



Code of Conduct on Data Sharing in Tourism

March 2023



FOREWORD

After three very difficult years, marked by the COVID pandemic, the European tourism ecosystem is well underway towards a sustained recovery. It is not only reclaiming its role as the world's leading tourism destination, but it is also undergoing a major transformation, becoming a global pioneer in smart and sustainable tourism. Data and digital technologies are among the key drivers of this transformation.

In 2020, I presented the European Strategy for Data to unleash the potential of data for the benefit of the European economy and society. Three years later, we have a world-leading legislative framework, with the Data Governance Act already adopted and the Data Act to follow suit. We have set ambitious targets for the Digital Decade, aiming for 75% of EU businesses to use big data and artificial intelligence by 2030. We are heavily investing in the roll-out of data-driven innovations through the Digital Europe programme. And we are launching common European data spaces in our industrial ecosystems.

The European tourism ecosystem stands to benefit enormously. Tourism businesses, destinations and public authorities all need reliable information to flourish and innovate. Data can make them more competitive, more sustainable and more resilient against crises. Moreover, it can help them develop innovative and tailored tourism services, track tourist flows and manage social and environmental impacts – just to name a few examples.

To make this a reality, collaboration across the tourism ecosystem is key. In particular, we need to support the many small businesses that are at the heart of the European tourism ecosystem to access and make optimal use of data.

I am therefore delighted that a group of committed tourism businesses and organisations bundled their efforts and worked together to prepare this ***Code of Conduct on Data Sharing in Tourism***. This Code of Conduct has been one of the priorities of the Transition Pathway for Tourism, which the European Commission published in 2022. It will also serve as a stepping stone towards a tourism data space.

By setting common principles, tackling key challenges –from data protection to cybersecurity– and sharing best practices, this Code of Conduct can serve as inspiration for all tourism stakeholders.

Of course, this is only a first step. I encourage all tourism stakeholders now to turn theory into practice.

I count on your pioneering spirit and your continued commitment to a smart, sustainable and resilient European tourism ecosystem.

Thierry Breton
European Commissioner for Internal Market





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1. INTRODUCTION

General context

In October 2020, at the European Tourism Convention¹ tourism stakeholders called for clear actions towards establishing a data space for tourism at an EU level. The objective to “*work towards appropriate harmonised and inter-operational tools for tourism relevant data exchange, and to promote public-private partnerships through new cooperation structures for data management and data sharing*” was adopted as an action point to foster a tourism sector powered by data. The deliverable included the establishment of an EU Code of Conduct for public-private data partnerships by 2024, and invited the European Commission to look for volunteers in drafting it. In parallel, the Council Conclusions of 27 May 2021² called for more cooperation on data in tourism. In the wake of these inputs, the European Commission explored raising awareness of the challenges and opportunities, as well as the key elements of data sharing in the tourism ecosystem³.

Finally, the Transition Pathway for Tourism, published by the European Commission on 4 February 2022⁴, mentions the Code of Conduct for Data Exchange as a deliverable with the potential of facilitating and encouraging data sharing in a fair and equitable manner.

Within this context, following a plea for interest by the European Commission, a group of stakeholders of the tourism ecosystem at EU level came together to prepare the Code of Conduct. Over the course of 18 months, these organizations identified and discussed the guiding principles for data sharing in the tourism sector outlined here.

This example of involvement and collaboration should guide future endeavours in data sharing. Establishing a wider data sharing framework through the adoption of an industry Code of Conduct will not only build trust, ensure a higher degree of data security at EU level, it will also enable organisations, entities and businesses to become more responsive in the tourism landscape in areas such as internal operations, innovation, adaptation to consumer changes and the sustainable development of tourism. It also anticipates the role of the industry stakeholders in building the future data space for tourism, with the support of the European Commission.

By raising awareness about the challenges and opportunities of data management, casting light on the main principles as well as on the policy and regulatory developments for sharing B2B, B2G, and G2G data, the Code of Conduct places itself as the first step towards the creation of an EU data space for tourism.

¹ organised by the European Commission

² <https://www.consilium.europa.eu/media/49960/st08881-en21.pdf>

³ As referenced in the Transition Pathway Staff Working Document *Scenarios towards co-creation of transition pathway for tourism for a more resilient, innovative and sustainable ecosystem* (21.06.2021), where the Code of Conduct was anticipated as a tool to facilitate and encourage data sharing in a fair and equitable manner.

⁴ <https://ec.europa.eu/docsroom/documents/49498/attachments/1/translations/en/renditions/native>



Why a code of conduct for data sharing? Challenges and opportunities

Today, working with data remains overwhelming for most organisations, governments and businesses. They face a number of challenges with regards to data access, (re-)use and sharing in a constant and high-quality manner but also storing and processing it while ensuring privacy and security, especially when it is used in a manner that is not regulated under a harmonised framework.

Enhanced access to citizens' personal and non-personal data and fostering cross-border data flows might involve associated risks related to privacy. The sharing of this data and downside risks must be assessed and balanced to ensure the right and safe re-use of the data in an altruistic manner for the legitimate benefit of citizens and the public sector.

In addition, data interoperability allows for enhanced data sharing and access, but faces many challenges relating to technical, financial, administrative (regulatory and legal) and trust issues, thus limiting the ability of cross-border data access and sharing. The lack of a wide and common data-governance framework leads to poor data standards and quality as well as security or compliance issues in the data use and re-use.

