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NOTE

from:	Council General Secretariat
to:	Delegations
No. prev. doc. :	14880/09 TRANS 413 TELECOM 219 IND 136 CODEC 1226
No. Cion prop. :	17564/08 TRANS 493 TELECOM 238 IND 236 CODEC 1896
Subject :	Proposal for a Directive of the European Parliament and of the Council laying down the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes

Delegations will find attached a revised version of above proposal in the light of discussions of the Working Party of 6 November 2009.

New text is indicated in **bold** and deleted text in ~~strikethrough~~.

Scrutiny reservation: All delegations.

Reservation: Commission.

Parliamentary scrutiny reservation: MT and UK.

ANNEX

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

Having regard to the proposal from the Commission[1],

Having regard to the opinion of the European Economic and Social Committee[2],

Having regard to the opinion of the Committee of the Regions[3],

Acting in accordance with the procedure laid down in Article 251 of the Treaty

Whereas:

(1) The increase of road transport associated with the growth of the European economy and with the mobility requirements of the citizens is a primary cause of increasing congestion of the road infrastructure and energy consumption, as well as environmental and social problems.

(2) The response to those major challenges cannot be limited to traditional measures including, notably, the expansion of the existing road transport infrastructure. Innovation will have a major role to play in finding appropriate solutions for the Community.

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1 OJ C , , p. .
2 OJ C , , p. .
3 OJ C , , p. .

(3) **Intelligent Transport Systems (ITS) integrate telecommunications, electronics and information technologies with transport engineering in order to plan, design, operate, maintain and manage transport systems.** The application of information and communication technologies to the road transport sector and its interfaces with other transport modes (ITS) will make a significant contribution to improving environmental performance, efficiency, including energy efficiency, safety and security of road transport, **public security,** ~~and~~ passenger and freight mobility whilst at the same time ensuring the functioning of the internal market and increased levels of competitiveness and employment.

(4) Advances in the application of information and communication technologies to other transport modes should now be reflected in developments in the road transport sector, in particular with a view to ensuring higher levels of integration in that field between road transport and other transport modes.

(5) In some Member States national applications of these technologies are already being deployed in the road transport sector, but such deployment remains fragmented and uncoordinated and cannot provide geographical continuity of ITS services throughout the Community.

(6) To ensure a coordinated and effective deployment of ITS within the Community as a whole, common specifications**, including, where appropriate, standards,** defining further detailed provisions and procedures should be introduced. **Before developing any specifications, the Commission should assess their compliance with certain defined basic principles as set out in annex I.** In the first instance, priority should be given to four main areas of ITS development and deployment. **During further implementation of ITS the existing ITS infrastructure put in place by a particular Member State should be taken into account in terms of technological progress and financial efforts**[4]**.**

[4] FR, supported by PT, suggested to reflect the principle of "backward"- compatibility of ITS also in the principles stipulated in Annex I. (see point (d') of Annex I -"Respect backward compatibility")

(7) The common specifications should inter alia take into account and build upon the experience and results already obtained in this area, notably in the context of the eSafety initiative[5], launched by the Commission in April 2002. The eSafety Forum has been established by the Commission under that initiative to promote and further implement recommendations to support the development, deployment and use of eSafety systems.

(8) ITS should build on interoperable systems based on open and public standards, available on a non-discriminatory basis to all application and service suppliers and users.

(9) The deployment and use of ITS applications and services will entail the processing of personal data. Such processing should be carried out in accordance with Community rules, as set out, inter alia, in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and in Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector. **Among others, principles of purpose limitation and data minimisation in the ITS application should be applied. Anonymisation as one of the principles of enhancing individuals' privacy should be encouraged. As far as data protection and privacy related issues in the field of ITS applications and services deployment are concerned, the Commission should further, as appropriate, consult the European Data Protection Supervisor and request an opinion of the Article 29 Data Protection Working Party (i.e. the independent advisory body to the Commission established under Article 29 of the Data Protection Directive).**

[5] http://www.esafetysupport.org/download/European_Commission/048-esafety.pdf.

(10) The deployment and use of ITS applications and services, and notably traffic and travel information services, will entail the processing and use of road, traffic and travel data forming part of documents held by public sector bodies of the Member States. Such processing and use should be carried out in accordance with Community rules, as set out in Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information.[6]

(11) Directive 2007/46/EC[7] establishes a framework for the type approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, whilst Directives 2002/24/EC[8] and 2003/37/EC[9] relate to the type approval of two or three-wheel motor vehicles and agricultural or forestry tractors, their trailers and interchangeable towed machinery respectively. Although the provisions in these Directives cover ITS-related equipment installed in vehicles, they do not apply to external road infrastructure ITS equipment and software~~, which should accordingly be covered by national type approval procedures~~. **Therefore, in appropriate cases, the common specifications should include detailed provisions laying down the procedure governing assessment of conformity or suitability for use of constituents. Those provisions should be based on Decision No. 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products[10], in particular concerning the modules for the various phases of the conformity assessment procedures.**

(12) For ITS applications and services for which accurate and guaranteed timing and positioning services are required, satellite-based infrastructures or any technology providing an equivalent level of precisions should be used[11].

