

# Newsletter March 2024

**Hi there! We are less than three months away from the European Election, and many important issues for our sector will be at stake for the five years to come. In this issue of our newsletter, we will report on what has been happening so far in early 2024.**

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## HIGHLIGHTS



From left to right on the table and then on screen: Richard Bullard (Leaseurope), Benjamin Krieger (CLEPA), Karsten Schulze (ADAC), Raghunath Banerjee (Bridgestone Mobility Solutions) and Tim Albertsen, (Ayvens)

### **New ISP Group Press Conference on SSL - January 19**

The Independent Service Providers (ISP) group, to whom FIGIEFA is an active member, held a second-in-a-year press conference in Brussels to address the critical and urgent need for a Sector-Specific Legislation on Access to in-Vehicla Data, Fonctions and Resources.

This group of 10 associations has once more called on President von der Leyen and the College of Commissioners to urgently deliver this piece of legislation. Together, we represent 80% of the European automotive economy and include the continent's automotive parts suppliers and distributors, workshops and their technology suppliers, mobility services companies, the insurance industry, and consumers. The majority of modern vehicles are connected and offer immense potential for safer,

smarter and more affordable mobility for European consumers and businesses.

However, manufacturers' quasi-monopoly control of vehicle data is impeding the development of services that independent service providers could offer. This limits service innovation and competition, restricting consumer and business choice, driving up prices and eroding Europe's competitive position globally.

The group stressed the European Commission's long-promised Action Plan is urgently due to the regulatory cliff-edge in July when new cybersecurity laws kick in, potentially leading to the progressive shutdown of the only independent means of remote access to vehicle data (via the on-board diagnostic port).

Unfortunately, all indicates that President Von der Leyen's cabinet will not bring this piece of legislation forward under this legislative term, forcing the entire sector to wait until a new Commission is in place in the Autumn at the earliest.

[Read more here](#)

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## Commission DG GROW Announces 2024 Priorities for the Automotive Sector - Feb 8

During the last Motor Vehicle Working Group on the 8th of February, the Commission's CG department presented its priorities for the Automotive Sector, in contrast to past years, (a high-level presentation, but not as full Work Programme).

Here are some of the highlights:

- Access to vehicle data, functions, and resources: DG GROW is aware that the adoption of the Sectorial legislation within this Commission term is critical, and it is therefore important that this item remains one of the priorities for 2024-2025. As this dossier is highly political, all scenarios remain open now and in the future.
  - Under the Implementation of Type Approval Regulation 2018/858 (slide 8), the continuation of the works on a “non-discriminatory/secured installation of spare parts” has been included.
  - ‘Work to ensure secure access to OBD (also to address legal uncertainty after the Carglass judgment)’.
  - Developing Implementing Acts for EURO 7 under the AGVES group (Advisory Group Vehicle Emission Standards). DG GROW started the implementation work on various topics under Euro 7, out of which FIGIEFA has identified a potential impact for the aftermarket under the anti-tampering topic for independent replacement parts and board monitoring (OBM) topic. This work is expected to continue till the summer of 2024.
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## PRESS RELEASE No 17/24

Luxembourg, 25 January 2024

Judgment of the Court in Case C-334/22 | Audi (Emblem support on a radiator grille)

### **European Union trade mark: a car manufacturer can prohibit the use of a sign identical or similar to the trade mark it owns for spare parts**

*That is the case when the spare part contains a component designed to attach the manufacturer's emblem and whose shape is similar or identical to that mark.*

The car manufacturer Audi is the owner of the following European Union figurative mark:



### **The European Court of Justice Rules in Favour of Audi**

On the 3rd of February, the ECJ delivered a judgment on the use of emblem mountings on radiator grilles (Case C-334/22).

Unfortunately, the ECJ ruled in Audi's favour and confirmed that a car manufacturer can prohibit the use of a sign identical or similar to the trade mark it owns for spare parts, which is the case when the spare part contains a component designed to attach the manufacturer's emblem and whose shape is similar or identical to that mark. In other words, according to this judgment, an independent spare grill containing a recess to attach the manufacturer's logo sign and thereby reproducing a similar shape to allow the sign to be placed in it, is infringing the trade mark of the manufacturer and is therefore illegal.

