



Digital Omnibus

Stakeholders roundtable organised by MEP Agius Saliba

Statement

SAFETY - SUSTAINABILITY - AFFORDABILITY

Pierre Thibaudat (ADPA Director General), Brussels, 3 June 2026 - I would like to warmly thank you, MEP Agius Saliba, and your team, for inviting us today. While the focus today on the GDPR is understandable considering the crucial importance of having clear and strong rules protecting privacy (a sine qua non condition of the trust necessary for the uptake of digital services), we also feel that the political debate should also address other important legislations reopened by the Digital Omnibus, in particular the Data Act.

ADPA is part of AFCAR, a wider coalition which brings together the entire aftermarket ecosystem, but also individual consumers and corporate customers (fleet operators), representing in total about 4.000.000 jobs (3 times as many as vehicle manufacturers) and 500.000 companies all over Europe. ADPA and AFCAR share a same position on the Digital Omnibus, and I am confident that would you have invited any of the fellow AFCAR members instead of ADPA, they would have shared a very similar message.

Within this ecosystem, ADPA members provide to multibrand workshops accurate and affordable data for the repair and maintenance of vehicles, helping consumers avoid being captive to vehicle manufacturers' franchised networks. As vehicles become increasingly complex, this role is more important than ever to ensure the continuous roadworthiness of vehicles over their lifetime (in particular in terms of safety and sustainability). Thanks to their digital solutions, our members contribute to competition, innovation, circular economy, and to the safety, sustainability, and affordability of road mobility.

To do so, we depend on strong, ambitious, and enforceable rules that prevent monopolistic practices by larger players. We might be among the rare trade associations constantly asking for more legislation in this regard, not less. With the rise of connected vehicles, the Data Act has become a key piece of legislation. Any attempt to weaken its ambitions or enforcement mechanisms would ultimately harm European consumers, SMEs, and businesses.

In this context, simplification must not mean deregulation. We see three issues in the current proposal: lower transparency on fees, restrictive definition of access, and abusable trade secrets safeguards. All of this can be addressed with alignment on existing legislation and caselaw.

The proposal to remove provisions on fee transparency (Articles 9.7 and 20.2) would strongly discourage data sharing. Without clear safeguards, data holders can effectively evade their sharing obligations through deterrent pricing, undermining competition and investment. Real-life examples illustrate the risk. Under another existing EU legislation, vehicle manufacturers must share certain datasets for fees that are meant to be "fair and reasonable". Yet some manufacturers drastically increased those fees overnight: one multiplied its fee by 12, while another raised it from €50,000 to €2.575 million – a fiftyfold increase for the same quality and quantity of data. We challenged these practices up to the European Court of Justice, which ultimately clarified that "fair and reasonable" fees are those that are "reasonable and fair". This lawsuit has been reinitiated with the hope to reach a clearer ruling, but in the meantime, publishers have to deal with excessive fees, and litigation takes time and resources which are scarcer for the smaller operators than for large companies. This demonstrates why fee provisions must be as precise as possible. The original transparency provisions, which link fees to the actual cost of making data accessible, are therefore essential. This approach is also in line with more recent legislations in the automotive sector (e.g. last paragraph of point 3 in Annex 3 introduced by Delegated Regulation SERMI 2021/1244, or Article 11.2 of the upcoming ELV Regulation) and would therefore ensure greater legal clarity and certainty. We fear that DG CNECT, at the time of the Digital Omnibus proposal, did not have these items in sight, otherwise they might not have proposed these amendments, which add further uncertainties for potential investors.

Simplification should also not empty the legislation of its substance. The new definition of "access" (Article 4.c), stating that access does not imply transmission or download of data, would unnecessarily restrict third parties and give data holders additional discretionary power over competitors. If you have access to the data but cannot transmit it to your own servers or download it, you can not really process it, or you can be dependent on the on-board computing facility whose access might also be restricted by the data holders. ECJ caselaw has clarified that if you have a statutory right to access some inputs, it is to be able to use it.

Similarly, the provisions on trade secrets (Articles 4.8 and 5.11), while well-intentioned, could be misused to deny legitimate access requests. Security is crucial, but extending safeguards to alleged risks of disclosure to third countries would create an additional ground for refusal and could systematically disadvantage SMEs, for whom the burden of proof would be excessive. The burden of proof should therefore remain with data holders, and any refusal should be narrowly justified, proportionate, and subject to independent review, as outlined in other EU legislations (e.g. in §62.b of the Supplementary Guidelines to MVB ER 2023/822 or even better-worded in Article 4.9 of Euro 7).

There is one other modification proposed by the Digital Omnibus which we find very important, and this time we actually welcome this proposal. Article 1.2.e proposes a better definition of machine-readable format, which by experience is much needed. Lack of definition has resulted in the past in litigation, and the proposed wording is in line, in our opinion, with the caselaw of the ECJ.

To conclude, European legislators should continue to prioritise European consumers and European businesses that have become global leaders thanks to ambitious EU rules fostering competition and innovation. The European automotive aftermarket is a clear example of this success. Reducing the ambition, predictability, or enforceability of these rules – which are already barely sufficient – would put both European consumers and businesses at risk. We remain of course available to discuss this issue further with all interested parties.

For more information

ADPA webpage on [digitalisation](#)

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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 million 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 EU, [FAAS](#), the Forum on Automotive Aftermarket Sustainability, and [SERMI](#), the association for security-related repair and maintenance information.