

## SNCF'S COMMENTS ON THE PUBLIC CONSULTATION ON THE REVIEW OF THE DIRECTIVE ON THE RE-USE OF PUBLIC SECTOR INFORMATION (PSI DIRECTIVE)

SNCF would like to thank the European Commission for giving stakeholders the opportunity to share their views on the review of the Directive on the re-use of public sector information (PSI Directive).

SNCF has identified for many years the crucial role that digitalisation plays to offer highly efficient and attractive transport options and services to its customers and to make the most out of the opportunities offered by the data-driven economy.

In order to maximise the use of data and to develop interoperable and interconnected services, SNCF is heavily investing in technical solutions. The goal is to make available dynamic data for re-use in a timely and easy manner especially to meet the needs of data users such as start-ups, developers and public transport authorities, with whom SNCF works very closely. Since 2012, we have a dedicated website ([www.data.sncf.com](http://www.data.sncf.com)) with over 80 data feeds that cover a wide range of data from schedules to maps. SNCF has also given access to four types of dynamic data: train itineraries, stop points, train schedules and the nearest station through APIs.

In the light of these elements, SNCF read with interest the Commission's consultation and would like to make a few comments regarding the possibility to extend the scope of the PSI Directive to public transport datasets:

- First and foremost, **the transport sector is already open and highly competitive**. Indeed, the competition between public and private operators, as well as amongst different modes of transportation (train/flights/coaches/car-sharing) is fierce.
- SNCF, like other public transport companies, already has to comply with public service obligations (PSO) which do not apply to the private competitors delivering transport services and to private digital transport service platforms. Yet, **obliging public transport operators to share their data for free to private competitors would lead to competition distortions**.
- **Thus, both public and private companies operating in this sector have commercial interests that must be safeguarded** and should be granted the right to protect data covered by business secret and intellectual property rights. This implies a level playing field amongst all operators.
- It is important to maintain coherence between the legislations and especially to take into account the upcoming Regulation on a framework for the free flow of non-personal data in the EU<sup>1</sup> and the Trade secrets Directive<sup>2</sup> which stresses for companies that "investment in generating and applying intellectual capital is a determining factor as regard their competitiveness and innovation-related performance in the market".
- There are also numerous European and national legislations dealing with the access to public transport data. At EU level, **the public transport sector is already subject to the Intelligent Transport System (ITS) Directive and its delegated Regulation of 31 May 2017 (priority a)**. This regulation already covers data access for public and private transports operators and must be implemented by 2019. Therefore, a new legislation on transport datasets would make its implementation more complicated and even counter-productive.

<sup>1</sup> 2017/0228 (COD), Proposal for a regulation on a framework for the free flow of non-personal data in the European Union

<sup>2</sup> Directive (EU) 2016/943 of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure

On more technical aspects, SNCF would like to underline that:

- Producing, processing and providing access to data is an expensive process with many direct costs regarding time, IT systems and human resources. **Open data does not necessarily mean “data free of charge”, and the volume of required data must also be taken into account.** SNCF considers that data re-use conditions should be fair and non-discriminatory, which does not necessarily mean the same for all players. The conditions have to be proportionate to the used volume in order to foster an innovative ecosystem and to promote innovation. This is what SNCF does with its freemium model to access its APIs: it is free of charge up to a certain volume of use.
- **Access to data is closely linked to the conditions surrounding the re-use of such data.** Share-alike licenses and a general requirement of reciprocity should apply to the re-use of data. Moreover, some leeway for the conditions of such re-use should be given to public bodies and companies complying with public service obligations (PSO).
- The conditions to make data available are closely related to the type of data and the use given to it. **There is no “one size fits all” principle.** It always depends on the size of the network where transport actors operate, type of service, etc. (i.e.: Price data for services under public obligation can be shared but it becomes a very strategic data for yield-managed open access services).

In conclusion, SNCF is already implementing an ambitious open data policy and making a wide-range of data available for re-use to data users, including real-time data. This trend is shared by other European transport operators who are actively developing an open data strategy.

SNCF considers that the scope of the PSI Directive should continue to exclude transport data. There is no need to do more to encourage transport operators to provide data for re-use, as they are already well advanced in this process. Indeed, the ITS Regulation already establishes the frame for multimodal transport data access.

## **About SNCF**

SNCF is a global leader in passenger and freight transport services with revenue of €32.3 billion in 2016, of which one-third on international markets. With 260,000 employees in 120 countries, SNCF draws on its foundations in French rail and on its extensive experience as an architect of transport services. It aims to become the benchmark for mobility and logistics solutions, both in France and worldwide. SNCF has six core businesses: SNCF Réseau (management and operation of the French rail network); SNCF Voyageurs (commuter transport in the Paris region, regional and inter-city public transport, high-speed rail in France and Europe); SNCF Gares & Connexions (management and development of stations); SNCF Logistics (freight transport and logistics worldwide); Keolis (mass transit and public transport in Europe and around the globe); and SNCF Immobilier (management and optimization of SNCF property and land assets).

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Contact : Jean-Michel DANCOISNE, Représentant Permanent de SNCF  
Rue Belliard 4, 1040 Bruxelles, +32 (0) 2 274 01 80, [rpeurope@sncf.eu](mailto:rpeurope@sncf.eu)

*Numéro d'enregistrement au registre des représentants d'intérêts de la Commission européenne : 97914681026  
SNCF est membre de la CER et de l'UIC.*

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