

MaaS platform provider as a multimodal transport operator: *vacatio legis* in EU level on passengers rights in the multimodal context

Florence, 20/21 June

Erion Murati



Structure

- Definition of MaaS
- Online Platforms
- Multimodal transport of goods
- Current legal framework
- MaaS in national and EU level
- Passenger multimodal travel
- Law applicable to the passenger multimodal contract
- Conclusions & recommendations

Research questions

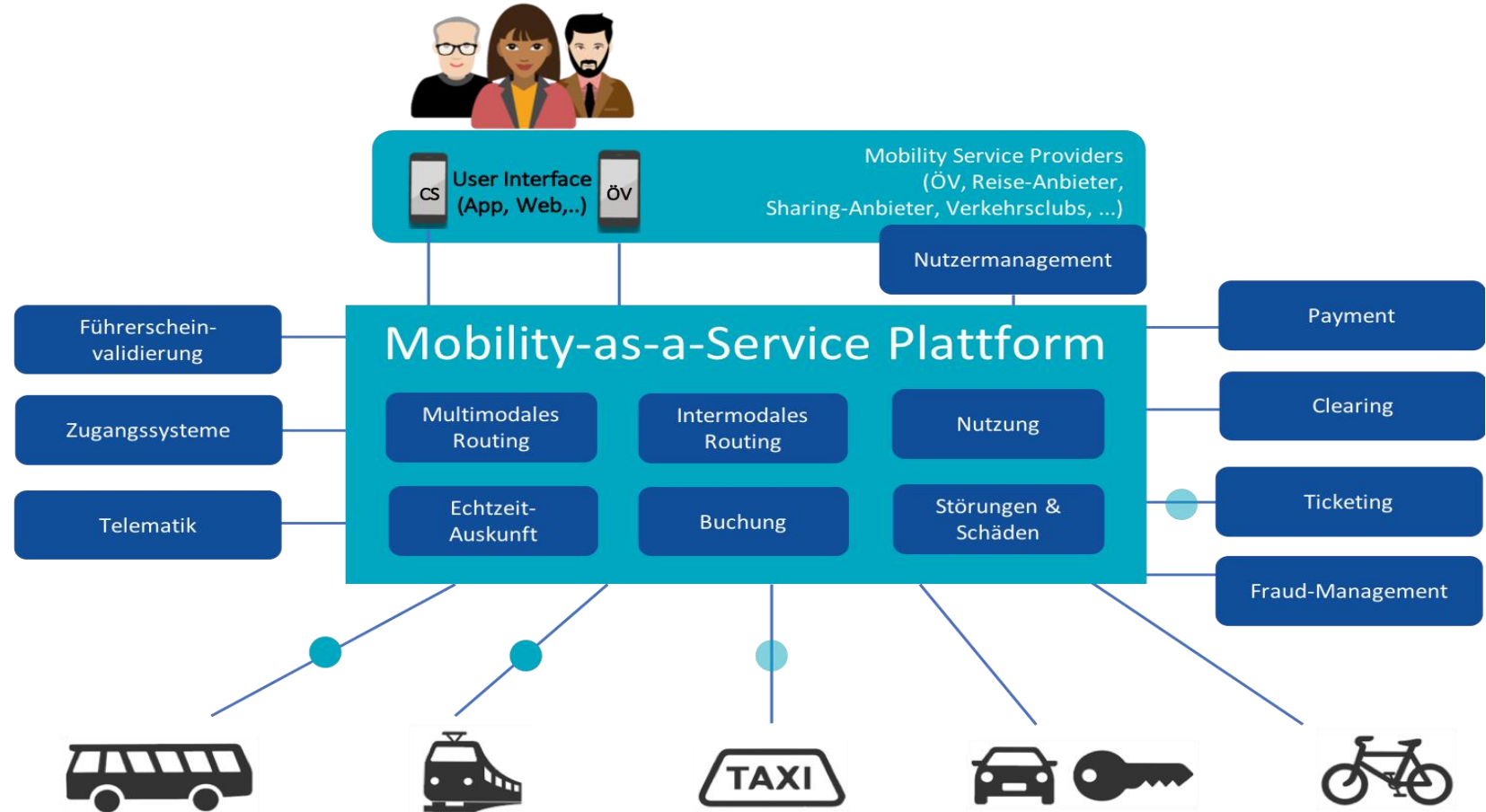
what kind of liabilities bears MaaS provider acting as a multimodal transport operator towards its passenger?

which EU regulation is applicable to a multimodal passenger's transport contract in case of a transport disruption?

