

JOINT STATEMENT

Vehicle Operational Data Access in Public Transport

Digital Omnibus - COM(2025) 837 Risks, opportunities and asks for the European Parliament - July 2026

Why this matters: the data opportunity Europe must not squander

Connected vehicles generate a continuous flow of operational data - engine parameters, battery state of health, energy consumption, braking behaviour, fault codes, component temperatures. For public transport operators and authorities, this data is the foundation of the next generation of fleet management: predictive maintenance that replaces costly emergency repairs, AI-driven energy optimisation that accelerates decarbonisation, and battery health monitoring that protects multi-million-euro investments in electric fleets.

The Data Act (Regulation (EU) 2023/2854) was designed precisely to unlock this potential by giving operators the right to access data generated by the connected products they use. The Digital Omnibus is the critical test of whether that right will be enforceable in practice - or whether it will be systematically circumvented.

Predictive maintenance	Detecting component failures before they occur reduces unplanned downtime by up to 30–40% and cuts maintenance costs significantly - but requires access to long time series of operational data, not just real-time feeds.
Battery lifecycle management	A traction battery represents ~30% of an electric bus acquisition cost and uses rare earth materials. Operators with access to battery health data can extend service life, avoid premature replacement and optimise end-of-life decisions - directly reducing public procurement costs.
Energy optimisation & decarbonisation	Granular energy consumption data at vehicle and route level enables operators to reduce energy use, optimise charging strategies, and demonstrate progress against climate targets - a core priority for every European transport authority.

Three circumvention risks that the Digital Omnibus must close

Reclassification as “derived data”	In practise, there are still too many cases where some manufacturers restrict access - through the reclassification of operational sensor readings - battery charge levels, converter temperatures, fuel consumption - as “derived data”, placing them outside the Data Act’s scope. Any filtering or averaging applied by onboard software is used to claim a “substantial transformation”. Without a clear definition and a presumption of raw data status, this loophole renders the right of access meaningless.
Cloud-only access and proprietary platforms	Rather than providing direct in-vehicle access, manufacturers offer data only through their own cloud platforms - at a cost, through APIs they control, and subject to conditions they can modify unilaterally. This recreates structural dependency on a competitor’s infrastructure. Operators cannot verify data integrity, cannot integrate data from mixed fleets, and remain permanently captive. The CJEU explicitly ruled against this model in Case C-296/22.
Trade secrets as a blanket refusal	The Digital Omnibus, as currently drafted, risks widening the grounds on which manufacturers can invoke trade secrets to block access. Operational parameters - fault codes, temperatures, charge cycles - reveal nothing about industrial design. Allowing their retention on the basis of a hypothetical or unsubstantiated risk transforms the exception into the rule and deprives operators of data they generate through their own use of the vehicle.

The consequences are already documented. Operators across Europe have spent millions of euros installing redundant sensors on vehicles they own, simply to reconstruct data already collected by the manufacturer’s own onboard module. As vehicle lifecycles extend to 12–20 years and fleets transition to battery-electric and hydrogen technologies, the cost of data inaccessibility will compound year on year - borne by public budgets and ultimately by passengers and taxpayers.

Legal foundation already exists - Parliament must protect it

The right to in-vehicle data access is already established in EU law. Parliament does not need to create new rights - it needs to prevent them from being diluted.

- Data Act, Articles 4 and 5: operators have the right to access data generated by connected products they use, in real time and directly.
- Regulation 2018/858, Article 61 (Type Approval): manufacturers must provide independent operators access to the same diagnostic data available to their authorised dealer networks.
- CJEU, Case C-296/22: manufacturers cannot require operators to route data access through manufacturer-designated servers. In-vehicle access is the legally validated model.
- CJEU, Case C-319/22: confirms the right of independent operators to access vehicle data on equal terms with the manufacturer’s own networks.

The Digital Omnibus must not introduce definitions or refusal grounds that contradict this established framework.

The international signal: the US is moving - Europe must not retreat

On 21 May 2026, the U.S. House Committee on Energy and Commerce voted 48 to 1 to advance the first federal right-to-repair legislation covering buses and coaches. A February 2025 federal court upheld Massachusetts' open-access telematics law, finding compliance technically feasible and cybersecurity concerns insufficient to justify blanket data restrictions. Over 20 US states now have active right-to-repair legislation. When the United States - historically the most industry-protective jurisdiction on data sharing - moves to enforceable federal law, this is not the moment for Europe to dilute the Data Act.

Five asks to the European parliament

The following positions reflect the operational priorities of European public transport operators, authorities. They are grounded in existing EU law and directly relevant to our members' day-to-day reality.

Ask	What it prevents
1. Define raw data	Prevent manufacturers from reclassifying operational sensor readings as "derived data". Presumption of raw data status; burden of proof on the data holder.
2. Maintain trade secrets safeguards	Reject Digital Omnibus proposals that widen refusal grounds. Fault codes, temperatures and charge cycles reveal nothing about industrial design - they must remain accessible.
3. Direct access + historical data	In-vehicle, machine-readable access - not cloud-mediated. Includes historical datasets: without long time series, predictive maintenance and AI optimisation are impossible.
4. No sectoral exclusions	Batteries, control systems and embedded architectures must remain in scope. No delegated acts creating sectoral carve-outs without full legislative procedure and impact assessment.
5. Binding sectoral guidance	Build on the Commission's Guidance on vehicles data of 12 September 2025 and extend it into binding sectoral guidance for public transport and rail within 18 months, co-developed with operators and authorities, covering definitions, access modalities, compensation rules and CENELEC standardisation mandate.

One specific clarification requested from Parliament

We welcome **the deletion of the proposed "access" definition and confirm that "direct access" under Article 2(4c) means actual, transmissible access to data in machine-readable format (amendment 13 of the draft by EU Parliament rapporteurs).** The proposed formulation "without necessarily implying the transmission or downloading of data" must not be reinstated.

We ask Parliament to confirm that direct access means actual, transmissible access in machine-readable format - and that this right extends to component-level data, including battery management systems, which are connected components within connected products.

Historical data must be explicitly included: the right of access cannot be limited to future data streams. Manufacturers who retain and exploit historical operational datasets for their own services must make those datasets accessible to the operators who generated them.

Our commitment

Our organisations stand ready to contribute documented operational evidence from member cities and transport authorities to support the parliamentary process, and to engage directly with rapporteurs and Commission services.

OUR ORGANISATIONS

EMTA (European Metropolitan Transport Authorities) brings together transport authorities from 35 major European metropolitan areas.

EUROCITIES is the largest network of European cities. We count over 200 large cities among our membership, representing more than 150 million people across 38 countries, from within and outside the European Union.

IRU, the world road transport organisation, is the voice of 3.5 million companies operating buses, coaches, taxis and trucks. We help connect societies with safe, efficient and green mobility and logistics.

POLIS is the leading network of European cities and regions working on urban transport innovation. Our members plan, finance and procure public transport across Europe.

SGI Europe representing employers of Public Services and Services of General Interest since 1961

UITP (International Association of Public Transport) is the international association representing public transport stakeholders. In the European Union, UITP brings together more than 500 urban, suburban and regional public transport operators and authorities from all Member States. UITP represents the perspective of short distance passenger transport services by all sustainable modes: bus, regional and suburban rail, metro, light rail, tram and waterborne.

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