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6 OJ L 345, 31.12.2003, p.90.
7 OJ L 263, 09.10.2007, p. 1.
8 OJ L 124, 09.05.2002, p. 1.
9 OJ L 171; 09.07.2003, p. 1.
10 OJ L 218; 13.08.2008, p. 82
11 See Council Regulation N°1/2005 of 22 December 2004, OJ L 3, 5.1.2005, p.1 and Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008, OJ L 196, 24.7.2008, p. 1.

(12a) Innovative technologies such as Radio Frequency Identification Devices (RFID) or Galileo/EGNOS[12] should be used for the realisation of ITS applications, notably for the tracking and tracing of freight along its journey and across modes.

(13) Major stakeholders such as ITS service providers, associations of ITS users, transport and facilities operators, representatives of the manufacturing industry, social partners, professional associations and local authorities should have the possibility to advise the Commission on the commercial and technical aspects of the deployment of ITS within the Community. **For this purpose the Commission, ensuring close cooperation with stakeholders and Member States, should set up an ITS advisory group. The work of this group should be carried out in a transparent manner and the result should be made available to the committee established by this Directive.**

(14) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.[13]

(15) In particular the Commission should be empowered to adopt measures concerning the amendment of the Annexes and measures laying down more detailed specifications for the development, implementation and use of interoperable ITS. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, *inter alia* by supplementing it with new non-essential elements they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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12 Reservation: UK. Scrutiny reservation: DK.

13 OJ L 184, 17.7.1999, p. 23.

(16) In order to guarantee a coordinated approach, the Commission should ensure coherence between the activities of the Committee established by this Directive and those of the Committee established by Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community[14], the Committee set up by Council Regulation (EEC) (No) 3821/85 on recording equipment in road transport[15], and the Committee of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles[16].

(17) Since the objective of this Directive, namely to ensure the coordinated deployment of interoperable ITS throughout the Community, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

(18) In accordance with paragraph 34 of the Inter-institutional Agreement on better law-making, Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and their transposition measures, and to make those tables public.[17]

HAS ADOPTED THIS DIRECTIVE:

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14 OJ L 166, 30.04.2004, p. 124.
15 OJ L 370, 31.12.1985, p. 8.
16 OJ L 263, 9.10.2007, p. 1.
17 CION: Reservation on recital 18.

Article 1

Subject matter and scope[18] [19]

This Directive establishes a framework in support of[20] the coordinated **and coherent** deployment and use of intelligent transport systems (ITS) within the Community**,** in particular[21] across the borders between the Member States, and sets out the general conditions necessary for that purpose.[22]

It provides for the development of specifications for actions within the priority areas referred to in Article 1a, as well as for the development, where appropriate, of necessary standards.[23]

It shall apply to ITS applications and services in the field of road transport and to their interfaces with other transport modes.

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18 Reservation: AT, DE, IE, NL, MT, PT and UK. These delegations expressed concerns on the mandatory deployment of ITS in Member States. Scrutiny reservation: RO.

19 DE, supported by BE, CZ, IE, NL, PL and UK, proposed the following alternative text for the first paragraph of Article 1:
"This Directive establishes a framework **to ensure interoperability and compatibility of the intelligent transport systems (ITS) deployed in the Member States of the Community to set out the general conditions** necessary for that purpose".

20 FI, FR and CION suggested to replace "in support of" with "for".

21 IE and UK proposed to delete "in particular".

22 Scrutiny reservation: PL preferred that interoperability related to ITS should be limited to the TEN-T networks in a first stage. (See point (c) of Annex I – "Support continuity of services")

23 IE, supported by AT, DE, PL and UK, proposed the following introductory wording for this subparagraph: " It provides for the development where necessary of standards and ultimately, where appropriate, of specifications for actions…".

Article 1a

Priority areas[24] [25]

1. For the purpose of this Directive the following shall constitute priority areas for the development and use of specifications and standards:

   (a) optimal use of road, traffic and travel data;

   (b) continuity of traffic and freight management ITS services ~~[on European Transport Corridors and in conurbations]~~[26];

   (c) safety and security of the road transport system;[27]

   (d) linking the vehicle with the transport infrastructure.[28]

2. The~~se~~ **scope of the** priority areas ~~are further detailed~~ **is specified** in Annex II.

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[24] Reservation: DE.

[25] FR, supported by DK, suggested to define the scope of each priority area in Annex II.

[26] PL suggested to replace "European Transport Corridors" with "TEN-T networks". (See point (c) of Annex I – "Support continuity of services")

[27] DE, supported by BE, CZ, IE, NL, PL and SK, proposed the following alternative text for (c): "safety and **IT-**security **in road transport**". AT suggested to add " and its interfaces with other modes".

[28] Scrutiny reservation: CION.

