

Position paper
of the
German Insurance Association (GDV)*
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eCall
Guaranteeing the freedom of decision for consumers
in the e-services market

**Gesamtverband der Deutschen
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* The German Insurance Association (GDV) is the umbrella organisation for private insurers in Germany. Its 477 member companies, with about 216.000 employees and trainees, offer comprehensive coverage and provisions to private households, trade, industry and public institutions, through more than 459 million insurance contracts. As a risk taker and major investor (with an investment portfolio of about 1.350 billion EUR), the insurance industry has outstanding significance in connection with investments, growth and employment in our economy.

eCall – Basic idea and economic implications

Save human lives and ensure free consumer choice

Summary

The German insurers welcome and expressly support the proposal for a regulation concerning type-approval requirements for the deployment of the eCall in-vehicle system . At the same time, they would like to warn against unintended economic risks for consumers and a wide range of stakeholders.

The German insurers ask that free consumer choice as well as free and fair competition are ensured when implementing eCall. With the telematics-based eCall, a technology finds its way into motor vehicles which may also be used for numerous other purposes. It is vital that the access to this communication technology will not be restricted. This is the only way to guarantee and maintain the consumers' freedom of choice.

These concerns are widely supported by the whole European Insurance Industry (Insurance Europe) as well as many stakeholders engaged in the automotive aftermarket, in particular AFCAR (Alliance for the Freedom of Car Repair) and its member associations, as well as FIA (Fédération Internationale de l'Automobile), CLEPA (European Association of Automotive Suppliers) and Leaseurope.

Ensure free consumer choice –ensure an open standardised platform by law

eCall is part of an integrated technology, the in-vehicle telematics system. This technology can be used for a variety of existing or future additional services. It is vital for fair competition that independent market operators will have access to the connected car's data if the consumer so wishes. If access were given to the platform and the generated data to the vehicle manufacturers only, this would be to the consumers' detriment. They could not refer to competitive repair and other consumer services. This is why eCall should not be seen in isolation.

The German insurers ask the European legislator for a level playing field for fair and free competition for all stakeholders in order to guarantee the freedom of choice for the customers. This can only be achieved by legally providing for an interoperable, secure and standardised open-access platform in the type-approval regulation.

eCall from the perspective of Intelligent Transport Systems (ITS)

In order to be able to use an open eCall in-vehicle platform, it has to be ensured that additional services of third party providers such as assistance or telematics services (e.g. fast aid/handling of breakdown and claims situations, localisation of vehicles for example in cases of theft, logbook and user behaviour) can be offered without restrictions via the platform. The key measures are already foreseen and established as necessary requirements by the EU Directive on the framework for the deployment of Intelligent Transport Systems (ITS) in the field of road transport (2010/40/EU):

- The identification of functional requirements of existing or planned ITS applications;
- the definition of an open-system architecture which defines the functionalities and interfaces necessary for the interoperability / interconnection with infrastructure systems and facilities;
- the integration of future new or upgraded ITS applications in a 'plug and play' manner into an open in-vehicle platform; and
- the use of a standardisation process for the adoption of the architecture, and the open in-vehicle specifications.

The German insurers expressly support the measures listed in this Directive. They request that their implementation within the proposed type-approval regulation will be ensured.

Specific aspects regarding the proposed regulation for the deployment of the eCall in-vehicle system

The recitals of the proposed regulation highlight the importance of independent operators, an interoperable and open-access platform, fair competition and open choice for consumers. This is a positive step, but not yet sufficient with regard to the legally non-binding character of the recitals.

Therefore, in accordance with the directive 2010/40/EU, the German insurers ask for the inclusion of these considerations in the binding articles, e.g. in article 5(6). In its current wording, article 5(6) can be understood in the sense that it restricts the accessibility to the eCall in-vehicle system to repair and maintenance purposes of the eCall system as such- only. This means limited user options for third party providers, hence depriving consumers of access to highly beneficial third party additional services.

eCall is a driver for the connected car and vehicle telematics and therefore a gateway for new additional services for the consumer. The non-discriminatory access to the vehicle-data platform has to be laid down by binding rules within the type-approval regulation. Only in this way it can be ensured that there will be a standardised open in-vehicle platform in the future.

Of course the right of the consumer for protection of their personal data has to be fully guaranteed. However, it should be ensured that article 6 does not forbid the use of data generated by the eCall in-vehicle system for other purposes, including localisation and other value added services, if such a use is based on an explicit consent by the consumer or another legal ground, in particular according to the data protection Directive 95/46/EC. This should be clarified.

Summary of our arguments

The German insurers advocate:

- The consumers' freedom to decide on the recipient of the emergency and the breakdown calls of his vehicle must be safeguarded.
- The in-vehicle eCall system based on telematics hard- and software has to provide an open, secure and standardised platform.
- Consequently, these requirements should be explicitly fixed in the regulation and not only mentioned in the non-binding recitals.
- Processing of eCall-related personal data – irrespective of the provider – should not be limited by the proposed regulation if it is based on consent or another legal ground, in particular according to the Directive 95/46/EC.
- eCall should support innovative and competitive consumer support and not unintentionally prevent it.

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