What is MaaS?

- **Key words:**

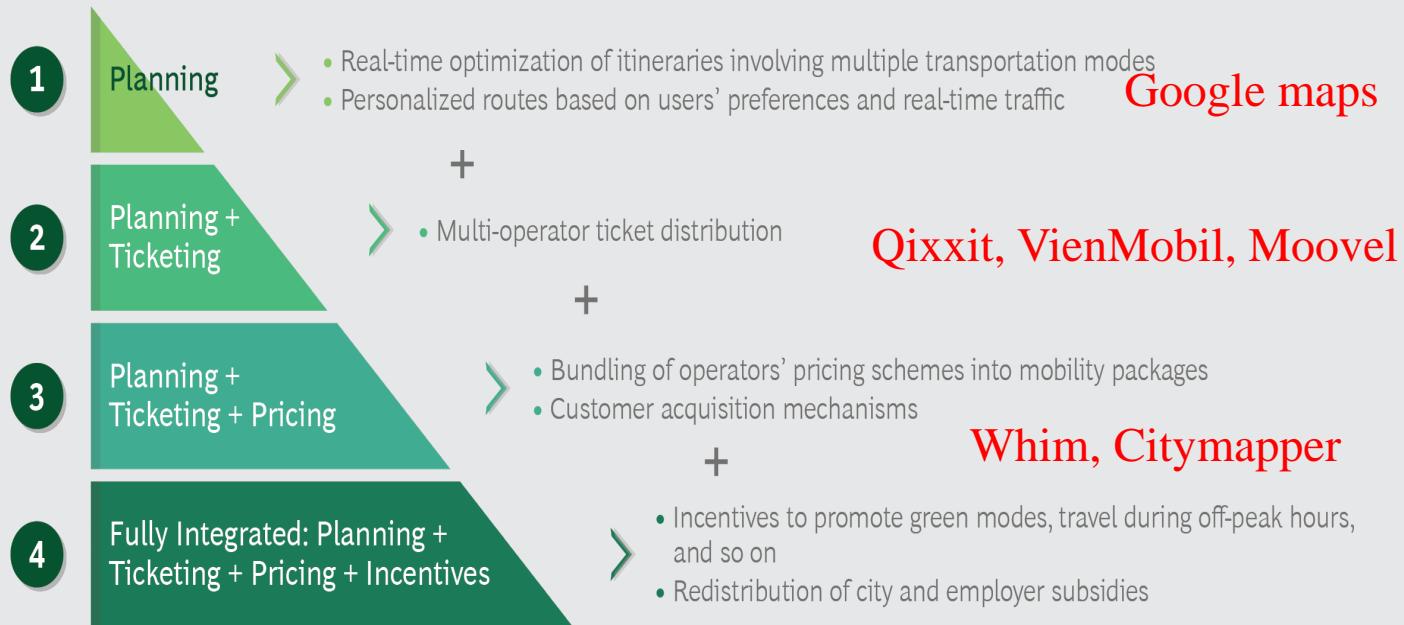
- Transport platforms
- One-stop-shop principle;
- Personalized and door-to-door trip;
- Pay as you go vs Monthly subscription;
- Real time information;
- MaaS Roaming;
- Open data/Interoperability ;



Definition of MaaS: integration level 2 as a minimum level

EXHIBIT 2 | How BCG Defines the Four Levels of MaaS

Each level leverages the same input data but uses a different, increasingly sophisticated business model



MaaSFiE definition: *“Multimodal and sustainable mobility services addressing customers' transport needs by integrating planning and payment on a one-stop-shop principle”.*

