POSITION PAPER

eco Position Paper on the Handling of Mobility Data

Berlin, 05.09.2023

Mobility data is playing an increasingly important role in the digital transformation of the economy and society. The number and quantity of available mobility data has grown in recent years due to technical innovations in the field of mobility and new, data-based business models. The use of this data, for example for intermodal mobility offers or smart city projects, enables a multitude of benefits, e.g., in improving traffic safety, better controlling traffic flows, and saving CO_2 in the transport sector. The land required for the transport sector can also be reduced by making public transport more attractive and increasing the use of sharing services.

In Germany and Europe, there are already various initiatives and data spaces for the use and storage of mobility data, such as the Mobility Data Space (MDS). There has also been movement at the regulatory level in recent years. For example, the German Passenger Transport Act (PBefG) was amended and adapted to digital possibilities, and the German Mobility Data Ordinance (MDV) created the basis for a uniform platform for public transport data. There was also movement at the European level. Regulatory initiatives are also planned in both Germany and the EU with the aim of sectoral regulations for using, collecting and transferring mobility data.

To accompany the various discussions and place them in the context of current technological developments, eco – Association of the Internet Industry has formulated the following guidelines.

Improve the legal framework

From the point of view of the Internet industry, mobility data includes data on the condition of roads and infrastructures, weather data, live public transport data, data on parking spaces and sharing offers and, in principle, vehicle data. Despite a multitude of initiatives, not all of this data is always available, especially not in the required quality. There are several reasons for this, including a still inadequate regulatory framework that does not remove all existing hurdles and uncertainties for better data use.

It must be made easier for companies to provide and exchange their data, and at the same time, uncertainties must be reduced, many of which also result from the complex legal situation. At present, there is a whole range of existing regulations, for example with the German Passenger Transport Act, the German Mobility Data Ordinance, or at EU level, the Directive 2010/40/EU on the framework for the deployment of intelligent transport systems in the field of road transport and for interfaces with other modes of transport (the 'ITS Directive') and its delegated regulations. In addition, the EU Data Act will also affect some mobility data. Bundling
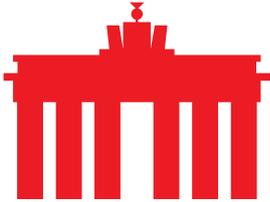
and standardisation could help here to reduce complexity and eliminate uncertainties.

The interpretation of the General Data Protection Regulation (GDPR) must also be standardised in Germany and Europe to reduce legal uncertainty for companies when dealing with mobility data. This is particularly relevant as some of the data concerned, especially in the area of vehicle data, may have a personal reference. Here, there is a need for legally secure options for their anonymisation to make them usable for various use cases and incentivise a survey in the first place. In connection with the processing of mobility data, many questions of data protection law are currently still unresolved, leading to considerable legal uncertainty among the actors involved. There is also still some debate about who has sovereignty over the data generated by connected vehicles. Clear rules are needed here as to whether the responsibility lies with the vehicle owners, the manufacturers or perhaps the users.

Make more data available

Mobility data comprises a variety of individual data categories from different sectors. For them to be used meaningfully for the improvement of sharing or public transport services, as well as smart city projects, it is necessary to have as complete an availability as possible of different data from a variety of actors. Public sector data is of particular importance here. The municipalities have much of the data that is particularly relevant for smart city projects but also for providers of sharing services (such as information on parking spaces, charging points, public transport or other data on the traffic situation, such as that collected in the update report on the taxi market). At present, however, this data is often incomplete or not available in a desirable quality.

On the one hand, municipal administrations and municipal transport companies sometimes lack the resources or know-how to provide all the data they have at their disposal. On the other hand, there are also fears about the misuse of the data provided. Last but not least, there is a need for awareness of the value of mobility data for transport planning and the mobility of citizens, so that the necessary resources are made available.

To improve the availability of mobility data from public actors, a genuine right to Open Data would be an important step in the right direction. This must include the municipal level and the relevant municipal companies, as a lot of mobility data is available at this level, in particular. Currently, there are different regulations in the German federal states, which lead to a patchwork approach to providing public mobility data and limit its usability. To implement such a right in a practicable and manageable way, the municipalities and municipal enterprises must be put in a position in terms of personnel and finances to fulfil their obligations. Especially the continuous provision of real-time data, which is particularly important in the mobility sector, is associated with increased effort.

Simplify deployment and access

Access to mobility data must also be simplified. To make this possible, all actors should make mobility data available, ideally via one platform. Currently, the data is available on various platforms, such as the Mobility Data Space or the Mobilithek as a national access point for mobility data in Germany. In addition, there are also other platforms in some of the German federal states. From the point of view of the Internet industry, a European solution is preferable here, which is currently being planned. The amount of data available may well be relevant for many use cases, with more available data usually leading to better applications and more accurate predictions and forecasts, for example of traffic volumes. It is, therefore, crucial that mobility data from across the EU can be used interoperably. For users of such data sets, a central, Europe-wide platform would be desirable, but at least the existing platforms should be interoperable so as not to create barriers to the use and provision of mobility data in Europe.

When developing such a platform or data space, it is important to build on the ecosystems that already exist. In Germany, on the one hand, there is already a platform in the form of the Mobility Data Space (MDS), which functions as a recognised player, and which must be included for the further development of a European ecosystem. On the other hand, it must also be taken into account that with the Mobilithek, which functions as the official German NAP (National Access Point), an ecosystem is to be created that is to be expanded with the German Mobility Data Ordinance and, moreover, is already being used for the data to be shared on a mandatory basis, e.g., by transport companies.

