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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 2.2.2022 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services

Delegations will find attached document C(2022) 492 final.

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Brussels, 2.2.2022
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COMMISSION DELEGATED REGULATION (EU) .../...

of 2.2.2022

**supplementing Directive 2010/40/EU of the European Parliament and of the Council
with regard to the provision of EU-wide real-time traffic information services**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Commission Delegated Regulation (EU) 2015/962, supplementing Intelligent Transport Systems (ITS) Directive 2010/40/EU, sets out specifications to ensure the accessibility, exchange, re-use and update of road and traffic data by road authorities, road operators and service providers for the provision of EU-wide, real-time traffic information (RTTI) services.

The Delegated Regulation states that data types listed in its Annex, which are available in digital machine-readable format and relate to the trans-European road network (TEN-T), other motorways or priority areas defined by Member States, must be shared via a National Access Point (NAP) in each Member State in a standardised format. The Delegated Regulation also lists the conditions for access to, use of and updating of data, how to assess compliance with the Delegated Regulation and what to report on regarding its implementation. The Delegated Regulation applies from 13 July 2017.

The Delegated Regulation does not prescribe the creation of data that does not yet exist in a digital machine-readable format. Therefore, the requirements of the Delegated Regulation only apply to the data types listed in the Annex which already exist in digital machine-readable format.

Equally, the Delegated Regulation does not require the data types listed in the Annex to be shared free of charge, without prejudice to requirements imposed in other Union or national legislation. NAPs provide discovery services to enable stakeholders to find out which data are available and their applicable terms and conditions for re-use. Data listed on NAPs can be subject to licence agreements in order for access to be granted or the data to be shared.

The world of intelligent transport systems is rapidly changing, with new applications in cooperative, connected and automated mobility being implemented and more on the horizon. To support further development of EU-wide traffic information services, additional data types, for example on Urban Vehicle Access Regulations (UVARs) or recharging/refuelling points, are required to allow more accurate and reliable door-to-door travel information; new data sources (for example, in-vehicle generated data) can also be used to improve traffic management and road maintenance operations. In addition, the geographical coverage of the data needs to be extended to cover regional and urban areas currently not within the scope of the Delegated Regulation.

These issues were raised, among other priorities, in the updated Working Programme of the ITS Directive, adopted in December 2018¹ following approval by the European ITS Committee², addressing the work to be undertaken by the Commission. In line with the objectives of the Working Programme, and following a thorough investigation that included a cost-benefit analysis, a revision of the Delegated Regulation was recommended.

¹ https://ec.europa.eu/transport/sites/default/files/legislation/c20188264_en.pdf

² <https://ec.europa.eu/transparency/comitologyregister/screen/meetings/CMTD%282018%291282/consult?lang=en>

The revision is included in the Sustainable and Smart Mobility Strategy³, published in December 2020, as action 36 under flagship 6 ('Making connected and automated multimodal mobility a reality'). This Delegated Regulation contributes to help the EU take full advantage of smart digital solutions and intelligent transport systems. The revision also aims to clarify any overlaps between other Delegated Regulations supplementing the ITS Directive and align their approach with developments in the field.

The revision is part of the evolving landscape of legislation on data, which is supported by the European strategy for data in February 2020. One of the measures from this strategy, the Data Governance Act, aims to ensure data is effectively re-used to provide reliable services to EU citizens and to avoid data monopolies.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

This Delegated Act supplements Directive 2010/40/EU, in compliance with Article 7, and constitutes the separate legislation for priority action (b) as defined in Article 3. The power to adopt Delegated Acts is conferred on the Commission subject to the conditions laid down in Article 12 of the same Directive.

• Subsidiarity

Traffic information contributes to road safety, reduces traffic congestion and therefore curbs vehicle emissions to the benefit of road users and the European population. This Delegated Regulation seeks to improve the accessibility, exchange, re-use and update of the road and traffic data required to provide high-quality and continuous real-time traffic information services across the Union.

There is already an EU market for the provision of real-time traffic information services, and it is in the interest of users, customers, public authorities, providers of those services and the general public that the right conditions are created to further develop it in innovative ways. The further development of EU-wide cross-border traffic information services is facilitated by a harmonised set of data requirements, including specifications on standardisation, accessibility, data quality and stakeholders required to provide data for re-use. There is also a need for harmonised provisions on the functioning of these services to ensure that they provide (similar) information across Europe in a coherent way.

• Proportionality

In the evolving landscape of digital information services, repealing and replacing the existing Delegated Regulation is the simplest form of Union action that will continue to achieve the objective of providing high-quality and continuous real-time traffic information services across the Union. This requires the European Commission and Member States to align requirements with the latest developments and legislation to accommodate future innovations. As efficient door-to-door travel is increasingly supported by information services, it is necessary for these services to have access to a wide range of high-quality, standardised data on the entire European road network.

³ COM/2020/789 final.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

• Stakeholder consultation

Two stakeholder surveys (in April 2020 and June 2020), two public workshops (on 8 May 2020 and 3 December 2020) and three rounds of selected stakeholder interviews were held to prepare the proposal⁴.

A first round of scoping interviews was conducted in January 2020 to provide input that could be used to refine the research questions. On 24 February 2020, a first expert meeting was held with Member States to provide an overview of the implementation of the Delegated Regulation until then, the next steps envisioned in its implementation and the supporting study.

A first targeted stakeholder survey took place from 24 March to 25 April 2020, incorporating the feedback and insight that had been gathered until then on the problems and challenges identified in the sector; this survey received 153 responses. A stakeholder workshop was held on 8 May to discuss and validate the results from the first survey, and a second round of stakeholder interviews was held from 18 May until 2 June 2020. These interviews were used to validate the results from the stakeholder workshop and the targeted survey.

A second targeted survey started on 14 September 2020 and was open for 2 weeks, attracting 96 respondents. A third round of interviews to validate the results of the study started on 14 October 2020 and lasted for 3 weeks. In total, 50 in-depth interviews with stakeholders were conducted.

To validate the outcomes of the cost-benefit analysis, five case studies were selected and refined in working sessions with representatives from different types of NAPs between 9 and 20 November 2020. A final stakeholder workshop was organised on 3 December 2020, to present the outcomes of the supporting study to all the stakeholders involved in the process. Each stakeholder workshop attracted over 100 participants.