ONLINE PLATFORMS

TYPE OF PLATFORMS	MAIN BUSINESS MODEL	EXAMPLE
Online marketplaces	Transaction fee	Amazon, eBay, Allegro, Booking.com
Collaborative or sharing economy platforms	Transaction fee	Uber, Airbnb, Taskrabbit, Bla-bla car, MaaS
Communication platforms	Advertisement, subscription	Skype, Whatsapp.
Social networks	Advertisement, subscription	Facebook, LinkedIn, Twitter
Search engines and specialised search tools	Advertisement	Google search, TripAdvisor
News aggregator	Advertisement	Google news
Music/video sharing platforms	Advertisement, subscription	Netflix, Spotify, YouTube
App stores	Transaction fee	Google Play, Apple app stores
Payment system	Transaction fee	PayPal, ApplePay

European Commission definition:
*“online platform as an undertaking operating in two (or multi)-sided markets, which uses the Internet to enable interactions between two or more distinct but interdependent groups of users so as to **generate value for at least one of the groups.**”*

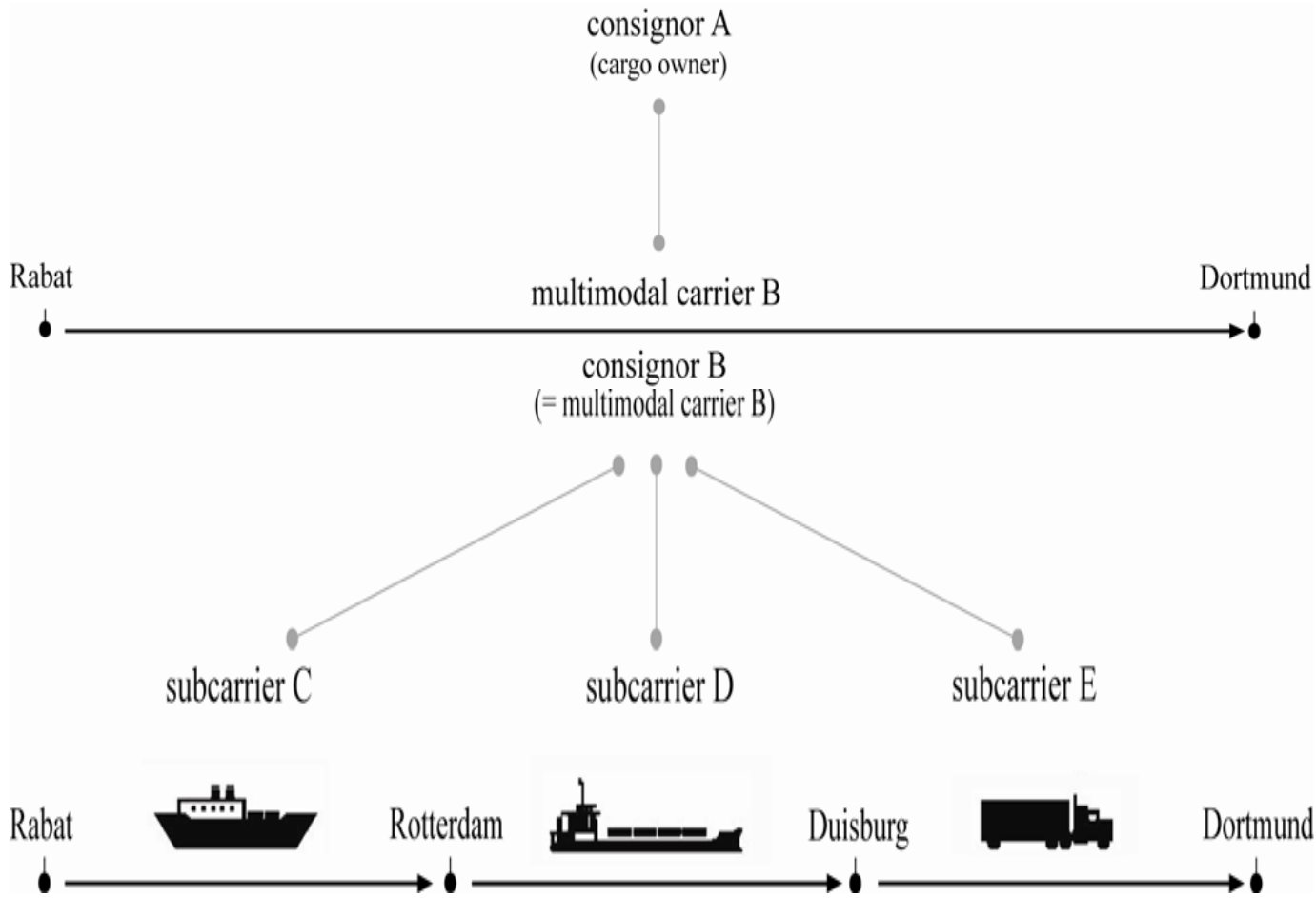
Sharing economy

- Service providers
- Users
- Intermediary

Multimodal carriage of goods contract definition: *single contract of carriage whereby a single multimodal carrier, who acts as a principal and assumes responsibility for the performance of the contract, promises a consignor to perform or procure the carriage of goods, which either, prescribes the use of at least two different modes of transports, or allows for the use of more than one mode of transport while two or more modes of transport are actually used during its performance.*

Key words:

- at least two different modes of transport;
- single contract;
- multimodal transport operator;



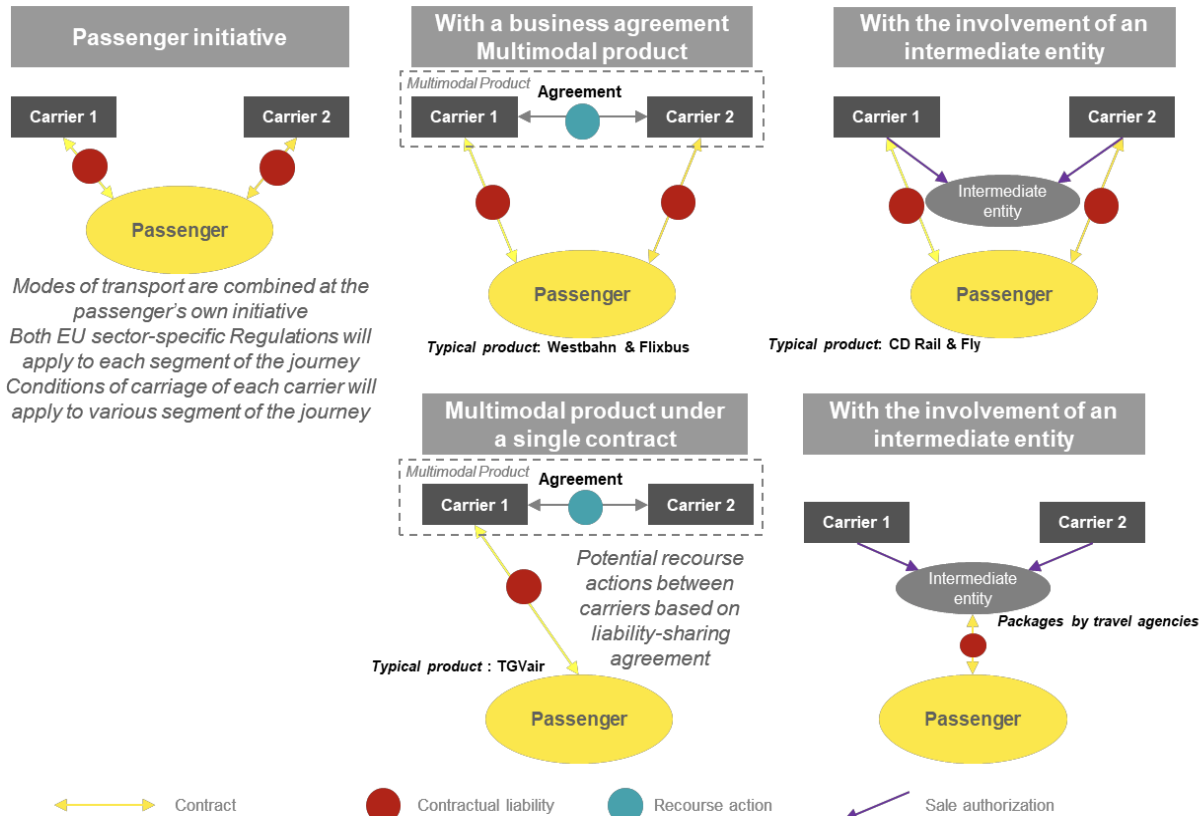
M. Hoeks's design

- **Fragmented legal framework**
- **Law applicable to the multimodal contract:**
 - *uniform liability system;*
 - *network liability system;*
 - *modified system ;*