A solid regulatory framework is required to ensure that data can be made accessible for use and re-use and is protected allowing exchange of data for legitimate purposes. It includes ensuring a solid data security environment and that data processing does not present a risk to the data users and holders. It is essential to remain agile in the adaptation to privacy and regulatory frameworks. The EU regulatory and policy framework on the data economy and data sharing aims at achieving this goal and is presented in section 8.





2. GOALS AND OBJECTIVES

The goal of the Code of Conduct for data sharing in tourism is to:

- Build trust between relevant tourism stakeholders and provide strategic support on how to capitalise on mutually beneficial data sharing partnerships in the tourism industry.
- Foster data sharing in the tourism sector within the EU, while contributing to an EU-wide architecture for data exchange by supporting a set of common principles and guidelines for relevant tourism stakeholders.
- Foster in the tourism area the EU's global endeavours to gradually create, with the implementation of the 2020 European data strategy, a genuine single market for data.⁵
- Ensure a level playing field whereby the public and private sector and relevant stakeholders have equal chances and opportunities in the use and sharing of data in tourism notably by supporting a set of principles on data exchanges.

More specifically, the aim is to:

- In alignment with the Data Governance Act and Data Act, establish consensual reference guidelines for the voluntary sharing of personal and non-personal data by a contractual agreement within the tourism sector while ensuring data protection within the EU.
- Compile a set of selected and clear guidelines and common legal and technical standards that foster data pooling, accessing, sharing, processing and using in the spirit of collaboration, fairness and transparency among tourism stakeholders from the private and public sector and other European data spaces while taking into consideration public interests at an EU level.
- Enable a tourism ecosystem under the FAIR⁶ data principles in which transparent, unbiased and non-discriminatory data sharing is facilitated through increased trust and safeguards, for the benefit of governments, tourism stakeholders and citizens.
- Support the voluntary sharing of non-personal (incl. anonymised) data between relevant data holders and potential data users through contractual agreements on the basis that data holders have the possibility in the tourism data spaces/environment to grant access to or to share certain personal or non-personal data under their control.

⁵ This single market is open to data from across the world, where personal and non-personal data are secure and with an easy access to an almost infinite amount of high-quality data to create value and boost growth. In such a common European data space, EU law will be enforced effectively and all data-driven products and services comply with the relevant norms of the EU's single market. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0066>

⁶ [The FAIR data principles stipulate that such data should, in principle, be findable, accessible, interoperable and re-usable.](#)



3. SCOPE OF THE CODE OF CONDUCT

The Code of Conduct does not specify the type of data that can be subject to a data sharing agreement nor in which form data would be shared. These elements are to be defined as part of the voluntary contractual agreement between the parties. Relevant data categories could be publicly available data (incl. on publicly available online listings), anonymised data, aggregated data in machine-readable formats, via APIs and in bulk. Data flows in the tourism ecosystem can take place between a wide array of operators, covering an even wider array of data types: traffic-related data from platforms to Destination management organisations, data related to their offers from travel services providers to distributors, user-related data (aggregated and anonymised) from data analytics players to travel services providers, destination-related data from public operators to travel intermediaries and social networks... The data to be shared and its form are to be defined as part of the voluntary contractual agreement between the parties.

This code focusses on non-personal data. When data is linked to a person who is identifiable through, for example, a contract, booking details, coordinates, it is considered as personal data and falls under the General Data Protection Regulation.

The Code of Conduct includes and is addressed to any individual or organisation active in the tourism sector, including (but not limited to) public authorities, private operators, destination management organisations, transport operators, tourism service providers and travel intermediaries and travellers.

The Code of Conduct defines the stakeholders involved in 'tourism' in a wide sense, meaning legal and natural persons active in transport and other activities with a direct relevance to tourism (such as, but not limited to, online search, urban planning and sustainability) may also consider the Code of Conduct's content when entering data sharing relationships.





4. WHY ENGAGE WITH THE CODE OF CONDUCT?

European tourism actors are invited to publicly commit to this Code of Conduct, which is by no means a binding document. Compliance with the Code of Conduct is voluntary. The signatories therefore encourage all parties involved in the tourism sector to refer to the agreed principles as the starting point of any agreement for data sharing, and to demonstrate their applicability through three different examples (see case studies).

By considering the relevant challenges and the main elements to be considered in the creation of data sharing agreements, the Code of Conduct aims at building trust between relevant stakeholders as well as providing general guidance on how to create mutually beneficial data sharing relationships in tourism. These objectives are also mentioned in the EC Transition Pathway for Tourism as key elements to support the sector towards stronger resilience based on green and digital solutions. Therefore, by committing to the Code of Conduct, signatory stakeholders would publicly show both their interest in a shared effort of implementation of the Transition Pathway at an EU level, as well as their agreement regarding the opportunities that data management and sharing may provide to the tourism sector.

Eventually, this Code of Conduct could be considered the first effort to gather shared definitions and principles that will provide the first set of guidelines for stakeholders interested in looking into the opportunities of data sharing. These guidelines will be instrumental in the preparation of the data space for tourism, which is supported and facilitated by the European Commission through horizontal legislation and funding.

The data space is a long-term goal at EU level, and would be developed and connected with other data spaces for sectors closely related to tourism (e.g., Green Deal mobility, agriculture, health, and cultural heritage). The data space for tourism should provide interoperability for all operators and for users and providers in other data spaces: thanks to common principles (including Minimal Interoperability Mechanisms, commonly agreed technical specifications; e.g., eID, eDelivery, EIF4SCC, re-usable building blocks, etc.), open standards and technical specifications and language (based on FAIR principles) and a governance framework for using data.