Article 1b

Priority actions[29]

The following shall constitute priority actions within the priority areas referred to in Article 1 a for the development and use of specifications and standards:[30]

[a) the provision of EU-wide multimodal travel and real-time[31] traffic information services as set out in Annex II point 1 a, b and c;[32]

b) data and procedures for the provision of road safety related minimum universal traffic information**,** where possible[33]**,** free of charge to users as set out in Annex II point 1 d**;**[34]

c) the ~~harmonised~~[35] provision for an interoperable EU-wide eCall as set out in Annex II point 3 a;[36]

d) the provision of reservation[37] and information services for safe and secure parking places for trucks and commercial vehicles as set out in Annex II 3 b.]

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29 Scrutiny reservation: All delegations. CZ proposed to add as priority actions "definition of system architecture" and "measures to improve the road safety of dangerous goods transports". ES proposed to add as priority actions "definition of system architecture", "measures to improve the linking between the vehicle and the infrastructure" and "measures to support the concept of inter-modality". DE suggested to include "measure on cooperative vehicle systems" to be added as a priority action. FI proposed to add as a priority action "necessary measures for the integration of the vehicle into the transport infrastructure".

30 IE, supported by UK, suggested to establish criteria which qualify tasks to be considered as priority actions.

31 BE suggested to replace "real time" by "actual".

32 ES, supported by AT, SI and CION, proposed to split this priority action into two. One action for "multimodal travel services" and the other for "real time traffic information services".

33 Scrutiny reservation: DE, FI, SI and CION.

34 Reservation: FR. FR suggested to add to this action also "the provision of real time traffic information".

35 Reservation: FI and CION. (on the deletion of "harmonised")

36 Reservation: FR.

37 Reservation: DE, CZ, ES and PL. Scrutiny reservation: NL. DE expressed concerns on the implications of a reservation system.

Article 2

Definitions[38]

For the purposes of this Directive, the following definitions shall apply:

(a) "Intelligent Transport Systems (ITS)" means systems, in which information and communication technologies are applied, in the field of road transport (including infrastructure, vehicles and users) and with the interfaces to other transport modes;

(b) "interoperability" means the capacity of systems, and of the underlying business processes, to exchange data and to share information and knowledge;

(c) "ITS application" means an operational instrument for the application of ITS;

(d) "ITS service" means the provision of an ITS application through a well-defined organisational and operational framework with the aim of contributing to the user safety, efficiency, comfort and/or to facilitate or support transport and travel operations;

(e) "ITS service provider" means any provider of an ITS service, whether public or private;

(f) "ITS user" means any user of ITS applications or services including travellers, road transport infrastructure users and operators, fleet managers and operators of emergency services;

(g) "nomadic device" means a portable communication or information device that can be brought inside the vehicle to support the driving task and/or the transport operations;

(h) "platform" means an on-board or off-board unit enabling the deployment, provision**,** ~~or~~ exploitation and integration of ITS applications and services;[39]

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[38] Reservation: UK.

[39] Scrutiny reservation: PL asked for a clarification of the technical aspects of "on-board or off-board".

(hh) "architecture" means the conceptual design that defines the structure, the behaviour and the integration in its surrounding context of a given system;

(i) "interface" means a facility between systems which provides the media through which they can connect and interact;

(j) "compatibility" means the general ability of a device or system to work with another device or system without modification;

(k) "continuity of services" means the ability to ensure seamless services across the Community, on transport networks linking countries with countries, regions with regions and cities with rural areas;[40]

(l) "road data" means data on road infrastructure characteristics, including fixed traffic signs;[41]

(m) "traffic data" means historic and real-time data on road traffic flow characteristics;

(n) "travel data" means basic data (such as timetables of public transport and tariffs) necessary to provide multi-modal travel information before and during the trip to facilitate travel planning, booking and adaptation.

(o) "specification" means a binding measure laying down provisions containing requirements, procedures or any other relevant rules.

(p) "Vulnerable road users" means persons as defined in Annex 1 of Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management.

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[40] Scrutiny reservation: PL. PL proposed to give priority to the TEN-T network. DE, supported by ES and FR, suggested to copy the wording of the principle "continuity of services" as referred to in Annex I.

[41] Reservation: FR proposed to replace "fixed traffic signs" with "regulatory safety attributes".

Article 3

Deployment of ITS[42] [43]

1. Member States shall take the necessary measures to ensure that the specifications referred to in Article 4 are applied, in accordance with the principles in Annex I, to ITS applications and services, when these are deployed. This is without prejudice to the right of **each** Member State~~s~~ to decide on ~~its~~ **the** deployment of such applications and services **on its territory**.[44] [45]

2.

[…]

3. Member States shall also make efforts to co-operate in respect of the priority areas referred to in Article 1a insofar as no specifications referred to in Article 4 have been adopted. [46]

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[42] Scrutiny reservation: IE and UK. Reservation: CION. UK, supported by AT, CY, NL and PL, proposed to change the title of this article to "The application of specifications".