The Advocate General previously concluded that EU trade mark law provisions must be interpreted as meaning that placing an element on a non-original automotive spare part (radiator grille) for the purpose of fitting the car manufacturer's original mark does not constitute 'use of a sign-in the course of trade', but the ECJ did not follow the

Advocate General's opinion.

[Interesting summary here](#)

## FOCUS: COMPETITION



**FIGIEFA**  
Automotive Aftermarket Distributors

**VEHICLE MAINTENANCE,  
SERVICE AND REPAIR DURING  
THE WARRANTY PERIOD**

**Practical guide for independent  
aftermarket operators and consumers**

### **New FIGIEFA Warranty Brochure**

FIGIEFA proudly presents its new brochure and practical guide for independent aftermarket operators and consumers on vehicle maintenance and repair during the warranty period.

We often receive the question of whether independent repairers may carry out

servicing or repair jobs during the warranty period. Or do consumers risk losing their warranty rights when choosing to have their vehicle serviced by an independent workshop? What if vehicle manufacturers extend the warranty period? May a vehicle manufacturer subject its statutory warranty obligations or additional contractual guarantees to the condition that the vehicle is exclusively serviced or repaired in an authorised workshop, using only spare parts supplied by the vehicle manufacturer?

This leaflet illustrates the rights of consumers and independent operators with regard to statutory warranties as well as contractual guarantees.

[Use it!](#)

## FOCUS: DIGITALISATION



### **The Transition Pathway for the EU Mobility Industrial Ecosystem**

FIGIEFA was present, among other Independent Aftermarket stakeholders, welcoming



in principle the report on the transition pathway for EU Mobility by the European Commission. Nevertheless, we called upon DG Grow to implement more concrete actions when recognising that Data and data-driven innovation are becoming increasingly important. The use of data across the entire value chain and the vehicle's life cycle could have multiple benefits (see p.33 of the report). But no concrete actions have been reflected on how actors of the entire value chain, and specifically the aftermarket, can have access to that data.

[Read the Report](#)

14.6.2018

EN

Official Journal of the European Union

L 151/1

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(Legislative acts)

## REGULATIONS

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) No 595/2009 and repealing Directive 2007/46/EC

(Text with EEA relevance)

### **DG GROW Initiates Reopening of Regulation 858/2018**

At the recent Motor Vehicle Working Group meeting on February 8, 2024, DG GROW outlined its 2024-2025 priorities, including plans to reopen Regulation 858/2018 on Vehicle Type-Approval. This move aims to ensure secure access to On-Board



Diagnostics (OBD), addressing legal uncertainties post the ECJ Carglass and ATU/FCA judgment.

The European Court of Justice's ruling prohibits restrictions on independent market operators' access to OBD data streams and Repair & Maintenance Information (RMI) via "secure gateways." Thus, any reopening of Regulation 858/2018 is highly sensitive due to potential implications for ECJ enforcement activities.

FIGIEFA, alongside with AFCAR members, met with DG GROW on March 11 to discuss the intended scope of the Regulation's reopening. The discussions are ongoing.

## FOCUS: ENVIROMENT



**Euro 7 Approved by the European Parliament - FIGIEFA Secures Independent Aftermarket Safeguards**

On the 13 th of March, the European Parliament approved the compromise deal previously reached by the Member States at the European Council on the Euro 7 Regulation (type-approval and market surveillance of motor vehicles). **Vehicles will need to comply with the new emission standards** for longer, intending to ensure that they remain cleaner throughout their lifetime.

On the one hand, passenger cars and vans will maintain the current Euro 6 test conditions and exhaust emissions limits. For buses and trucks, stricter limits will be applied for exhaust emissions measured in laboratories and in real driving conditions while maintaining the current Euro VI testing conditions.

Also, for the first time, EU standards will include **brake particles emissions limits** (PM10) for passenger cars and vans and minimum performance requirements for battery durability in electric and hybrid cars. Technical details, impacting aftermarket brake friction parts producers, are not in scope for the current scope of implementing measures, but will be set-up in the coming years (and be monitored by FIGIEFA).

