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#### WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 7399/1/22 REV1
No. Cion doc.:	COM(2021) 813 final
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport - Further revised Presidency compromise

Delegations will find attached a further revised Presidency compromise on Articles 1, 2, 4, 4a (new), 5, 6, 6a/6b, 7, 7a, 15, 17, Annexes I, III and IV, and recitals 12, 14, 23 and 25 of the above proposal with a view to a detailed examination at the meeting of the Working Party on Transport - Intermodal Questions and Networks on 11 April 2022.

In addition to examining this document, delegations are kindly requested to reflect on the relation between the new obligation to make certain data types available in machine-readable format (Article 6a and Annex III) and the underlying specifications already adopted (delegated Regulations). Are the specification clear enough to implement that new obligation?

Changes compared to the Commission proposal are highlighted in **bold and underlined** for additions and in ~~striketrough~~ for deletions. New text compared to the first revision (REV1) of the Presidency compromise is shown in **shaded grey**.

**Amendments to the ITS Directive**

**Draft Articles 1, 2, 4, 4a (new), 5, 6, 6a/6b, 7, 7a, 15, 17, Annexes I, III and IV,  
and recitals 12, 14, 23 and 25**

[...]

- (12) Most actions under Directive 2010/40/EU, with the exception of eCall, have focused on **the adoption of specifications to ensure** ~~ensuring~~ the interoperability and accessibility of data that is already available in digital machine-readable format and on the deployment of ITS services, but prescribed no obligations to relevant stakeholders for making that data available **in such format** or for deploying specific services. The use of a number of ~~essential~~ ITS services has become widespread: for instance incident detection enabling road safety-related traffic information services, or ~~crucial~~ data **within other priority areas identified in this Directive**, for instance traffic regulations, that support important services such as speed limits to support vehicles equipped with intelligent speed assistance under Regulation (EU) 2019/2144 of the European Parliament and of the Council<sup>1</sup>. The mandatory provision of ~~such essential~~ **certain** ITS services and ~~crucial~~ **of certain** data **in machine-readable format** is considered necessary to ensure both continued availability of such data and continued delivery of such services across the Union. **It implies that the information contained in the machine-readable data already exists, irrespective of the format in which it is presented.** Data types and services, the provision of which should be made mandatory **under this Directive**, should be identified **on the basis of** ~~based on~~ the specifications **adopted by the Commission by means of** ~~set out in~~ delegated acts supplementing Directive 2010/40/EU **in particular Commission Delegated Regulations**

<sup>1</sup> Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

**No [add references to the new RTTI DA], (EU) 885/2013, (EU) 886/2013, (EU) 2017/1926, (EU) 886/2013,** and reflect the data types and services set therein.

- (13) The 2020 study “Mapping accessible transport for persons with reduced mobility”<sup>1</sup> shows that the lack of sufficient data concerning accessibility features currently prevents reliable journey planning when using accessibility aspects as search variables. To further enhance the accessibility of the transport system and facilitate travel for people with disabilities and people with reduced mobility, multimodal digital mobility services require the availability of data on access nodes and their accessibility features.
- (14) The increased integration of ITS and advanced driver assistance systems, or vehicle and infrastructure systems in general, implies that such systems will rely more and more on the information they supply to each other. That is particularly the case for C-ITS. Such reliance will increase with higher levels of automation. These higher levels of automation are expected to make use of communication between vehicles and infrastructure to orchestrate manoeuvres and smoothen traffic flows, contributing also to more sustainable transport. Compromising the integrity of ITS services could thus have a severe impact on road safety, for example when ~~the wrong speed limit is communicated~~ or a vehicle makes an emergency stop due to a non-existing danger. In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in emergency situations where the integrity of ITS services is compromised, to adopt countermeasures to address the causes and the consequences of that situation. Those measures should be taken as quickly as possible and be immediately applicable.

**Nevertheless, when preparing such countermeasures, the Commission should make all possible efforts to consult experts of Member States.** Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>2</sup>. In consideration of the need to ensure continuity of transport, it is appropriate to apply the prolongation of the validity of such measure beyond six months making use of the possibility provided under Article 8(2) of Regulation (EU) No 182/2011. Such

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<sup>1</sup> <https://op.europa.eu/en/publication-detail/-/publication/dfa0c844-3b5f-11eb-b27b-01aa75ed71a1>

<sup>2</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

countermeasures should end as soon as an alternative solution is implemented or the emergency situation has been resolved.

