



Photo by Robert Wiedemann

## Legal determinants for innovative rural mobility solutions

### *How different legal factors influence the successful development of innovative mobility solutions in rural areas*

This factsheet presents a summary of the pre-study on the legal framework for innovative mobility solutions in rural areas in the Baltic Sea Region (BSR). It highlights that different areas of law should be taken into account when planning to develop innovative mobility solutions in rural areas. The factsheet summarizes the core findings of the comparative law analysis which was carried out in the different countries of the BSR. The findings are based on a literature review as well as on learnings from questionnaires that were answered by national legal experts from the participating countries. The analysis shows that there are good prospects of establishing innovative mobility solutions and mobility centers on a sound legal basis in the countries participating in MAMBA.

## A legal perspective on rural mobility

The provision of rural mobility is a pressing issue in the BSR. Demographic change and limited public finances endanger the accessibility of services, goods and social life in remote and rural areas. MAMBA aims to address these issues by creating different forms of regional and local “Mobility Centres” (MC) in nine regions throughout the BSR. Furthermore, innovative mobility solutions (e.g. rural Car-sharing, Ride-sharing or Demand responsive transport (DRT)) will be initiated by the MCs as pilot actions. The introduction of these measures must meet planning, economic, socio-cultural and legal challenges. From a legal perspective it is mainly the following areas of law that contain requirements for innovative mobility solutions:

- > **Passenger transportation law**
- > **Legal requirements for the drivers**
- > **Finance law**
- > **Procurement law**
- > **Insurance law**
- > **Data protection law**

A comparative law analysis carried out by the Institute for Climate Protection, Energy and Mobility (IKEM) and legal experts from the countries participating in MAMBA shows that there are good prospects of establishing innovative mobility solutions and MCs on a sound legal basis.

### Passenger transportation law

Passenger transportation law requires transport operators to obtain the **approval of the competent authority before offering the transport of passengers in public road space**. This only represents a major barrier in Germany with its strict approval regime whereas the other BSR countries are generally characterized by a more liberal approach to

the issuing of passenger transportation permits. But even in Germany there are viable options to obtain the necessary permit.

### Legal requirements for the drivers

The main legal requirement for the drivers of motorized vehicles used in the pilot actions, is to have the **right driving license**. In most countries the drivers of the vehicles used in the pilot actions will need a category D driving license for minibuses. In Finland and Latvia additional professional qualifications of the drivers need to be proven to the authorities.

### Finance law

The financing of the pilot actions can rely on private and public sources. The latter ones are regulated by public finance law. In this context, it is a **great advantage if the pilot actions qualify legally as public transport** as this makes public funding options easier accessible.

### Procurement law

Whether innovative mobility solutions are subject to a competitive tendering process organized by the competent authorities also depends on their **legal status as public transport**. Here, the analysis draws a mixed picture. Whereas e.g. DRT solutions fulfil the criteria of public transport, Car-Sharing does not.

### Insurance law

**Insurance coverage** for the pilot actions should be guaranteed. In most countries such as Finland, Latvia, Poland and Sweden it is the owner who is responsible for any insurance policies. In Germany, it is the holder of the vehicle that needs to obtain a vehicle liability insurance. The holder is the person who uses the vehicle on his own account. He is not necessarily the owner of the vehicle.

## Data protection law

Data protection law will play an important role in the process of establishing the pilot actions. It will be important to tailor **booking or registration systems in a way that ensures that all users give their consent** to any processing of personal data.

## Mobility Centers

Mobility centers (MCs) are at the very core of the MAMBA project. They are expected to integrate existing mobility options by introducing enhanced management capacities in transport administration, providing digital and non-digital information systems for

residents, creating platforms for public and private enterprises to pool transport services and facilitating cooperation between public transport actors and service providers.

**From a legal perspective** a major challenge is that municipalities and non-commercial associations can only get involved to a limited extent in commercial activities when offering services through a MC. In Denmark, for example, a MC cannot be run for the benefit of anyone other than the citizens of the municipality. Generally, MCs established by the said institutions are legally obliged to refrain from making a profit. Therefore, services organized through a MC should only be offered at a cost-covering price.

## ABOUT THIS FACTSHEET

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Read the full pre-study at [www.mambaproject.eu](http://www.mambaproject.eu)

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