



PrepDSpace4Mobility



Funded by
the European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Commission. Neither the European Union nor the granting authority can be held responsible for them.



On the way to mobility data spaces: Regulatory specificities

Charlotte Ducuing



This project has received funding from the Digital Europe Programme under grant agreement n°101083655.



Contents

- Some important specificities of mobility concerning data (regulation)
- What mobility (datafication) can teach





Some specificities of mobility concerning data (regulation)



This project has received funding from the Digital Europe Programme under grant agreement n°101083655.



'Mobility' is just a word!

- Different transport modes
 - Different governance models
 - Important though differentiated imbrication public / private sectors
 - History of mode-specific liberalization (aviation, railways)
 - Multi-level governance
- 'Public services obligations'
 - Multi-level governance impact (especially in the EU!), *lex specialis* compared to market (regulation)
- Long distance vs urban transport

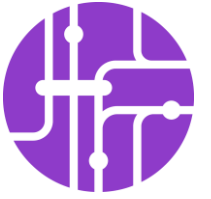


Elements of convergence



- **‘Mobility’ is actually the project** with datafication and digitalisation
 - Digitised consignment notes; (proposed revision for) ITS Directive, although road mobility as an entry point; ‘smart mobility’ experiments
- Importance of (physical, and increasingly digital) infrastructure
 - Importance of public funding
 - Transport is local!
 - Network effects
- Incomfortable position of some actors between ‘public’ and ‘private’ logics
 - Liberalisation process (see the role of infra managers)
 - Impact of PSI / Open Data Directive, DGA and High-value data sets Reg (PSBs and public undertakings)
- Liberalisation → fragmentation → interfaces → data (Montero & Finger, 2017)
- Safety-critical





What mobility (datafication) can teach



This project has received funding from the Digital Europe Programme under grant agreement n°101083655.



Experience with interoperability

- Interoperability by law as a result of liberalisation and thus fragmentation of economic operators/ions
 - Interoperability as part of liberalisation (law) → mainly sector-specific
 - Community-building exercise as a means to establish consensual standards (see TAF and TAP TSIs):
 - Co-regulatory approach;
 - long-term endeavour;
 - insider-outsider phenomena.
 - Modal interoperability can stand in the way of inter-modal interoperability and data exchange





Platformisation and infrastructure

- When datafication means platformisation
 - Risk of digital platformisation of legacy players through external datafication (e.g. smart mobility private players) (Montero & Finger, 2017)
 - Not only a market issue (i.e. ‘the value of data’) but also an infra & public funding issue
 - Risk reinforced by the ‘data as infrastructure’ motto (Ducuing, 2020)
 - ⇔ Illustration of the general argument ‘data is local’
- From infrastructure to platform and back
 - Challenges the regulatory focus on sole ‘data’ (impl. as a resource)
 - Towards more integrated regulation of value chains?
 - Growing literature qualifying digital / online platforms as infrastructure by analogy (Rahman, 2018; Plantin et al., 2018; Montero & Finger, 2021; Busch, 2021): a way forward?



References



- My own work

- Ducuing, Charlotte; Benmayor, Alik; Dheu, Orian; 2022. [RNE Data Study](#). RNE data study *Publisher: RNE*
- Ducuing, Charlotte; 2021. [Understanding the rule of prevalence in the NIS directive: C-ITS as a case study](#). *Computer Law and Security Review*; 2021; Vol. 40; pp. 1 - 12
- Ducuing, Charlotte; 2020. [Data as infrastructure? A study of data sharing legal regimes](#). *Competition and Regulation in Network Industries*; 2020; Vol. 21; iss. 2; pp. 124 – 142
- Ducuing, Charlotte; 2020. [Deliverable 5.3.6 Data Case \(CONCORDA\)](#). Deliverable 5.3.6 Data Case (CONCORDA)
- Ducuing, Charlotte; 2020. [Beyond the data flow paradigm: governing data requires to look beyond data](#). *Technology and Regulation*; 2020; Vol. 2020; iss. Special Issue: Governing Data as a Ressource; pp. 57 – 64
- Ducuing, Charlotte; 2019. [Towards an Obligation to Secure Connected and Automated Vehicles "by Design"?](#). *Security and Law: Legal and Ethical Aspects of Public Security, Cyber Security and Critical Infrastructure Security*; 2019; Vol. 7; pp. 183 - 213 *Publisher: Intersentia; Cambridge, Antwerp, Chicago*
- Dheu, Orian; Ducuing, Charlotte; Valcke, Peggy; 2020. [The Emperor's new clothes: a roadmap for conceptualizing the New Vehicle](#). *TRANSIDIT*; 2020; iss. 75; pp. 12 – 19
- Ducuing, Charlotte; 2016. [Transport ferroviaire et protection des consommateurs](#). *Revue du Droit des Industries de Réseau*; 2016; Vol. 3; pp. 275 – 288

- Other sources

- Rahman, K. S. (2018a). Infrastructural Regulation and the New Utilities. *Yale Journal on Regulation*, 35, 31.
- Rahman, K. S. (2018b). Regulating informational infrastructure: internet platforms as the new public utilities. *Georgetown Law Technology Review*, 2, 234–252.
- Plantin, J.-C., Lagoze, C., Edwards, P. N., & Sandvig, C. (2018). Infrastructure studies meet platform studies in the age of Google and Facebook. *New Media & Society*, 20(1), 293–310.
- Montero, J., & Finger, M. (2021). Platforms as the new network industries. In *The Rise of the New Network Industries - Regulating Digital Platforms* (pp. 203–213). Routledge.
- Montero, J. J., & Finger, M. (2017), “Platformed! Network industries and the new digital paradigm”, *Competition and Regulation in Network Industries*, 18(3-4), 217-239

