



Notification Number: 2016/9/F

Decree relating to the conditions for application of Article L. 1115-1 of the French Transport Code

Date received : 06/01/2016
End of Standstill : Closed
Issue of detailed opinion by : Commission

Message

Message 002

Communication from the Commission - TRIS/(2016) 00043
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2016/0009/F

No abre el plazo - Nezhahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201600043.EN)

1. Structured Information Line

MSG 002 IND 2016 0009 F EN 06-01-2016 F NOTIF

2. Member State

F

3. Department Responsible

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4. Notification Number

2016/0009/F - SERV

5. Title

Decree relating to the conditions for application of Article L. 1115-1 of the French Transport Code

6. Products Concerned

Information society services

7. Notification Under Another Act

-

8. Main Content

Article L. 1115-1 of the Transport Code provides that operators of 'mobility services' shall disseminate their data 'to the public and to other operators'. This data, disseminated without restriction, free of charge and immediately', should be in an 'open format' to enable it also to be reused 'without restriction, free of charge and immediately'.

The draft implementation Decree specifies that mobility services include 'services facilitating the practice of car sharing' and in particular electronic platforms serving to put passengers and drivers in contact with each other.

The aforementioned provisions apply to operators of services putting people in contact:

- on a paying basis: long-distance car sharing (e.g. Blablacar);
- or on a non-paying basis: short-distance car sharing (e.g.: IDvroom, a service offered by SNCF; Roulez Malin!, dynamic car sharing; WayzUp, home-work car sharing, etc.); platforms implemented by local authorities (often French départements, e.g. l'Orne) and so forth.

9. Brief Statement of Grounds

Necessity

Prior to the Law, data constituting 'necessary traveller information', i.e. enabling the traveller to plan and undertake a given journey, was not disseminated or, if it were, could not be reused without the express agreement of its holders (reuse would typically be on a paying basis).

Article 1115-1 guarantees unrestricted access to this data and requires it to be disseminated in an open format so that it may be reused without restriction. The aim is to:

- a) supplement traveller information regarding existing transport solutions, in particular regarding shared journeys available,
- b) encourage shared car use with the aim of reducing harmful emissions,
- c) improve the interaction of transport and mobility services (e.g. car sharing-rail transport),
- d) and finally enable the emergence of information services covering all transport and mobility services on a 'door-to-door' basis.

Proportionality



The 'data' concerned is exhaustively listed. In the case of platforms serving to put drivers and passengers in contact with each other, the draft Decree specifies that only the times, availability and price of offers of shared journeys should be open.

Managers of platforms may deviate from the free-of-charge principle where opening their scheduling interface involves a 'significant cost'; in this case, all they need to do is adhere to a 'protocol'; the fee shall be limited to covering the marginal costs of making the data available; in order not to penalise 'small reusers', this fee shall only apply to 'bulk users'.

Non-discrimination

The obligations apply equally to all managers of platforms established on national territory.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): Article 4 of Law No 2015-990 of 6 August 2015 for the growth, activity and equality of economic opportunities

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect

No - the draft is neither a technical provision nor a conformity assessment procedure.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers