



UITP POSITION ON THE PROPOSAL FOR A REVISION OF THE ITS DIRECTIVE

GENERAL REMARKS

UITP believes the overall goal of the revision of the ITS Directive should remain the same as that of any improvement or innovation in the mobility chain: providing sustainable mobility for all and promoting modal shift. Historically, UITP has been very active on this subject. The revision of the ITS Directive is essential for UITP members and it is crucial for our sector to be able to contribute to this process.

Our sector recognises the benefits of a strong data-sharing policy as we believe such a policy can lead to a potential growth in ridership for public transport as well as increase the service quality for users. There is no doubt that sharing data can stimulate innovation in the market and can have a beneficial impact on the sector's efforts in achieving its *Green Deal* objectives. **Our members currently already share a lot of their data and are in favour of open data when in service of sustainable multimodal mobility.**

While it is naturally part of the discussion how much (new, more) data has to be opened and shared, a key question for UITP is how to **establish true reciprocity and a fair level-playing field.** Companies that are using data shared by public transport operators (PTO) and public transport authorities (PTA) should also share the data they generate from their service. Otherwise, this might create an unlevel playing field. UITP is therefore in favour of effective B2B reciprocity rules and safeguards for those using data shared by the PTA and PTO. This reciprocity will help UITP members improve their services and meet the public policy goals they have set at local level as best as possible.

It is quite clear that data is a strategic issue for all. If the business know-how of public transport stakeholders is not properly protected it can also cause strategic and competitive disadvantages and distortions. EU decision makers must take into account the fact that the public transport sector is an extremely competitive market. There is competition between management modes (direct award to an in-house operator or competitive tendering), between operators answering a call for tender, and now between public and private transport services. Data produced by UITP members can sometimes be confidential and should not be shared. These sensitive data must be protected. Public transport companies are now competing with private mobility providers and service providers that are not subject to the same rules, and do not necessarily have the

public interest at heart. The public service obligations that public transport operators are required to carry out allow for local policy objectives such as social cohesion through inclusive tariffs, better use of public space and environmental goals to become guiding principles, on a par with profit-making. Conversely, these private service providers have no obligation to steer passenger flows in a sustainable direction. Yet these actors are in a situation where they are often competing with public transport operators for the same passengers within the same territory. **They should not be able to use data produced by the PTOs and PTAs to compete with them but rather to complement them.**

Finally, producing and sharing data has a cost and requires significant financial resources. It should be kept in mind that in the public transport sector, most small and medium authorities and operators do not have the sufficient resources to create and maintain data flows at a satisfying qualitative and quantitative level. **Consequently, an obligation to produce data (“data availability”) could prove financially challenging and would require strong financial support.**

Regarding more specifically the Commission's proposal for a revision of the ITS Directive, several aspects of it still need to be clarified to ensure the correct application of the ITS Directive to the public transport sector. These aspects include a developing complex legal framework (1), an unclear definition of MDMS (2), a new obligation on the availability of data (3) and standardisation (4).

1. A COMPLEX LEGAL FRAMEWORK

It follows from this proposal for a revision of the ITS Directive, a complex and confusing legal framework particularly regarding issues related to European ticketing. Indeed, the ticketing governance will be covered by the future act on Multimodal digital mobility services (MDMS), which will be, as we understand it, a standalone legislation. However, the ITS Directive and its delegated acts include standardisation aspects of MDMS as well as its general definition. The Commission has plans for the revision of the MMTIS delegated act of the ITS Directive to add certain standards for payment and booking interfaces for ticketing. This complexity is an obstacle for public transport authorities and public transport operators to properly understand what applies and when, where to find the correct information, etc.

