

EATA REGULATORY WORKING PAPER

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1. Introduction

The European Automotive and Telecoms Alliance (EATA) arose in 2016 from an initiative by then, Commissioner Günther Oettinger as a unique cooperation between the automotive and telecoms sectors in Europe. In the two years since its start, EATA has developed into a platform for exchange of information between our two sectors as well as a forum to cooperation on deployment projects related to connected and automated driving.

EATA's Regulatory working group gathers regulatory policy experts from both sectors and is a unique forum to discuss policy initiatives that are common to both sectors.

The WG has developed position papers addressing three key European legislative files: the European Electronic Communications Code, the ePrivacy Regulation and the Cybersecurity Act.

While our internal work in EATA has developed, we see an increased interest and focus from political actors such as the European Commission and European Parliament. The Commission followed up its Strategy on Intelligent Cooperative Transport Systems from 2016 with a new strategy in May 2018 focused on automated mobility. In its 2016 Strategy, the Commission noted that *"The potential of digital technologies and related business models in road transport is significant, and so is the need to act."*¹ This sense of urgency is also shared with the Member States who in 2016 adopted the Amsterdam Declaration on connected and automated driving, jointly with the Commission and private sector. Also, the European Parliament has published several own-initiative reports on the topic.

In May 2019 the European Elections will take place, and in the autumn of the same year a new Commission will come into power. The political focus of the two new bodies is still unclear, but in general we see a tendency for a bigger group of Eurosceptic actors in both bodies. This could shift political focus from technological topics such as connected and automated mobility, while also undermine the harmonisation and internal market aspect of CCAM which is at its heart.

With this report, we aim to give an overview of the topics currently handled by the Regulatory WG. At the same time, this report looks forward to regulatory topics that are likely to come up in the next legislative mandate of the European Commission and European Parliament. Finally, the report contains a methodology to tackle these topics in EATA.

¹ COM(2016) 766 final, p.2

2. The European context

In its strategy on Intelligent Cooperative Transport Systems from 2016, the European Commission noted that the three key elements; cooperation, connectivity, and automation, are standalone as well as complementary technologies. The C-ITS Strategy sought to ensure a harmonized framework for cybersecurity, data protection and interoperability to speed up deployment of connected and automated vehicles in Europe. Therefore, cooperation between sectors, avoiding vertical silos, will be key. Here, the Commission work was focused on facilitating cross-sector cooperation, providing advice, international cooperation and in specific cases, making use of its mandate under the ITS Directive to adopt delegated act(s) by 2018.

The Commission followed up with a Strategy in 2018 focusing more on a common vision and supporting actions for developing and deploying key technologies, services and infrastructure. The strategy also underlined that while connectivity and automation work separately, the former is a “major enabler for driverless vehicles”². The Commissions actions are generally focused on soft-law such as stressing the importance of a harmonized European framework, funding programmes, and guidance. The same goes for cybersecurity, data protection and data access, for which the strategy suggest focussing on monitoring developments. The strategy involves support for Artificial Intelligence and communication infrastructure, while stressing a technology neutral approach. The strategy also continues to note the importance to bring together the automotive and telecoms industries.³ The Commission stressed that the deployment of connected and automated driving will depend on the acceptance among the general public.⁴ Thus, it should be noted that the more hard-law legislative initiatives are focused on liability, in the form of rules on data recorders for automated vehicles.⁵

The European Parliament has taken a more active approach to encourage regulation in the field of connected and automated driving. Specifically, the Parliament asked the Commission to publish a legislative proposal on access to in-vehicle data and resources by the end of 2018.⁶ The Commission reacted to this request in its 2018 Strategy noting that there already is legislation “specifically covering the fair access to repair and maintenance information by independent repairers”. However, it does intend to “improve access and reuse of mobility and vehicle data for commercial and non-commercial purposes as part of a forthcoming Recommendation”.⁷ Long-term effects on the labour market and the European Skills Agenda are also core concerns in this strategy.

With the European Parliament elections coming up in May 2019 and a new Commission taking power the same autumn, it is still unclear how these regulatory trends will develop. However, as several funding projects and stakeholder groups have been launched there are a number of key issues that we view as being of continued relevance. In the following chapter, they will be presented more in detail.

