

## **Position Paper**

Brussels, 28 June 2023

# **EU-wide multimodal travel information services**

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CER Members welcome the revision of the Delegated Regulation (EU) 2017/1926 on EU-wide multimodal travel information services. Within CER membership improving services based on more data ranks among the highest priorities, as it enables us to strive for the provision of efficient and appealing transportation options and services to our valued customers. CER members have shown their commitment to seamless ticketing by 2025 with the adoption and implementation of the CER Ticketing Roadmap,<sup>1</sup> where one of the main commitments is to develop a European real time data service for better informing passengers.

One of the positive aspects of the Delegated Regulation is that it focuses on existing data types in digital machine-readable format, rather than mandating the creation of new data. This approach recognizes the importance of leveraging the data that already exists and can be readily accessed and processed. This approach ensures that resources are efficiently utilized without imposing unnecessary burdens on transport organizations. At the same time, the sector would appreciate more clarification on this matter and making it more explicit. It goes without saying that nowadays, any data held by enterprises is held in a digitized and machine-readable format (and not e.g. on paper). Consequently, the provision's scope is very unspecific, since it encompasses de facto a very broad range of data. Against this background, we suggest sharpening the scope of this provision in the sense that it is limited to data that is already published or made available to B2B, B2G or B2C target groups.

From our point of view, the motivation for including occupancy data is not clear. Occupancy data was introduced, in haste, in response to the pandemic. It allowed some customers to take less busy trains and in consequence minimise their Covid risk. To achieve this goal, operators should therefore not be required to share precise information on the occupancy rate but only high level indications. It should also not apply to transport operators that are not gathering occupancy data at the moment as companies would need to invest in additional resources and infrastructure to generate occupancy data and ensure that data is accurate and secure. This investment would need to be recovered through increased ticket prices or other means, which may not be feasible or desirable. Member states also need to be careful as, depending on the level of accuracy and details provided, sharing such information would reveal sensitive business information to competitors and ticket vendors.

We also suggest removing the obligation to share observed data on delays, passing times and cancellations (Annex 1.4). According to Recital 7, sharing such data is intended to help multimodal travel information and is in line with the revised Passenger Rights Regulation. However, sharing such data with third parties goes beyond the revised Passenger Rights Regulation. It is also not clear how this data will actually improve multimodal travel information for the final customer. Finally, regulating the sharing of data on delays and cancellations for railways is more suitably placed in the Rail Passenger Rights Regulation than in the MMTIS-Regulation.

The Delegated Regulation refers to the Implementing Acts established under the rail interoperability Directive (EU) 2016/797, which is an important step towards harmonization in the rail sector. We believe it would be beneficial if the revision of the TAP TSIs could be aligned with a similar timeline to the obligations set in the MMTIS. It would be advantageous if both legislative files, which are closely linked, would follow similar

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<sup>1</sup>[https://www.cer.be/sites/default/files/publication/210920\\_CER\\_Position%20Paper\\_Ticketing%20Roadmap.pdf](https://www.cer.be/sites/default/files/publication/210920_CER_Position%20Paper_Ticketing%20Roadmap.pdf)

timelines, with the modal one (i.e. the TAP TSI) being adopted before the horizontal one in the future. This would ensure a more cohesive and streamlined approach to the regulatory framework, facilitating efficient implementation and consistent application across the rail industry.

An important positive aspect of Delegated Regulation (EU) 2017/1926 is that it provides some flexibility regarding the sharing and access to data types listed in the Annex. This is very important, since the rail sector has committed to OSDM – the Open Sales and Distribution Model – and this system’s use is crucial for the return on investment as well as the timely delivery of the above-mentioned CER Ticketing Roadmap. The regulation acknowledges that data holders should have the option to determine the terms and conditions for sharing their data, provided these do not unnecessarily restrict possibilities for reuse, including the possibility of “reasonable and proportionate” charging for access. By not mandating free-of-charge sharing, the regulation recognizes the value and investment associated with certain datasets, allowing data holders to appropriately monetize their resources while complying with other relevant EU or national legislation. While these elements of the proposal are welcome, regarding charging we suggest allowing a margin (as recommended in the Council Position on the Data Act). This would provide an incentive to continue investing in accurate and high-quality data. Besides only accounting for the cost of providing and disseminating data, it should be possible to also allow for the cost of collecting and producing the data. Especially regarding estimated times of arrival and departure, such data often must be produced, i.e. with the help of costly AI models.

We strongly support provisions that allow existing and long-standing data sources to meet regulatory obligations where they use other internationally-supported formats, such as GTFS/GTFS-RT that are convertible to/from SIRI CEN/TS 15531 and other CEN TC278 WG3 standards. This flexibility will allow to display data in a format that fits better market’s expectations.

The implementation of the new provisions will entail additional expenses for railway undertakings and infrastructure managers. Financial support for this aim as well as for the implementation of the Ticketing Roadmap at the European level is needed, in order to ensure a coherent delivery across Europe.

Taking into account the point of view of infrastructure managers we would like to emphasise that introduction of real-time information requirements should be correlated with:

- defining the real-time information (there is no definition in the proposal);
- making it compatible with other existing and sector rules.

In accordance with Art. 2 p. 5 of Regulation 2021/782 rail passengers’ rights and obligations, there is a 9-year transition period for infrastructure managers (i.e. until 2030) for the requirements concerning providing dynamic data in real time if the technical preparation is insufficient. Art. 2 p. 5 states that:

„Until 7 June 2030 Member States may provide that Article 10 shall not apply where it is not technically feasible for an infrastructure manager to distribute real-time data within the meaning of Article 10(1) to any railway undertaking, ticket vendor, tour operator or station manager. At least every two years, the Member States shall reassess the extent to which it is technically feasible to distribute such data.”

Additionally, it is worth pointing out that the duration of historical data storage is not specified and we suggest limiting this to 1 year. Furthermore, the issue of providing data on the comprehensive TEN-T network is unclear whether it is only for the comprehensive layer excluding the core layer or the whole TEN-T double-layer network.

CER members are committed to actively engaging in the process, contributing our expertise and experience to shape a regulatory framework that supports innovation, interoperability, and seamless multimodal travel across Europe. That said, we would appreciate it if we had been involved in the process earlier, as it was done with the first Delegated Regulation.

In conclusion, CER supports the revision of the Delegated Regulation on EU-wide multimodal travel information services, at the same time we recommend removing the obligation of sharing data sensitive to the business competitiveness, as well as to facilitate the measures for the implementation of the data infrastructure and to better provide clarification on what data needs to be shared. We believe that an updated and harmonized framework for multimodal travel information is crucial to enhance the passenger experience.

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**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 78% of the rail network length, 81% of the rail freight business and about 94% 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](http://www.cer.be) or follow us on Twitter [@CER\\_railways](https://twitter.com/CER_railways) or [LinkedIn](https://www.linkedin.com/company/cer).

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