



ADPA.EU

Delegated Act

on effective and secure access to on-board diagnostic and repair & maintenance information for motor vehicles

ADPA input to the public consultation

SAFETY - SUSTAINABILITY - AFFORDABILITY



Table of contents

Table of contents	<u>2</u>
Notice	<u>2</u>
Contact	<u>2</u>
Executive summary	<u>3</u>
1. General assessment of the Delegated Act	<u>3</u>
2. Need for proactive, immediate and strict enforcement	<u>3</u>
3. Need for additional regulatory measures	<u>4</u>
Annex 1 - Historic evolution of fees	<u>5</u>

Notice

This document is the detailed position from ADPA with a view to the public consultation on a Delegated Act for effective and secure access to on-board diagnostic and repair & maintenance information of motor vehicles.

ADPA remains of course available to discuss it further with relevant institutions and fellow stakeholders.

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Executive summary

- ADPA supports the principles of the Delegated Act, which are reaching a fine balance between equally legitimate concerns on cybersecurity and competition, even if it considerably reinforces the position of vehicle manufacturers.
- ADPA recommends the European Commission to proactively, immediately and strictly enforce the measures in order to avoid potential abuses by dominant market players, in particular considering that the latter see their possibility to restrict the independent aftermarket reinforced.
- ADPA warns that the Delegated Act is only answering to some issues faced by the market and should not be considered as a final remedy; a number of regulatory measures still need to be taken to improve competition and consumer's choice for the provision of aftermarket services which are essential for the safety and the sustainability of road mobility.

1. General assessment of the Delegated Act

ADPA considers that **the draft Delegated Act is a timely and practical instrument** to ensure cybersecurity and competition for the provisions of automotive aftermarket services, at a time where vehicles are increasingly equipped with electronic components and softwares.

Abiding to the highest cybersecurity standards has always been a key principle for ADPA Members and more generally for the independent aftermarket, as it is essential to ensure the much needed consumers' trust in the era of cyberthreats.

Ensuring competition for the provision of aftermarket services is equally important, and is even one of the core objectives of the Type Approval Regulation 2018/858, as underlined in the judgment of the European Court of Justice in the case brought and won by Carglass and ATU against FCA Italy (Stellantis).

However, it should also be noted that **the Delegated Act puts independent operators in an unprecedented position of dependency towards vehicle manufacturers**, which are also their competitors for the provision of automotive aftermarket services. Workshops, but also the entire ecosystem providing them with multi-brand services and solutions, will face additional burdens and costs as a result of the Delegated Act (and costs will of course be echoed to the customers, whether individual consumers or, for example, fleet owners and insurers).

The Delegated Act, while being balanced, should therefore not be considered as a panacea remedy.

2. Need for proactive, immediate and strict enforcement

The vehicle manufacturers' position being reinforced, it gives them an unprecedented power over the independent operators of the aftermarket, which are their direct competitors. In order to avoid any abuse, the European Commission should ensure an effective enforcement of the Delegated Act in particular and of the Type Approval Regulation in general.

This **enforcement has to be proactive**: type-approval authorities and the European Commission should proactively check that vehicle manufacturers are complying with the rules put in place, and not be satisfied by simple self-approved declarations of conformity. Such checks should be systematic for each new application to a type approval. Authorities should not wait for complaints from independent operators to assess the compliance of vehicle manufacturers.

This **enforcement has to be immediate**: type-approval authorities and the European Commission must launch investigations as soon as they receive complaints from the aftermarket. Any delay in solving an abuse results in irreparable damages to the ability of the independent aftermarket to compete in the future with vehicle manufacturers. All new type-approvals should be granted only after a thorough compliance check from the day of entry into force of the Delegated Act.

This **enforcement has to be strict**: type-approval authorities and the European Commission must use the full range of potential sanctions if vehicle manufacturers fail to comply (especially the multiple offenders), including refusing or removing the type-approval of vehicles.



3. Need for additional regulatory measures

The Delegated Act in itself could be further improved to ensure legal clarity (within this piece of legislation but also in relation to other relevant European Union's legislations) and the absence of gap between the intents behind the Delegated Act and the technical and commercial reality of the market. In this sense, ADPA fully supports the list of amendments submitted in the framework of this public consultation by the AFCAR coalition, to which it belongs.

