



Challenges and opportunities with cross-border MaaS

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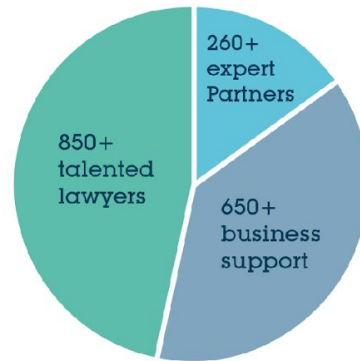


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OC: facts & figures

1,700+

employees
and counting



25

international
locations

Europe

Belgium: Brussels
France: Paris
Germany: Berlin, Cologne, Hamburg, Munich
Italy: Brescia, Busto Arsizio, Milan, Padua, Rome
The Netherlands: Amsterdam
Spain: Barcelona, Madrid, Zaragoza
Sweden: Stockholm
UK: Bristol, London, Reading

USA

New York, San Francisco, Silicon Valley

Asia

China: Shanghai
Hong Kong
India: Bangalore*, Mumbai*
Singapore



What we're talking about

ITS and MaaS deployment legal challenges and concerns:

- Competition law
- Regulatory framework
- Access to data
- Data protection
- Liability

Competition law – Application to MaaS (1)

What is Competition law?

1. Two key prohibitions:
 - i. Anti-competitive agreements between undertakings (i.e. businesses) which have the object or effect of preventing, restricting or distorting competition; and
 - ii. The abuse of a dominant position in the market
2. EU Merger control – preventing mergers and joint ventures that impede competition

Competition law – Application to MaaS (2)

Two competition law issues for Mobility as a Service and MyCorridor

1. Avoiding Anti-competitive agreements:

- You don't need a written agreement to break the law - (verbal agreements, decisions, rules, even conduct are caught).
- Applies to activities of individual companies, trade associations and individuals
- Care not to discuss Competitively sensitive information – risks entering into an anti-competitive agreement or practice:
 - Pricing;
 - Key business strategy;
 - Customers

Competition law – Application to MaaS (3)

Two competition law issues for Mobility as a Service and MyCorridor

2. Abuse of dominance?

- Competition law more likely a shield than a sword
- MyCorridor has no market share (yet!) and at this stage many MaaS platforms have low market share i.e. no risk of abuse of dominance.
- BUT - dominant transport sector companies might restrict access to their own data, platforms or services. Competition law can help here.
- An important recent case study on this.....

Competition law – Application to MaaS (4)

Case Study - Daimler and BMW merger - EU Commission investigation

Daimler and BMW - bringing together the two companies' mobility services

Investigation found risk of restricting competition, by shutting out:

- (a) rival providers of integrator apps (such as MyCorridor), to the benefit of Daimler's own integrator app "moovel"; and
- (b) rival car sharing providers, to the benefit of their own car sharing services.

Conditions for approving the merger, both relating to access:

- Access to application programming interface ("API") for third party mobility platforms, so that they can include Daimler and BMW's car sharing services in their offering; and
- Access to Daimler "moovel" integrator app to interested car sharing providers.

Regulatory framework

- Finland – Act on Transport Services
 - Opening of data
 - Deregulation
- Lack of EU harmonisation

Competition for access to data

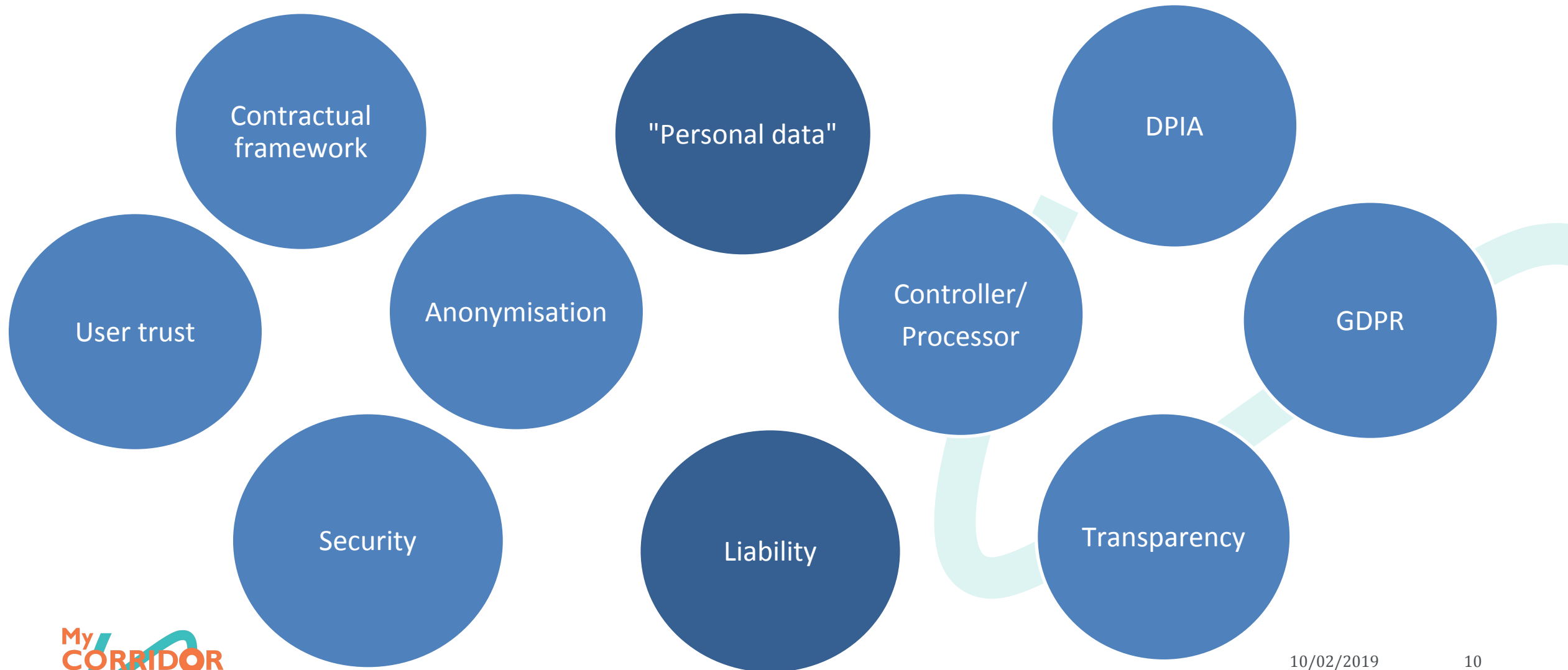
A move in the right direction?

EU ITS Directive 2010/40/EU

1. Provision of EU-wide multimodal travel information services
2. Provision of EU-wide real-time traffic information services
3. Data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users
4. The harmonised provision for an interoperable EU-wide eCall

<https://ec.europa.eu/transport/sites/transport/files/its-national-access-points.pdf>

Data aggregation, integration and protection: the real value in MaaS



Liability

ITS technologies

- Device or system failure
- Conflict between multiple ITS products
- Incorrect interpretation of information

MaaS

- Multiple stakeholders and service providers contributing to one service
- Multiple providers or interpreters of data

Contractual framework is key

Legal issues identified in MyCorridor to date

Quick recap on legal issues:

- **Competition law**
- **Regulatory framework**
- **Lack of EU harmonisation**
- **Open systems, data protection, privacy and security**
- **Contractual matrix**

- Payments regulation
- Intellectual Property rights
- Public procurement
- Consumer law

Thank you



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