- (15) When the deployment and use of ITS applications and services entail the processing of personal data, such processing should be carried out according to Union law on the protection of personal data and privacy, as set out, in particular, in Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1</sup> and in Directive 2002/58/EC of the European Parliament and of the Council<sup>2</sup>.
- (16) Where they involve the processing of personal data, the specifications to be developed under this Directive should take the requirements of Regulation (EU) 2016/679 and Directive 2002/58/EC into account. In particular, whenever it is possible to equally achieve the purposes pursued using anonymous instead of personal data, anonymisation as one of the techniques for enhancing individuals' privacy should be encouraged, in line with the principle of data protection by design.

[...]

- (22) Member States and other relevant stakeholders, including other Commission expert groups and committees dealing with digital aspects of transport, should be consulted in the drawing up of the working programmes adopted by the Commission under Directive 2010/40/EU.

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<sup>1</sup> 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, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>2</sup> 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 (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

- (23) To ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission as regards **the adoption and updating of working programmes, the fixing of geographical coverages and respective deadlines for the deployment by Member States of mandatory data types and ITS services, and** the adoption of the template for the reports to be provided by Member States, ~~and the adoption and updating of working programmes.~~ **Based on experience with the use of voluntary key performance indicators in the reports, the Commission may select certain of those indicators to be included in the harmonised template.** Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>.
- (24) In order to achieve the objectives of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend the list of data types for which Member States are to ensure the availability of data and to amend the list of ITS services for which Member States are to ensure deployment, for a period of five years starting from the entry into force of this Directive. This period should be tacitly extended for periods of the same duration, unless the European Parliament or the Council oppose such an extension. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and with stakeholders, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>2</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>1</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>2</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

- (25) In order to guarantee a coordinated approach, the Commission should ensure coherence between the activities of the Committee established by this Directive and of the Committees established by Regulations (EU) No 165/2014<sup>1</sup>, (EU) 2019/1239<sup>2</sup>, (EU) 2020/1056<sup>3</sup> and (EU) 2018/858 of the European Parliament and of the Council<sup>4</sup>, and by Directives 2007/2/EC<sup>5</sup> and Directive (EU) 2019/520 of the European Parliament and of the Council<sup>6</sup>.
- (26) Since the objective of this Directive, namely to ensure the coordinated and coherent deployment of interoperable Intelligent Transport Systems throughout the Union, cannot be sufficiently achieved by the Member States and/or the private sector but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. 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 that objective.

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<sup>1</sup> Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport (OJ L 60, 28.2.2014, p. 1).

<sup>2</sup> Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU (OJ L 198, 25.7.2019, p. 64).

<sup>3</sup> Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).

<sup>4</sup> **Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).**

<sup>5</sup> 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).

<sup>6</sup> 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).

- (27) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents<sup>1</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (28) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>2</sup> and delivered an opinion on ~~XX XX~~ **2 March** 2022,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

**Amendments to Directive 2010/40/EU**

Directive 2010/40/EU is amended as follows:

- (1) in Article 1, the following paragraph 2a is inserted:

‘2a. This Directive provides for the availability of data and deployment of ITS services within the priority areas referred to in Article 2 ~~with a specific geographical coverage as specified in Annexes III and IV.~~’;

- (2) in Article 2, paragraph 1 is replaced by the following:

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

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<sup>1</sup> OJ C 369, 17.12.2011, p. 14.

<sup>2</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

- (a) I. Information and mobility ITS services;
- (b) II. Travel, transport and traffic management ITS services;
- (c) III. Road safety and security ITS services;
- (d) IV. **ITS services for C**cooperative, connected and automated mobility **services**.’;

(3) Article 4 is amended as follows:

- (a) point 18 is replaced by the following:

‘(18) “standard” means standard as defined in Article 2(1) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council\*;

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\* Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).’;

- (b) the following points (19) to (24) are added:

‘(19) “cooperative intelligent transport systems” or “C-ITS” means intelligent transport systems that enable ITS users to cooperate by exchanging secured and trusted messages;

(20) “C-ITS service” means an ITS service provided through C- ITS;

(21) “availability of the data” means the **existence provision** of data in a digital machine-readable format;

(22) “National Access Point **(NAP)**” means a digital interface set up by a Member State that constitutes a single point of access to data, as defined in specifications adopted pursuant to Article 6;



(23) “accessibility of the data” means a possibility to request and obtain data in a digital machine-readable format **via National Access Points**;

(24) “multimodal digital mobility service” means a service providing information on traffic and travel data such as location of transport facilities, schedules, availability or fares for more than one transport mode, which may include features enabling the making of reservations, bookings or payments or the issuing of tickets.’;