MaaS in national and EU level

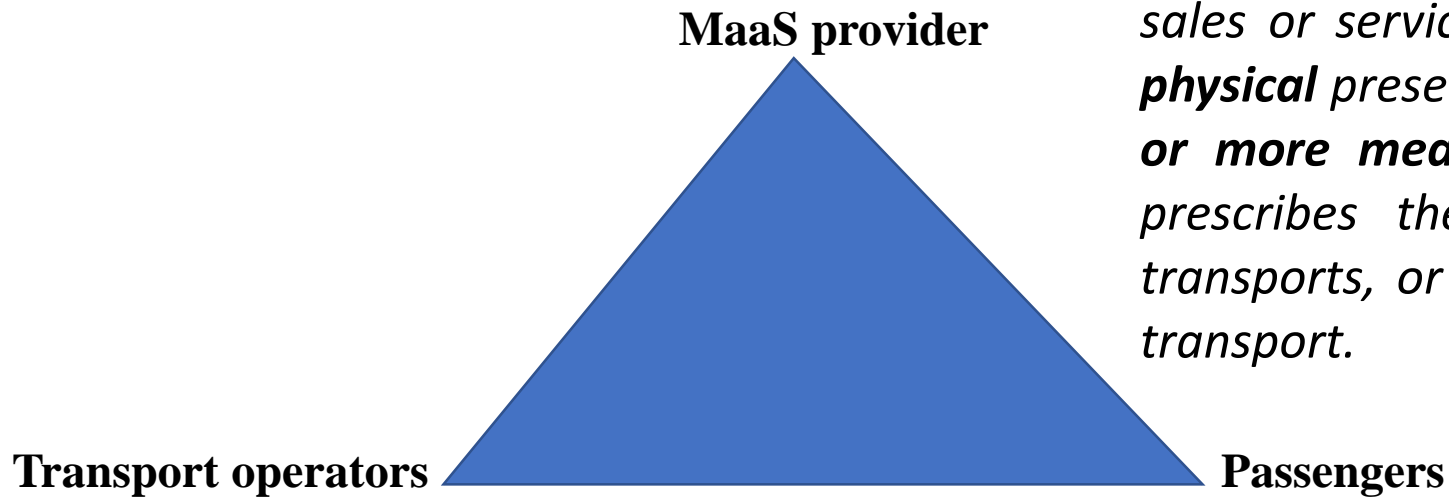
Multimodal transport under separate contracts

Multimodal transport under single contract - Fully integrated multimodal transport



- **EU regulations:** air, rail, sea and bus sectors;
- Why MaaS in national in EU level?
- A multimodal travel suffers a **fragmented legal base**
- **Legal gaps non covered by EU law:**
 - Transport disruption;
 - National Enforcement Body;
 - Transport operator's liabilities are specific mode;
 - Assistance and information;
- Multimodal transport under Separate and Single Contracts

Contractual Links on MaaS ecosystem



Graph. 1 Triangular relationship in MaaS ecosystem

Passengers multimodal contract definition: *any contract concluded, between the MaaS operator, who acts as a principal and assumes responsibility for the performance of the contract, and the passenger, under an organised distance sales or service-provision scheme **without the simultaneous physical** presence of the parties, with the **exclusive use of one or more means of distance communication**, which either, prescribes the use of at least two different modes of transports, or allows for the use of more than one mode of transport.*