• Use of expertise

Member States, plus the EEA countries and Switzerland, were invited to nominate experts to attend a series of meetings with the Commission to help develop the revision of the Delegated Regulation. Twelve meetings took place between 24 February 2020 and 13 April 2021⁵, and representatives from the European Parliament also participated in a number of these meetings. In addition, a number of bilateral meetings took place with Member States.

• Supporting study

A supporting study, completed in 2020, looked at essential traffic information services and which additional data types could further support these services. The supporting study looked at the costs and benefits of including these additional data types in the Delegated Regulation and at extending the geographical scope beyond the TEN-T network and other motorways, possibly for all data types. The study found that the share of the road network covered by dynamic road status data and real-time traffic data is limited across the Union,

⁴ https://ec.europa.eu/transport/themes/its/studies/its_en

⁵ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=1941>

especially beyond the current geographical scope of the Delegated Regulation, even if some dynamic road status data types are also considered crucial for RTTI services (e.g. dynamic speed limits, road closures).

Considering the high investment needed to digitise processes and/or deploy new sensors, the study concluded that improving access to any of these data types by making them accessible via a NAP, provided they are already available in a digitalised format, brings benefits in terms of less congestion, less travel time and less emissions, on all road networks covered. Improving data accessibility on all road networks has therefore been the starting point for revising the text of the Delegated Regulation.

Three policy options were considered, in addition to the baseline. The baseline considered the development of the sector without any legislative intervention, but took into account the pandemic situation and the other actions taken to improve the sustainability of transport in the coming decade. The policy options were:

- (1) Policy Option 1, which included additional data types (such as UVARs) to the current geographical scope of the TEN-T network, other motorways and priority zones, only when already available in digital machine-readable format.
- (2) Policy Option 2, which included Policy Option 1 + an extension of the geographical scope to other roads, for both the current and possible additional data types, when already available in digital machine-readable format.
- (3) Policy Option 3, which included Policy Option 2 and looked at mandating the availability of data in digital machine-readable format, meaning data would need to be created if not available, on the most appropriate geographical scope. It was acknowledged from the beginning of the study and in discussions with stakeholders that this would not be included in the revision of the Delegated Regulation, as this would go beyond the power delegated to the Commission in the ITS Directive. This Policy Option was only included to research the effects of availability of specific data types on real-time traffic information services and to involve the same stakeholders and Member State experts in the process, and is not covered hereafter.

The study concluded that additional data related to UVARs, recharging and refuelling points and stations, historical traffic data, other road and traffic specific rules, and in-vehicle generated data should be included in the Delegated Regulation because of the benefits they generate for current (e.g. navigation services, intelligent speed assistance) and future (e.g. cooperative, connected and automated mobility) RTTI services. It concluded that the geographical scope of the Delegated Regulation should be extended to cover the entire road network, not only for additional data types but also for all data currently covered by the Delegated Regulation. This facilitates door-to-door travel and ensures data is accessible on all parts of the road network, including, for example, on the location and availability of recharging and refuelling points, information which is all the more critical in areas where few such facilities are located.

For the additional data types, the analysis suggested that, whenever historical traffic data and in-vehicle generated data related to the entire road network are already available in digital machine-readable format, they should be made accessible via the NAP (Policy Option 2).

The supporting study has underpinned the arguments in favour of revising the Delegated Regulation, by adding data types and extending the geographical scope to the entire road network. Other updates to the specifications and standardisation requirements have been included in the revised text along the lines described above and in section 5.1.

- **Regulatory fitness and simplification**

Taking into account the extent of the required changes and to safeguard the clarity and legibility of the Delegated Regulation, it is proposed to repeal and replace the existing Delegated Regulation (EU) 2015/962. A possibility to simplify the legislation and/or reduce unnecessary costs has been found in the elimination of overlaps in data types between the different Delegated Regulations under the ITS Directive and including the reporting in the progress reports of the ITS Directive.

- **Fundamental rights**

In the EU, the right to protection of personal data is guaranteed under Article 8 of the Charter of Fundamental Rights of the European Union. Whenever the measures provided for in this Delegated Regulation entail the processing of personal data, they shall be carried out in accordance with EU law, in particular the General Data Protection Regulation (GDPR - Regulation (EU) 2016/679) and the e-Privacy Directive (Directive 2002/58/EC).

4. BUDGETARY IMPLICATIONS

No implications are expected for the EU budget stemming directly from the application of the new Delegated Regulation.

5. OTHER ELEMENTS

- **More detailed explanation of the specific provisions of the proposal**

5.1. Additional data types, reorganised and renamed data categories and improved synergies with other legislation

The former data categories (static data, dynamic road status data and traffic data) have been renamed and their data types reordered to align them better with the data characteristics and specific requirements. The new data categories are data on infrastructure, data on regulations and restrictions, data on the state of the network and data on the real-time use of the network. Additional data types introduced in the new Delegated Regulation are:

- Data on infrastructure:
 - location of recharging and refuelling points and stations;
 - location of service areas and rest areas;
- Data on regulations and restrictions:
 - weight/length/width/height restrictions;
 - one-way streets;
 - boundaries of restrictions, prohibitions or obligations with zonal validity, current access status and conditions for circulation in regulated traffic zones;
- Data on real-time use of the network:
 - availability of refuelling points and stations for alternative fuel types;
 - price of ad hoc recharging/refuelling.

To better align them with Delegated Regulation (EU) 2017/1926 on multimodal travel information services and the Alternative Fuels Infrastructure Directive⁶, certain data types have been removed or renamed. For example, data on parking have been removed; for data on tolls, a reference has been added to available retail channels and fulfilment methods for paying tolls (consistent with Delegated Regulation (EU) 2017/1926).