The tools used for data sharing are to be defined in each data sharing contractual agreement.



5. DEFINITIONS

‘data’ means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;

‘non-personal data’ means data other than personal data as defined in point (1) of Article 4 of Regulation (EU) 2016/679;

‘personal data’ means personal data as defined in point (1) of Article 4 of Regulation 2016/679: any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

‘data holder’ means a legal person or data subject who, in accordance with applicable EU or national law, has the right to grant access to, or to share certain personal or non-personal data under its control;

‘data recipient’ means a legal or natural person, acting for purposes which are related to that person’s trade, business, craft or profession, other than the user of a product or related service, to whom the data holder makes data available, including a third party following a request by the user to the data holder or in accordance with a legal obligation under EU law or national legislation implementing EU law.

‘data user’ means a natural or legal person who has lawful access to certain personal or non-personal data and is authorised to use that data for commercial or non-commercial purposes;

‘data sharing’ means the provision by a data holder of data to a data user for the purpose of joint or individual use of the shared data, based on voluntary agreements

‘access’ means processing by a data user of data that has been provided by a data holder, in accordance with specific technical, legal, or organisational requirements, without necessarily implying the transmission or downloading of such data.

‘interoperability’ means the ability of two or more data spaces or communication networks, systems, products, applications or components to exchange and use data in order to perform their functions;

‘data space’ interoperable framework of common standards and practices to share or jointly process data for, inter alia, development of new products and services, scientific research or civil society initiatives; such common standards and practices shall take into account existing standards, comply with the competition rules and ensure non-discriminatory access for all participants, for the purpose of facilitating data sharing in the EU and reaping the potential of existing and future data spaces.”



6. SET OF COMMON PRINCIPLES FOR DATA SHARING

Interoperability⁷

Interoperability is a prerequisite for data exchange between different actors. It is defined in the European Interoperability Framework⁸ as the ability of different organisations to interact towards mutually beneficial goals, involving the sharing of information and knowledge between its entities through the business processes they support, by means of the exchange of data between their ICT systems. This definition is much broader than technical in nature, and it also includes organisational, semantic, legal and cultural interoperability. Involved actors in a data sharing relationship shall aim at facilitating the interoperability of their data. Such mechanisms can be highly beneficial and require the agreement and coordination of all involved parties.

Data usage rights

Any data sharing agreement should clearly define the usage rights that each involved party has in the data to be shared. Should the data sharing agreement fail to clearly define those rights of use, it should be assumed that the original data holder continues to hold full rights of use over the shared data (where this is applicable).

In particular, as a matter of principle, data sharing agreements should clearly set out that the data user may not share the data of the data holder with third parties or for subsequent incorporation into new datasets unless the data holder provides their consent and the parties agree to the conditions under which subsequent sharing of data to third parties can take place. If subsequent sharing is not adequately addressed, data holders may be disincentivised to confidently share data for fear of misuse or of third parties gaining an unfair competitive advantage. Should the data sharing agreement fail to clearly define the conditions of subsequent sharing, it should be assumed that the data holder does not consent to any subsequent sharing.

⁷ References :

New Interoperability Framework : https://ec.europa.eu/isa2/eif_en

Proposal for an Interoperability Framework for Smart City and Communities

[https://digital-strategy.ec.europa.eu/en/news/proposal-european-interoperability-framework-smart-cities-and-communities-](https://digital-strategy.ec.europa.eu/en/news/proposal-european-interoperability-framework-smart-cities-and-communities-eif4scc#:~:text=The%20EIF4SCC%20aims%20to%20provide,cities%2C%20regions%20and%20across%20borders)

[eif4scc#:~:text=The%20EIF4SCC%20aims%20to%20provide,cities%2C%20regions%20and%20across%20borders](https://digital-strategy.ec.europa.eu/en/news/proposal-european-interoperability-framework-smart-cities-and-communities-eif4scc#:~:text=The%20EIF4SCC%20aims%20to%20provide,cities%2C%20regions%20and%20across%20borders)

Interoperability layers, national interoperability framework:

<https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/3-interoperability-layers>

On interoperability of data sets :

<https://digital-strategy.ec.europa.eu/en/library/expert-workshop-common-european-smart-communities-data-space>

<https://digital-strategy.ec.europa.eu/en/events/data-driven-communities-fostering-local-data-ecosystem-sustainability>

⁸ See Annex 2 of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on [European Interoperability Framework – Implementation Strategy](#)



Value of data and remuneration

Data has value and is often generated on the basis of significant investments by the data holder (this includes obtaining, enriching, curating and selecting data sets for a specific purpose). Any data sharing arrangements should take due consideration of the value of the underlying data, based on its potential commercial or public uses, as well as the investment undertaken in its creation.

Fair remuneration for data, meaning remuneration as voluntarily agreed by all parties involved, is crucial to maintain investment and innovation incentives for businesses. Opening greater access to data should not diminish incentives to continue investing in high-quality data generation, processing and analysis. In general terms, increased access to data based on fair, reasonable and non-discriminatory conditions may benefit the efficiency and competitiveness of the European tourism sector.

While there are circumstances in which regulatory requirements establish data sharing requirements at levels below fair remuneration (e.g., for overriding public interest purposes), this Code of Conduct does not address such circumstances.

Liability

A clear liability framework is a precondition for a successful data sharing and (re)use agreement. Data holders should not be held liable for subsequent misuse of shared data, unless otherwise specified in relevant legislation. Liability terms should also address any damage arising from and/or connected to the receipt and use of the data, for example, the supply of erroneous data, disruptions in the data transmission, or destruction, loss or alteration of data (if unlawful or accidental).