**(3a) The following Article is inserted:**

**‘Article 4a**

**Working programme<sup>1</sup>**

**1.** By [Date of entry into force + 12 months], the Commission shall, after consulting relevant stakeholders and by means of an implementing act, adopt a working programme. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(4). The working programme shall include **at least the following elements:**

**a)** objectives and dates for its implementation every year, **in particular an indicative list of specifications to be developed in accordance with Article 6;**

**b)** ~~as well as~~ **the data types and ITS services** ~~the list of data categories and ITS services,~~ for which the Commission may adopt delegated acts pursuant to Article 7(**1**) **and (2)** ~~(1a) and (1b)~~.

**2.** Before each subsequent five-year extension of the power to adopt delegated acts in accordance with Article 12(2), the Commission shall, by means of implementing acts, issue a new working programme **including at least the elements referred to in paragraph 1, points (a) and (b).** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(4).

(4) Article 5 is replaced by the following:

**‘Article 5**

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<sup>1</sup> Text not highlighted is shifted from Article 17(5).

## Application of specifications to the deployment of ITS

1. Member States shall take the necessary measures to ensure that the specifications adopted by the Commission in accordance with Article 6 are applied to ITS applications and services, where those are deployed, in accordance with the principles in Annex II. This is without prejudice to the right of each Member State to decide on its deployment of such applications and services on its territory. This right is without prejudice to Article ~~6a~~ ~~s-6a and 6b~~. ~~Where relevant, Member States shall also cooperate on the enforcement of those specifications.~~

2. **Where relevant,** Member States shall ~~also~~ cooperate in respect of the priority areas, insofar as no specifications have been adopted with regard to those priority areas.

3. Member States shall also cooperate, **for instance through EU-supported coordination projects and** where necessary with relevant stakeholders, on operational aspects of the implementation of ~~and compliance with~~ the specifications adopted by the Commission, such as standards and EU harmonised profiles, common definitions, common metadata, common quality requirements and aspects related to the interoperability of **NAPs** ~~National Access Points~~ architectures, common data exchange conditions, as well as common training and outreach activities. **In respect of requirements for data providers, data users and ITS service providers set out in the specifications, Member States shall also cooperate, where relevant, on practices for assessing compliance with those requirements and on developing mechanisms for compliance enforcement.** ’;

(5) Article 6 is amended as follows:

(a) paragraph 5 is replaced by the following:

‘5. Without prejudice to the procedures set out by Directive (EU) 2015/1535 of the European Parliament and of the Council\*, the specifications shall, where appropriate, stipulate the conditions in which Member States may, after notification to the Commission, establish additional rules for the provision of ITS services on all or part of their territory, provided that those rules do not hinder interoperability.’;

(b) paragraph 6 is replaced by the following:

‘6. The specifications shall, where appropriate, be based on any standards referred to in Article 8.

The specifications shall **include rules for setting parameters related to quality and suitability for use and**, as appropriate and in particular where justified in the interest of safety and interoperability, include rules on conformity assessment and market surveillance, including a safeguard clause, in accordance with Decision No 768/2008/EC.

The specifications shall comply with the principles set out in Annex II.’;

**(c) the following paragraph 8 is inserted:**

**‘8. The Commission shall adopt the specifications referred to in this Article by means of delegated acts in accordance with Article 12. A separate delegated act shall not cover more than one priority area and shall be adopted for each of the priority actions.’<sup>1</sup>**

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\* Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).’;

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<sup>1</sup> **NOTE: This paragraph 8 partly contains the substance of Article 7(1) and (2) of current Directive.**

- (6) The following Articles ~~6a and 6b~~ are is inserted:

*Article 6a*

**Availability of data and deployment of ITS services**

**1.** Member States shall ensure that for each data type listed in Annex III, **where the underlying information already exists, such** data is available for the geographical coverage relative to such data type as early as possible and no later than the respective date set out in ~~that Annex~~ **the implementing acts referred to in paragraph 3.**

Member States shall ensure the accessibility of that data on the **NAPs National Access Points** by the same date.

