

# How to achieve a level playing field for MaaS

*Maas Alliance Working Group Users & Rules, July 2023*

## What is a level playing field?

Having a level playing field means ensuring fairness in the business ecosystem. The goal in general, in any kind of market, is to create fair conditions for all market operators, where no operator can be in advantage (or in disadvantage) compared to others. This does not mean however that each player has an equal chance to succeed, but that they all play by the same set of rules.

A level playing field can be supported by a framework of common rules and standards that prevent businesses from gaining an unfair competitive advantage over others and ensure equal opportunities to newcomers.

Beyond ensuring fair and open trade conditions, provisions aimed at ensuring a level playing field can also help reach other objectives, such as Sustainable Development Goals (SDGs)<sup>1</sup> or climate commitments. As transport is recognised as a mainstream to reach several SDGs, especially SDG 11 on sustainable cities and communities, innovative trends in the mobility ecosystem and the growth of multimodal digital mobility services to end users might become a powerful tool to help make mobility smarter and greener in any communities worldwide.

## What does a level playing field mean for MaaS?

A level playing field in the MaaS ecosystem can help lower the entry barriers for newcomers to provide Multimodal Digital Mobility Services and prevent inequality of bargaining power in

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<sup>1</sup> For more information, visit <https://sdgs.un.org/topics/sustainable-transport>

favour of incumbent operators. This can enable the deployment of a **plurality** of MaaS operators and MaaS offers in the mobility ecosystem.

Promoting a level playing field is therefore a pre-condition and a priority when we talk about MaaS, especially if we aim to promote the level 4 of MaaS to reach societal goals<sup>2</sup>, such as increasing accessibility and inclusiveness of mobility services, reducing carbon emissions and promoting more sustainable mobility choices, optimising public spending for mobility.

From a **user perspective**, multiple mobility offers are capable to match the needs of a variety of different target user groups, so as to widen their freedom of choice for mobility-on-demand, and to enhance the quality of mobility services due to fair market conditions. Competition between different MaaS operators may also benefit the users in terms of lower prices.

Mobility is like a **grid**. It is made of dots which are the local mobility ecosystems (be they metropolitan or regional), and connections which are the global mobility services connecting these dots through short- or long-distance travels. Users can move and commute within specific dots, or follow connections between dots, or a combination thereof. This is the reason why users need different solutions for different needs, and Multimodal Digital Mobility Services operators are in a position to develop both global and local MaaS services.

How can MaaS address the challenge of developing a plurality of services for a variety of users' needs? And how can a level playing field be ensured? Which sets of rules can be applied?

## What is the role of regulation?

Regulation and public policies play a key role in fostering well-functioning MaaS ecosystems that ensure market access, fair competition, and freedom of choice for the user.

The role of the MaaS Alliance is to support the entire industry to grow and flourish, and to enable the uptake of the wide availability of MaaS services at a global scale. Because of the diversity inherent to this ecosystem, the MaaS Alliance is neutral in the support of both publicly- and commercially-led MaaS operations (as well other potential models), as the local conditions may vary. However, the MaaS Alliance seeks to abide by the original and all-the-more relevant vision of open and well-functioning ecosystems to facilitate the highest environmental impact.

This means that similar, fair market access and operational conditions should be created for everyone, with appropriate and up-to-date regulations and enabling policies in place, to prevent the establishment of private or public “walled gardens”, which would have a negative effect on the development of innovative and attractive services for the end users.

Regulation, often crafted at the national or multinational level, but most of the times implemented locally or regionally, is, on the one hand, a mechanism for creating a level playing field by building trust among industry stakeholders and facilitating the development of the

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<sup>2</sup> For more information, visit <https://www.sciencedirect.com/science/article/abs/pii/S2210539518300476>

industry, and, on the other hand, a powerful tool to guarantee user rights. Considering its dual purpose, a regulatory framework should establish the pre-conditions for developing an open, trusted and secure ecosystem for data sharing, integrated services, and fair competition, that is transparent and mindful of market dynamics, and which ultimately facilitates freedom of choice for users.