Competition

Tourism stakeholders must consider and address any possible competition concerns before entering into data sharing arrangements. Such concerns relate in particular to a possible abuse of existing dominant positions of certain undertakings, as well as any possible qualification of the data sharing agreement as an anti-competitive agreement under EU competition law. Actors involved in data sharing should take utmost precautions to avoid any anti-competitive arrangements or conduct.

Security

Data sharing agreements should clearly define the data user's security and confidentiality responsibilities. Involved actors should carefully consider the security architecture of all parties in a data sharing relationship, depending on the degree of sensitivity of shared data. Tourism stakeholders should ensure the highest feasible degree of security regarding any shared data. In general, the data user should commit to protecting the data received from the data holder, against loss, theft, unauthorised access and alteration by non-authorised parties.

In case shared data is compromised, the data user should immediately inform the data owner about the non-personal data being compromised and the measures taken.



Intellectual property

Data sharing arrangements should be conducted with full respect to the EU legislation in force on intellectual property rights in the tourism ecosystem, such as trademarks, protected designs, copyright, and patents (e.g., regarding cultural heritage sites). The legitimate interests of the data holder, taking into account the protection of trade secrets should be ensured at all times.

Transparency and data limitation principle

Data sharing relationships should strive to improve transparency for consumers. Data sharing is a positive force to increase transparency in the tourism ecosystem, both regarding public interest objectives (e.g., managing tourism flows) and regarding increased consumer choice for tourism offers.

Data sharing agreements should clearly define what data is covered by the agreement, in which format data is shared and under which conditions data sharing, access and (re)use may take place.

Data should be accessed and used for the duration (time limitation) and the specific purpose (purpose limitation) agreed in the contract.

Privacy

The Code of Conduct focuses on non-personal data sharing. Whenever personal data may be involved, the applicable data protection and privacy obligations (both EU, national and local) apply and should be fully respected.

Quality

The quality of the data should be preserved. All the players involved in the sharing and use of data have a responsibility to ensure the integrity, authenticity, consistency and accuracy of data.

Ethics and digital rights protection

See privacy.





7. CASE STUDIES

Case study 1: Eurostat

Eurostat's experience with online collaborative economy platforms offering short-term rentals⁹

In 2020, the European Commission (Eurostat) signed agreements with the four major international short-term rental accommodation booking platforms: Airbnb, Booking, Tripadvisor and Expedia Group. In mid-2021, Eurostat started releasing, in close cooperation with the national statistical authorities of the Member States, experimental statistics on short-term rentals offered via online collaborative economy platforms¹⁰. The project can be considered a proof-of-concept that privately held data is a valid source for official statistics. However, it should be mentioned that the current voluntary agreements cannot guarantee a longer-term sustainability or data availability (which is in particular relevant for official statistics). In this context, initiatives such as the Data Act / Data Governance Act could prove useful.

This contribution applies the experiences gained in this project, in relation to the “set of common principles for data sharing” identified in the Code of Conduct for data sharing in tourism.

Interoperability

A key critical success factor of the project was the multi-disciplinary approach. While the core work refers to connecting statisticians from Eurostat and the National Statistical Institutes (NSIs) with the data teams from the respective platforms, the agreements were concluded following several meetings involving legal and contracts experts, public policy staff, investor relations departments, data scientists, etc.

Also, within the European Statistical System, coordination at all levels was essential, as this project was an innovative approach. While data is usually collected in a decentralised way in the Member States, in line with the subsidiarity principle, this project introduced a centralised collection of data with Eurostat as the central and unique hub.

Right to use the data

The cooperation with the platforms is formalised in non-disclosure agreements (NDAs) concluded with the European Commission (Eurostat). The agreements lay down the modalities of submitting the data, such as data structure and deadlines, the security aspects and the disclosure of the data. In relation to the latter, the further sharing of the data with Eurostat's partners in the European Statistical System, in this case the NSIs, is an important element.

⁹ [Commission's agreement with collaborative economy platforms \(europa.eu\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Short-stay_accommodation_offered_via_online_collaborative_economy_platforms)

¹⁰ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Short-stay_accommodation_offered_via_online_collaborative_economy_platforms



Value of data and remuneration

The platforms share the data on a voluntary basis, without remuneration (neither for the development work, nor for the regular extractions). The project is seen as a way to take up corporate social responsibility, but it also contributes to better representing this segment of the tourist accommodation market in official statistics. Additionally, the platforms hope to channel the many requests they get for data to these statistics now published by Eurostat.

Liability

While liability is not explicitly or extensively addressed in the NDAs, the purpose of the NDAs is to lay down all responsibilities and processes to guarantee, in mutual understanding, a smooth execution of the data sharing project.

Competition

The project respects a level playing field for the four participating platforms. In terms of competition, no data is made available – neither to the platforms nor to the public – on the individual platforms, but only merged information (i.e., the sum of the four platforms). Respecting EU competition law was a major concern for the platforms during the negotiations and towards the first data releases.

Security

Raising awareness and gaining the platforms' trust that the data would be treated in a secure and confidential way was an important point during the negotiations that led to the NDAs. However, Eurostat's experience and expertise in handling possibly sensitive files in a secure way, was a good starting point to build on. The platforms transmit data via the same secure channels that the Member States use to transmit data to Eurostat. Data is stored on secure servers with very limited access. The further data sharing with the Member States is based on additional bilateral agreements between Eurostat and each NSI, as stipulated in the NDAs.