*Article 6b*

**Deployment of ITS services**

**2.** Member States shall ensure that the ITS services specified in Annex IV are deployed for the geographical coverage set out in that Annex by the date specified there **no later than the respective date set out in the implementing acts referred to in paragraph 3.**

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

**a) the geographical coverage relative to the data types listed in Annex III, and implementation deadlines;**

**b) the geographical coverage relative to the ITS services listed in Annex IV, and implementation deadlines.**

**When adopting such implementing acts, the Commission shall take duly into account the risk of interference with personal data with respect to the acts referred to in point (a) of this paragraph as well as the costs and human resources needed to make the relevant data available and to deploy the relevant services with a sufficient level of quality in order to ensure that those costs and resources, in particular those incurred by public authorities, are kept to a minimum. The Commission shall also consider the costs and administrative burden on private operators which may be required to provide the data**

**and services. Where the addition of data types or services to Annexes III and IV has been the subject of a cost-benefit analysis and impact assessment in accordance with Article 7(1) or (2), the Commission may use also the results of those analysis and impact assessment for its considerations.**;

- (7) Article 7 is ~~amended as follows~~ **replaced by the following**:

**'Article 7**

**Amendments to Annexes III and IV**

~~(a) the following paragraphs 1a and 1b are inserted:~~

**1.<sup>1</sup>** ~~1a.~~ Following a cost-benefit analysis and an impact assessment including appropriate consultations, the Commission is empowered to adopt delegated acts in accordance with Article 12 **in view of market and technological development throughout the Union, in order** to amend the list of data types in Annex III, ~~by including~~

**(a) adding or modifying data types which are inherently linked to the priority areas set out in Annex I and which are listed in the specifications established pursuant to paragraph 1, where the availability of such data types brings, according to the cost-benefit analysis and impact assessment, important and clearly justified benefits and improvements in terms of transport sustainability, transport safety and security, or transport efficiency and management, or**

**(b) where clearly justified, deleting data types included in Annex III.**

~~the date of implementation and the geographical coverage for each data type. **Each delegated act** Those amendments shall be consistent with the data **types** categories set out in the latest working programme adopted in accordance with Article ~~4a~~17(5) **and shall not cover more than one priority area.**~~

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<sup>1</sup> **NOTE: current paragraph 1 incorporated into Article 6, new paragraph 8.**

~~2. 4b.~~ Following a cost-benefit analysis ~~taking due account of market developments and technology evolution~~ and an impact assessment including appropriate consultations, the Commission is empowered to adopt delegated acts in accordance with Article 12 **in view of market and technological development throughout the Union, in order** to amend the list of ITS services in Annex IV ~~by, including~~

**(a) adding or modifying services within the scope of Annex I in respect of which specifications have been established pursuant to paragraph 1, where the provision of such services brings , according to the cost-benefit analysis and impact assessment, important and clearly justified benefits and improvements in terms of transport sustainability, transport safety and security, or transport efficiency and management, or**

**(b) where clearly justified, deleting services included in Annex IV.**

the date of implementation and the geographical coverage for each ITS service.

**Each delegated act** ~~Those amendments shall be consistent with the list of ITS services set out in the latest working programme adopted in accordance with Article 4a17(5) and shall not cover more than one priority area.~~’;

**3. When adopting delegated acts pursuant to this Article, the Commission shall take duly into account the risk of interference with personal data with respect to the delegated acts referred to in paragraph 1, as well as the costs and human resources needed to make the relevant data available or to deploy the relevant services with a sufficient level of quality in order to ensure that those costs and resources, in particular those incurred by public authorities, are kept to a minimum. The Commission shall also consider the costs and administrative burden on private operators which may be required to provide the data and services.**

~~-(b) — paragraph 3 is replaced by the following:~~

~~‘3. For the delegated acts referred to in this Article, the procedure set out in Article 12 shall apply.’<sup>1</sup>~~

(8) The following Article 7a is inserted:

*‘Article 7a*

## **Interim measures**

**1. Without prejudice to incident preparedness and response mechanisms, such as those established under Directive (EU) 2016/1148 of the European Parliament and of the Council\*, the Commission may, at the request of a Member State or on its own initiative, in an emergency situation, adopt immediately applicable implementing acts laying down countermeasures to address the causes and consequences of that situation, such as the suspension of obligations within the scope of the priority areas set under Article 2. The Commission shall inform Member States as soon as possible when it considers that an emergency situation has occurred.**<sup>2</sup>

**2. The Commission may adopt implementing acts in accordance with paragraph 1 only**  
~~in the event of an **unforeseen** emergency situation **arising from the availability or integrity of ITS services, which are the subject of specifications adopted in accordance with Article 6, being compromised, where such a situation** having a severe direct impact on road safety, cyber security or the availability and integrity of ITS services, and which **is likely to may** compromise the safe and proper functioning of the Union transport system **or has an adverse effect on road safety, and only where it cannot be expected that applying incident response mechanism or modifying specifications in accordance with Article 6 will ensure a timely and effective response. The measures adopted by the Commission shall be strictly limited to addressing the causes and consequences of such emergency situations,** in order to remedy that situation the Commission may adopt immediately applicable implementing acts suspending or establishing obligations within the scope of the priority areas set under Article 2.~~

