Duplicative data regulations for AVs would harm the ability of small- and medium-sized enterprises to compete in the European AV market, would create an added burden on European AV developers as they seek to increase global competitiveness, and delay opportunities to bring the safety benefits of AVs to communities across Europe. We therefore encourage the Commission to follow the baseline scenario approach (“Option 0”), which the Commission acknowledged “is likely to be accommodating of developments in this fast-changing sector.”<sup>10</sup>

AVIA appreciates the opportunity to provide feedback on this proposed initiative. We look forward to continuing our engagement with the Commission and EU Member States to help bring autonomous vehicles to Europe in a safe and swift manner.

Sincerely,

/s/

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<sup>8</sup> *Proposal for a Regulation of the European Parliament and of the Council on harmonised rules on fair access to and use of data (Data Act)*, COM (2022) 68 final (Feb. 23, 2022), available at <https://digital-strategy.ec.europa.eu/en/library/data-act-proposal-regulation-harmonised-rules-fair-access-and-use-data>.

<sup>9</sup> *Call for Evidence*.

<sup>10</sup> *Id.*