Intellectual property

Intellectual Property Rights do not apply to this project. The data submitted by the platforms is managed by voluntary agreements and is only used as a building block to combine the information coming from four contributing platforms into merged, aggregated statistics.

Transparency and data limitation principle

As already mentioned under 'value of the data', the platforms see the project as a way to improve transparency of the short-term rentals sector, by contributing to a better coverage of this segment of the tourist accommodation market in the official tourism statistics.

In the case of this project, the data is not accessed on location on the servers of the platforms, but the platforms submit very granular datasets to Eurostat. The NDAs include no limitations regarding the storage of the data.



Privacy

The output (the published data) is assumed to include no personal data, neither on tourists having used the platforms, nor on service providers having advertised their property on the platforms. Regarding the latter, a data cell (for instance a given variable for a given geographical area) is only published when it is based on a set minimum number of listings.

Quality

Eurostat applies validation procedures similar to those used for datasets received from the Member States. In addition, the quality assurance framework has the objective to cross-check the data against other, independently collected data sources.

Case study 2: DATAtourisme

The French platform that aggregates, standardises and disseminates the entire tourism offer (points of interest and events) in open data at a national level

Between 2015 and 2018, the French government and ADN Tourisme (the national federation of tourist offices and other institutional bodies in charge of tourism in France) developed a system called DATAtourisme. The objective was to bring together, in a single platform, data related to the tourist offer of the French territory: events, places (museums, restaurants, accommodation, natural sites, monuments, etc.), activities and itineraries.

Produced in local and diverse databases, data is aggregated and then standardised to become homogeneous and interoperable. It is then made open and available to all, under an open licence, according to a one-stop open principle.

The system is composed of a technological platform with several interfaces (publishing data, retrieving data, monitoring data quality, collaborative support, etc.), a tourism ontology, allowing for data alignment and maximum interoperability, and a community of users, led by ADN Tourisme with a view to co-construct a living, collaborative project.

The DATAtourisme system currently gathers more than 430.000 data points produced in more than 26.000 municipalities (towns, villages...) and counts several thousand re-users. Its ontology is intended to be shared on a large scale. All the components, including technological ones, are open source.

Interoperability

Before developing the platform for aggregating local data, a tourism ontology was designed in order to define the data dissemination format. The creation of the ontology was steered by the French State and ADN Tourisme, and carried out according to a principle of collaborative production, involving producers and distributors of data. The business component was complemented by the contribution of a company specialising in the creation of ontologies, which built the deliverable based on existing international ontologies (such as Schema.org, and others). The aim was to design a data model that



would be relevant to both the territories producing the data and the end users (disseminators and travellers), in a machine-readable format adapted to current technologies, and allowing maximum interoperability.

This design work required several months, but it is one of the key factors of the project's success. The collaborative construction of the semantics model allowed for a broad appropriation by the ecosystem, which could permit an expansion of its user community beyond France and beyond the perimeter of the so-called "institutional" data.

Right to use the data

One of the challenges of the DATAtourisme system is to enable territories to meet their open data obligations (ref. the French Law for a Digital Republic, 2016), and therefore all the data available on the platform is offered under an open licence, in open data: <https://www.etalab.gouv.fr/wp-content/uploads/2017/04/ETALAB-Licence-Ouverte-v2.0.pdf>. This licence is permissive: it allows the data to be re-used, including for commercial purposes, provided that the source and the date of update are mentioned.

Value of data and remuneration

This is an open data system, where data is made available to the public free of charge. Re-users can download data in raw form and anonymously. They can also create a free account, offering services such as the customisation of feeds (geographical choice, data categories, different formats, etc.).

Data is produced by tourism organisations as part of their public service mission. Making their data available free of charge on the national platform allows the organisations to meet their legal obligations and to enhance the value of the tourist enterprises and sites in their territory. In order to encourage territories to publish as much data as possible on the platform, value-added services are offered to them, such as the translation of their data into different languages or the use of tools to check the quality of the data.

Until 2021, the system was financed by the State and by the ADN Tourisme federation. Since 2022, the territories also participate in the co-financing of the platform.

Liability

General conditions of use specify that each data provider is responsible for the data it produces. As for the disseminators, they undertake to respect the terms of the open licence.

Competition

The system manages only public data. This data is made available to all without discrimination, without royalty and under open licence, in accordance with existing legislation.

Security

DATAtourisme does not hold any sensitive data; the platform lists and describes points of interest. However, the French government has ensured that the platform be developed according to strict security criteria, along the lines of other tools or digital solutions owned by the government.



Intellectual property

All the technological bricks have been registered as open source under the GPLv3+ license.

Transparency and data limitation principle

The primary objective of this project is to share public data and be transparent about the information collected by DMOs. Transparency is one of the bedrocks of open data. In this first version applied to France, the available data is limited by the geographical perimeter of the country, including overseas territories. An extension will be possible in the future with shared governance and an extension of the ontology (work already in progress). Access to the data is not limited since the system is governed by an open licence.

Privacy

The data disseminated does not include personal data. The personal data that exists within the platform are those relating to the platform's user accounts, which may be companies, but also citizens. This data is managed in compliance with GDPR.

Quality

Data quality is a key success factor for DATAtourisme. In order to guarantee a high standard, data producers are asked to sign a charter listing their commitments (e.g., the frequency of updates, the supervision of information, etc.).

The data is uploaded and disseminated in open data using automated processes (webservices), which are updated daily.

