



CLEPA Position on Review of 85/3747EEC

EP hearing, Brussels, Jan 22nd , 2020



C L E P A
*European Association of
Automotive Suppliers*



CLEPA – THE EUROPEAN ASSOCIATION OF AUTOMOTIVE SUPPLIERS

Driving innovation forward since 1959



CLEPA represents over
120 global suppliers

13 national
associations



56% of the total
turnover is generated
by 38 CLEPA
Members

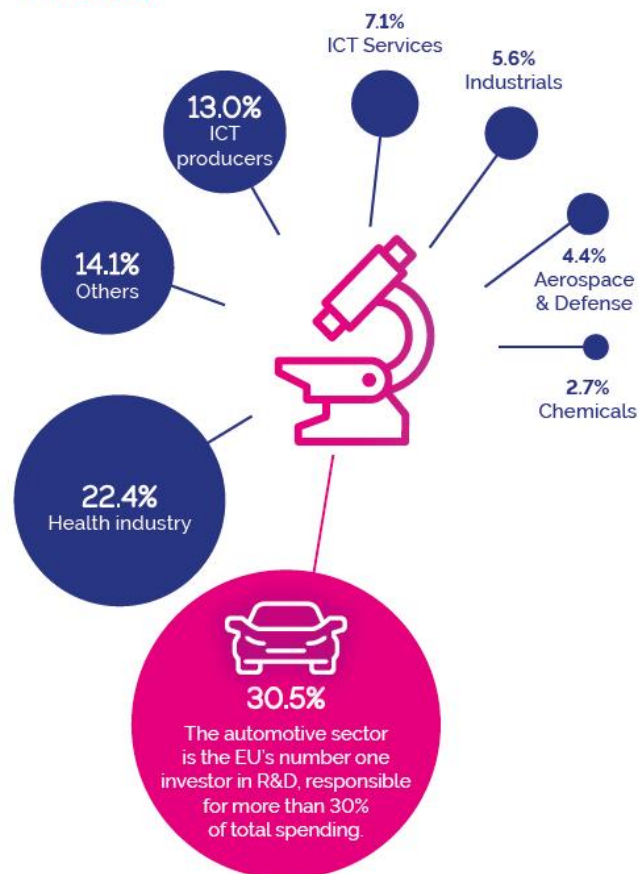
21 countries



CLEPA represents more than 3,000 companies and cover all products and services within the automotive supply chain.



EU R&D Investment by sector in 2018



EUROPEAN SUPPLIERS AT A GLANCE



Annual sales:

600 billion EUR



Annual investment in R&D:

25 billion EUR



Annual trade volume:

65 billion EUR



European employment in the automotive supplier industry:

5 million



Number of patents registered each year:

9,000

PRODUCT LIABILITY DIRECTIVE – CLEPA POSITION



Facts

- More than 90% of all car accidents are caused by human mistake or human failure
- Technical failures (brake failure, tire blow outs, faulty steering systems and suspensions) cause less than 5% of the accidents
- Digitalization, connectivity, autonomous driving, the Internet of Things, Artificial Intelligence are constantly improving safety

PRODUCT LIABILITY DIRECTIVE – CLEPA POSITION



Principles

- ❑ CLEPA supports the principle that those who gain an economic interest in this system, should bear their fair share of responsibility, liability and risks, which are weighed appropriately and justifiably.
- ❑ There is a need to serve the end-consumer, to provide them with a safe, secure environment and to ensure that a victim of a road traffic accident is compensated in an easy, speedily and efficient manner.

PRODUCT LIABILITY DIRECTIVE – CLEPA POSITION



Definition of “Product”

“Product”: would include hardware and software (whether embedded or non-embedded), data and any kind of services, so as to allow for product liability claims if the **hardware, software or service** has not complied with, or neglected safety standards or justified safety expectations of the public/end users, and as a result damage has been caused.



Example ABS, source: ZF

PRODUCT LIABILITY DIRECTIVE – CLEPA POSITION



Definition of “Defect”

- CLEPA supports the current concept of legitimate safety expectation of public or the end consumer.
- For **new technologies** (IoT, AI,..) guidance on how legitimate safety expectation can be approached, in particular “How to define state of the art”, will be needed.
- For the **provision of samples during the development phase** guidance how legitimate safety expectations can be defined will be needed. Limited usage of field-testing must be possible to foster innovation.

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Definition of “Producer”

- All those economic players whose items and services fulfil the product concept must also be included in the manufacturer concept – with all liability consequences.
- Those who make substantial changes to a product shall also be seen as manufacturer (e.g. tuning).

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Exemptions to Liability



- In general the existing exemptions are sufficient.

CLEPA asks for:

- The development risk defence should be further reinforced under the PLD, to uphold or improve further developments, and thereby incentivize innovation.

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Summary: What we ask for

- Extension of the definition of “product” to software and services.
- Maintain the definition of “defect” and provide guidance for new technologies how “state of the art” will be defined.
- Extension of the definition of “producer” to all players whose items and services fulfil the product concept.
- Exemptions to liability during the development phase of a product should be reinforced.

The background of the slide is an abstract digital composition. It features a wireframe model of a car in the center, rendered in a light blue/cyan color. Behind the car, there is a blurred city skyline at night, with various skyscrapers visible. The entire scene is overlaid with dynamic, flowing lines of light in shades of blue and white, creating a sense of motion and technology. The bottom right corner has a bright, glowing light effect.

Thank you very much for your attention.

Frank Schlehuber, Senior Consultant Market Affairs



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