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NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport - Presidency discussion paper on Article 6a

In view of the next meeting of the Working Group on Transport - Intermodal Questions and Networks on 30 November 2022, delegations will find in the annex, a Presidency discussion paper on Article 6a (implementing acts on geographical coverage and implementation deadlines concerning certain ITS data types and services).

Presidency discussion paper on the availability of data and deployment of ITS services

The issue of the availability of data and deployment of ITS services is the central part of the revision of the ITS Directive. In particular the matter of geographical coverage of data types listed in Annex III and ITS services in Annex IV and corresponding deadlines for Member States to ensure their availability and accessibility is of utmost importance. While the Council in the General Approach reformulated new Article 6a, stating in paragraph 3 that the geographical coverage of data types in Annex III and ITS services in Annex IV will be decided by means of implementing acts, the Parliament follows the Commission original proposal and specifies geographical coverage for data types and ITS services and their respective deadlines in Annexes III and IV, with the possibility for the Commission to amend them by means of delegated acts.

Even though the negotiations on the ITS proposal are at the beginning, the Presidency identifies this issue to be the main stumbling block in the incoming discussions with the European Parliament as this issue has been highlighted by the Parliament during the informal contacts with the Presidency. During these informal contacts, the Presidency also stressed that this is an issue of utmost importance for Member States and the Council's position represents a very delicate balance which reflects the concerns of Member States on the one hand, and on the other hand ensures an efficient and coordinated deployment of ITS in the European Union.

The Presidency is fully aware of the sensitivity of the matter for Member States and that all the work to make data available and to deploy ITS services needs to be done in close cooperation with the Member States and their experts.

The intention of the Presidency in view of the Intermodal Working Party on 30 November is to gather delegations' views on the geographical coverage and deadlines of the individual data types and services in Annexes III and IV to get a clearer picture where the possible compromise may lay. The Presidency intention is not to follow the Parliaments and the Commission approach to specify the geographical coverage and deadlines in the respective Annexes with the possibility to amend them by means of delegated acts. The Presidency intention is to learn what might be the possible framework to set, in Article 6a(3), limits framing the implementing power of the Commission, either minimal or maximal on this matter (such as for example maximum geographical scope that could be covered for each broad category of data or a minimal/maximum deadline to be defined by the Commission in its implementing acts), where the Presidency sees a possible landing zone in the negotiations.

Since this was highlighted by the European Parliament as a priority and the other political proposals of the Parliament (marked C) would be very difficult to implement or are legally or technically problematic, the Presidency hopes that Member States will be able to show some flexibility having in mind that the basis for the negotiation on this matter will be the Council position and the adoption of implementing acts will remain a pivotal element in the whole process.

Based on this, the Presidency would like to propose the following:

Article 6a

...

3. The Commission shall, by means of implementing acts adopted in accordance with Article 15(4), specify:

a) the geographical coverage relative to the data types listed in Annex III, and implementation deadlines **respecting the following conditions** :

- **(i) without prejudice to point (ii) of this paragraph, the geographical coverage of data types on regulations and restrictions shall not go beyond the whole TEN-T road network, other motorways and sections of primary roads, as defined in Article 2(1a) and (1b) of Directive (EU) 2008/96, where the total annual average daily traffic is more than 2 000 vehicles. For those data types, the deadlines shall not be set before [31 December 2026];**
- **(ii) the geographical coverage of data types on traffic circulation plans and permanent access restrictions shall not go beyond the whole TEN-T road network, other motorways and sections of primary road as defined in Article 2(1a) and (1b) of Directive (EU) 2008/96, where the total annual average daily traffic is more than 2 000 vehicles, and road infrastructure in the Urban Nodes as defined in Article 3, point (f), of the [TEN-T Regulation....]. For those data types, the deadlines shall not be set before [31 December 2026];**
- **(iii) the geographical coverage of data types on the state of the network shall not go beyond the whole TEN-T road network, other motorways and sections of primary roads as defined in Article 2(1a) and (1b) of Directive 2008/96/EC, where the total annual average daily traffic is more than 2 000 vehicles [and road infrastructure in Urban Nodes as defined in Article 3, point (f), of the [TEN-T Regulation]]. For those data types, the deadlines shall not be set before [31 December 2026];**
- **(iv) the geographical coverage of data types on safe and secure parking places for trucks and commercial vehicles shall not go beyond the whole TEN-T road network. For those data types, the deadlines shall not be set before [31 December 2026];**

- (v) the geographical coverage of data types on detected road safety related events or conditions shall not go beyond the whole TEN-T road network. For those data types, the deadlines for the core network shall not be set before [31 December 2026] and for the extended core and comprehensive network not before [31 December 2031];
- (vi) the geographical coverage of data types on multimodal static travel data may cover the entire network of the EU. For those data types, the deadlines shall not be set before [31 December 2028].

The deadlines for data types set pursuant to this point (a) shall apply only to the existing infrastructure. In case a road section is completed at a later date, the date of completion shall be the relevant deadline;

b) the geographical coverage relative to the ITS services listed in Annex IV, and implementation deadlines **respecting the following conditions:**

- **the geographical coverage of road safety-related minimum universal traffic information services shall not go beyond the TEN-T road network. For such services, the deadline shall not be set before [31 December 2027].**

That deadline shall apply only to the existing infrastructure on the TEN-T network. In case a road section of the TEN-T is completed at a later date, the date of completion shall be the relevant deadline.

When adopting such implementing acts, the Commission shall take into account the risk of interference with personal data as well as the costs and human resources needed to make the relevant data available and to deploy the relevant services with a sufficient level of quality in order to ensure that those costs and resources, in particular those incurred by public authorities, are kept to a minimum. The Commission shall also consider the costs and administrative burden on private operators which may be required to provide the data and services. Where the addition of data types or services to Annexes III and IV has been the subject of a cost-benefit analysis and impact assessment in accordance with Article 7(1) or (2), the Commission may use also the results of those analysis and impact assessment for its considerations.’;