More generally, **competition in the provision of automotive aftermarket services is still being impaired by a number of commercial and technical practices**, which have not and/or could not be addressed in the Delegated Act. The future evaluation of the Type Approval Regulation 2018/858 announced in the Work Programme of the European Commission for 2026 should pay specific attention to these items, and in particular:

- Persistent issues around the calculation of fees for accessing technical information. Some vehicle manufacturers have increased such fees in an unsustainable way¹. An improvement of the wording of Article 63 would be necessary.
- Coding of spare parts. This practice is increasingly complicating the repair of vehicle and the replacement of parts with alternatives. A dedicated Delegated Act would surely be needed to remedy to the situation and introduce safeguard measures ensuring competition for the provision of replacement parts.

It should also be noted that **the Type Approval Regulation is not operating in a legislative vacuum**, but is part of a set of legislations aimed at facilitating competition under various angles. In that respect:

- The Motor Vehicle Block Exemption Regulation 2023/822 should be maintained beyond 2028 and modernised².
- The End-of-Life Vehicle Regulation proposal should not be watered down³.
- The Battery Regulation 2023/1542 should be improved to facilitate the repair of batteries by workshops.
- The Data Act should be complemented with a dedicated legislation on access to in-vehicle functions and resources⁴.

More generally, considering that the automotive aftermarket representing 4.000.000 jobs and 500.000 companies (considerably more than the vehicle manufacturers, which have destroyed hundreds of thousands of jobs in Europe for several decades now and provide barely 1,3 million jobs), the **European Union should systematically put the automotive aftermarket at the centre of any automotive-related legislation**.

¹ See Annex 1

² ADPA, Position Paper on the MVBBER, May 2025 <https://www.adpa.eu/wp-content/uploads/2025/05/2025-05-ADPA-position-paper-MVBBER.pdf>

³ ADPA, Position Paper on the ELV, January 2025 <https://www.adpa.eu/wp-content/uploads/2025/01/2025-01-ADPA-position-paper-ELV.pdf>

⁴ ADPA, Statement on the Data Act, September 2025 <https://www.adpa.eu/wp-content/uploads/2025/09/2025-09-12-Statement-Data-Act.pdf>



Annex 1 - Historic evolution of fees

The following table uses averages of fees paid by some ADPA Members for various vehicle manufacturers. For each vehicle manufacturer, the average of these fees for the year 2019 is used as a base 100, to anonymise as much as possible the data. Numbers have been rounded.

It shows that some vehicle manufacturers have dramatically increased their fees (way above inflation), while some others have increased their fees in a much more reasonable manner (at least in comparison), or didn't increase their fees at all. These disparities indicate that vehicle manufacturers have no common understanding of what Article 63 in the Type Approval Regulation (EU) 2018/858 allows them in terms of fees (vehicle manufacturers being rational economic operators, one would assume that they would all drastically increase their fees if they all considered that the legislation would enable them to do so), reinforcing the argument that the current wording lacks clarity. It shows also that there is no fatality in such an increase, but that it is a purely individual decision, most likely to be purely profit-driven.

It should be noted that:

- Some vehicle manufacturers started to increase their fees much before 2019²⁶. A base 100 in 2019 is therefore sometimes already much higher than what it used to be a few years before.
- Some vehicle manufacturers with a very large share of vehicles in operation have much lower fees than other ones which have much lower market shares, confirming the point above. This is not reflected here (all have a base 100).

	2019	2020	2021	2022	2023	2024	2025
Vehicle manufacturers with significant increases							
OEM 1	100	100	280	280	447	1062	1062
OEM 2	100	100	172	278	380	460	469
OEM 3	100	100	100	206	206	206	206
OEM 4	100	100	100	111	111	111	189
Vehicle manufacturer with comparatively moderate increases							
OEM 5	100	100	102	102	110	117	121
Vehicle manufacturers with no increase							
OEM 6	100	100	100	100	100	100	100
OEM 7	100	100	100	100	100	100	100
OEM 8	100	100	100	100	100	100	100
OEM 9	100	100	100	100	100	100	100

ADPA can of course provide additional information upon request.



About ADPA Members


ADPA Members are worldwide pioneers and leaders for the reparability of increasingly complex goods providing aggregated, harmonised, intelligible and ready-to-use technical information for the repair, maintenance and servicing of over 280 million vehicles from more than 40 different manufacturers on European roads ensuring their roadworthiness, safety and environmental performance over their lifetime in a reliable, timely and affordable way.


About ADPA - Automotive Data Publishers' Association


ADPA, the Automotive Data Publishers' Association, aims to ensure fair access to automotive data and information needed for servicing, repairing and maintaining road vehicles.

It advocates for international, European and national legislations maintaining and improving competition and consumers' choice in the automotive aftermarket by preventing or limiting the establishment of brand-specific monopolies.

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 on Automotive Aftermarket Sustainability.

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