<sup>1</sup> **NOTE: References to Article 12 made in Article 6(8) and Article 7(1) and (2).**

<sup>2</sup> **Last sentence shifted upwards from paragraph 2.**

**3. The adoption of interim measures in accordance with this Article is without prejudice to the competence of Member States to take action in an emergency situation relating to matters of national security or defence which affect ITS applications and services deployed on their territory.**

**4. These implementing acts referred to in paragraph 1 shall be adopted in accordance with the procedure referred to in Article 15(3). Those implementing acts shall have a period of validity of no more than [X] months.** The Commission shall **inform Member States when it considers that the emergency situation has ended and** repeal those acts once **that** the emergency-situation has ended or the Commission has amended the relevant specifications in order to remedy the situation, whichever comes first.<sup>1</sup> ~~They shall be strictly limited to addressing the causes and consequences of such emergency situations<sup>2</sup>.~~;

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**\*Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194/1, 19.7.2016 p. 1) NOTE: to be updated once NIS2 enters into force (Proposal for a Directive of the European Parliament and of the Council on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148, 2020/0359(COD))**

[...]

(13) Article 15 is replaced by the following:

*‘Article 15*

#### **Committee procedure**

1. The Commission shall be assisted by the European ITS Committee (EIC). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council\*.

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<sup>1</sup> This sentence is shifted from Article 15(3).

<sup>2</sup> This sentence is shifted to Article 7a(2).



2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply. ~~Implementing acts adopted pursuant to this paragraph shall remain in force until repealed. The Commission shall repeal those acts once the emergency situation has ended or the relevant delegated act supplementing this Directive is amended to remedy the situation, whichever comes first.~~<sup>1</sup>

4. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by a written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or by a simple majority of the committee members so request.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

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\* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).';

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<sup>1</sup> Last sentence shifted to Article 7a (3).

(14) Article 17 is replaced by the following:

*Article 17*

### **Reporting and working programme<sup>1</sup>**

1. Member States shall submit to the Commission by [Date of entry into force + ~~42~~**18** months] a report on the implementation of this Directive and of ~~the~~ **all** delegated acts **adopted on the basis thereof, supplementing this Directive, as well as** on their **main** national activities and projects regarding the priority areas **and regarding the availability of data and services listed in Annexes III and IV** ~~and on the implementation of Articles 6a and 6b.~~
2. The Commission shall, by means of implementing acts, lay down the template for the initial and progress reports including a list of key performance indicators ~~to be provided in the reports~~ **for assessing the implementation of this Directive and of the delegated and implementing acts adopted on the basis thereof. Those implementing acts shall, in the light of the principle of proportionality and on the basis of best practices, distinguish between mandatory key performance indicators to be included in the reports and additional indicators that may be included in such reports where appropriate.** ~~Those~~ implementing acts shall be adopted in accordance with the ~~advisory~~ **examination** procedure referred to in Article 15(~~42~~).
3. Following the initial report, Member States shall report every 3 years on the progress made in the implementation of this Directive and of ~~the~~ **all** delegated **and implementing** acts **adopted on the basis thereof** ~~supplementing this Directive, as referred to in paragraph 1.~~ **The Commission shall ensure that the deadlines for reporting laid down in the delegated acts adopted on the basis of Article 6 are aligned with that frequency.**

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<sup>1</sup> The terms of the working programme are shifted to new Article 4a.

4. The Commission shall submit, 18 months after each deadline for Member State reports, a report to the European Parliament and to the Council on the progress made in the implementation of this Directive **and of the delegated and implementing acts adopted on the basis thereof**. The report shall be accompanied by an analysis on the functioning and implementation, including the financial resources used and needed, of Articles 5 to 11 and Article 16, and shall assess the need to amend this Directive, where appropriate.

~~5. By [Date of entry into force + 12 months], the Commission shall, after consulting relevant stakeholders and by means of an implementing act, adopt a working programme. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(4). The working programme shall include objectives and dates for its implementation every year, as well as the list of data categories and ITS services for which the Commission may adopt delegated acts pursuant to Article 7(1a) and (1b).~~

~~Before each subsequent five-year extension of the power to adopt delegated acts in accordance with Article 12(2), the Commission shall, by means of implementing acts, issue a new working programme. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(4).';~~

- (15) Annexes I and II are replaced by the text in Annexes I and II to this Directive;
- (16) Annexes III and IV are added as set out in Annexes III and IV to this Directive.