As emphasised in recitals 45 and 46 of the proposal for a Regulation of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and of the Council (COM(2021) 559 final), it is necessary to provide consumers with sufficient information regarding the geographic location, characteristics and services offered at the publicly accessible recharging and refuelling points of alternative fuels. This includes information on the availability of smart charging and bidirectional charging services, as well as information on the renewable share of the alternative fuels being sold, as provided by Article 20a of the proposal for a Directive amending Directive (EU) 2018/2001 on the promotion of energy from renewable sources. Requirements on data types and obligations on stakeholders regarding availability of and accessibility to relevant recharging and refuelling-related data should be laid down within the framework of the deployment of alternative fuels infrastructure, following the outcomes of the ongoing Connecting Europe Facility Programme Support Action on “Data collection related to recharging/refuelling points for alternative fuels and the unique identification codes related to e-mobility actors” (‘IDACS’).

Provisions supporting the accessibility and re-use of the data types in the Annex as historical data, predictive data and in-vehicle generated data have been added to the relevant articles.

5.2. Extending the geographical scope and prioritising crucial data types

The geographical scope of the Delegated Regulation has been extended to cover the entire road network, excluding private roads. Private roads that are part of the TEN-T network or designated as a motorway or a primary road are not part of this exemption. This extension of the geographical scope will apply from 1 January 2028 to all data types listed in the Annex of the Delegated Regulation.

An intermediate step has been introduced to allow Member States to gradually increase access to data, by asking them to determine a network of primary roads, defined as roads that connect major cities or regions, or both, that are not classified as part of the comprehensive trans-European road network or as a motorway. All the data types listed in the Delegated Regulation on the TEN-T network, other motorways and primary roads must be accessible via the NAPs by 1 January 2025.

From the list of data types in the Annex to the Delegated Regulation, certain data types have been marked as ‘crucial’ due to their nature: these provide information on regulations, restrictions or safety-related situations which could expose road-users to blocked roads, fines or hazardous situations. To ensure the work on making these data types accessible starts as soon as possible, the new Delegated Regulation sets the same deadline of 1 January 2025 for accessibility (if these data types exist in digital machine-readable format) on the entire road network.

⁶ Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1–20).

5.3. Improving the re-use of data in traffic information services

To reap the benefits of improving data accessibility, it is necessary for data to be re-used in traffic information services. Therefore, provisions on the re-use of specific data types have been strengthened in the new Delegated Regulation. When a Member State makes traffic regulations, traffic circulation plans or temporary traffic management measures accessible via a NAP, it is proposed that service providers be obliged to re-use this data in their services to road users, so the information provided via these services is coherent with the data that has been made accessible. This improves the incentives for public authorities to digitalise these data types, as making them accessible will increase societal benefits and improve policy results. In addition, existing provisions on reporting inaccuracies in the data to public authorities have been improved and extended to all data holders, which should in turn improve the quality of data.

5.4. Flexibility for further development of standards and data quality requirements

A number of different standards are explicitly mentioned in the Delegated Regulation, DATEX II⁷ being used in all the data categories. References to INSPIRE⁸ and TN-ITS⁹ have been added where relevant, as well as the requirement for Member States to cooperate where European standards are missing for specific data types or to determine standards that may be used as a common alternative. The goal is to harmonise any further standardisation work and avoid fragmentation due to the use of different standards.

This same approach has been taken when defining data quality requirements, which need to be developed by cooperating Member States and relevant stakeholders. Existing work on quality requirements and metadata specifications needs to be continuously developed and harmonised.

5.5. Improving the re-use of in-vehicle generated data

In-vehicle generated data is a potential data source for a number of data types in the Delegated Regulation. This source can be used, for example, to determine speeds, travel times, poor road conditions, and accidents and incidents taking place on the road network. To harness this data source for specific public road operation tasks such as traffic management and asset management, under the new Delegated Regulation public authorities may request holders of in-vehicle generated data and service providers to share relevant data types under Fair, Reasonable and Non-discriminatory (FRAND) conditions. If personal data are used, then their processing will require that the public authorities can point to a lawful basis in line with Article 6(1) of Regulation (EU) 2016/679. The goal is to lower barriers for public authorities to access the data or benefit from services based on this data, and allows them to use the data/services to improve information for road users, optimise traffic management and increase road safety.

5.6. Phasing of implementation and reporting

To allow Member States and industry sufficient time to comply with the new Delegated Regulation, a phased timetable has been proposed for its implementation. Member States must report on the identification of primary roads (meaning a road outside urban areas that

⁷ <https://datex2.eu/>

⁸ <https://inspire.ec.europa.eu/>

⁹ <https://tn-its.eu/>

connects major cities or regions, or both, not classified as part of the comprehensive trans-European road network or as a motorway) on their territory by 1 January 2023, for which they may re-use the definition set for the Road Infrastructure Safety Management Directive¹⁰.

Subsequent information on implementing this Delegated Regulation, whilst specified in Article 12, will be part of the progress reports foreseen in Article 17(3) of Directive 2010/40/EU. This should simplify the reporting obligations, as these progress reports would cover both the implementation of the Directive and of this Delegated Regulation.

The first milestone (access to crucial data types on the entire road network, access to all data types on the TEN-T network, other motorways and primary roads) is set for 1 January 2025. Access to all data types on the entire road network is required by 1 January 2028, but this only refers to data which have already been available in a digital machine-readable format and can therefore be re-used via the NAPs.

¹⁰ Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319 29.11.2008, p. 59).

COMMISSION DELEGATED REGULATION (EU) .../...

of 2.2.2022

**supplementing Directive 2010/40/EU of the European Parliament and of the Council
with regard to the provision of EU-wide real-time traffic information services**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport¹¹, and in particular Article 7 thereof,

Whereas:

- (1) Article 3(b) of Directive 2010/40/EU sets as a priority action the provision of EU-wide real-time traffic information services for the development and use of specifications and standards.
- (2) Article 6(1) of Directive 2010/40/EU requires the Commission to adopt specifications necessary to ensure compatibility, interoperability and continuity for the deployment and operational use of Intelligent Transport Systems (ITS) for the provision of EU-wide real-time traffic information services. The Commission establishes these specifications in Commission Delegated Regulation (EU) 2015/962, with a view to improving the accessibility, exchange, re-use and update of data required for the provision of high quality and continuous real-time traffic information services across the Union.
- (3) Data continues to provide the contextual basis for the generation of real-time traffic information. As the deployment of ITS accelerates across the Union, it requires continued support in the form of increased and seamless access to existing and new data types relevant to the provision of real-time traffic information services, with a higher geographical coverage. Therefore, an update of the requirements on data provision is necessary to continue ensuring effective re-use in information services to end users. These updated requirements can potentially affect the entire data chain, from data sourcing, formatting and aggregation to distribution and inclusion in traffic information services.
- (4) Article 5 of Directive 2010/40/EU provides that specifications adopted in accordance with Article 6 of this Directive should apply to the ITS applications and services when these are deployed without prejudice to the right of each Member State to decide on the deployment of such applications and services on its territory.