Since 2022, an interface dedicated to data quality monitoring has been put in place: it helps data producers to monitor their data through automated checks on each piece of data. The checks concern, for example, the accuracy of the geolocation of points, the consistency of the information entered, and the correct functioning of URLs. When an error or a suspicion of insufficient quality is detected, the producer is alerted so that they can check and correct their information at source..

Case study 3: EONA-X

A dedicated European data space for Mobility, Transport and Tourism¹¹

EONA-X is a dedicated European data space for Mobility, Transport and Tourism. It has been founded by the Air France/KLM Group, Aéroport de Marseille Provence, Renault, Amadeus, Groupe ADP, Groupe SNCF and Apidae Tourisme Scic SA. These members already operate on a global scale and new selected members are already eager to join both from the industry and R&D labs.

¹¹ <https://eona-x.eu/>



Interoperability

Members of the data space are connected to it through an Eclipse Connector¹² and the data space itself runs the services of interconnection whose main components are identity and trust (ensuring the “who is who”) the federated catalogue (ensuring the finding of the right dataset), the compliance check, and the sovereignty of the exchange. Data is not centralised and every member keeps complete control of its own data.

Right to use the data

Each data set is associated to metadata, which contains the conditions and usage rights of the data sets. Smart contracts are created on the fly between participants to ensure the conditions of usage rights are complied with. A technical module is also in charge to verify that conditions are respected.

Value of data and remuneration

The majority of use cases are about improving the productivity of the members exchanging data. A minority of cases involve data monetisation. For the first type, business models are built and should ensure that globally the exchange is interesting for all parties that are remunerated by savings or new services they can propose with a market value. For the former, a price is associated to the data set. In both cases, smart contracts on the fly will be made when the IT systems of the involved members shake hands.

Liability

Liability is passed through a chain of smart contracting.

Competition

The running of a data space requires extreme sensitivity about European rules of competition as the data space will link competitors. All agreements have to be made taking into account this key element.

Security

All members of the data space are extremely sensitive about the security of their data. Conditions of data exchange in the metadata can be about security, for example, an obligation of the receiving party to achieve a given standard such as ISO27001. As a general rule, members do not wish the data space to be less secure than their internal systems. Conditions such as localisation of the receiving party can be set as well.

Intellectual property

The Eclipse data connector is licensed through an Apache license under the Eclipse foundation. In general, Intellectual Property rights should be respected by the dataspace in the same way each member expects its own Intellectual Property rights to be respected.

¹² <https://projects.eclipse.org/projects/technology.dataspaceconnector>



Transparency and data limitation principle

Data is limited by the rules attached to it. Transparency is increased by the sharing of data between members.

Privacy

Data spaces also share private data. Similar to what is done for commercial data, members can impose conditions on the datasets they want to share so that the receiving parties are only parties with the appropriate standard of privacy (for example, imposing a GDPR compliance requirement).

Quality

Data spaces are based on common interests of the parties exchanging data. Quality can only be obtained when the minimum standard required by the receiving party is reached. Quality of data can also be put as a condition of the exchange.

Toolbox: The Data Spaces Support Center

In 2022, the European Commission set up the **Data Space Support Centre (DSSC)**¹³ to coordinate all relevant actions on sectoral data spaces and make available (blueprint) architectures and data infrastructure requirements for the data spaces, including possible technologies, processes, standards and tools that will allow reuse of data across sectors by the public sector and European businesses. In this context, the **European Data Innovation Board (EDIB)**, proposed by Data Governance Act, will play a fundamental role, by issuing guidelines, identifying the relevant standards and interoperability requirements for cross-sector data sharing.



¹³ [DSSC – Data Space Support Centre](#)



8. OVERVIEW OF EU REGULATORY FRAMEWORK

The EU and Data Economy

The EU aims at creating an attractive policy environment so that, by 2030, the EU's share of the data economy – data stored, processed and put to valuable use in Europe – corresponds to its economic weight. The European Data Strategy is the umbrella initiative to achieve this goal.

A pillar of this strategy is the Data Governance Act,¹⁴ adopted on May 30, 2022, which aims to foster the availability of data for use by increasing trust in data intermediaries and by strengthening data-sharing mechanisms across the EU. The Regulation addresses the following situations:

- The re-use of certain categories of protected data held by public sector bodies¹⁵.
- Fostering the emergence of neutral data intermediaries that facilitate data sharing by connecting the supply and demand of data.
- Creating an harmonised framework for fostering data altruisms, which is about individuals and companies giving their consent or permission to make available data that they generate – voluntarily and without reward – to be used for objectives of general interest.
- Setting up the European Data Innovation Board, a consultative body which will assist the Commission on all matters related to the Regulation.

This instrument draws inspiration from the principles for data management and re-use developed for research data. The FAIR data principles¹⁶ stipulate that such data should, in principle, be findable, accessible, interoperable and re-usable.

Data spaces and data sharing

In this sense, the Data Governance Act also sets the goal to create EU-wide common, interoperable data spaces in strategic sectors aimed at overcoming legal and technical barriers to data sharing – where personal as well as non-personal data, including sensitive business data, are secure and high-quality industrial data is made available to both private and public players, while minimising the human, carbon and environmental footprint. The Work Programme 2021-2022 of the Digital Europe Programme funded two Coordination and Support Actions for preparatory work on the governance and key enablers of a data space in tourism.

The European data space will give businesses in the EU the possibility to build on the scale of the Single Market. Common European rules and efficient enforcement mechanisms should ensure that data can securely flow in a privacy-preserving IT infrastructure within the EU and across sectors, in

¹⁴ [EUR-Lex - 32022R0868 - EN - EUR-Lex \(europa.eu\)](#)

¹⁵ “Data the use of which is dependent on the rights of others” or “data subject to the rights of others” covers data that might be subject to data protection legislation, intellectual property, or contain trade secrets or other commercially sensitive information.