Source : European Commission

² COM(2018) 283 final, p. 4

³ *ibid*, p. 6

⁴ *ibid*, p. 2

⁵ *ibid*, p. 11

⁶ (2017/2067(INI)), p. 10

⁷ COM(2018) 283 final, p.13

3. Regulatory focus of EATA up to date

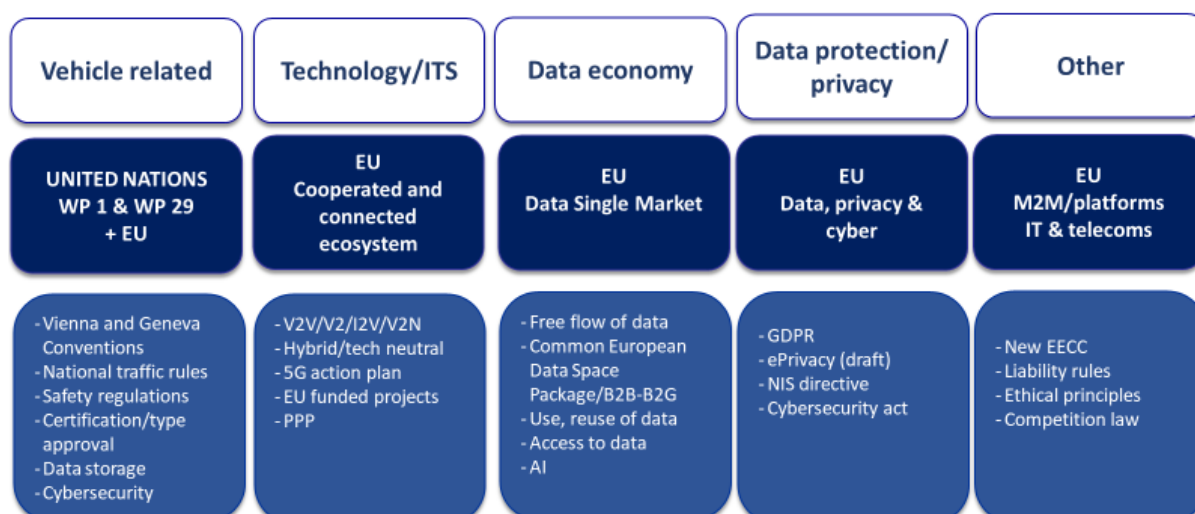
The core principle for the work in the Regulatory WG of EATA has been to focus on regulatory initiatives or decision practices common to both sectors to the extent such initiatives or practices hinder or make CCAM more cumbersome. The action from the members is structured around a well-established process:

- Review the regulatory landscape on each regulatory initiative
- Understand the implications of a regulatory initiative for each of the sectors
- Assess whether it is possible to develop a common position
- Only for those regulatory initiatives where a common position is possible among all EATA members, a joint EATA advocacy can be considered

4. Regulatory policy clusters of relevance for CCAM

4.1. RELEVANT POLICIES FOR EATA MEMBERS

The regulatory framework for Cooperative, connected and automated mobility (CCAM) has become increasingly complex. The graph below shows the policy clusters that are relevant for the intersection between the two sectors. While automotive and telecoms traditionally had sector-specific regulation, digitisation has unlocked new potential for both sectors but also blurred the regulatory, vertical separation.



4.2. SELECTED POLICY CLUSTERS RELEVANT FROM EATA PERSPECTIVE

At the EATA Steering Committee meeting in December 2018 it was decided that Cluster 1 and 4 will be the priority areas for the work of the Working Group on Regulation in 2019. The three main areas are:

1. Data economy:
2. Data protection/privacy: ePrivacy draft regulation
3. Telecoms & spectrum legislation: new EECC

CLUSTER 1 : DATA ECONOMY

- Free flow of data, BEREC consultation, NRA monitoring
- Access to data
- Use and re-use of data (PSI, reverse PSI)
- Ownership of data
- AI
- Rules for data processing (interlinked with the items in Cluster 2 below)

CLUSTER 2 : DATA PROTECTION/PRIVACY



European
Automobile
Manufacturers
Association



European Association of Automotive Suppliers



Global mobile Suppliers Association



- GDPR
- ePR

CLUSTER 3 : CYBERSECURITY

- Cybersecurity act
- NIS directive
- Vehicle specific cyber (UN-ECE draft regulation)
- C-ITS credential and security system

CLUSTER 4 : TELECOMS & SPECTRUM LEGISLATION

- New EECC : implementation, common interpretation, relationship with NRAs
- Orientations, activities around the use of spectrum for short range and long range communication technologies

CLUSTER 5 : OTHER REGULATORY MATTERS

- ITS
- C-ITS
- Liability rules in light of new technologies
- Regulation on Platform-to-business trading practices
- European Tax proposal



European
Automobile
Manufacturers
Association



5. Other items of relevance for CCAM

SKILLS EVOLUTION & EFFECTS ON LABOUR MARKETS

- Assess impacts of automation
- Need to work on definitions and interpretations of the driver and his role
- Focus on training, upgrading skills and CV's

PUBLIC AWARENESS & SOCIAL INTERACTION

- Ethical aspects
- New European Alliance on artificial intelligence (ethical guidelines on AI in autonomous systems)