¹¹ Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207 6.8.2010, p. 1).

- (5) These specifications should apply to the provision of all real-time traffic information services without prejudice to particular specifications adopted in other acts under Directive 2010/40/EU, notably Commission Delegated Regulation (EU) No 885/2013¹² and Commission Delegated Regulation (EU) No 886/2013¹³.
- (6) A market for the provision of real-time traffic information services already exists in the Union and it is in the interest of both the users and customers as well as the providers of those services that the right conditions are created for this market in order to be preserved and further developed in innovative ways. As regards the provision of real-time traffic information services, Directive (EU) 2019/1024 of the European Parliament and of the Council¹⁴ sets out minimum rules for the re-use of public sector information throughout the Union. With respect to the re-use of data held by road authorities and public road operators, the rules established by this Regulation, in particular the ones concerning data updates, are applicable without prejudice to the rules established by the Directive (EU) 2019/1024. With respect to the re-use of data held by private data holders, the rules established by this Regulation do not impose sharing data free of charge. Data held by private data holders may be subject to licence agreements to regulate their re-use.
- (7) Directive 2007/2/EC of the European Parliament and of the Council¹⁵ creates a European Union spatial data infrastructure in order to enable the sharing of and public access to spatial information (including the spatial data theme ‘transport networks’) across the Union with a view to supporting Union environmental policies, and policies or activities which may have an impact on the environment. The specifications set out in this Regulation should be compatible with the specifications established by Directive 2007/2/EC and its implementing acts, in particular Commission Regulation (EU) No 1089/2010¹⁶. The extension of the application of these specifications to all data types on infrastructure might also promote further harmonisation in this field.
- (8) Regulation (EU) No 1315/2013 of the European Parliament and of the Council¹⁷ defines the road transport infrastructure that is part of the core and the comprehensive trans-European transport network. Recurring traffic externalities and other traffic management difficulties, such as congestion, air pollution or noise, are not limited to the trans-European road network or to motorways. In fact a significant share of

¹² Commission Delegated Regulation (EU) No 885/2013 of 15 May 2013 supplementing ITS Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of information services for safe and secure parking places for trucks and commercial vehicles (OJ L 247, 18.9.2013, p. 1).

¹³ Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users (OJ L 247, 18.9.2013, p. 6).

¹⁴ Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56–83).

¹⁵ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

¹⁶ Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services (OJ L 323, 8.12.2010, p. 11).

¹⁷ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

recurring traffic congestion occurs in urban areas. Furthermore, EU-wide real-time traffic information services should allow door-to-door travel and should not be limited to the comprehensive network trans-European road network and other motorways. Member States should therefore apply these specifications to the entire road network, with the exception of roads not owned by a public road or transport authority. Roads owned by a public road or transport authority but assigned to a private entity in the form of a management concession should not be part of this exception.

- (9) Specific data types considered crucial for the further development of reliable traffic information services and to improve traffic safety, such as traffic regulations, restrictions and road or lane closures, should be made available by road authorities or road operators. Due to their importance, those data types need to be made accessible as an earlier milestone compared to other data types.
- (10) To allow the necessary developments in the field of data accessibility and standardisation to take place, a phased implementation should be considered. This phasing should provide a feasible and gradual increase in geographical coverage and accessibility to data. For that purpose, Member States should define a primary road network within their territory. To define this primary road network, Member States may re-use the network definition as required by Article 1 of Directive 2008/96/EC of the European Parliament and of the Council.
- (11) Given the diversity of data sources ranging from infrastructure based sensors to vehicles acting as sensors, it is important that the specifications are aligned to the relevant data categories and data types, covering multiple possible sources of the data and technology used to create or update the data.
- (12) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data and privacy, in particular Regulation (EU) 2016/679¹⁸ of the European Parliament and of the Council, and, where applicable, Directive 2002/58/EC of the European Parliament and of the Council. Parts of Directive 2002/58/EC of the European Parliament and of the Council also apply for the processing of non-personal data.
- (13) In order to develop a harmonised and seamless provision of real-time traffic information services, Member States should rely on existing technical solutions and standards, provided by the European and international standardisation organisations, such as DATEX II (CEN/TS 16157 and subsequently upgraded versions) and ISO standards. For data types for which no standardised format is available, Member States and stakeholders should be encouraged to cooperate in order to reach an agreement on data definition, data format and metadata.
- (14) Several dynamic location referencing methods already exist in the Union and are being applied in Member States. The use of different location referencing methods should continue to be allowed. Member States and stakeholders, however, should be encouraged to cooperate with a view to reaching an agreement on allowed methods for location referencing, if necessary through European standardisation bodies.

¹⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (OJ L 119 4.5.2016, p. 1).

