



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2023/0683/FR (France)

# Decree authorising access to publicly accessible data from multimodal travel information services for authorised agents of the Transport Regulatory Authority for the performance of its tasks

Date received : 05/12/2023

End of Standstill : 06/03/2024 (08/04/2024)

## Message

Message 001

Communication from the Commission - TRIS/(2023) 3388

Directive (EU) 2015/1535

Notification: 2023/0683/FR

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Ne zahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20233388.EN

1. MSG 001 IND 2023 0683 FR EN 05-12-2023 FR NOTIF

2. France

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### 4. 2023/0683/FR - SERV - INFORMATION SOCIETY SERVICES

5. Decree authorising access to publicly accessible data from multimodal travel information services for authorised agents of the Transport Regulatory Authority for the performance of its tasks

6. Multimodal travel information services and multimodal digital services

7.

8. Article R.1264-2 specifies the scope of the data and information concerned by the automated collection carried out by the Transport Regulatory Authority (ART) within the framework of its tasks. This refers to publicly available information on digital services, including where access to those services requires the creation of a user account. The Article also specifies that the selection of the categories and volumes of travel and traffic data and information to be collected should be strictly necessary and proportionate to the specific needs of the tasks in which it is carried out, within the limits of the compilation of statistically representative multimodal travel data and information.

Article R.1264-3 lays down a principle of prior notification, two months before collection by the Transport Regulatory Authority begins, to the service operator concerned by the collection. The purpose of this notification is to specify the scope of the collection and to offer the latter the opportunity to provide any information or comment necessary for the analysis carried out by the Transport Regulatory Authority at the end of this collection.

Article R.1264-4 specifies the possibility for the Transport Regulatory Authority to turn to the creation of user accounts in the context of automated collection of information as well as the limits on the use of such accounts. In particular, the Transport Regulatory Authority may not use these accounts to connect with other account holders, distribute content on the platforms or to carry out any activity on those services other than that provided for in Article R.1264-2.

Article R.1264-5 provides for the immediate destruction of any personal data or information that may be collected incidentally during the collection. It has been clarified that automated collection does not include the collection of personal data.

### 9. a) Need to adopt draft regulatory provisions

Law No 2019-1428 of 24 December 2019 on the orientation of mobility entrusted the Authority with new tasks concerning the openness of data necessary for the development of digital mobility services facilitating travel and multimodal information and ticketing services, which aim to fulfil the provisions of Articles 3 to 9 of Commission Delegated Regulation (EU) 2017/1926 of 31 May 2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services.

In this context, Article L. 1264-2 of the Transport Code, as amended by Article 37 of Law No 2023-171 of 9 March 2023 'containing various provisions which adapt to European Union law', expressly provides for the possibility for its agents to carry out automated collection of publicly accessible data or information on digital mobility services, in particular in the form of computer queries, without the operators of the latter being able to oppose them either with a refusal, nor limits on the data that can be extracted, nor the general terms of use (GTU) of those services.

Indeed, the volume of these data and information, the way in which they are exchanged (through automatic digital exchanges) between the actors or exposed to the final user (through results presented in response to digital queries) and the number of actors concerned by their opening and use do not allow the Authority to conduct these new tasks solely on the basis of the investigative powers traditionally vested in it for other regulated sectors (transmission of information by the actors concerned).



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Like the legal framework introduced, as regards the experimentation activities carried out by the PEReN, by Article 36 of Law No 2021-1382 of 25 October 2021 on the regulation and protection of access to cultural works of the digital age, the operative part of this Decree allows authorised agents of the Authority to carry out automated collection of data or information publicly accessible on digital mobility services, without, in particular, the GTU of these services being able to oppose them.

### b) The proportionality of the draft regulatory provisions

The regulatory measures are proportionate to the extent that all the information necessary for their application will be made available to the stakeholders concerned.

### c) The non-discriminatory nature of the draft regulatory provisions

The regulatory measures are proportionate insofar as they apply to all multimodal travel information services and multimodal digital services

## 10. References to basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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European Commission

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