[43] DE, supported by AT, CZ, EE, IE, PL, SI and UK, proposed the following alternative text for Article 3:
"**1. Member States shall cooperate in the deployment of ITS within the scope of their national capabilities including financial capacity and obtainable European co-financing.**
2. When deploying and using ITS applications and services, Member States shall take the necessary measures to ensure **their interoperability and compatibility within the Community**.
3. When adopting measures as provided for in paragraphs 1 and 2, Member States shall be guided by the principles set out in Annex I.
4. Member States shall also make efforts to co-operate in respect of the priority areas referred to in Article 1a insofar as no specifications referred to in Article 4 have been adopted."

[44] Reservation: FR and CION. Scrutiny reservation: FI, IT and SK. FI, FR and IT suggested to consider the mandatory deployment of certain ITS applications and services.

[45] FR, supported by IT and CION, proposed the following text as an alternative for paragraph 1: "Without prejudice to their right to decide on the deployment of ITS applications and services, Member States shall take the necessary measures to ensure their coordinated deployment as well as the application of the specifications referred to in Article 4, in accordance with the principles in Annex I."

[46] CION stated that its coordination role on this matter is referred to in Articles 155 and 156 of the Treaty.

~~3. For the purposes of ITS applications and services that require global, continuous, accurate and guaranteed timing and positioning services, satellite-based infrastructures, or any technology providing equivalent levels of precision shall be used.~~ [47]

Article 4

Specifications [48]

1. The Commission shall first adopt specifications necessary to ensure the compatibility, interoperability and continuity for the deployment and operational use of ITS for the priority actions referred to in Article 1 b.[49]

2. Once the necessary specifications referred to in paragraph 1 have been established, the Commission shall adopt specifications ensuring the compatibility, interoperability and continuity for the deployment and operational use of ITS in other actions of the priority areas referred to in Article 1a.

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47 Scrutiny reservation: IT (on the deletion).

48 Reservation: AT, DE, IE and PT. Scrutiny reservation: IE, MT, PL and UK. In this context the CION presented a non-paper clarifying the interplay between standards and specifications (see W.doc. 2009/52). DE presented a proposal supplementing specifications with standards (see W. doc. 2009/44).

49 IE, supported by UK, suggested to add the following text: "…after the procedures of developing standards as referred to in article 4a (new) are complied with".

3[50]**.** Where relevant[51], and depending on the area of the specification, the specification may include the following type of provisions:

- functional provisions: describing the roles of the various stakeholders and the information flow between them[52]
- technical provisions: providing the technical means to fulfil the functional specifications
- organisational provisions: describing procedural obligations for the various stakeholders
- ~~[~~deployment provisions: subject to Article 3 (1) ~~second subparagraph~~**,** describing the concrete scenario to apply in order to deploy ITS applications and services **in a coordinated manner**~~]~~[53]

4. The~~e~~ specifications shall, where appropriate, be based on any standards[54] referred to in Article 4a.

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[50] FR, supported by MT, presented the following proposal further describing the content of specifications:
"functional provisions: describing the roles of the various stakeholders and the information flow between them, **identifying the objectives, the level of services, the performance requirements. They are the basis of the mandates given to standardization bodies;**
technical provisions: providing the technical means to fulfill the functional specifications, **and where appropriate include references to standards;**
organisational provisions: **precising obligations for Member States in order to achieve the interoperability of ITS. A Cost-benefit analysis (including on consequences on social, safety and environment) shall be available before the decisions on the technical and organizational provisions are taken;**
deployment provisions : describing the concrete scenario to apply in order to deploy ITS applications and services**, in particular on network concerned, funding principles, time frames, authority in charge of coordination, and reports**. "

[51] NL suggested to replace "relevant" by "necessary".

[52] Reservation: IE and UK. Scrutiny reservation: NL.

[53] Reservation: AT, DE, IE, MT, NL, PL and UK. IE suggested to add at the end of this phrase "if the public and private sectors in the Member States decide on deployment".

[54] DE, supported by AT, CZ, IE, PL and UK, proposed that in all cases the standardisation procedure should be the starting point for developing specifications.

4a The specifications shall, as appropriate, provide for conformity assessment in accordance with Decision 768/2008.[55]

5. The specifications shall comply with[56] the principles set out in Annex I.

5a The Commission shall conduct an impact assessment including a cost-benefit analysis prior to the adoption of the specifications.

6. These measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(2). [57]

Article 4a

Standards[58] [59]

1. The necessary standards to provide for interoperability, compatibility and continuity for the deployment and operational use of ITS shall be developed in the priority areas referred to in Article 1a and for the priority actions referred to in Article 1b. To that effect, the European Commission, after having consulted the committee referred to in Article 8[60], shall ask the relevant standardisation bodies in accordance with the procedure laid down by Directive 98/34/EC to make every necessary effort rapidly[61] to adopt these standards.

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55 Scrutiny reservation: DE and IT.

56 IE proposed the following wording for this paragraph: "The specifications shall be developed in full compliance with the principles set out in Annex I".