- (15) The accessibility and regular update of data by road authorities and road operators are essential for enabling the production of up-to-date and accurate digital maps that are a key asset for reliable ITS applications. The digital map producers should be encouraged to integrate relevant data updates into their existing map and map update services in a timely manner. In order to comply with public policies such as road safety, service providers and digital map producers should collaborate with public authorities to correct inaccuracies in their data.
- (16) The accessibility of accurate and up-to-date data are essential for the provision of real-time traffic information services across the Union. The relevant data are collected and stored by road authorities, road operators, holders of in-vehicle generated data, recharging and refuelling-related stakeholders, tolling operators and real-time traffic information service providers. In order to facilitate the easy exchange and re-use of these data for the provision of such services, road authorities, road operators, holders of in-vehicle generated data, recharging and refuelling-related stakeholders, tolling operators and real-time traffic information service providers should make the data, corresponding metadata and information on the quality of the data discoverable and accessible to other road authorities, road operators, recharging and refuelling-related stakeholders, tolling operators, real-time traffic information service providers, digital map producers via the national or common access point. The access point can take the form of a repository, registry, web portal or similar depending on the type of data. National or common access points may also point to other locations where the data can be accessed, without hosting the data itself. Member States should regroup the existing public and private access points in a single point enabling access to all the types of relevant available data that fall within the scope of these specifications. Member States may continue using the access points set up under Commission Delegated Regulation (EU) 2015/962 and they should be free to decide to use the access points established under other delegated acts adopted under Directive 2010/40/EU as the national access points for the data falling within the scope of this Regulation.
- (17) In order to allow road authorities, road operators, recharging and refuelling-related stakeholders, tolling operators, service providers and digital map producers to successfully and cost-efficiently discover and use the relevant data, it is necessary to properly describe the content and structure of this data using appropriate metadata.
- (18) Real-time traffic information services need to be accurate in order to provide the best possible information to end-users in terms of reliability and timeliness. To improve the benefits for road users in terms of increased road safety and less traffic congestion, these services should also reflect the priorities of road authorities, as expressed for example through digitally accessible traffic circulation plans.
- (19) These specifications should not oblige any stakeholder to start collecting any data that they are not already collecting or to digitise any data that is not already available in a digital machine-readable format. The specific requirements regarding the updates of data should only apply to the data that is actually collected and available in a digital machine-readable format. At the same time Member States should be encouraged to look for cost-effective ways that are appropriate for their needs to digitise existing data on infrastructure and data on regulations and restrictions.
- (20) These specifications should not oblige road authorities or road operators to define or implement traffic circulation plans and temporary traffic management measures. They should not oblige service providers to share any of their data with other service

providers. Service providers should be free to conclude commercial agreements between themselves for the re-use of relevant data.

- (21) Member States and ITS stakeholders should be encouraged to cooperate to agree on common definitions of data quality with a view to use common data quality indicators throughout the traffic data value chain, such as the completeness, accuracy and up-to-dateness of the data, the acquisition method and location referencing method used, as well as quality checks applied. They should also be encouraged to work further to establish associated methods of quality measurement and monitoring of the different data types. Member States should be encouraged to share with each other their knowledge, experience and best practices in this field in the on-going and future coordination projects.
- (22) It is acknowledged that the use of data and real-time traffic information services generated by private service providers and holders of in-vehicle generated data can represent a cost-effective way for road authorities and road operators to improve traffic management, road safety as well as infrastructure management and maintenance. Common FRAND terms should be used by public authorities when receiving these data or services for the above-mentioned tasks, in order to lower the barriers for access and create transparency on the conditions for re-use. Member States and relevant stakeholders are encouraged to define the common FRAND terms applicable to the re-use of the relevant data types for the execution of these public tasks.
- (23) Private service providers may use data collected by road authorities and road operators as input data for their own real-time traffic information services. The specific terms and conditions applicable for such re-use of these data should be left to the parties concerned without prejudice to the provisions of Directive (EU) 2019/1024¹⁹. Certain data types provided by road authorities and road operators, such as traffic circulation plans, traffic regulations and restrictions and temporary traffic management measures, should be re-used by private services providers in order to ensure the accessibility for road users to the relevant information via real-time traffic information services.
- (24) In order to make sure that these specifications are correctly implemented, Member States should assess the compliance with the requirements concerning the accessibility, exchange, re-use and update of the data by the road authorities, road operators, digital map producers, tolling operators, recharging and refuelling-related stakeholders, holders of in-vehicle generated data and service providers. To that end the competent authorities should be free to rely on evidence-based declarations of compliance submitted by road authorities, road operators, digital map producers, tolling operators, recharging and refuelling-related stakeholders, holders of in-vehicle generated data and service providers. Member States should work together to harmonise their approach towards the assessment of compliance in the on-going and future coordination projects, which help to implement the specifications of this Regulation.
- (25) These specifications do not limit the freedom of expression of radio broadcasters insofar as they do not oblige them to take any specific position with respect to the information to be disseminated, and leave sufficient room for the Member States to

¹⁹ Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56–83).

take account of their national constitutional traditions as regards the freedom of expression of radio broadcasters.

- (26) Taking into account the extent of the required changes, Commission Delegated Regulation (EU) 2015/962 should be repealed.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes the specifications necessary in order to ensure the accessibility, exchange, re-use and update of data by data holders and data users for the provision of EU-wide real-time traffic information services, and to ensure that these services are accurate and available across borders to end-users.
2. This Regulation applies to the entire road network that is publicly accessible to motorised traffic. By way of exception, it shall not apply to private roads, unless they are part of the comprehensive TEN-T network or they are designated as a motorway or as a primary road.
3. This Regulation shall apply in accordance with Article 5 of Directive 2010/40/EU.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 4 of Directive 2010/40/EU shall apply.

The following definitions shall also apply:

- (1) ‘core trans-European road network’ means the road transport infrastructure that is part of the core network as defined in Regulation (EU) No 1315/2013;
- (2) ‘comprehensive trans-European road network’ means the road transport infrastructure that is part of the comprehensive network as defined in Regulation (EU) No 1315/2013 of the European Parliament and of the Council;
- (3) ‘motorway’ means a road which is designated as such by the Member State in which it is located;
- (4) ‘accessibility of the data’ means a possibility to request and obtain the data at any time in a digital machine-readable format;
- (5) ‘static data’ means data that do not change often or on a regular basis;
- (6) ‘dynamic data’ means data that change often or on a regular basis;
- (7) ‘data update’ means any modification of the existing data, including its deletion or insertion of new or additional elements;
- (8) ‘real-time traffic information’ means information derived from any data on the infrastructure, data on regulations and restrictions, data on the state of the network and data on the real-time use of the network, or the combination thereof;

