



Brussels, **XXX**  
[...] (2025) **XXX** draft

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of XXX**

**amending Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the standardised access to vehicle on-board diagnostics information and repair and maintenance information, and the requirements and procedures for secure access to on-board diagnostic information**

(Text with EEA relevance)

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2018/858<sup>1</sup> requires manufacturers to provide to independent operators unrestricted, standardised and non-discriminatory access to vehicle on-board diagnostics (OBD) information, diagnostic and other equipment tools including the complete references, and available downloads, of the applicable software and vehicle repair and maintenance information. The specific requirements and applicable arrangements governing this access are laid down in Annex X to that Regulation.

On the other hand, Regulation (EU) 2019/2144<sup>2</sup> (General Safety Regulation or GSR) requires the manufacturers to ensure that vehicles, systems, components and separate technical units comply with the applicable requirements relating to protection against cyberattacks<sup>3</sup>. The relevant requirements have been introduced with Commission Delegated Regulation (EU) 2022/1398<sup>4</sup> by referencing the UN Regulation No. 155. However, this UN Regulation explicitly provides that it is “without prejudice to (...) regional or national legislations governing the access by authorized parties to the vehicle, its data, functions and resources, and conditions of such access”. Therefore, the application of those cybersecurity rules could not justify any measure resulting in any restriction of access to vehicle OBD information that was not explicitly provided for in Regulation (EU) 2018/858.

In its judgement on the case C-296/22, A.T.U. Auto-Teile-Unger and Carglass of 5 October 2023, the European Court of Justice confirmed this interpretation and held that vehicle manufacturers are not allowed to make access to vehicle OBD information subject to conditions other than those provided in Regulation (EU) 2018/858. The Court has also confirmed that the technical requirements applicable to vehicle cybersecurity (UN Regulation 155) are without prejudice to the type-approval requirements on access to vehicle data, such as Annex X to Regulation (EU) 2018/858.

The existing legislation prevents vehicle manufacturers from applying effective measures protecting the vehicle against cyberattacks related to access to vehicle OBD information. Therefore, Annex X to this Regulation must be amended so as to ensure secure access to OBD information by specifying the measures that vehicle manufacturers are allowed to take to this effect, taking into account the cybersecurity requirements provided for under Regulation (EU) 2019/2144.

In addition, the provisions of Annex X should be updated and clarified to take into account technological progress and, notably, to facilitate faster software updates by independent operators and repair and maintenance of vehicle batteries and vehicles with advanced driver

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<sup>1</sup> Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 of May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) 595/2009 and repealing Directive 2007/46/EC

<sup>2</sup> Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users

<sup>3</sup> Article 4(5)(d) of GSR

<sup>4</sup> Commission Delegated Regulation (EU) 2022/1398 of 8 June 2022 amending Regulation (EU) 2019/2144 of the European Parliament and of the Council to take into account technical progress and regulatory developments concerning amendments to Vehicle Regulations adopted in the context of the United Nations Economic Commission for Europe

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assistance systems, as well as to ensure equal access to OBD information by means other than via the standardised connector. The new measures are expected to significantly improve repairability and reduce repair costs of Electric Vehicles. This initiative has been announced in the recently adopted Industrial Action Plan for the European automotive sector, which aims at accelerating the uptake of zero-emission vehicles.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In the preparation of this act, the Commission consulted Member States and stakeholders at the Motor Vehicle Working Group meetings held on 17 March and 12 June 2025, including the relevant EU organisations of independent operators, that expressed broad support on the proposal.

## **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The legal basis of this delegated act is Article 61(11) of Regulation (EU) 2018/858.

The Delegated Regulation amends points 1, 2, 6 and 7 of Annex X to clarify and specify the information requirements necessary for repair and maintenance of vehicle batteries and advanced driver assistance systems, the requirements for sharing the relevant information with data publishers., It also enables the reprogramming of the control units and the making available of the OBD information by means other than the OBD port.

It also contains modifications to current Appendices 2 and 3 and introduces a new Appendix 4 notably laying down the conditions and the procedures for the application of security measures on access to OBD information.

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**amending Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the standardised access to vehicle on-board diagnostics information and repair and maintenance information, and the requirements and procedures for secure access to on-board diagnostic information**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) 595/2009 and repealing Directive 2007/46/EC<sup>5</sup>, and in particular Article 61(11) thereof,

Whereas:

- (1) Regulation (EU) 2018/858 requires vehicle manufacturers to provide to independent operators unrestricted, standardised and non-discriminatory access to vehicle on-board diagnostics (OBD) information, diagnostic and other equipment, tools including the complete references, and available downloads, of the applicable software and vehicle repair and maintenance information.
- (2) Article 4(5), point (d), of Regulation (EU) 2019/2144 of the European Parliament and of the Council<sup>6</sup> (the Union cybersecurity rules) provides that the manufacturers are to comply with the applicable requirements on the protection of vehicles against cyberattacks. Technical requirements and testing procedures adopted to that effect reference the requirements of UN Regulation No 155<sup>7</sup>.
- (3) Pursuant to UN Regulation No 155, the technical requirements and testing procedures provided therein are, however, without prejudice to the Union legislation governing the access by authorised parties to the vehicle, its data, functions and resources, and conditions of such access:

<sup>5</sup> OJ L 151, 14.6.2018, p. 1, ELI: <https://eur-lex.europa.eu/eli/reg/2018/858/oj>

<sup>6</sup> Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, OJ L 325, 16.12.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/2144/oj>

<sup>7</sup> OJ L 82, 9.3.2021, p. 30, ELI: <http://data.europa.eu/eli/reg/2024/2847/oj>.

