Legal and Governance

Topics · https://mobidatalab.eu/knowledge-base/legal-and-governance/

MobiDataLab will examine and address the legal and regulatory challenges with respect to data and data sharing in the mobility sector, including both personal and non-personal data. More concretely, legal frameworks and data governance mechanisms applicable to the transport sector will be investigated.



Legal Frameworks

Several legal frameworks, both at the EU and the national level, can find application in the transport sector (e.g. the General Data Protection Regulation, the Database Right Directive, the Directive on the Protection of Trade Secrets, Competition Law, the Directive

on Intelligent Transport Systems). Due to this multitude of potential applicable laws, the exact regulatory compliance obligations are unclear. At the same time, conflicting obligations may also exist.

MobiDataLab will study and analyze the regulatory landscape for data sharing cross-modes with a view to firstly, identifying the gaps that prevent increased data sharing and secondly, provide recommendations on data sharing legal frameworks. These two aims will shape two separate deliverables.

In the first deliverable, particular effort will be put into analysing the applicable legal frameworks through the prism of data sharing, but also into reviewing the interface of horizontal and transport-specific legislation, for example the relationship between the GDPR & the ITS Directive, or the Open Data Directive & the ITS Directive. Inspiration will be taken from selected use cases. Examples from national legislation will be provided, where available from the literature.

Data Governance mechanisms

Data governance mechanisms are increasingly being viewed as contextual instruments in bringing trust for stakeholders to be either incentivized or mandated to share their data. Many different data governance mechanisms can be designed (e.g. data commons and data pools, data trusts and various forms of independence stewardship of data).

The governance mechanisms for data sharing will be examined in the project, guided by the input of participating stakeholders on concrete problems they face and operational use cases.

Recent legislative developments will guide the analysis. For example, in November 2020, the European Commission adopted the Proposal for a Data Governance Act ("DGA proposal"). It is its first legislative initiative under the 2020 European Data Strategy that aims to reinforce the so-called "single market for data". The objective of the DGA proposal is to set the conditions for enhancing the development of common "European data spaces", as identified in the 2020 European Data Strategy, by bringing trust in data sharing and data intermediaries. MobiDataLab's partner KU Leuven CITIP published a

White Paper on the DGA proposal, which you can find here.

In the beginning of 2022, the European Commission is also expected to publish a proposal for a Data Act which aims to set up the framework that will govern B2B and B2G data sharing, including through the review of the Database Directive on the EU level and by improving data and application portability between cloud computing services in the data economy. The Data Act is an important piece of new legislation to be analysed as it is expected to radically alter the data governance landscape, including IP rights (copyright and *sui generis* database right) and trade secrets and will also significantly alter the substantive rights relating to data to facilitate access and sharing of especially IoT and machine-generated data.