57 Reservation: CY (on the use of the comitology procedure to adopt specifications).

58 Scrutiny reservation: MT.

59 FR proposed to add the following introductory text to this article: " The necessary standards to provide for interoperability, compatibility and continuity for the deployment and operational use of ITS shall be developed in accordance with adopted functional specifications as set out in article 4. These standards shall be developed in the priority areas referred to in Article 1a…".

60 Reservation: CION (on the reference to the ITS committee). PL suggested to make reference to the ITS Advisory committee.

61 PL proposed to delete the word "rapidly".

2. When issuing a mandate to the standardisation bodies, the principles set out in Annex I shall be observed as well as any functional provision included in a specification adopted under Article 4.[62]

Article 4b

Non-binding measures[63]

The Commission may adopt guidelines and other non-binding measures to facilitate Member States' co-operation relating to the priority areas referred to in Article 1 (a) in accordance with the procedure referred to in Article 8 (3).

Article 5

[…]

[64]

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62 Scrutiny reservation: FR. UK proposed the following alternative wording for this paragraph: " any mandate issued to a standardisation body for the purposes of this article shall comply with the principles set out in Annex I as well as any functional provisions included in a specification adopted under Article 4."

63 Reservation: CION. Scrutiny reservation: PL and UK.

64 FR, supported by ES, suggested the following text as Article 5a (new).
"The specifications in Article 4 shall determine the general rules for providing ITS services in Europe for each category of service; they shall in particular stipulate the content of services and service providers' obligations. The specifications shall also stipulate the conditions in which Member States may, in liaison with the Commission, impose additional rules for the provision of these services on all or part of their territory. The specifications shall specify the organisation which shall be set up by the Commission to ensure that Member States cooperate properly in controlling how these rules are applied, in particular the conditions in which information will be exchanged between them and the Commission."

Article 6

Rules on privacy, security and re-use of information

1. Member States shall ensure that the processing of personal data in the context of the operation of ITS is carried out in accordance with the Community rules protecting the freedoms and fundamental rights of individuals, in particular Directives 95/46/EC and 2002/58/EC.

2. In particular, Member States shall ensure that personal data are protected against misuse, including unlawful access, alteration or loss.

3. Directive 2003/98/EC[65] shall apply.

Article 7

[…]

Article 8

Committee procedure[66]

1. The Commission shall be assisted by the European ITS Committee (EIC), hereafter referred to as "the Committee".[67]

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. Where reference is made to this paragraph, Article 3 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.[68]

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65 OJ L 345, 31.12.2003, p. 90.

66 Reservation: AT, DE, DK, IE, NL, PL, PT and UK.

67 DE supported by AT and PL proposed to align this paragraph with their proposal on Article 4 (see W. doc. 2009/44).

68 Reservation: CION.

Article 9

European ITS Advisory Group[69]

The Commission shall establish a European ITS Advisory Group to advise it on business and technical aspects of the deployment and use of ITS in the Community. The group shall be composed of high level representatives from relevant ITS service providers, associations of users, transport and facilities operators, manufacturing industry, social partners, professional association, local authorities and other relevant fora.

Article 10

Reporting[70]

1. Member States shall submit to the Commission by *[six months*[71] *after the entry into force of this Directive*] at the latest a report on their national activities and projects regarding the priority areas laid down in Article 1(a)

2. Member States shall provide to the Commission by *[two years after the entry into force of this Directive]* at the latest information on national ITS actions envisaged over the following five years.

   Guidelines for reporting by the Member States shall be adopted in accordance with the advisory procedure referred to in Article 8(3).[72]

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69 DE, supported by IE and PL, proposed the following text for this article: " The Commission shall establish a European ITS Advisory Group to advise it **in identifying strategies for ITS development and setting priorities for the standardisation process in accordance with Article 4**. The group shall be composed **of representatives of the Member States** and high level representatives from relevant ITS service providers, associations of users, transport and facilities operators, manufacturing industry, social partners, professional association, local authorities and other relevant fora."

70 Scrutiny reservation: CZ, DE, DK FR, IE, NL, PL and UK.

71 Reservation: CY and PT proposed to replace "6 months" by "one year".

72 DK proposed to apply the regulatory procedure with scrutiny for adopting guidelines for reporting.

3. Member States shall report every [three] years thereafter on the progress made in the deployment of these actions.

4. The Commission shall report every [three] years to the European Parliament and to the Council.

5. In accordance with the advisory procedure referred to in Article 8, paragraph 3, the Commission shall adopt a working program, six months at the latest after this directive comes into force. This working program shall include objectives and dates for implementing this program every year and if necessary shall propose the necessary adaptations.[73]

Article 11

Transposition[74]

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by *[24 months after entry into force of this Directive]* at the latest.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference, and its wording, shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.[75]

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[73] Reservation: CION. FR proposed to use the regulatory procedure instead of the advisory procedure.

[74] Scrutiny reservation: UK.

[75] Reservation: CION.