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- (4) Regulation (EU) 2018/858 precludes a vehicle manufacturer from making access by independent operators to vehicle repair and maintenance information and to OBD information, including write access to that information, subject to conditions other than those laid down therein, such as those motivated by cybersecurity.
  - (5) The Union legal framework governing cybersecurity measures to be applied on access to vehicle OBD information is not complete. The Union cybersecurity rules require the manufacturers to protect vehicles against cyberattacks but limit the effect of the technical requirements specifying the applicable measures as regards access to vehicle data. On the other hand, rules on access to vehicle OBD information do not sufficiently take cybersecurity into account. As a result, vehicle manufacturers face important legal constraints preventing them from applying effective measures protecting the vehicle from cyberattacks related to access to vehicle OBD information.
  - (6) It is therefore necessary to ensure that car manufacturers are allowed to apply effective and proportionate cybersecurity measures while providing access to OBD information.
  - (7) The increase of cybersecurity threats and the related adoption of the Union rules requiring the vehicle manufacturers to protect vehicles against cyberattacks constitute technical and regulatory developments justifying such amendments to Annex X.
  - (8) In order to permit the manufacturers to address those threats while maintaining effective access of independent operators to vehicle OBD information, the Regulation (EU) 2018/858 should contain the conditions and procedures that vehicle manufacturers are allowed to apply to ensure secure access to OBD information by independent operators.
  - (9) Depending on the nature and the consequences of the access sought, vehicle manufacturers should be allowed to require the manufacturers of diagnostic tools used for access to OBD information to authenticate the tool and the independent operator seeking access or its employee and to ensure traceability by recording and storing the relevant information on such access. They should also be allowed, in specific cases, to require connection to the vehicle manufacturer's server.
  - (10) To protect the equal conditions for competition, the information on the independent operators seeking access to the vehicle OBD information should be pseudonymised.
  - (11) In order to enable vehicle manufacturers to manage dependencies, as required under the applicable vehicle cybersecurity rules, they should be allowed to verify that the diagnostic tools and their manufacturers comply with relevant cybersecurity standards and security implementations.
  - (12) In case of cybersecurity incidents, serious abuse or incidents involving the vehicle manufacturer's liability, vehicle manufacturers should be able to obtain information on specific cases of access and to temporarily suspend, as appropriate and under the control of the approval authority, access of a tool, and independent operator or its employee.
  - (13) Vehicle manufacturers should provide all necessary technical information to the manufacturers of generic diagnostic tools sufficiently in advance of a vehicle being placed on the market to allow those tool manufacturers to provide adequate service to independent repair operators
  - (14) In addition to the conditions and procedures for secure access to OBD information, this Regulation should further facilitate access to vehicle OBD information and repair and maintenance information (RMI), taking into account the technical progress.

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- (15) The catalogue of information to be made available by vehicle manufacturers should be clarified and updated, notably taking into account the needs related to repair and maintenance of vehicle batteries and new driver assistance systems.
  - (16) Whenever the vehicle manufacturers make available the OBD information by other means than using the standardised connector, the same information should be available under non-discriminatory conditions to all independent operators.
  - (17) Recognising the role of data publishers in facilitating the vehicle repair and maintenance, the information sharing requirements of the vehicle manufacturers should be further clarified.
  - (18) In order to enable independent repairers to reprogram vehicle control units in the same conditions as those available to vehicle manufacturers and authorised repairers, it is necessary to set out additional requirements for manufacturers to make specific software or information available to independent diagnostic tool manufacturers.
  - (19) However, complying with these requirements requires the vehicle manufacturers to implement important preparatory measures, therefore the application of these requirements should be deferred to provide for an appropriate lead-time.
  - (20) This Regulation fully respects the data subject's right to control how their personal data are processed. The obligations of manufacturers as regards providing access to vehicle OBD information to independent operators under this Regulation are without prejudice to the rights of data subjects and the obligations of vehicle manufacturers, manufacturers of diagnostic tools and independent operators under Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>8</sup>.
  - (21) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>9</sup> and delivered an opinion on [XX XX 2025]<sup>10</sup>.
  - (22) Regulation (EU) 2018/858 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Annex X to Regulation (EU) 2018/858 is amended in accordance with the Annex to this Regulation.

#### *Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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<sup>8</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)

<sup>9</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data

<sup>10</sup> [...]

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Done at Brussels,

*For the Commission  
The President  
Ursula von der Leyen*

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