- (9) ‘real-time traffic information service’ means an ITS service that provides end-users immediately with real-time traffic information;
- (10) ‘road authority’ means any public authority responsible for the planning, control or management of roads falling within its territorial competence;
- (11) ‘road operator’ means any public or private entity that is responsible for the maintenance and management of the road and management of traffic flows;
- (12) ‘service provider’ means any public or private provider of a real-time traffic information service, excluding a mere conveyer of data to data users;
- (13) ‘tolling operator’ means any public or private entity taking the role of toll service provider or toll charger as defined in Directive (EU) 2019/520 of the European Parliament and of the Council²⁰;
- (14) ‘data holder’ means any legal person, data subject or public or private entity who has the right to grant access to or to share the data types listed in the Annex under its control, in accordance with applicable Union or national law;
- (15) ‘data user’ means any road authority, road operator, tolling operator, service provider and digital map producer or any other entity using data to create real-time traffic information or, where allowed by the terms and conditions determined by the data holder, using the data for other mobility related purposes;
- (16) ‘end-user’ means any road user, natural or legal person, who has access to real-time traffic information services;
- (17) ‘access point’ means a digital interface where data listed in the Annex, together with the corresponding metadata, are made accessible for re-use to data users, or where the sources and metadata of these data are made accessible for re-use to data users;
- (18) ‘metadata’ means a structured description of the contents of the data facilitating the discovery and use of this data;
- (19) ‘discovery services’ means services allowing for the search of the requested data using the contents of the corresponding metadata and displaying such contents;
- (20) ‘temporary traffic management measures’ means temporary measures intended to solve a given traffic disturbance and designed for example to control and guide traffic flows;
- (21) ‘traffic circulation plans’ means permanent traffic management measures that are designed by traffic managers to control and guide traffic flows in response to permanent or recurring traffic disturbances;
- (22) ‘traffic signs’ means any road sign, signal, device, notice or road marking that identifies a danger, advises persons of the precautions to be taken against such danger, indicates the existence of a road regulation or implements such a regulation, following the Vienna Convention on Road Signs and Signals;
- (23) ‘primary roads’ means a road outside urban areas that connects major cities or regions, or both, not classified as part of the comprehensive trans-European road network or as a motorway;

²⁰ Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (OJ L 91, 29.3.2019, p. 45).

- (24) ‘private roads’ means a road not owned by a public road or transport authority, excluding roads owned by a public road or transport authority but assigned to a private entity in the form of a management concession;
- (25) ‘data on infrastructure’ means data that describes the road network or facilities on or along the road network;
- (26) ‘data on regulations and restrictions’ means data that relates to a traffic regulation or a restriction applicable to vehicles on the road network;
- (27) ‘data on the state of the network’ means data that describes temporary situations which could prevent or slow travel or can inform the end-user in dangerous situations;
- (28) ‘data on the real-time use of the network’ means data that describes the current use of the road network and usage options on the road network;
- (29) ‘crucial data types’ means data types which are considered crucial for the benefit of increased reliability of real-time traffic information services, supporting safe and efficient door-to-door travel and future mobility services;
- (30) ‘in-vehicle generated data’ means any data created by the vehicle or by an on-board device embedded in the vehicle or personal devices offering ITS-applications while the vehicle is in use;
- (31) ‘holder of in-vehicle generated data’ means any entity engaged in in-vehicle generated data collection, aggregation or other types of processing to fulfil privacy requirements;
- (32) ‘FRAND (Fair, Reasonable and Non-Discriminatory) conditions’ means licence terms negotiated in good faith, allowing access to services or data in exchange of a fair reward, under the same or similar terms as determined with other users.

Article 3

National Access Points

1. Each Member State shall set up a national access point. The national access point shall constitute a single point of access for data users to the data listed in the Annex, including data updates, provided by the data holders as referred to in Articles 4 to 11 and concerning the territory of a given Member State.
2. Existing national or common access points that have been set up to comply with Article 3 of Commission Delegated Regulation (EU) 2015/962 or with the requirements arising from other delegated acts adopted under Directive 2010/40/EU may be used as national access points for the purposes of this Regulation if deemed appropriate by the Member States.
3. National access points shall provide discovery services to data users, for example services allowing for the search of the requested data using the contents of the corresponding metadata and displaying such contents.
4. Public and private data holders shall ensure that they provide the metadata in order to allow data users to discover and use datasets via national access points.
5. Two or more Member States may set up a common access point.

6. Any entity providing data via the National Access Point can do so by proxy in accordance with applicable agreements, for example through a third party database or aggregator. This does not relieve the original data holder of responsibilities regarding the quality of the original data being provided.

Article 4

Accessibility, exchange and re-use of data on infrastructure

1. For the purpose of facilitating the provision of compatible, interoperable, and continuous real-time traffic information services across the Union, road authorities, road operators, tolling operators and recharging and refuelling-related stakeholders shall provide the data on infrastructure listed in the Annex they collect in a standardised format such as the INSPIRE data specification on transport networks, TN-ITS (CEN/TS17268 and subsequently upgraded versions) or DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions). Any update to this data shall be carried out pursuant to Article 8.

If additional or alternative standards are to be defined, the following conditions shall apply:

- Member States shall cooperate in order to define these additional or alternative standards;
 - digital machine-readable formats shall be compatible with existing standards referred to in the first sentence of this paragraph.
2. The data referred to in paragraph 1 and the corresponding metadata including information on the quality thereof shall be accessible for exchange and re-use by any data user within the Union:
 - (a) on a non-discriminatory basis;
 - (b) following minimum quality requirements that Member States shall agree upon in cooperation with relevant stakeholders;
 - (c) within a time-frame fitting to the reliable and effective use of the data to create real-time traffic information;
 - (d) via the national or common access point referred to in Article 3.
 3. Data users using the data referred to in paragraph 1 and data holders shall collaborate in order to ensure that any inaccuracies related to the data are signalled without delay to the data holder from which the data originates.

Article 5

Accessibility, exchange and re-use of data on regulations and restrictions

1. For the purpose of facilitating the provision of compatible, interoperable, and continuous real-time traffic information services across the Union, road authorities, road operators and tolling operators shall provide the data on regulations and restrictions listed in the Annex they collect in DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions) or TN-ITS (CEN/TS 17268 and subsequently upgraded versions) format. Any update to this data shall be carried out pursuant to Article 9.

