JOINT STATEMENT ON ACCESS TO B2B DATA IN TRANSPORT

As representatives of the transport, logistics and mobility sector, we welcome the European Commission's communication on a European strategy for data",[1] which sets the vision and goals for creating a European single data market to increase the EU's competitiveness in the global data economy.

In the transport, logistics and mobility sectors, innovation relies increasingly on the processing and exchange of large amounts of personal and non-personal data between multiple actors. In addition, innovative solutions in goods and passenger transport such as connected vehicles, smart cities and digital platforms have led to an increase in data generation. We know how crucial data is to gain insights on customers, routes or vehicle loads, as well as how commercially sensitive such data can be.

We believe that data and digitalisation provides new opportunities throughout logistics and mobility systems, and for EU citizens and businesses. Moreover, efforts to digitalise the transport sector will also contribute to achieving the EU Green Deal objectives. Nevertheless, we are acutely aware of the challenges to be overcome to unlock the potential of the data economy, including:

- Stakeholders' **lack of trust** that data will be used in line with or even without contractual agreements, given the unequal bargaining power between the 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.

Given these challenges, steps must be taken to ensure equal opportunities for all business partners in the digital economy. To this end, a fair and transparent governance structure for business-to-business (B2B) data is needed.

We are calling for the adoption of an EU framework on data governance that explicitly sets out the following principles for the provision of B2B data:

i. **The voluntary provision of data**: 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. B2B data exchange should continue to rely on **voluntary contractual agreements**, as this is a flexible and efficient option. This principle should apply to all companies, whether public or private, operating a purely commercial service or under a public service contract and regardless of their ownership structure.

ii. **Responsible actors**: The obligations and liability of data aggregators should be clearly defined at EU level and the rights of data generators explicitly recognised. In particular, the collection, storage, processing, sharing, use, re-use, access and

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[1] A European Strategy for Data, COM(2020) 66 final
https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/european-data-strategy

security of data should be clearly defined in B2B contracts. This can boost the trust and mitigate concerns of data misappropriation.

iii. **Standardisation and interoperability**: The lack of commonly agreed interoperable and multimodal specifications at EU level, for example, for APIs or data formats, is an issue that makes interoperability between platforms difficult and increases the risk of lock-in with platform. The standardisation efforts must factor the economic and operational realities of transport companies and not represent an excessive burden. In this respect, initiatives like the delegated acts under the ITS Directive are useful for establishing certain standards for the transport sector as a whole. Data spaces should be supported through cloud infrastructure based on the principles of security, interoperability and data portability.

iv. **Boost skill development to boost competitiveness:** Innovation and technology in the transport sector should be underpinned by a strong focus on skills. Skills need to be upgraded to take full advantage of the opportunities provided by data-based business models. To achieve the full potential of digital transformation and more competitiveness of the EU, businesses need incentives to upskill their talent in critical areas such as artificial intelligence (AI), machine learning (ML) and cloud computing.

v. **Financial support**: the impact on the industry of the transition to a digital economy should not be underestimated, as the fixed costs are high and the margins are low. In order to embrace digitalisation, the transport sector requires legal and regulatory clarity but also financial support, including for small- and medium-sized enterprises.

The representatives of the transport, logistics and mobility sector stand ready to cooperate with each other and the European Commission to develop a framework on data specifically for the transport sector, based on the above principles.
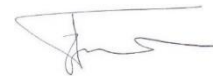
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