¹⁶ [The FAIR Data Principles | FORCE11](#)



full respect of European rules and values, and through are clear and trustworthy data governance mechanisms in place. Data holders will have the possibility, in the data space, to grant access to or share certain personal or non-personal data under their control.

The proposal for the Data Act¹⁷, adopted by the Commission on 23 February 2022, aims to ensure a fair allocation of value in the data economy by establishing new data access and use rights in B2B, B2C and B2G data sharing contexts. The proposed measures will empower individuals and businesses regards the data they contribute to produce by using IoT objects. The Data Act also proposes a framework for efficient data interoperability. It sets out essential requirements on interoperability that stakeholders in the common European data spaces have to comply with and it empowers the Commission to step in when interoperability needs to be strengthened.

In addition, further to the Directive on open data and the re-use of public sector information¹⁸, the Commission laid down a list of specific high-value datasets (HVDs) and the arrangements for their publication and re-use¹⁹. Public sector organisations will have to make those HVDs available free of charge, in machine-readable format, via Application Programming Interfaces (APIs) and, where relevant, as a bulk download. The Open Data Directive strengthens the existing rules on formats, enabling diverse re-use scenarios, including dynamic data provided in real-time.

The Europe Interoperability Act proposal was submitted by the Commission on 18 November 2022. The Interoperable Europe Act²⁰ will ensure a consistent, human-centric EU approach to interoperability from policymaking to policy implementation. It introduces a structured and co-owned EU cooperation framework that enables public administrations to build together a seamless and secure cross-border exchange of data for public services and agree on shared interoperability solutions. By creating an ecosystem of interoperability resources for the EU's public sector, it supports the sharing and reusing of available solutions.

Additionally, with the General Data Protection Regulation (GDPR)²¹, the EU created a solid framework for digital trust. The upcoming review of the GDPR may provide further useful elements in this regard. Other initiatives that have fostered the development of the data economy are the Regulation on the free flow of non-personal data (FFD)²², the Cybersecurity Act (CSA)²³, and the Open Data Directive²⁴.

Sector-specific legislation on data access has also been adopted in some fields to address identified market failures, such as automotive²⁵, payment service providers²⁶, smart metering information²⁷,

¹⁷ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1113

¹⁸ Directive (EU) 2019/1024

¹⁹ Commission Implementing Regulation (EU) 2023/138

²⁰ https://ec.europa.eu/commission/presscorner/detail/%20en/ip_22_6907

²¹ Regulation (EU) 2016/679.

²² Regulation (EU) 2018/1807.

²³ Regulation (EU) 2019/881.

²⁴ Directive (EU) 2019/1024.

²⁵ Regulation 715/2007 as amended by Regulation 595/2009.

²⁶ Payment Service Directive Directive 2015/2366.

²⁷ Directive 2019/944 for electricity, Directive 2009/73/EC for gas meters.



electricity network data²⁸, or intelligent transport systems²⁹. The Digital Content Directive³⁰ contributed to empowering individuals by introducing contractual rights when digital services are supplied to consumers who provide access to their data.

The European Commission is also working on a proposal to address legal and market fragmentation for the development of multimodal digital mobility services (MDMS) which are applications offering multimodal options to travellers, (Action 37 of the Sustainable and Smart Mobility Strategy³¹). A European Commission proposal is planned for 2023. The proposal will address the reluctance from certain operators to enter into fair commercial relationship for the distribution of their tickets and will establish a framework for commercial distribution agreements based on fair, reasonable and non-discriminatory principles. In parallel, the Commission will be working on the revision of Delegated Regulation (EU) 2017/1926 on multimodal travel information services (Action 36 of the Sustainable and Smart Mobility Strategy³²), with the objective, particularly interesting in the context of this Code of Conduct, to facilitate access to real-time data.

Data and the platform economy in tourism

The tourism ecosystem relies heavily on the platform economy. The EU regulatory framework has been looking into this sector of the economy for a few years, and most specifically within the remit of the Digital Single Market strategy.³³

As part of this strategy, on 12 July 2020 the EU Regulation on platform-to-business relations (P2B Regulation)³⁴ entered into force. It is the first EU-level legislation specifically targeted at commercial issues engaged in by online platforms, or online intermediation services, as well as by online search engines. The P2B Regulation was conceived as a first step to ensure a more transparent and predictable trading environment for online business users. While it does not oblige platforms to share data with their business users, it requires them to be transparent about their data sharing practices with business users and third parties.

The specific objectives pursued by the P2B Regulation are three-fold. Firstly, to ensure a fair, transparent and predictable treatment of business users by online intermediation services (e.g., changes to terms and conditions, data access, how rankings are organised, the grounds for suspension or termination of the use of a platform and the reasons for using price parity clauses). Secondly, to provide business users with more effective options for redress when they face problems. Thirdly, to create a predictable and innovation-friendly regulatory environment for online intermediation services within the EU.

The European Commission is currently undergoing a review of the P2B Regulation, in order to assess the compliance with, and impact on the online platform of the transparency and redress obligations

²⁸ Commission Regulation (EU) 2017/1485, Commission Regulation (EU) 2015/703.

²⁹ Directive 2010/40/EU.

³⁰ Directive (EU) 2019/770.