Scenario 1: *The MaaS platform as an intermediary (Typology 3)*

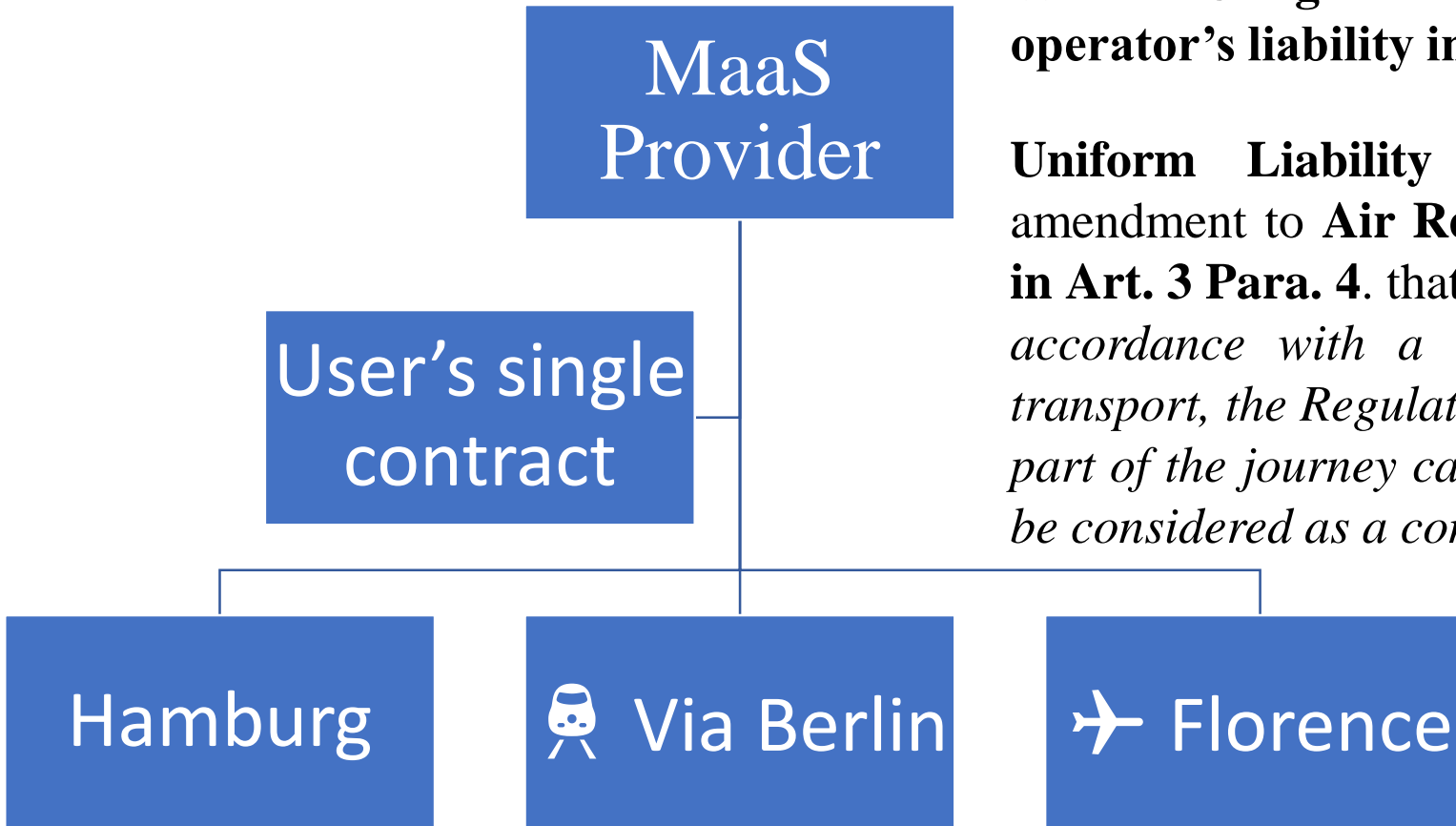
- Types of contract and liabilities;

Scenario 2: *The MaaS platform as a multimodal transport operator (typology 5)*

-Contract links and liabilities;

- Legal consequences, Uber, Airbnb, Blablacar;

The law applicable to the multimodal contract



Which EU regulation is applicable to the multimodal transport operator's liability in case of transport disruption?

Uniform Liability system: EU Commission (2013) draft amendment to **Air Regulation (EC) No 261/2004** which proposes **in Art. 3 Para. 4.** that *“where a part of the journey is carried out, in accordance with a contract of carriage, by another mode of transport, the Regulation would apply for the whole journey and the part of the journey carried out by another mode of transport would be considered as a connecting flight;*

Conclusions and recommendations

- Advantages and limits of uniform liability system
 - + Harmonization;
 - Recourse problem;
 - No force majeure derogation;
- Recommendations
 - Network liability system;
 - EU wide integrated ticketing and payment system;
 - Regulation 2017/1926 with regard to the provision of **EU-wide multimodal travel information service and National Access Points;**



Universität Hamburg

DER FORSCHUNG | DER LEHRE | DER BILDUNG



Thank You!

Maas

Mail: erion.murati@studium.uni-hamburg.de