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Moscow

"AUTODATA" platform: Position of AEB

In October 2019, the project of the national telematics service platform "Autodata" was officially launched in Russia with the purpose of collecting and commercializing automotive data. Autodata.Rus, a cross-industry consortium, was set up to develop and implement the platform. This issue is extremely important for the automobile industry as a whole, stated the representatives of car manufacturers at the AEB annual press conference in January 2021. Therefore, the Association considers it necessary to publicly express its opinion on the draft Federal law "On the state information system "The Autodata Platform" and other regulatory initiatives aimed at the creation of a state system for collecting vehicle data.

The member companies of the Automobile Manufacturers Committee and the Commercial Vehicles Committee have analysed the provisions of the draft and note that it does not contain any provisions governing the data structure, the transfer procedure, the purpose of the information processing, and the procedure for granting access to it. In respect to this, it is difficult to form a reasonable picture of the proposed regulation and its implementation, since it is these aspects that determine the possibility of assessing the conformity of manufactured products and related requirements. At the same time, it is necessary to pay attention to the following:

Issues related to the subject of regulation

- According to automakers, the draft should clearly establish the purpose and scope of further use of information and clearly define an exhaustive list of data required to achieve its goals.
- Many key terms and definitions are not clearly defined or absent altogether, which creates risks of subsequent misinterpretation and the lack of a uniform approach at the level of bylaws. This is especially important for the definition of "mandatory data sets", a prescribed list that can be expanded without the consent of automakers and the assessment of their ability to provide data.
- The draft law does not provide an answer as to whether the requirements will apply to vehicles already in production, or only to new cars released on the market, as well as vehicles imported into the territory of the Russian Federation by individuals, or previously released into circulation.
- The lack of a clear understanding of the details of the regulation (the list of data, frequency and protocols for the data transfer etc.) does not allow for the evaluation of the potential technical solutions and costs of the acquisition and installation of specialised hardware and software, vehicle operational support system, payment for data transmission traffic, and the source of financing investments in the infrastructure of data collection from vehicles, which in turn creates the risk of a significant cost increase of vehicles or their withdrawal from the Russian market.
- In the opinion of automakers, the draft law should clearly describe and delineate the issues related to the costs of the creation, maintenance and technical support of the data collection infrastructure.

Issues related to data commercialisation

- We believe that it is important to find a reasonable balance between public and commercial use of the data, between the transfer of data on a mandatory and commercial basis. If the balance is not reached, automakers will lose their motivation to ensure a high level of vehicle connection to the system, and the proposed concept

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will be unable to create a market for automotive data with healthy competition in terms of data quality, structure, volume and cost.

Issues related to personal data, privacy and cybersecurity

- Since the list of transferred data and the project infrastructure are not clearly defined, the draft law essentially leaves the issue of compliance with the legislation of Russia and the EAEU on the protection of personal data unresolved, including the storage and transfer conditions, and the need to obtain consent for the provision of data. At the development stage, it is necessary to clearly establish rules for the depersonalisation of the transferred data and the level of protection. The planned use of data by external providers, which will receive data without the owner's consent, is a cause for concern and entails risks of non-compliance with current legislation by participants in the process.
- Technical solutions for data collection must comply with cybersecurity requirements and exclude, for example, any unauthorised connection to data collection devices in vehicles.

Currently, the draft federal law has not yet been adopted. Nevertheless, the GOSTs for regulating the technical aspects of handling automotive data have already been adopted. The AEB believes that such an approach, i.e. the creation of technical standards in the absence of adopted federal regulation with clear goals and clear principles of work in the field of collecting and processing automotive data, carries risks for the development of digitalisation of road transport in Russia.

The AEB advocates for a public dialogue with the developers of the Autodata project with the participation of relevant government agencies, which should result in a common vision of the industry and the state regarding the goals and objectives, key principles of handling automotive data, which could form the basis for the relevant federal law and related regulation. The association's members are convinced that regulatory issues are, without question, important for the automotive industry not only in Russia, but also in other countries, while the development of this regulation should take into account the interests of all participants in order to create a sustainable regulatory environment that promotes both the creation of new services and the protection of the rights and interests of individuals and the state.

About the Association of European Businesses (AEB)

The Association of European Businesses (established in 1995) is the main representation of foreign investors in Russia. It is an independent non-commercial organization, that represents and promotes the interests of European companies conducting business in and with the Russian Federation. The AEB members are multinational corporations and small and medium-sized businesses. They all share a commitment to strengthening economic ties between the EU and Russia, as well as the desire to improve the investment climate of the Russian Federation.

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