Article 12

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 13

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The President

PRINCIPLES FOR THE SPECIFICATIONS AND DEPLOYMENT OF ITS AS REFERRED TO IN ARTICLES 3, 4 and 4a[76]

The **adoption** ~~definition~~ of specifications, the selection and deployment of ITS applications and services, and **the issuing of** mandates for standards shall be based upon an evaluation of needs involving all relevant stakeholders, and shall respect the following principles. These measures shall:[77]

(a) **Be Effective** – ~~the ability to~~ make a tangible contribution towards solving the key challenges affecting road transportation in Europe (e.g. reducing congestion, lowering of emissions, improving energy efficiency, attaining higher levels of safety and security including vulnerable road users);

(b) **Be Cost-efficientey**[78] – **optimize** the ratio of costs in relation to output with regard to meeting objectives, taking into account the local, regional, national and European specificities;

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[76] UK proposed a modified text of Annex I. (see W.doc 2009/56)

[77] EE, supported by BE, PL and PT, proposed to add the following phrase to the introductory text of Annex I: " The specifications and standards shall take as far as possible into account inherent differences in the sizes of the traffic volumes between the Member States, and the existing solutions of the intelligent transport systems."

[78] AT suggested the following text: "**Cost-efficiency and proportionality** - the ratio of costs in relation to output with regard to meeting objectives, taking into account the local, regional, national and European specificities and providing different levels of achievable service quality with regards to the possibility of an incremental or geographically differentiated deployment."
Moreover AT, supported by IE and PT, proposed the following corresponding (new) recital: "The specifications shall define several levels of service quality to enable the Member States when deploying ITS to adjust the application of the ITS specifications according to their expediency."

(c) **Support continuity of services** – ~~the ability to~~ ensure[79] seamless services across the Community**, in particular on the trans-European network, when such services are deployed**, at a level adapted to the characteristics of the transport networks linking countries with countries, regions with regions and cities with rural areas;[80]

(d) **Deliver Interoperability** – ~~the capacity of~~ **ensure that** systems and ~~of~~ the underlying business processes **have the capacity** to exchange data and to share information and knowledge~~, also with existing systems without hindering the development of new technologies~~;

(d') Support backward compatibility – ensure, where appropriate, the capability for ITS systems to work with existing systems and sharing at least the same functionalities, without hindering the development of new technologies;

(d'') Respect existing national infrastructure and network characteristics – take into account the inherent differences in the transport network characteristics, in particular in the sizes of the traffic volumes;

(d''') Promote equality of access – not to impede or discriminate against access to ITS applications and services by vulnerable road users;

(e) **Support maturity** – **demonstrate, after appropriate risk assessment,** the robustness of innovative ITS systems, through a sufficient level of technical development and operational exploitation;

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[79] IE suggested to replace "ensure" by "enable or provide".

[80] Reservation: CION. Scrutiny reservation: PT requested to delete the word "cities with rural areas" and to add the word "progressive" before "linking countries with…".

(f) **Deliver Quality of timing and positioning** – ~~the~~ use of satellite-based infrastructures, or any technology providing equivalent[81] levels of precision for the purposes of ITS applications and services that require global, continuous, accurate and guaranteed timing and positioning services**;**

(g) **Facilitate Inter-modality** – ~~the need to~~ take into account the coordination of various modes of transport**,** where appropriate, when deploying ITS;

~~(h) Standards - wherever possible and useful, standards shall be used or developed and shall form the basis of the specifications~~

(i) **Respect Coherence** – ~~the need to~~ take into account existing Community rules, policies and activities which are relevant in the field of ITS, **in particular in the field of standardisation.**

[81] ES suggested to replace "equivalent" by "sufficient".

~~**CORE** ELEMENTS OF THE SPECIFICATIONS AND STANDARDS~~

PRIORITY AREAS AND ACTIONS AS REFERRED TO IN ARTICLE ~~4~~ **1a** AND ARTICLE **1b** ~~**4a(new)**~~[82]

(1) Optimal use of road, traffic and travel data

The specifications and standards for an optimal use of road, traffic and travel data shall include the following.

[Specifications necessary for priority action a]

(a)[83] The definition of the necessary requirements to make **EU-wide multimodal travel and real time traffic information services** ~~real time traffic information real-time traffic and travel information~~ accurate and available across borders to ITS users, based on:

- The availability and accessibility of [84]accurate ~~public~~ road and real-time traffic data used for **multimodal travel** and real-time traffic ~~and travel~~ information to ITS service providers without prejudice to safety and transport management constraints[85]

- The facilitation of the electronic **data** exchange between the relevant public authorities and stakeholders and the relevant ITS service providers, across borders

- The timely updating of [86]~~public~~ road and traffic data used for **multimodal travel and** real-time traffic ~~and travel~~ information by the relevant public authorities and stakeholders

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82 Scrutiny reservation: DK.
83 ES suggested to distinguish between "traffic information" and "travel information".
84 NL, supported by DK and IE, proposed to insert "existing".
85 Reservation: DE.
86 FR, supported by BE, CZ and IE, proposed to insert "available".