→ **UITP members strongly advise clarification and a simplification of the legal framework: the definition of MDMS as well as the relating standards should be included in the upcoming standalone legal act on MDMS and taken out of the ITS Directive.**

2. THE DEFINITION OF MDMS

The proposal expands the scope of the ITS directive in article 1 and annex I to cover “multimodal digital mobility services”. The definition of MDMS will act as the cornerstone of the entire legal framework, and countless aspects of our sector will depend on it. However, the Commission's proposed definition is unexpected and unexplained. Given its impact, it would have been essential to consult the main stakeholders. The definition as it stands today in the proposal would encompass a much broader set of platforms than the sector's definition and understanding of what constitutes a MaaS for instance. Indeed, it encompasses any travel platform that includes

information for two or more transport modes even without the selling of tickets. The definition of what constitutes an MDMS should be narrowed down. Too broad a definition will make it difficult to

→ **UITP members believe that the definition of MDMS should be narrowed down to platforms that include both information and booking services.**

3. THE AVAILABILITY OF DATA

Another concern regarding this revision is the introduction of the concept of *availability of data*. Indeed, article 6a introduces a new obligation to create data, whereas previously there was only ever an obligation to make data accessible if and when it already existed in a digital format. This is a fundamental shift. The EU's approach to data problems used to focus only on accessibility. The underlying assumption that EU data legislation is built on is that the data exists, it only needs to be allowed to spread and be shared. Moreover, thanks to this revision the European Commission will also be able to extend the list of requested data via the delegated acts. It seems crucial to avoid an extension that is not proportionate to the objectives pursued and it is important to underline that plenty of data produced by public transport operators and authorities are confidential and should remain so. Finally, this new obligation could prove financially challenging for public transport operators and public transport authorities across the EU, especially the smaller ones.

→ **UITP believes that the focus should be put on the accessibility of existing data instead of the availability of new data.**

4. STANDARDISATION

Local Public Transport stakeholders agree that standardisation is a key lever for facilitating market uptake of transport products and services.

So far however, the initial and remaining focus of the ITS Directive and relevant standardisation efforts is on improved services to (private cars and freight) vehicles and drivers. However, the local public transport sector is more interested in shared services to passengers and is continuously struggling to get priorities for public transport over the general traffic on urban infrastructure (e.g., at traffic lights) or through dedicated lanes or lines. Such a protection is a precondition for a "modal shift" from private cars to higher capacity and more sustainable transport modes and this "modal shift" is required for improving sustainable mobility.

→ **UITP believes that the "modal shift" requirement from private modes to shared vehicles for passenger traffic is not (or not clearly) reflected in ITS legislation and ITS standards. Modal shift should become a clear priority for the ITS Directive.**

Standardisation is for the local public transport sector the preferred alternative to European legislation. The Commission should recognise that the current bottom-up approach of CEN-CENELEC which involves the market actors and national standardisation bodies should remain the rule for standards potentially applicable to local public transport.

The local public transport sector can support the CEN standards, provided that their use is not made compulsory, and that the Commission clarifies the meaning of generic terms used in the legislations impacting transport, as well as their scope.

Indeed, the ITS Directive and its delegated regulations go against the spirit and letter of the current [Regulation \(EU\) N°1025/2012](#) on Standardisation. While the latter makes compliance with the relevant standards non-compulsory, through the ITS legal framework, the meaning of the word “specification” has gone, on the contrary, from a voluntary application to a mandatory application.

→ **UITP believes that compliance with standards developed by the European standardisation bodies should remain voluntary. This should be the case as long as no European “interoperability” requirement is imperative (which is the case for local mobility services: e.g. urban rail is already excluded from the scope of the rail Interoperability Directive and its technical specifications for interoperability).**

Moreover, the part played by “local public transport” in European legislation is still unclear: it is still understood as a complementing mode for air, road, rail, waterborne and now MaaS. Many more passengers are carried by local public transport modes than by other public transport modes.

→ **UITP believes the meaning of, and relation between, mobility, transport, travel, multimodal travel information services and multimodal digital mobility services have to be aligned in the various European legislation and reflected in official standards.**



This is an official position paper prepared by UITP EU Committee. UITP is the international association representing public transport stakeholders. In the European Union, UITP brings together more than 450 urban, suburban and regional public transport operators and authorities from all Member States. We represent the perspective of short distance passenger transport services by all sustainable modes: bus, regional and suburban rail, metro, light rail, tram and waterborne. Visit our website: uitp.eu