

THE FRENCH REPUBLIC

Ministry of Ecological Transition

Decree No of
laying down the conditions and procedures for the collection of publicly accessible data
from multimodal travel information services for authorised officials of the Transport
Regulatory Authority for the performance of its tasks

NOR: TRET2316387D

Target audiences: *the Transport Regulatory Authority; providers and operators of multimodal travel information services or multimodal digital services; users of such services.*

Subject: *the conditions and procedures for the implementation, by authorised officials of the Transport Regulatory Authority, of automated collection of publicly accessible multimodal travel data or information on websites or mobile applications for the purpose of carrying out their tasks relating to multimodal travel information services and multimodal digital services.*

Entry into force: *the text shall enter into force on the day after its publication.*

Notice: *the Decree specifies the conditions and procedures to ensure that the collection of publicly accessible multimodal travel data or information on websites or mobile applications, implemented by authorised officials of the Transport Regulatory Authority for the purpose of carrying out its tasks relating to multimodal travel information services and multimodal digital services, is strictly necessary and proportionate.*

References: *the Decree is issued for the application of Article 37 of Law No 2023-171 of 9 March 2023 laying down various provisions for adaptation to European Union law. It may be consulted on the Légifrance website (<http://www.legifrance.gouv.fr>).*

The Prime Minister,

On the report of the Minister Delegate responsible for transport,

Having regard to Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport;

Having regard to 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;

Having regard to the Transport Code, in particular Articles L. 1115-1, L. 1115-3, L. 1115-5, the second subparagraph of Article L. 1115-6, Articles L. 1115-7 and L. 1115-10 to L. 1115-12 and Articles L. 1263-4, L. 1263-5 and L. 1264-1 to L. 1264-10;

Having regard to the penultimate subparagraph of Article L. 141-13 of the Highway Code

Having regard to Law No 78-17 of 6 January 1978 on data processing, data files and individual liberties, as amended;

Having regard to Law No 2021-1382 of 25 October 2021 on the regulation and protection of access to cultural works in the digital age, in particular Article 36 thereof;

Having regard to Decree No 2020-1102 of 31 August 2020 establishing a service with national competence called the ‘centre of expertise for digital regulation’ (PEReN);

Having regard to Decree No 2022-603 of 21 April 2022 laying down the list of independent administrative and public authorities which may use the support of the centre of expertise for digital regulation and on the methods of data collection implemented by that service in the context of its experimentation activities;

Having regard to Resolution No XXX of the National Commission for Information Technology and Liberties dated XXX;

Having consulted the Council of State (Public Works Section XXX),

Hereby decrees:

Article 1

Chapter IV of Title VI of Book II of Part I of the Transport Code (regulatory part) is supplemented by the following articles:

‘Article R. 1264-2. - The automated collections referred to in the ninth and tenth subparagraphs of Article L. 1264-2 of the Transport Code shall concern publicly accessible multimodal travel data and information on multimodal travel information services and multimodal digital services, including where access to such services requires account registration.

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 within which it is carried out within the limits of the compilation of statistically representative multimodal travel data and information.’

‘Article R. 1264-3. - Before implementing automated collection within the context of one of its tasks, the Transport Regulatory Authority shall send a notification to the operator of the digital service concerned specifying:

1. The categories of multimodal travel data or information;
2. The envisaged methods of multimodal travel data or information collection, in particular if it is carried out by automated harvesting or by means of an application programming interface;

3. Where applicable, the official IP address(es) used by the Authority to collect multimodal travel data or information;
4. The estimated volume of the requests that will be collected;
5. The date ranges and, where appropriate, the time slots for multimodal travel data or information collection;
6. The contact details of the official of the service responsible for the task for which the collection is done.

The notification referred to in the first subparagraph shall be made at least two months before the start of the collection.

The digital service operator shall have six weeks from receipt of this notification to communicate to the Transport Regulatory Authority its observations regarding the preservation of the security of its services and, if necessary, the information required for the use of the application programming interface made available for multimodal data or information collection, in particular the identification key to that interface. He shall inform the Transport Regulatory Authority of the information he knows of concerning the quality and bias of the multimodal travel data and information collected.'

'Article R. 1264-3. – For the collection of multimodal travel data or information referred to in Article R. 1264-2, the Transport Regulatory Authority shall be authorised to create accounts on digital services as well as accounts for use through programming interfaces made available by operators of those services.

Authority officials shall not be allowed to use those accounts to connect with other account holders of those digital services, to broadcast content on the online platforms of those digital services or to carry out any activity on those digital services other than that provided for in the first subparagraph.

For the implementation of these automated collections, the Transport Regulatory Authority may use the services, expertise and tools developed by the centre of expertise for digital regulation created by Decree No 2020-1102 of 31 August 2020.'

'Article R. 1264-4. - Data and information which are not necessary for the task for which the automated collection is carried out, as well as any personal data or information that may be collected incidentally, shall be destroyed immediately after its collection.'

Article 2

The Minister for the Ecological Transition and Territorial Cohesion, the Minister for the Economy, Finance and Industrial and Digital Sovereignty, the Minister for Culture, the Minister Delegate to the Minister for the Ecological Transition and Territorial Cohesion, responsible for transport and the Minister Delegate to the Ministry for the Economy, Finance and Industrial and Digital Sovereignty, responsible for the digital transition and telecommunications, shall each be responsible for the implementation of this Decree, which shall be published in the *Official Journal* of the French Republic.

Dated

By the Prime Minister:
Elisabeth BORNE

The Minister for Ecological Transition and
Territorial Cohesion,
Christophe BECHU

The Minister attached to the Minister for
Ecological Transition and Territorial
Cohesion, responsible for transport,
Clément BEAUNE