- The timely updating of **multimodal travel and** real-time traffic ~~and travel~~ information by the ITS service providers[87]

(b) The definition of the necessary requirements for the collection by relevant public authorities **and/or, where relevant, by the private sector** of road and traffic data (i.e. traffic circulation plans, traffic regulations and recommended routes[88], notably for heavy goods vehicles) and for their provisioning to ITS service providers, based on: [89]

- The availability**, to ITS providers**, of [90]~~public~~ road and traffic data (i.e. traffic circulation plans, traffic regulations and recommended routes) collected by the relevant public authorities **and/or the private sector** to ITS service providers

- The facilitation of the electronic **data** exchange between the relevant public authorities and the ITS service providers

- The timely updating**, by the relevant public authorities and/or, where relevant, the private sector**, of ~~public~~ road and traffic data (i.e. traffic circulation plans, traffic regulations and recommended routes) ~~by the relevant public authorities~~

- The timely updating**, by the ITS service providers**, of the ITS services and applications using this ~~public~~ road and traffic data ~~by the ITS service providers~~[91]

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87 NL requested the deletion of this indent.

88 NL, supported by PT, requested to delete the reference to "recommended routes for heavy goods vehicles".

89 Reservation: DE.

90 NL, supported by DK, proposed to insert "existing".

91 NL, supported by IE, requested the deletion of this indent.

(c)[92] The definition of the necessary requirements to make ~~public~~ road and traffic data used for digital maps accurate and available**,** where possible**,** to digital map producers and service providers, based on:

- The availability of [93]~~public~~ road and traffic data used for digital maps to digital map producers and service providers

- The facilitation of the electronic **data** exchange between the relevant public authorities and stakeholders and the private digital map producers and providers

- The timely updating of ~~public~~ road and traffic data for digital maps by the relevant public authorities and stakeholders

- The timely updating of the digital maps by the digital maps producers and service providers

[Specifications necessary for priority action b]

(d) The definition of minimum requirements of **road safety related** "universal traffic messages"**, where possible,** free of charge to all road users, as well as their minimum content, based on:

- The use[94] of a standardised list of safety related traffic events ("universal traffic messages") which should be communicated to ITS users**, where possible,** free of charge

- The compatibility of and the integration of "universal traffic messages" into ITS services for real-time traffic and **multimodal** travel information

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92 ES suggested to establish a separate priority action for "digital maps".
93 NL, supported by DK and IE, proposed to insert "existing".
94 FI suggested to replace "use" by "identification".

(2) Continuity of traffic and freight management ITS services [on European Transport Corridors and in conurbations]

The specifications and standards for the continuity and interoperability of the traffic and freight management services **[**and on European transport corridors and in conurbations**]** shall include the following:

[Specifications necessary for **other** ~~priority~~ action**s** ~~e~~]

(a) The definition of the necessary measures to develop a European ITS Framework Architecture, addressing specifically ITS-related interoperability, continuity of services and multi-modality aspects, within which Member States and their competent authorities in cooperation with the private sector can develop their own ITS architecture for mobility at national, regional or local level.

~~[Specifications necessary for other actions]~~

(b)[95] the definition of the minimum necessary requirements for the continuity of ITS services for the management of passenger transport and freight along transport corridors and across different modes, based on:

- The facilitation of the electronic exchange for traffic data and information across borders[96], regions, or between urban and inter-urban areas between the relevant traffic information/control centres and different stakeholders
- The use of standardised information flows or traffic interfaces between the relevant traffic information/control centres and different stakeholders

[95] ES suggested to split the paragraph into two parts. One should deal with passenger transport and the other with freight transport.

[96] UK proposed to stop the sentence after the word "borders", since regional, interurban and urban matters are considered to fall under the principle of subsidiarity.

(c) The definition of the necessary measures[97] in the realisation of ITS applications (notably the tracking and tracing of freight along its journey and across modes) for freight transport logistics (eFreight), based on:

- The availability of relevant ITS technologies to and their use by ITS application developers[98]

- The integration of ~~localisation~~ **positioning** results in the traffic management tools and centres

(d) The definition of the necessary measures to develop an ITS architecture for urban mobility[99] including an integrated and multi-modal approach for travel planning, transport demand and traffic management, based on:

- The availability of [100]public transport, travel planning, transport demand, traffic data and parking data to urban control centres and service providers

- The facilitation of the electronic data exchange between the different urban control centres and service providers for public or private transport and through all possible transport modes

- The integration of all relevant data and information in a single architecture

(3) Safety and security of the road transport system

The specifications and standards for ITS road safety and security applications shall include the following**:**

[Specifications necessary for priority action c]

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97 See modifications in recital 12.
98 FI requested a clarification on the meaning of this indent.
99 DE, supported by CZ, requested to delete the reference to urban mobility.
100 NL, supported by DK, suggested to insert "existing".