³¹ COM(2020)789 final

³² COM(2020)789 final

³³ [A Europe fit for the digital age | European Commission \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/pages/press-room.aspx?CIDPR=13123)

³⁴ [EUR-Lex - 32019R1150 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2020/1043/oj)



laid down by the Regulation and the impact and effectiveness of any established codes of conducts to improve fairness and transparency.

This instrument does not address issues deriving from the concentration of economic power and unfair business practices of a limited number of very large gatekeeper platforms. To this end, and following the developments of the platform economy, the European Commission has proposed new rules for digital platforms.

The Digital Services Act (DSA),³⁵ submitted by the Commission on 15 December 2020, and adopted on 19 October 2022³⁶, expands and clarifies responsibilities and accountability for online businesses providing services in the EU. It updates and clarifies the responsibilities of platforms for online content (including collaborative economy platforms) and the conditions for liability exemptions for online intermediaries. The DSA also establishes a common framework for the supervision of digital service providers and enforcement through an EU-cooperation mechanism. These new common rules bring legal certainty, foster innovation, growth and competitiveness, and facilitate the scaling up of smaller platforms, SMEs and start-ups by opening up new opportunities to provide digital services across borders.

The Digital Markets Act (DMA)³⁷, also submitted by the Commission on 15 December 2020, and adopted on 14 September 2022³⁸, ensures fair position between large and small online platforms in digital markets. It aims to guarantee the proper functioning of the internal market by way of harmonised rules to ensure contestable and fair markets in the digital sectors across the EU. It does so by addressing the unfair practices of certain undertakings (designated as “gatekeepers”) and the practices that undermine the contestability of markets in the digital sector and that are most damaging for business users and end users.

Platforms are also required to share information with public authorities. Financial information, as well as information related to sellers using the platform, are to be collected and assessed for reliability by platforms, and reported annually to the host Member State under Council Directive (EU) 2021/514 of 22 March 2021, amending Directive 2011/16/EU on administrative cooperation in the field of taxation, extending the EU framework on the automatic exchange of information in the field of taxation (DAC7)³⁹. The purpose of this amendment is to address the loss of tax revenue caused by unreported income earned through the sale of goods and services via online intermediating platforms, and to ensure a level-playing field between operators active on platforms and traditional businesses. To this end, the new rules not only create an obligation for platforms to report the income earned by sellers in their host Member State, but also oblige the host Member State to automatically exchange this information.

³⁵ <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>

³⁶ [Regulation \(EU\) 2022/2065](#)

³⁷ https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/digital-markets-act-ensuring-fair-and-open-digital-markets_en

³⁸ [Regulation \(EU\) 2022/1925](#)

³⁹ [EUR-Lex - 32021L0514 - EN - EUR-Lex \(europa.eu\)](#), published in the Official Journal on 25 March 2021



It was announced in the SME strategy⁴⁰ that the European Commission could develop a framework for short-term accommodation rental services, in order to strengthen the EU tourism ecosystem. The Commission submitted its proposal on data collection and data sharing relating to short term accommodation rental services on 7 November 2022. Short-term rental (STR) platforms are a key player in the tourism ecosystem and are, together with other players, addressed in an action complementing the provisions of Digital Services Act and Digital Markets Act and other relevant legislation.

The Commission proposal on STRs aims to introduce an EU framework governing the collection and sharing of data between hosts, platforms and public authorities to enhance transparency and to secure a sustainable development of STRs. In practice, the proposal introduces an harmonized system of registration for hosts wanting to rent on short term rental. On this basis, the competent authorities can obtain, from short term rental online platforms (such as Airbnb), information on number of guests and number of nights concerning units rented for a short term, and the URL of the listing. This information will help the authorities in their regulatory role. The same data, in aggregated form will also be provided to national statistical offices and to Eurostat and will feed into the upcoming European data space for tourism.



⁴⁰ COM(2020) 103 final



9. CHECKLIST FOR DATA SHARING AGREEMENTS

You will find below a checklist to help you identify and organise (or review) critical parts of a data sharing agreement **before finalizing it**. This checklist is not exhaustive as the type of agreements may vary greatly. It primarily aims at reducing miscommunication, setting expectations, and making sure both parties are on the same page.

Which data is concerned

1. Are the type of data to be shared and the data format clearly delineated?
2. Are there any provisions on the quality, accuracy and consistency of the data?

Essential aspects about the agreement

3. How the data will be used and for what purpose?
4. What is the duration of the agreement?
5. Do the remuneration terms of the agreement reflect the value of the data?
6. Can the data be further shared with third parties? Does resharing require the permission of the data holder?
7. Is the consent of the data holder required in case of incorporation of the data into new datasets?
8. Is the shared data to be interoperable with relevant systems? Can involved parties facilitate interoperability?

Legal framework and obligations

9. Do the provisions comply with the requirements of legislation applicable to data sharing?
10. Should any EU and/or national competition authorities be notified of the agreement?
11. In case the shared data include personal data, are all data protection and privacy rules being respected?
12. Do the terms on intellectual property avoid potential infringements?

Security and confidentiality

13. In case of misuse, erroneous supply, disruption or unlawful loss/destruction of the data, does the agreement clarify which party could be held liable for any potential damages?
14. Is the issue of data security addressed?
15. What are the terms of confidentiality?
16. Will the data be deleted from the system once the agreement is terminated?



10. SIGNATORIES OF THE CODE OF CONDUCT⁴¹



eu travel tech



⁴¹ Eurocities was part of the drafting committee and actively contributed to the elaboration of this Code of Conduct. It is however not a signatory of the Code of Conduct.