## *Article 2*

### **Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [Date of entry into force + 18 months] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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.

[...]

## ANNEX I

### PRIORITY AREAS

(as referred to in Article 2)

#### 1. Priority area I: Information and mobility ITS services

The specifications and standards for information and mobility ITS services for passengers shall include the following:

##### 1.1. Specifications for EU-wide multimodal digital mobility services (including EU-wide multimodal travel information services)

The definition of the necessary requirements to make EU-wide multimodal digital mobility services and similar services providing information, booking or purchasing features for more than one transport operator within the same mode of transport accurate and available across borders to ITS users, based on:

- 1.1.1. the availability and accessibility of existing and accurate multimodal traffic and travel data, used for multimodal digital mobility services to ITS service providers without prejudice to safety and transport management constraints;
- 1.1.2. the facilitation of the electronic data exchange between the relevant public authorities and stakeholders and the relevant ITS service providers, across borders, in particular through standardised interfaces;
- 1.1.3. the timely updating by the relevant public authorities and stakeholders of available multimodal traffic and travel data, used for multimodal digital mobility services;
- 1.1.4. the timely updating of multimodal travel information, including information related to booking and purchasing **where relevant** of transport services, by the ITS service providers.
- 1.2. Specifications for EU-wide road traffic information and navigation services (including EU-wide real-time traffic information services)

The definition of the necessary requirements to make EU-wide road traffic information and navigation services accurate and available across borders to ITS users, based on:

- 1.2.1. the availability and accessibility of existing and accurate road and traffic data, including real-time data, used for real-time traffic information to ITS service providers and other relevant stakeholders, and for use in digital maps, without prejudice to safety and transport management constraints;
- 1.2.2. the facilitation of the electronic data exchange between the relevant public authorities, stakeholders and the relevant ITS service providers, across borders, including feedback on quality of data;
- 1.2.3. the timely updating of available road and traffic data used for real-time traffic information by the relevant public authorities and stakeholders;
- 1.2.4. the timely updating of real-time traffic information to road users and other relevant stakeholders by the ITS service providers.
- 1.3. Specifications for EU-wide multimodal digital mobility services and road traffic information and navigation services
  - 1.3.1. 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, notably for heavy goods vehicles) and for their provisioning to ITS service providers, based on:
    - 1.3.1.1. the availability, to ITS service providers, of existing 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;
    - 1.3.1.2. the facilitation of the electronic data exchange between the relevant public authorities and the ITS service providers and other relevant stakeholders;
    - 1.3.1.3. the timely updating, by the relevant public authorities and/or, where relevant, the private sector, of road and traffic data (i.e. traffic circulation plans, traffic regulations and recommended routes);
    - 1.3.1.4. the timely updating, by the ITS service providers, of the ITS services and applications using these road and traffic data.
  - 1.3.2. The definition of the necessary requirements to make road, traffic and relevant travel and multimodal infrastructure data used for digital maps accurate and available, where possible, to digital map producers and service providers, based on:
    - 1.3.2.1. the availability of existing road, traffic and relevant travel and multimodal infrastructure data, including identified access nodes, used for digital maps to digital map producers and service providers;
    - 1.3.2.2. the facilitation of the electronic data exchange between the relevant public authorities and stakeholders and the private digital map producers and service providers;
    - 1.3.2.3. the timely updating of road and traffic data for digital maps by the relevant public authorities and stakeholders;

1.3.2.4. the timely updating of the digital maps by the digital map producers and service providers.

## 2. Priority area II: Travel, transport and traffic management ITS services

The specifications and standards for travel, transport and traffic management ITS services shall include the following:

### 2.1. Specifications for enhanced traffic and incident management services

The definition of the necessary requirements to support and harmonise enhanced traffic and incident management services, based on:

- 2.1.1. the availability and accessibility of existing and accurate road and traffic data and data on accidents and incidents needed for traffic and incident management services;
- 2.1.2. the facilitation of electronic data exchange, including freight data, between traffic management centres, traffic information centres, stakeholders and the relevant ITS service providers, across borders, in particular through standardised interfaces;
- 2.1.3. the timely updating of available road and traffic data and data on accidents and incidents needed for enhanced traffic and incident management services by the relevant stakeholders;
- 2.1.4. the availability of data and synergies with other initiatives aimed at ~~harmonising and facilitating data sharing<sup>1</sup>, as well as supporting multimodality, integration of modes and optimising the modal balance~~ **the facilitation of modal shift on the European transport network towards the most sustainable modes of transport, through the harmonisation and facilitation of data sharing<sup>2</sup>.**

### 2.2. Specifications for mobility management services

The definition of the necessary requirements to support the development of accurate mobility management services by public transport authorities, based on:

- 2.2.1. the availability and accessibility of existing and accurate road and multimodal travel and traffic data needed for mobility management, to the relevant public authorities without prejudice to data protection requirements;

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<sup>1</sup> Such as Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33), and the work pursued by the Digital Transport and Logistics Forum (DTLF).

