

Ruling obtained by Belron and ATU

Significant progress for fair competition in the automotive aftermarket

Press Release

SAFETY - SUSTAINABILITY - AFFORDABILITY

Brussels, 15 May 2024 - ADPA congratulates its associate member Belron and ATU for the ruling of the Regional Court of Cologne (Germany) securing much needed access to the vehicle data stream and competition in the automotive aftermarket.

This judgment builds upon a decision from the European Court of Justice in October 2023 (C-296/22), which itself confirmed another European Court of Justice decision obtained in 2022 by ADPA and German association GVA (C-390/21). It underlines once more that vehicle manufacturers cannot impose other conditions and restrictions (whether technical or financial) than the ones expressly mentioned in Type-Approval Regulation 2018/858 for such access.

By doing so, the courts remove anti-competitive barriers and secures the ability of independent repairers to continue accessing the information they need to perform repair and maintenance operations, such as calibration or diagnostics. These operations were made increasingly difficult and costly by some vehicle manufacturers (in this specific case Fiat Chrysler, part of Stellantis) who illegitimately imposed technical limitations. Such practices are now unequivocally ruled as unlawful, in a judgment that should have a lighthouse effect for all market operators in the European Union.

Matthew Wright, Chairman of the ADPA Legal Task Force, commented: "The courts have repeatedly confirmed that it has always been the intention of European legislation to preserve competition in the automotive aftermarket. Forcing the independent aftermarket into litigation is a regrettable tactic to try to ignore it, and should act as a wake-up call for national and European enforcement authorities and lawmakers to proactively protect the independent aftermarket."

Pierre Thibaudat, ADPA Director General, concluded: "The caselaw has clearly highlighted the importance of current regulation in ensuring effective competition. Security concerns should not serve as a ground to restrict competition where alternative, proportionate measures can be put in place to mitigate them. This principle is essential to ensure that the continuous roadworthiness of vehicles remains affordable, and should guide any future legislation on the automotive sector in general and the aftermarket in particular."

For more information

Cases [C-390/21](#) and [C-296/22](#) of the ECJ

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ADPA, the European Automotive Data Publishers Association, aims to ensure fair access to automotive data and information needed for the repair and maintenance of the 280 millions vehicles on European roads, contributing to their continuous roadworthiness over their lifetime. Its members design and provide competitive, innovative and multibrand solutions to operators of the automotive aftermarket. Founded in 2016 and based in Brussels, ADPA is a Member of AFCAR, the Alliance for the Freedom of Car Repair in the European Union, and FAAS, the Forum for Automotive Aftermarket Sustainability.