With regard to technology, it is clear that in a digital economy, ownership, right of use, and access to data may create a competitive advantage and, as such, determine market dominance. Data sharing and data access do not necessarily equal free data. Rather, data sharing and exchange models can be designed between partners, so that they are proportionate, fair and fit for purpose. However, if access to data remains a blocking issue to further service development, there are several options that can be considered, such as: initiatives to incentivise players to share data in a trusted framework, but also regulatory obligations on a case-by-case basis. This is the reason why several regulatory initiatives are currently in progress, especially in the European Union, taking into account the necessary (but not sufficient) conditions of availability and access to high-quality transport and mobility data.

## Main EU initiatives

The below overview of the main EU initiatives of relevance to the MaaS sector shows the attention given by policymakers to enabling the right market conditions, unlocking data sharing and fulfilling green ambitions in the field of mobility.

More broadly speaking, the **Digital Services Act (DSA)** and the **Digital Markets Act (DMA)** are two legislative initiatives, developed by the European Commission between 2020-2022 and recently adopted by the European Parliament, with the aim to create a safer digital space where the fundamental rights of users are protected, and to establish a level playing field for businesses in the digital services market, both in the European Union and globally. In particular, the Digital Services Act primarily concerns online intermediaries and platforms, including online travel and accommodation platforms, meaning that future largely deployed Mobility as a Service and Mobility on Demand applications will have to be fully compliant to the new Digital Services Act package<sup>3</sup>.

The most relevant regulations for MaaS with a specific focus on mobility space are the following.

- The first one is the **revision of Delegated Regulation (EU) 2017/1926**, which establishes the necessary specifications in order to ensure accessibility, exchange and update of standardised travel and traffic data and distributed journey planning to provide EU-wide **multimodal travel information services (MMTIS)** in the European Union.

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<sup>3</sup> For more information, visit <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>

- The second one is the **Multimodal Digital Mobility Services (MDMS) initiative** of the European Commission, planned for end-2023, which aims to better integrate and align all mobility services, long distance and urban, within the mobility space to achieve seamless multimodal passenger transport as a way to deliver the EU Green Deal. The initiative intends to better understand the challenges and barriers for the development of multimodal digital mobility services, including features enabling planning, booking, payment or ticketing. In a nutshell: the ABC of MaaS applications<sup>4</sup>. As clearly stated in this recent Position Paper<sup>5</sup>, the MaaS Alliance strongly believes in the importance of creating the appropriate “digital”, as well as the suitable “governance” frameworks, for the future of mobility. Public Authorities should take the lead in working on the deployment of MaaS, setting the correct regulation, so that all players of the MaaS space – public and private – play under the same rules. The figure below shows a comprehensive overview of the digital framework that will be the backbone of the future well-functioning Open MaaS Ecosystem.

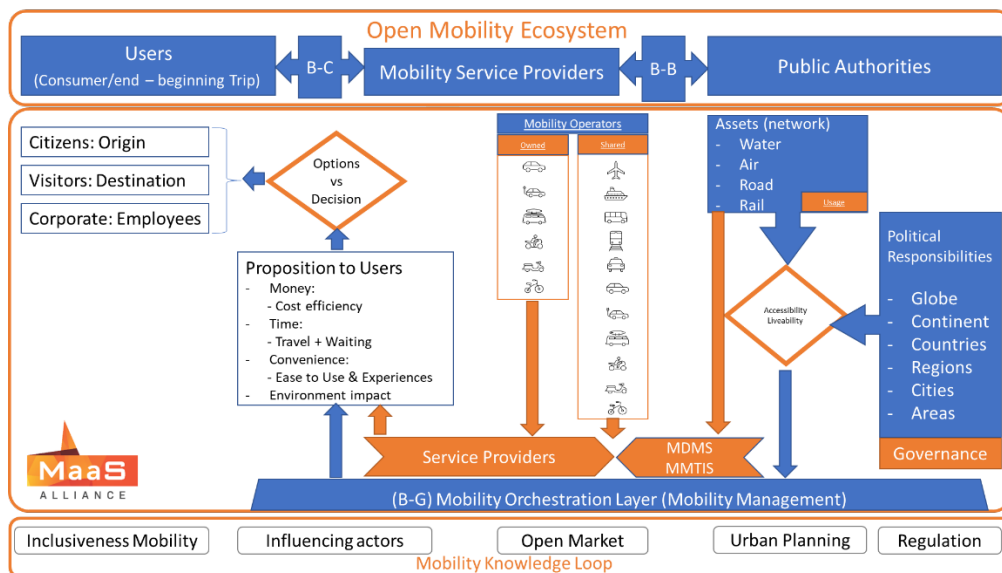


Figure 1 Digital Framework of the Open MaaS Ecosystem

## What do we recommend?

Since the mobility space can be seen like a grid of dots and connections, we need both **global and local regulatory tools** to cope with the challenges that will arise from deploying MaaS.

