

Position Paper

Transport data – creating a common European mobility data space

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CER and EIM welcomes the Mobility Data Space initiative to facilitate data sharing in the mobility sector. We recognise that data is an essential driver for further the digitalization and automation of operations, for the decarbonization of mobility and for developing new mobility solutions that can accelerate modal shift. Mobility providers are actors in the data economy, leveraging advanced data sharing and communications mechanisms to create and deliver new digital services for its customer in an integrated mobility ecosystem

Understanding all these positive aspects, it is worth pointing out the current obstacles to further data exchange:

- Stakeholders' **lack of trust** that data will be used in line with or even without contractual agreements by third parties.
- The **lack of economic incentives**, including concerns over competitiveness and protection of commercial interests.
- The **risk of misappropriation of data** by third parties, resulting in potential consumer protection and liability issues.
- A **lack of legal clarity** surrounding the governance of data access and use (including co-created data, such as from the Internet of Things) and re-use/re-distribution.
- A **lack of understanding of the total costs associated with data generation**, data processing, storage and distribution, combined with a mistaken belief that all data is subsidised and should therefore be given away virtually for free
- The **risk of misinterpretation and incompetent use**, leading to wrong conclusions being drawn with damage to public transport and heavy rail, customers and possibly other (indirect) stakeholders. Data generators should not be responsible for the (incorrect) use of the data by customers/third parties.
- The risk of new **EU regulatory requirements not being properly assessed** in terms of goal and/or not grounded on explicit use cases regarding data, which may result in additional administrative burdens without practical advantages for the sector.

Given these challenges, in order to ensure that the benefits of a Mobility Data Space outweigh its risks, CER and EIM believe that the implementation should incorporate of the following foundational principles:

- **Data sovereignty:** Data providers and users should be able to determine the terms and conditions of their transaction agreements. We should safeguard sensitive data and ensure it remains under its owner's control. Existing legislation such as the Trade Secrets Protection Directive already contributes to protecting sensitive information. Sharing transport data based on voluntary and FRAND contracts should enable the emergence of additional innovative solutions generated through co-creation. The data sovereignty principle has already been recognised in similar initiatives such as the French Mobility, transport and tourism Data Space

EONA-X¹ and the German Mobility Data Space². The list of data categories to be made available must be limited to what is strictly necessary, to those already available in Open Data and must be precise in terms of the date of collection of the data, their nature, completeness, quality and relevance.

- **Standardisation and interoperability:** Data spaces should be supported through cloud infrastructure based on the principles of (cyber)security, interoperability and data portability. The future European Mobility Data Space must be easy to use and compatible with existing data spaces or digital ecosystems, e.g. Gaia-X, and data spaces from other sectors. Businesses should face no additional administrative burden or costs, including for the use of the data space itself and the value created from data sharing should remain with the users. The formats and standards for making data available can lead to a significant workload and costs if they are far removed from the uses of the company producing the data. Flexibility must therefore be left to data producers on this point.
- **Data reciprocity:** The forced provision of business data could hamper the competitiveness of European businesses by increasing the power of a few large companies at the expense of smaller players such as SMEs. Currently, rail infrastructure managers and railway undertakings have many reciprocal data-sharing obligations, while nothing similar exists for other users of these data. A level playing field is not enough when it comes to comparing market incumbents with the increasingly direct customer interactions and potential intermediates.
- **Data quality:** For railway undertakings and infrastructure managers, data quality is more important than data quantity. If the available data is not usable, the amount of that data, no matter how large, does not serve the purpose. Regarding the current legislation, CER and EIM believe that the available harmonised data standards referenced in the existing legislation is sufficient. Furthermore, for the purpose of traffic management, the interoperable bilateral exchange as specified in TAF and TAP TSI remains the optimal way for the rail infrastructure managers to get and to share data.

In terms of content, the Mobility Data Space should build upon existing public or private initiatives and data spaces, be it at company, national or European level. For example:

- The German mobility data space.
- The NAPCORE project, whose aim is to improve the interoperability between European NAPs³. The operational NAPs of Member States significantly differ in terms of their setup and data access interfaces, making it more difficult for the rail sector to access data. NAPCORE will be responsible for mobility data standard harmonisation and alignment, specific to the MMTIS regulation. The results of this work will create a subdomain that can be federated into the EU-wide Mobility Data Space as one of its participants.

¹ EONA-X is a dedicated European data space for Mobility, Transport and Tourism developed on the path of the GAIA-X initiative. It was founded by Aéroport Marseille Provence, AirFrance-KLM Group and global travel technology provider Amadeus, Groupe ADP, Renault and SNCF Group. It also counts Apidae Tourisme, a tourist data platform. Data-sharing on mobility in Europe - EONA-X.

² The German Mobility Data Space (MDS) was set up following a 2019 decision by the German federal government. It is currently set up as a non-profit organisation and is funded by the Federal Ministry for Digital and Transport. It is an independent marketplace for mobility data that is open to everyone and provides a secure environment for sovereign data exchange. At the heart of the MDS is a data catalogue, where users see which data is available

³ A National Access Point (NAP) is a node in which ITS-related data are concentrated and published in the form of datasets. NAPs are also set up to facilitate access, easy exchange and reuse of transport related data in Europe, in order to help support the provision of EU-wide interoperable travel and traffic services to end users.

- The databases and registers set up by ERA, RNE and UIC such as, for example: RINF, ERATV, EVR, PCS, CIS, MERITS, eTCD, OSDM (non-exhaustive list).
- Dataspaces are a major component of the Europe's Rail Joint Undertaking public-private Partnership's "Transversal Topics – digital enablers" of its Master Plan and Multiannual Work Programme like the Flagship project MOTIONAL.⁴

At the end it is important to recognise that expanding collection and access to data incur not only direct costs but also indirect costs linked to the data's value. When data providers are not fairly compensated for sharing their data, they are deprived of investment opportunities, which ultimately decreases the level and quality of the services they can provide.

Commission should define what it means by a fair, transparent, proportionate and non-discriminatory data sharing, as terminology on the topic is becoming overly complex without a clear added value.

Finally, from CER and EIM perspective, considering its technical expertise RailNetEurope (RNE) may also be consulted in further development of the European Mobility Data Space.

About CER

The Community of European Railway and Infrastructure Companies (CER) brings together railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 71% of the rail network length, 76% of the rail freight business and about 92% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policy makers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit www.cer.be or follow [@CER_railways](https://twitter.com/CER_railways) on Twitter.

About EIM

EIM, the association of European Rail Infrastructure Managers, was established in 2002 to promote the interests and views of independent infrastructure managers in Europe, following the liberalisation of the EU railway market. It also provides technical expertise to the appropriate European bodies such as the European Railway Agency. EIM's primary goal is promoting growth of rail traffic and the development of an open sustainable, efficient, customer orientated rail network in Europe. For more information, visit www.eimrail.org.

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⁴ Flagship project MOTIONAL awarded by the Partnership in response to an open call in the Annual Work Plan 2022-2024, with participation of major Railway Undertakings and Infrastructure Managers, will be launched in YE2022 and will deliver an initial implementation based on the International Dataspace Association (IDSA)/GAIA-X reference architecture and certified by the IDSA Certification services. Adherence to the dataspace reference architecture will ensure, by design, compliance with data sovereignty and interoperability principles. It will furthermore provide built-in mechanisms for enforcing data reciprocity policies as they become available. The dataspace will provide a common, reliable, scalable and cybersecure common data exchange and communications mechanism to support the harmonized Rail System architecture designed by the Partnership's System Pillar and the development of digital twin technology for smart assets management.