If additional or alternative standards are to be defined, the following conditions shall apply:

- Member States shall cooperate in order to define these additional or alternative standards;
 - digital machine-readable formats shall be compatible with existing standards referred to in the first sentence of this paragraph.
2. The data referred to in paragraph 1 and the corresponding metadata including information on the quality thereof shall be accessible for exchange and re-use by any data user within the Union:
 - (a) on a non-discriminatory basis;
 - (b) following minimum quality requirements that Member States shall agree upon in cooperation with relevant stakeholders;
 - (c) within a time-frame fitting to the reliable and effective use of the data to create real-time traffic information;
 - (d) via the national or common access point referred to in Article 3.
 3. Data users using the data referred to in paragraph 1 and data holders shall collaborate in order to ensure that any inaccuracies related to the data are signalled without delay to the data holder from which the data originates.
 4. Service providers shall process and include, in the relevant services they provide, without additional costs to the end-user, data on any traffic circulation plans and traffic regulations and restrictions developed by the competent authorities and made accessible via the national or common access point in a digital machine-readable format.

Article 6

Accessibility, exchange and re-use of data on the state of the network

1. For the purpose of facilitating the provision of compatible, interoperable, and continuous real-time traffic information services across the Union, road authorities, road operators, holders of in-vehicle generated data and service providers shall provide the data on the state of the network listed in the Annex they collect in DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions) format. Any update to this data shall be carried out pursuant to Article 10.

If additional or alternative standards are to be defined, the following conditions shall apply:

- Member States shall cooperate in order to define these additional or alternative standards;
 - digital machine-readable formats shall be compatible with existing standards referred to in the first sentence of this paragraph.
2. The data referred to in paragraph 1 and the corresponding metadata including information on the quality thereof shall be accessible for exchange and re-use by any data user within the Union:
 - (a) on a non-discriminatory basis when provided by road authorities and road operators;

- (b) following minimum quality requirements that Member States shall agree upon in cooperation with relevant stakeholders;
 - (c) within a time-frame fitting to the reliable and effective use of the data to create real-time traffic information;
 - (d) via the national or common access point referred to in Article 3;
 - (e) without any obligation on holders of in-vehicle generated data and private service providers to grant access to or share any of their data with private data users. Exchange and re-use of their data may be subject to terms and conditions determined by the private data holder.
3. Data users using the data referred to in paragraph 1 and data holders shall collaborate in order to ensure that any inaccuracies related to the data are signalled without delay to the data holder from which the data originates.
 4. Service providers shall process and include, without additional costs to the end-user, in the relevant services they provide, any temporary traffic management measures developed by the competent authorities and made accessible via the national or common access point in a digital machine-readable format.
 5. For the purpose of providing appropriate information directly to the end-users and optimising road maintenance and road safety, road authorities and road operators may request holders of in-vehicle generated data and service providers to provide the data types on the state of the network they collect and update pursuant to Article 10. Where, in response to a request from a road authority or road operator, the data holder makes the data accessible, FRAND (Fair, Reasonable And Non-Discriminatory) conditions shall apply. The data shall be provided in DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions) format or any digital machine-readable format agreed upon by Member States, accompanied by the corresponding metadata including information on the quality thereof.
 6. Data on the state of the network that has been archived by road authorities or road operators may be used for purposes of road infrastructure safety management and network-wide road safety assessments. Unless prohibited by licence agreements, this data shall be made accessible for exchange and re-use, on a non-discriminatory basis, via the national or common access point referred to in Article 3.
 7. Within the limits of applicable licence agreements, predictive data on the state of the network that has been computed by road authorities or road operators, shall be made accessible for exchange and re-use, on a non-discriminatory basis, via the national or common access point referred to in Article 3.
 8. Member States shall collaborate on defining common standards for the exchange and re-use of data referenced in paragraphs 6 and 7.

Article 7

Accessibility, exchange and re-use of data on the real-time use of the network

1. For the purpose of facilitating the provision of compatible, interoperable, and continuous real-time traffic information services across the Union, road authorities, road operators, service providers, holders of in-vehicle generated data and recharging and refuelling-related stakeholders shall provide the data on the real-time use of the network listed in the Annex they collect in DATEX II (EN 16157, CEN/TS 16157

and subsequently upgraded versions) format. Any update to this data shall be carried out pursuant to Article 11.

If additional or alternative standards are to be defined, the following conditions shall apply:

- Member States shall cooperate in order to define these additional or alternative standards;
 - digital machine-readable formats shall be compatible with existing standards referred to in the first sentence of this paragraph.
2. The data referred to in paragraph 1 and the corresponding metadata including information on the quality thereof shall be accessible for exchange and re-use by any data users within the Union:
 - (a) on a non-discriminatory basis when provided by road authorities and road operators;
 - (b) following minimum quality requirements that Member States shall agree upon in cooperation with relevant stakeholders;
 - (c) within a time-frame fitting to the reliable and effective use of the data to create real-time traffic information;
 - (d) via the national or common access point referred to in Article 3;
 - (e) without any obligation on holders of in-vehicle generated data and private service providers to grant access to or share any of their data with private data users. Exchange and re-use of their data may be subject to terms and conditions determined by the private data holder.
 3. For the purpose of providing appropriate information directly to end-users and optimising traffic management and road safety, road authorities and road operators may request holders of in-vehicle generated data and service providers to provide the data types on the real-time use of the network they collect and update pursuant to Article 11. Where, in response to a request from a road authority or road operator, the data holder makes the data accessible, FRAND (Fair, Reasonable And Non-Discriminatory) conditions shall apply. The data shall be provided in DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions) format or any digital machine-readable format agreed upon by Member States, accompanied by the corresponding metadata including information on the quality thereof.
 4. Data on the real-time use of the network that has been archived by road authorities or road operators may be used for purposes of road infrastructure safety management and network-wide road safety assessments. Unless prohibited by licence agreements, this data shall be made accessible for exchange and re-use, on a non-discriminatory basis, via the national or common access point referred to in Article 3.
 5. Within the limits of applicable licence agreements, predictive data on the real-time use of the network that has been computed by road authorities or road operators, shall be made accessible for exchange and re-use on a non-discriminatory basis, via the national or common access point referred to in Article 3.
 6. Member States shall collaborate on defining common standards for the exchange and re-use of data referenced in paragraphs 4 and 5.