Define common standards

Due to the numerous data sources, common data standards are essential to enable the use, merging and exchange of data. With the Mobility Data Space (MDS) and the Mobilithek, ecosystems already exist in Germany that simplify the shared use of mobility data and drive forward the establishment of standards.

Data standards should be developed in dialogue with all relevant stakeholders in multi-stakeholder formats and standardisation bodies. By contrast, eco is critical of standards imposed unilaterally by the German federal government or the EU Commission. This is particularly relevant because it is important to ensure that the standards that have been defined are compatible across Europe.

Create clear rules for use

An obligation to provide certain data can contribute to improved availability. This would require a legal right to Open Data that includes all relevant data from municipalities and municipal enterprises. On the other hand, there is a need to discuss and find appropriate approaches on how to improve and make more attractive the provision of data by private actors and to what extent an obligation to provide data should also apply to private actors. Care must be taken to ensure that trade secrets are protected, and that the discussion can only relate to data that

companies already collect in the course of their business. It must also be possible for data holders to be adequately compensated for the provision of data, especially if it is made available for use in processed form.

Access rights to data provided must be clearly regulated. In the event of justified suspicion of misuse of the data, data owners must also have the possibility to prohibit the use of the data in individual cases. In order to be able to address any misuse of data provided, it should only be possible to use the available data sets after registration. Data owners must be able to track when which data was used and by whom. This is also relevant in the context of possible compensation and remuneration.

Create efficient digital infrastructures

The number of available data will continue to increase in the coming years due to the advancing digitalisation in many areas of life. This also applies to the mobility sector, where the increasing share of connected vehicles and the greater use of sharing offers and smart city solutions, in particular, will lead to an increasing amount of data. This will also place high demands on the digital infrastructure.

In order to be able to fully exploit the advantages of connected mobility data, an appropriate digital infrastructure is required, such as nationwide network coverage with 5G and, in the future, also 6G, as well as a well-developed gigabit infrastructure. There is still some catching up to do in some areas. In addition, the storage infrastructure in Germany and Europe should correspond to the expected amount of data. This requires optimal conditions for the operation and location of data centres as an important basis for digital infrastructures and the services and technologies in the mobility sector that are based on them.

In addition, the transport infrastructure must be upgraded and adapted to the digital possibilities, also in order to be able to collect much of the necessary data. This requires higher and area-wide investments in a modern and smart transport network.

Make greater use of potentials

Providers of intermodal mobility services already play an important role in the mobility of many citizens. This becomes particularly clear when it comes to the "last mile" – for example between the nearest train station and home. The same also applies to off-peak times or in areas that public mobility services have insufficiently covered to date. They offer a flexibility that classic public transport cannot offer in this form. Cities and municipalities should, therefore, incorporate the possibilities of data-driven mobility offers more actively into transport planning, for example, "sharing stations" or integrating the offers into urban mobility apps, if these are available.

There is also further potential in the area of Smart City/Smart Region that should be used. To take full advantage of many projects and to achieve a perfect adaptation to local conditions, it makes sense to set up such projects for the long term. Funding in

this area must, therefore, be secured on a permanent basis beyond initial flagship projects. This has not always been the case so far.

Conclusion

Mobility data can play an important role in achieving climate goals and improving the quality of life in cities and communities. Citizens benefit directly from the correct use of this data through greater convenience in the use of transport services and more demand-oriented planning. The availability of standardised and high-quality mobility data is also an essential basis for many business models, which is important both in terms of future innovations such as autonomous driving and for the competitiveness of Germany and Europe. To leverage this potential, the following things are important from eco's point of view:

Eliminate legal uncertainties
Mobility data sharing is currently often hampered by a complex legal situation and ambiguities in data sovereignty and data protection. This problem needs to be addressed by bundling the existing legal provisions and more transparent rules on data sovereignty, especially in relation to vehicle data.

Improve data provision
The data stocks of the public sector and of municipal transport companies are sometimes of enormous importance for smart city projects and sharing providers but also for autonomous driving. In order to improve the availability of this data, there needs to be a legal right to Open Data for public sector data and better technical and human resources for the municipalities.

Simplify deployment and access
If possible, the provision of mobility data should be done via a single platform. This should be established at the European level so that data exchange and use can occur across Europe without hurdles. At the very least, the national data spaces must be interoperable. Access to data should only be possible after identification to create transparency for data holders.

Define common standards
Due to the numerous data sources, common data standards are essential to enable the use, merging and exchange of data. Data standards should be developed in dialogue with all relevant stakeholders in multi-stakeholder formats and standardisation bodies.

Create efficient digital infrastructures
The necessary infrastructure must be created and expanded to exploit the potential of mobility data fully. This applies in relation to gigabit infrastructure, storage capacities in data centres, as well as smart transport technology. Germany still has a lot of catching up to do in this area.

<u>Make greater use of the potential of new forms of mobility</u>
Sharing providers and other data-driven mobility service providers already fulfil an important function in the mobility of citizens in many cities and municipalities. It is crucial to make greater use of their advantages, for example by integrating the providers into urban transport planning and apps. Smart city and smart region projects should also be promoted and advanced more strongly and in the long term.

_____

About eco: With around 1,000 member companies, eco (international.eco.de) is the leading association of the Internet industry in Europe. Since 1995, eco has been highly instrumental in shaping the Internet, fostering new technologies, forming framework conditions, and representing the interests of its members in politics and international forums. eco has offices based in Cologne, Berlin and Brussels. In its work, eco primarily advocates for a high-performance, reliable and trustworthy ecosystem of digital infrastructures and services.