

## Why the eCall legislation should address the need for an interoperable, open-access platform, and what does that mean?

### 1. Is the eCall legislation the right place to address an ‘interoperable platform’?

#### 1.1. Why should you as eCall legislator care?

The mandatory introduction of eCall is likely to bring the underlying telematics technology into every newly type-approved passenger and light commercial vehicle.

eCall introduces an in-vehicle system that provides an advanced vehicle telematics function which often shares the same basic hardware and software components that can also be used for other telematics system functions. The eCall service then becomes just one of the many possible functionalities for which the in-vehicle telematics system can be used. It becomes a critical timing issue that will also rapidly create a high volume in the market place.

European legislation therefore cannot treat ‘eCall’ in an isolated manner, but needs to address the wider telematics system and must provide sound rules regarding new wireless access to the vehicle and its data.

#### 1.2. Why is the current legislation on ‘Repair and Maintenance Information’ not enough?

The existing Euro 5 legislation defines the scope of ‘Repair and Maintenance Information’. It provides the right of access for independent market operators to the processes needed for the diagnosis, servicing, repair and maintenance of the vehicle, but at present, vehicle data is only available via the standardised on-board-diagnostics (OBD) connector when the vehicle is in the workshop for maintenance or servicing. Then this vehicle data is combined with repair and maintenance information needed to carry out the job.

Although vehicle repair and maintenance information is available from the vehicle manufacturer’s website, this is not the same as the vehicle data that is directly created when the vehicle is being driven. The remote access to this vehicle data via the telematics function provides the basis for remote diagnostics, fault code analysis, breakdown information, predictive maintenance information etc. which should be equally accessible to independent operators.

What needs to be defined now is the new wireless telematics access to the vehicle and its data.

### 2. Why is an ‘interoperable, open-access platform’ needed?

As eCall is being widely implemented as just another function of the in-vehicle telematics system, vehicle manufacturers are currently the only stakeholders who can access the full set of data when communicating ‘on-line’ with the vehicles. If not addressed by legislation, independent operators will be prevented from providing competitive repair and consumer services, leaving them at a clear disadvantage and thereby directly restricting the consumers’ freedom of choice.



Only by providing equal access for all market operators to the same functionalities and to the same information in the same timescale, a monopolistic situation can be prevented. The Members of the European Parliament should make sure that citizens and multi-brand operators benefit from this new wireless communication technology, enabling the vehicle owner to connect the telematics system to the service providers of his choice. This requires action to provide equal access for all market operators to the same functionalities and to the same information in the same timescale.

This fundamental 'freedom of choice' can only be guaranteed by precise and robust provisions mandating an interoperable, standardised, secure and open-access platform. Should the legislation only mandate eCall without addressing the open platform for repair/maintenance and additional services, competition in the aftermarket would be hampered for the coming years, thus undermining the current legislative framework for competition.

### **3. What is an interoperable and open-access platform?**

An interoperable and open access platform is a combination of both hardware and software that supports data communication to and from the vehicle, using a public mobile telephone network or internet connection, together with the ability to choose with whom data are exchanged.

#### **3.1. Why are technical provisions needed?**

It is not sufficient to just refer to a "non-discriminatory access" for independent market operators to the in-vehicle eCall/telematics system. It would remain a simple principle without any practical effect. Without a clear reference to concrete technical provisions, vehicle manufacturers' closed telematics 'black boxes' would not become accessible or interoperable.

Example: The currently proprietary 'black boxes' can only dial those numbers chosen by the vehicle manufacturers. In order to become interoperable, the telematics control units would need to have the technical capacities to dial alternative numbers of other service providers chosen by the vehicle owner

#### **3.2. Could an open-access platform become a threat to safety and security?**

No. 'Open' does not mean that everyone can freely access the vehicle. 'Open' means that service providers complying with the standards and meeting the security and safety requirements can offer services through the use of applications to the customer.

To avoid misperceptions, the word 'secure' could be added to the description and requirements of an 'interoperable open access platform'.