(a) The definition of the necessary measures for the ~~harmonised~~ introduction of ~~pan~~ **an** interoperable EU-wide eCall, including:

- The availability of the required in-vehicle ITS data to be exchanged

- The availability of the necessary equipment in the road infrastructure (rescue) centres [(Public Safety Answering Points)][101] receiving the data emitted from the vehicles
- The facilitation of the electronic data exchange between the vehicles and the road infrastructure (rescue) centres [(Public Safety Answering Points)]

[Specifications necessary for priority action d]

(b) The definition of the necessary measures to provide ITS based information and reservation[102] systems **for**[103] **safe** and secure parking places for trucks and commercial vehicles based on:

- The availability of the road parking information to the users

- The facilitation of the electronic data exchange between road parking sites, centres and the vehicles[104]

- The integration of relevant ITS technologies in both vehicles and parking road facilities to update the information on available parking space for reservation purposes

[Specifications necessary for other actions]

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101 Scrutiny reservation: FR. EE suggested to replace "road infrastructure (rescue) center" with "rescue centers".

102 Reservation: DE.

103 SI suggested to add "free" (of charge).

104 NL requested the deletion of this indent. UK expressed doubts on the necessity to envisage legal actions in this area.

(c) The definition of the necessary measures to ensure the safety of road users with respect to their on-board Human-Machine-Interface and the use of nomadic devices to support the driving task and/or the transport operation, as well as the security of the in-vehicle communications[105]

(d) The definition of the necessary measures to ensure the safety and comfort of vulnerable road users (e.g. pedestrians and cyclists) and persons with reduced mobility and orientation for all ITS applications

(e) The definition of necessary measures to integrate advanced driver assistance systems into vehicles and road infrastructure which fall outside the scope of Directives 2007/46/EC, 2002/24/EC and 2003/37/EC[106]

(4) ~~Integration of~~ **Linking** the vehicle ~~into~~ with the transport infrastructure[107]

The specifications and standards for ITS for ~~integration~~ **linking** ~~of~~ the vehicle ~~into~~ **with** the transport infrastructure shall include the following other actions:

(a) The definition of necessary measures to integrate different ITS applications on an open in-vehicle platform, based on:

- The identification of functional requirements of existing or planned ITS applications

- The definition of an open-system architecture that ~~guarantees~~ **which defines the functionalities and interfaces necessary for** the interoperability/interconnection with infrastructure systems and facilities

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[105] DE requested a reference to the "Human-Machine-Interface catalogue" (European Statement of principles recommended by the Commission; C (2006) 7125).

[106] IE suggested to introduce a new point (f): "The definition of the necessary measures to improve road safety for all road users by the integration of event data recorders into vehicles."

[107] AT, DE, NL and PT raised concerns on the potential risks for hindering innovation and development.

- The integration of future new or upgraded ITS applications in a "plug and play" manner into an open in-vehicle platform

- The use of standardisation process to adopt the architecture, and the open in-vehicle specifications[108]

(b) The definition of necessary measures to further progress the development and implementation of cooperative (vehicle-vehicle, vehicle-infrastructure, infrastructure-infrastructure) systems, based on:

- The facilitation of the exchange of data and information between vehicle and vehicle, vehicle and infrastructure, infrastructure and infrastructure

- The availability to the respective parties (vehicle or road infrastructure) of the relevant data or information to be exchanged

- The use of a standardised message format for this exchange of data between the vehicle and the infrastructure

- The definition of an communication infrastructure for each type of exchange (V2V, V2I, I2I)

- The use of standardisation processes to adopt the respective architectures

[108] FR and PT raised concerns on methodology aspects and potential financial consequences.

~~ANNEX III TO ANNEX~~

~~GUIDELINES FOR THE CONTENT OF REPORTS ON NATIONAL ITS ACTIONS REFERRED TO IN ARTICLE 10~~

~~(1) The reports with regard to the priority areas laid down in Article 4(1) provided by the Member States according to Article 10 shall cover the national level. They can however be extended to the regional and/or selected local level, if relevant.~~

~~(2) The report to be provided according to Article 10 (1) shall include, at least, the following information:~~

~~(a) the current national strategy with regard to ITS~~

~~(b) its objectives and their underlying rationale~~

~~(c) a brief description of the status of ITS deployment and framework conditions~~

~~(d) priority areas for current actions and related measures~~

~~(e) an indication as to how this strategy and these actions or measures support the coordinated and interoperable deployment of ITS applications and continuity of services in the Community (see Article 4(1)).~~

~~(3) The report to be provided according to Article 10 (2) shall include, at least, the following information:~~

~~(a) the national strategy with regard to ITS, including its objectives~~

~~(b) a detailed description of ITS deployment and framework conditions~~

~~(c) the planned priority areas for actions and related measures, including an indication on how these tackle the priority areas laid down in Article 4(1)~~

~~(d) details on the implementation of current and planned actions as regards~~

- ~~Instruments~~
- ~~Resources~~
- ~~Consultation and active stakeholders~~
- ~~Milestones~~
- ~~Monitoring~~