<sup>2</sup> Such as Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33), and the work pursued by the Digital Transport and Logistics Forum (DTLF).

- 2.2.2. the facilitation of electronic data exchange between the relevant public authorities and stakeholders and the relevant ITS service providers, across borders;
- 2.2.3. the timely updating of available road and multimodal travel and traffic data needed for mobility management by the relevant public authorities and stakeholders.

### 2.3. **EU framework for ITS framework architectures**

The definition of the necessary measures to develop an EU ITS framework architecture, addressing specifically ITS-related interoperability, continuity of services and multimodality 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.

### 2.4. ITS applications and freight transport logistics

The definition of the necessary requirements to support the realisation of ITS applications for freight transport logistics, in particular the tracking and tracing of freight and other visibility services along its journey and across modes of transport, based on:

- 2.4.1. the availability of relevant ITS technologies to and their use by ITS application developers;
- 2.4.2. the availability of cargo related data, accessible through other specific data sharing frameworks<sup>1</sup>;
- 2.4.3. the integration of positioning results in the traffic management tools and centres.

### 3. Priority area III: Road safety and security ITS services

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

#### 3.1. Specifications for the interoperable EU-wide eCall

The definition of the necessary measures for the harmonised provision of an interoperable EU-wide eCall, including:

- 3.1.1. the availability of the required in-vehicle ITS data to be exchanged;
- 3.1.2. the availability of the necessary equipment in the emergency call response centres receiving the data emitted from the vehicles;

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<sup>1</sup> Such as Regulation (EU) 2020/1056.



- 3.1.3. the facilitation of the electronic data exchange between the vehicles and the emergency call response centres.
- 3.2. Specifications for information and reservation services for safe and secure parking places for trucks and commercial vehicles

The definition of the necessary measures to provide ITS based information and, where relevant, reservation services for safe and secure parking places for trucks and commercial vehicles, in particular in service and rest areas on roads, based on:

- 3.2.1. the availability of the road parking information to users;
- 3.2.2. the facilitation of the electronic data exchange between road parking sites and spaces, centres and vehicles;
- 3.2.3. the integration of relevant ITS technologies in both vehicles and road parking facilities to update the information on available parking space for reservation purposes.
- 3.3. Specifications for road safety related minimum universal traffic information

The definition of minimum requirements, for road safety related ‘universal traffic information’ provided, where possible, free of charge to all users, as well as their minimum content, based on:

- 3.3.1. the availability and accessibility of accurate data on safety-related events and conditions needed for safety-related traffic information and incident management services;
- 3.3.2. the deployment or use of the means to detect or identify safety-related events and conditions;
- 3.3.3. the identification and use of a standardised list of safety related traffic events (‘universal traffic messages’) which should be communicated to ITS users free of charge;
- 3.3.4. the compatibility and the integration of ‘universal traffic messages’ into ITS services for real-time traffic and multimodal travel information.
- 3.4. Specifications for other actions

- 3.4.1. The definition of the necessary measures to support 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 which fall outside the scope of Regulation (EU) 2018/858 of the European Parliament and of the Council<sup>1</sup>, Regulation (EU) No 167/2013 of the European Parliament and of the Council<sup>2</sup> and Regulation (EU) No 168/2013 of the European Parliament and of the Council<sup>3</sup>.
- 3.4.2. The definition of the necessary measures to improve the safety and comfort of vulnerable road users for all relevant ITS applications which fall outside the scope of Regulation (EU) 2018/858 of the European Parliament and of the Council, Regulation (EU) No 167/2013 of the European Parliament and of the Council and Regulation (EU) No 168/2013 of the European Parliament and of the Council.
- 3.4.3. The definition of necessary measures to integrate advanced driver support information systems into vehicles and road infrastructure which fall outside the scope of Regulation (EU) 2018/858 of the European Parliament and of the Council, Regulation (EU) No 167/2013 of the European Parliament and of the Council and Regulation (EU) No 168/2013 of the European Parliament and of the Council.
- 3.4.4. The definition of the necessary measures to facilitate the exchange of information between services providers of security ITS applications, such as support to recover stolen vehicles or goods, and relevant public authorities, taking due account of other existing and emerging frameworks aimed at facilitating data sharing in mobility and transport which fall outside the scope of Regulation (EU) 2018/858 of the European Parliament and of the Council, Regulation (EU) No 167/2013 of the European Parliament and of the Council and Regulation (EU) No 168/2013 of the European Parliament and of the Council.