#### **3.3. Why is 'standardisation' needed? Does this (standardisation) mean that all vehicle manufacturers need to use the same system?**

Standardisation is necessary in order to allow independent service providers to develop applications which would work across the entire vehicle park. Without standardisation, alternative service suppliers would be required to create solutions to each individual vehicle model of each manufacturer, meaning it would not be economically viable for them to develop competitive service offers. It would ultimately leave consumers with the 'restricted choice' offered by the vehicle manufacturers.

Standardisation does not refer to the overall in-vehicle system and therefore does not limit the choice of the vehicle manufacturer for a specific form of in-vehicle system. However, in order to allow fair competition and to encourage innovation in the European vehicle services market, the interoperable and open-access platform must have a *standardised* API (Application programming interface).

The need for standardisation of the ‘interoperable and open-access platform for possible future in-vehicle applications or services’ has also already been suggested by the European Parliament in its Own Initiative Report on eCall of July 2012.

#### 4. Would an “interoperable, open-access platform” threaten or infringe vehicle manufacturers’ IPRs?

No. What needs to be defined are some (macro) technical requirements so that the vehicle telematics control unit will be interoperable in the future. Today, these are closed ‘black boxes’ which can only communicate with the vehicle manufacturer. In the future however, they must be able, for example, to dial other telephone numbers or to communicate via interfaces accessible for other service providers.

In essence, the ‘interoperable open-access platform’ defines the communication to and from the vehicle, together with a standardised interface to access the vehicle’s data, which vehicle manufacturers will have to implement in the future.

This is an exercise which is similar to the introduction of the standardised **on-board-diagnostics (OBD)** connector in 2000 with the Euro 3 emissions legislation. This connector has subsequently been specified in Euro 5 legislation as the standardised access point to the vehicle to make sure that independent operators can access the vehicle data and that independent multi-brand diagnostic test equipment can be connected to the vehicle in order to guarantee a level playing field for all market competitors and competitive prices for motoring consumers.

At that time, both the physical OBD-plug as well as the technical requirements by which an external device can access the OBD-system were defined. In the course of this standardisation exercise, vehicle manufacturers were required to integrate the mechanical plug and the OBD-functionality into their vehicles. The “how” and the technical implementation were left to the discretion of each vehicle manufacturer.

So, in the same way as the OBD-standard does not interfere with vehicle manufacturer’s industrial property rights, the interoperable and open telematics platform will not interfere with these rights. It is just an extended and unified set of interfaces to get information from and to the vehicle. This will not require disclosure of the vehicles overall software architecture, nor require access to source codes. Vehicle manufacturers will be free on how to implement the interface functions.

Moreover, the detailed technical requirements for the ‘interoperable open-access platform’ will be defined and maintained commonly by a technical standardisation committee (in which the vehicle manufacturers will have their place alongside with representatives of aftermarket and official authorities), so the IPRs of the ‘interoperable open platform’ will be held by the committee.

#### 5. Would an ‘open platform’ be a threat to data protection or privacy issues?



At present, it is the vehicle manufacturers who are already using telematics systems and who are potentially data mining customer data. So the question about data protection is very important, but it is not related to the 'interoperable platform for independent operators' and should not be misused to torpedo it.

In reality, the open platform provides consumers with the choice of which data can be sent and to whom, while complying with the data privacy and data protection requirements.

Of course, independent operators do want to be **in full compliance with data protection rules**. Data protection concerns regarding the open platform and the additional services have been already addressed in the amendment 109 from Wim van de Camp and Rosa Graf von Thun und Hohenstein requiring that "In the event of the provision of additional services, the service provider shall be subject to Directive 95/46/EC."

## 6. Could addressing the need for an "open platform" delay the introduction of eCall?

No. Vehicle manufacturers argue that including a reference to the interoperable platform would delay the implementation of eCall. Clearly, this is not the case.

There are amendments, including amendment 88 from Wim van de Camp, which clarify that the European Commission shall start working on the technical details of the interoperable standardised and open platform, but only **after** the adoption of the eCall legislation. This also reflects an amendment proposed by the rapporteur Mrs Sehnalova for Recital 9.