Article 8

Updating data on infrastructure

1. The updates of the data on infrastructure shall concern as a minimum the following parameters:
 - (a) the type of data as set out in point 1 of the Annex concerned by the update;
 - (b) the location of the condition concerned by the update;
 - (c) the type of update (modification, insertion or deletion);
 - (d) the description of the update, containing the updated value(s) and field(s) and updated information, and where relevant, the reasons for replacing the outdated value(s) and field(s);
 - (e) the date on which the data has been updated;
 - (f) the date and time when the change in a given condition has occurred or is planned to occur;
 - (g) the quality of the data update as defined in quality requirements that Member States shall agree upon in cooperation with relevant stakeholders.

The location of the condition concerned by the update shall be determined using a standardised or any other widely used and generally accepted dynamic location referencing method that enables unambiguous decoding and interpretation of that location.

2. The relevant data holders shall ensure the update of data on infrastructure within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services and, where known and possible, provide those updates to data users in advance.
3. The relevant data holders shall in a timely manner correct any inaccuracies detected by them in their data or signalled to them by any data users and end-users.
4. When digital map producers and service providers present information to end users, they shall ensure that relevant data updates on infrastructure are processed within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services.

Article 9

Updating data on regulations and restrictions

1. The updates of the data on regulations and restrictions shall concern as a minimum the following parameters:
 - (a) the type of data as set out in points 2 and 3 of the Annex concerned by the update;
 - (b) the location of the condition concerned by the update;
 - (c) the type of update (modification, insertion or deletion);
 - (d) the description of the update, including the period of occurrence of the event and condition(s) imposed, for example on certain types of vehicles, concerned by the update;

- (e) the date on which the data has been updated;
- (f) the date and time when the change in a given condition has occurred or is planned to occur;
- (g) the quality of the data update as defined in quality requirements that Member States shall agree upon in cooperation with relevant stakeholders.

The location of the condition concerned by the update shall be determined using a standardised or any other widely used and generally accepted dynamic location referencing method that enables unambiguous decoding and interpretation of this location.

2. The relevant data holders shall ensure the update of data on regulations and restrictions within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services and, where known and possible, provide these updates to data users in advance.
3. The relevant data holders shall in a timely manner correct any inaccuracies detected by them in their data or signalled to them by any data users and end-users.
4. When digital map producers and service providers present information to end users, they shall ensure that relevant data updates on regulations and restrictions are processed within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services.
5. The real-time traffic information shall be modified accordingly or withdrawn as soon as possible after the status of the data concerned has changed.

Article 10

Updating data on the state of the network

1. The updates of the data on the state of the network shall concern as a minimum the following parameters:
 - (a) the type of data as set out in points 4 and 5 of the Annex concerned by the update and, where appropriate, a short description of it;
 - (b) the location of the event or condition concerned by the update;
 - (c) the period of occurrence of the event or condition concerned by the update;
 - (d) the quality of the data update as defined in quality requirements that Member States shall agree upon in cooperation with relevant stakeholders.

The location of the event or condition concerned by the update shall be determined using a standardised or any other widely used and generally accepted dynamic location referencing method that enables unambiguous decoding and interpretation of this location.

2. The relevant data holders shall ensure the update of data on the state of the network within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services and, where known and possible, provide these updates in advance.
3. The relevant data holders shall in a timely manner correct any inaccuracies detected by them in their data or signalled to them by any data users and end-users.

4. The real-time traffic information shall be modified accordingly or withdrawn as soon as possible after the status of data concerned has changed.
5. When service providers present information to end users, they shall ensure that relevant data updates on the state of the network are processed within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services.

Article 11

Updating data on the real-time use of the network

1. The updates of the data on the real-time use of the network shall include as a minimum the following parameters:
 - (a) the type of data as set out in point 6 of the Annex concerned by the update and, where appropriate, a short description of it;
 - (b) the location of the event or condition concerned by the update;
 - (c) the quality of the data update as defined in quality requirements that Member States shall agree upon in cooperation with relevant stakeholders.

The location of the event or condition concerned by the update shall be determined using a standardised or any other widely used and generally accepted dynamic location referencing method that enables unambiguous decoding and interpretation of this location.

2. The real-time traffic information or related data shall be modified accordingly or withdrawn as soon as possible after the status of the data concerned has changed.
3. When service providers present information to end users, they shall ensure that data updates on the real-time use of the network are processed within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services.

Article 12

Assessment of compliance

1. Member States shall assess whether the requirements set out in Articles 3 to 11 are complied with by the data holders and data users to which these articles apply in accordance with paragraphs 2 and 3.
2. In order to proceed to the assessment, the competent authorities of Member States may request from any data holders and data users the following documents:
 - (a) a description of the data, digital map or real-time traffic information services they provide as well as the information on the quality thereof and the conditions of re-use of these data;
 - (b) an evidence-based declaration of compliance with the requirements set out in Articles 3 to 11.
3. Member States shall randomly check the correctness of the declarations referred to in point (b) of paragraph 2.

Article 13

Reporting

1. By 1 January 2023 at the latest, Member States shall provide the Commission with the list and map visualisation of roads included in the primary road network.
2. Member States shall provide the Commission with the following information as part of the progress reports provided for in Article 17(3) of Directive 2010/40/EU:
 - (a) the progress made in terms of the accessibility, exchange and re-use of the data types set out in the Annex;
 - (b) the geographical scope of the data accessible via the National Access Point, changes to the primary road network and to the data content of real-time traffic information services and their quality, including the criteria used to define this quality and the means used to monitor it;
 - (c) the results of the assessment of compliance referred to in Article 12 with the requirements set out in Articles 3 to 11;
 - (d) where relevant, a description of changes to the national or common access point.

Article 14

Transitional provisions

For a transitional period ending on 31 December 2027, obligations related to data types under points 1, 3, 5 and 6 of the Annex shall not apply with respect to roads other than the following:

- (a) comprehensive trans-European road network;
- (b) other motorways not included in comprehensive trans-European road network;
- (c) primary roads.

Article 15

Repeal

Delegated Regulation (EU) No 2015/962 is repealed from 1 January 2025.

Article 16

Entry into force and application

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

It shall apply from 1 January 2025.

However, Article 13 shall apply from 1 January 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2.2.2022

For the Commission
The President
Ursula VON DER LEYEN