<sup>4</sup> For more information, visit [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13133-Multimodal-digital-mobility-services/F\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13133-Multimodal-digital-mobility-services/F_en)

<sup>5</sup> For more information, visit <https://maas-alliance.eu/wp-content/uploads/2023/01/MA-positioning-paper-on-MDMS.pdf>

In the European Single Market for instance, we can rely to a certain extent on a regulatory framework setting obligations and standards in terms of data sharing more generally. More recently, we could see also rules aimed at preventing market dominance in the digital space. While following the European and national regulations, which set the framework of principles and rules, when it comes to national and local authorities, these are responsible to a certain extent for “filling the gaps” where specific local regulations apply. This is the case, for instance, when defining public service obligations for local public transport operators, or when establishing rights and obligations for any Mobility Service Provider operating a shared mobility service in their communities, in exchange of their use of public resources (space, roads, restricted zones, etc.).

We welcome and recommend designing a complementary regulatory framework to enable the uptake of MaaS and Multimodal Digital Mobility Services. In Europe, the European Commission can set up the guidelines of the EU digital interoperability, that can be deployed by the National Authorities and Local Public Authorities. More generally speaking, global initiatives in this regard should be then complemented by appropriate national, regional and metropolitan policies, in line with local specificities. This multi-level regulatory approach will allow to set the right conditions, build trust among all the relevant stakeholders and also help reach sustainability goals, according to common priorities and policies. We do believe that a synergic combination of global, national and local policies can accelerate the success of MaaS in well-functioning and open ecosystems, that can generate social, economic, and environmental benefits, and so ultimately contribute to the common good.

## References and best practices

In Finland, the Act on Transport Services<sup>6</sup> was a major regulatory reform that brought together the legal provisions on transport markets of the country. The Act came into force in July 2018. Opening the access to data had a key role in the reform and that also enabled the offering of new kinds of travel chains composed of different modes of transport to consumers. An important aspect of the Act is that it created an obligation to open essential data on transport services. The Act also laid down provisions for the interoperability of ticket and payment systems. The obligation to grant access to single ticketing interface, together with the obligation to enable third parties to act on behalf of the customer, has enabled the provision of travel chains connecting different modes of transport for the occasional traveller. New services have been developed and the trend continues as especially the long-term transport operators are repositioning themselves.

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<sup>6</sup> For more information, visit <https://lvm.fi/en/-/act-on-transport-services-955864>

In Belgium, the Flemish government published the first version of a framework agreement for MaaS<sup>7</sup> after a broad consultation and co-creation process with relevant stakeholders. This approach is called "soft" or "collaborative regulation", where public and private MaaS stakeholders develop supported, dynamic, and scalable regulations through a multi-year co-creation process. The main focus of the MaaS agreement in Flanders is sustainable combined mobility or combi-mobility, where users can combine different transport modes in both urban and rural areas and for all travel purposes. The process involved five MaaS stakeholder groups, including users, MaaS providers, transport providers, local authorities, and data brokers. The Flemish government is continuing to facilitate and support the process while cooperating on execution of the concrete agreements to develop a user-oriented, fair and sustainable MaaS ecosystem.

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In Italy, the Piedmont regional government has recently launched an open consultation to co-create a well-functioning MaaS Community, supported by an appropriate regulatory framework. The consultation aims at calling on all the relevant stakeholders to provide comments on a first proposal of "Guidelines for a regional MaaS Community"<sup>8</sup>, setting the scene for an open MaaS ecosystem in Turin and in Piedmont. The Guidelines will define the main principles of the MaaS Community, the roles of the different players and their respective rights and duties. The consultation will be carried out during the summer 2023 and is expected to lead to the adoption of the framework by the end of 2023. This initiative of public-private cooperation on MaaS will help innovating the local transport and mobility system, for the benefit of the users, the business and the environment.

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<sup>7</sup> For more information, visit <https://www.polisnetwork.eu/news/governing-maas-the-flemish-maas-agreement-framework/>

<sup>8</sup> For more information, visit <https://bipformaas.it/en/guidelines-for-a-maas-community/>