An **Environmental Vehicle Passport** will also be made available for each vehicle and contain information on its environmental performance at the moment of registration (such as pollutant emission limits, CO2 emissions, fuel and electric energy consumption, electric range, or battery durability). Vehicle users will also have access to up-to-date information about fuel consumption, battery state of health, pollutant emissions and other relevant information generated by on-board systems and monitors.

Less known, but important to know is that **'Euro 7' introduces the obligation for vehicle manufacturers to implement anti tampering measures**. The implementation of these measures, including which parts are covered, is left to the entire discretion of vehicle manufactures. Such proprietary anti-tampering measures **could therefore lead to the exclusion of independent replacement parts** (question of incompatibility and possible rejection by the anti-tampering system).

**Thanks to the perseverant FIGIEFA information activities, important provisions have been included for independent aftermarket operators to support their capability to provide products and services in compliance with the proprietary Euro 7 anti-tampering measures** and to ensure continuous roadworthiness of the vehicles over their lifetime. The new Recital 15.a. and Article 4.8.a. grant independent operators “access to the information, tools and processes required to develop, install and activate compatible aftermarket replacement parts while respecting the anti-tampering measures implemented in the vehicle”. We envision that this inclusion will help establishing the right of independent operators to ensure their business continuity with respect to independent replacement parts which are currently widely used in the aftermarket. The next steps are the definition by the European Commission of concrete implementing measures. FIGIEFA will participate in this process.

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### **Circular Economy: Council and Parliament Reach Provisional Deal on Right to Repair Directive**

On February 2nd, the European Council and the European Parliament reached a provisional deal on the directive promoting the repair of broken or defective goods,

also known as the right-to-repair (or R2R) directive. The legislation agreed upon will make it easier for consumers to seek repair instead of replacement by making access to repair services easier, faster, transparent, and more attractive.

The provisional agreement applies to all products with repair requirements on EU law, sets an obligation to repair on manufacturers of goods with repair requirements, establishes a European information form providing consumers with key data on the repair service, and unifies the national repair information platforms into a European online platform.

Nevertheless, if this Directive ultimately covers all consumer goods with repair requirements under EU law, only the goods listed in Annex II are covered for now. As of today, Annex II contains household appliances, electronic appliances and servers, and data-storage products. **Vehicles are, therefore, out of the scope of the Directive for the time being.**

The directive that co-legislators have agreed on creates incentives for consumers to prolong the life of a product by having it repaired. This will boost the repair sector, reduce waste, and promote more sustainable business models.

To achieve this, the directive proposes a new set of tools to make repair more attractive to consumers. These include:

- The **possibility for consumers to request manufacturers to repair** products that are technically repairable under EU law (for instance, washing machines, vacuum cleaners or mobile phones)
- **A European repair information form** which repairers can offer to consumers, with clear information like repair conditions, time to finish the works, prices, replacement products, etc.
- **A European Online Platform** for repair to facilitate the matchmaking between consumers and repairers

- An extension of 12 months of the **liability period** of the seller after the repair of a product



### **Waste and Circular Economy: Council and Parliament Reach Agreement on the Packaging and Packaging Waste Regulation Proposal**

The current EU Packaging Directive is set to be replaced by a **new EU Packaging and Packaging Waste Regulation (PPWR)**. As of today, this new PPWR has not yet fully come into force. However, it is already clear that the regulation will have significant consequences not only for product packaging, but also for transport packaging and online commerce within the EU.

Its primary goal is to counter the continuous increase in packaging waste. The main objective is to reduce packaging waste in the EU by at least 15% by 2040 compared to 2018.

The new PPWR introduces (inter alia) new requirements on:

- substances used in packaging;
- recyclability of packaging;
- minimisation of packaging (with a maximum ratio of empty space);
- reusability of packaging for transport packaging;
- extended producer responsibility.

FIGIEFA will soon make a detailed analysis of the newly adopted text and its consequences for its Members.

[Read more](#)



**IMPORTANT  
ANNOUNCEMENT**

First **FAAS Board of Directors**  
just elected

**FAAS**

 [www.faasforum.eu](http://www.faasforum.eu)

The graphic features a green and blue gradient background with two white megaphone icons. The text is centered and uses a mix of bold and regular fonts. The FAAS logo is prominently displayed in the center.

## FAAS Forum Board of Directors Elected

On January 30th, the Forum on Automotive Aftermarket Sustainability reached a milestone for the organisation by electing a new Board of Directors made of very talented men and women in leading positions of the independent aftermarket.

Here is the list of the elected members:

- [Frank Schlehuber](#) ([CLEPA - European Association of Automotive Suppliers](#))
- [Laurence Eeckhout](#) ([FIGIEFA - Automotive Aftermarket Distributors](#))
- [Thomas Fischer](#) ([AAMPACT e.V.](#))
- [Peter Bartel](#) ([APRA Europe AISBL](#))
- [Michael Boe](#) ([BorgWarner](#))
- [Claudia Weyandt](#) ([Bosch](#))
- [Jan Bambas](#) ([Schaeffler](#))
- [Mathias Lintel-Höping](#) ([ZF Aftermarket](#))
- [Warren Espinoza](#) ([ATR International AG](#))
- [Guenter Weber](#) ([GROUPAUTO International](#))
- [Richard Brasher](#) ([LKQ Corporation](#))
- [Louise Wohrne](#) ([MEKO](#))
- [Antoine Soulier](#) ([Inteliam](#))
- [Daniel Grub](#) ([PARTSLIFE](#))



## PRESS RELEASE

# Council and Parliament strike a deal to ban products produced with forced labour

#COMPET



### **Ban of Products Made with Forced Labour from the EU Market**

On 5 March, a provisional agreement by the Council and the Parliament for a regulation to ban products made with forced labour was reached.

The provisional agreement excludes the reversed burden of proof. It provides for the possibility of replacing only the part of the product considered made with forced labour instead of removing the entire product from the market, which appears to be a good improvement on the sustainability side.

Also, the provisional agreement rightfully introduces a specific article to provide support for SMEs. It will also create a Forced Labour Single Portal, which will include guidelines, information on bans, and a database of risk areas and sectors. It is important that these measures are in place before the regulation enters into force and accessible to SMEs.

The provisional agreement needs to be endorsed and formally adopted by the European Parliament and the Council. The regulation will then be published in the Official Journal and enter into force on the following day. Member States will then have 3 years to start applying the new rules.

[Read more](#)

## OTHER FIGIEFA NEWS



### **See You in Istanbul!**

FIGIEFA's first General Assembly of the year will take place on May 21-23 in Istanbul, hosted by our Turkish member OSS and in conjunction with Automechanika Istanbul, opening on May 23!

As you know, FIGIEFA will come out with a new Board out of this General Assembly. We look forward to discussing very important issues for our members' businesses that will be highly impacted by the European election just a few days after our gathering in Turkey. A new European mandate is upon us, and those five years will transport us to a new automotive reality: 2030; let's prepare ourselves for it!



#### **FIGIEFA Present at SIMI's Annual Dinner and Awards - February 22nd**

Our member Irish association, the Society of the Irish Motor Industry, once more hosted its prestigious event in Dublin, gathering hundreds of participants from all sectors of the automotive industry in Ireland. FIGIEFA was represented by our Technical Director, Ronan McDonagh (first from the left), who discussed the challenges and opportunities facing the independent aftermarket in Europe with many of the industry's relevant actors.

We want to thank SIMI once again for their invitation and congratulate them for a very successful gala.

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**FIGIEFA at Autotechnica with our Belgian Member Foundation TRAXIO (FMA) -  
March 24**

During the opening day of Autotechnica 2024, the major parts-related event in Belgium, our Head of Communication, Álvaro de la Cruz, represented FIGIEFA at TRAXIO's VIP event with the Belgian government to discuss Car Pass (Belgian tool for second-hand car buyers that allows them to see which European standard the car complies with, how much CO<sub>2</sub> emits, whether the vehicle still has to undergo an assessment after an accident, whether any recall actions still have to be carried out, and a clear picture of the mileage history).

The Belgian Presidency of the European Council wants to prioritise the implementation of a European Car Pass, which would help consumers and the independent aftermarket.

[Read more about Car Pass](#)