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<sup>1</sup> Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

<sup>2</sup> Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

<sup>3</sup> Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

4. Priority area IV: **ITS services for C**cooperative, connected and automated mobility services

The specifications and standards for linking vehicles with the transport infrastructure, raising awareness and enabling highly automated mobility services, shall include the following, without prejudice to specifications and standards in Regulation (EU) 2018/858 of the European Parliament and of the Council, Regulation (EU) No 167/2013 of the European Parliament and of the Council and Regulation (EU) No 168/2013 of the European Parliament and of the Council:

- 4.1. The definition of necessary measures to further progress the development and implementation of cooperative (vehicle-vehicle, vehicle-infrastructure, infrastructure-infrastructure) intelligent transport systems, **in particular to support CCAM**, based on:
  - 4.1.1. the facilitation of the exchange of data or information between vehicles, between infrastructures and between vehicles and infrastructures **and between other road users and vehicles and infrastructures**;
  - 4.1.2. the availability of the relevant data or information to be exchanged to the respective vehicle or road infrastructure parties;
  - 4.1.3. the use of a standardised message format for the exchange of data or information between the vehicle and the infrastructure;
  - 4.1.4. the definition of a communication infrastructure for data or information exchange between vehicles, between infrastructures and between vehicles and infrastructures;
  - 4.1.5. the use of standardisation processes to adopt the respective architectures.
- 4.2. Specifications for services
  - 4.2.1. C-ITS information and warning services based on status data that increase the awareness of transport users of upcoming traffic situations;
  - 4.2.2. C-ITS information and warning services based on observations that further increase the awareness of transport users on upcoming traffic situations, including non-connected transport users;
  - 4.2.3. C-ITS services based on intentions that allow vehicles to deal with complex traffic scenarios and enable highly automated driving;
  - 4.2.4. C-ITS infrastructure services to support automated driving.
- 4.3. Specifications for the EU C-ITS security credential management system
  - 4.3.1. certificate policy for the management of public key certificates for C-ITS services;
  - 4.3.2. laying down the role of the C-ITS certificate policy authority, the C-ITS trust list manager and the C-ITS point of contact;

4.3.3. security policy for the management of information security in C-ITS.’.

[...Annex II....]

### ANNEX III

List of data types

<b>Data types</b>	<b>Geographical coverage</b>	<b>Date</b>
<p><b><u>1. Types of Data relating to the provision of EU-wide road traffic information and navigation services (as referred to in Annex I, Priority area I, paragraphs 1.2, 1.3) on regulations and restrictions (as referred to in Commission Delegated Regulation (EU) 2015/962) :</u></b></p>		
<p><b><u>1.1. Static and dynamic traffic regulations, where applicable, including concerning the following data types:</u></b></p> <p><b><u>Data types:</u></b></p> <ul style="list-style-type: none"> <li>-access conditions for tunnels</li> <li>-access conditions for bridges</li> <li>-speed limits</li> <li>-freight delivery regulations</li> <li>-overtaking bans on heavy goods vehicles</li> <li>-direction of travel on reversible lanes</li> </ul> <p><b><u>[- weight/length/width/height restrictions<sup>1</sup> ]</u></b></p> <p><b><u>[- one-way streets<sup>2</sup> ]</u></b></p>	<p>[ The trans-European network for roads, other motorways not included in that network and primary roads ]</p>	<p>[ 31 December 2025 ]</p>

<sup>1</sup> Addition resulting from the revision of the delegated Regulation on EU-wide real-time traffic information services (adopted by the Commission on 2 February 2022, ST 5967/22 + ADD1).

<sup>2</sup> See previous footnote.

	<del>[The entire road network of the EU that is publicly accessible to motorised traffic, with the exception of private roads]</del>	<del>[31 December 2028]</del>
-traffic circulations plans	<del>]The entire road network that is publicly accessible to motorised traffic]</del>	<del>[31 December 2025]</del>
-permanent access restrictions <b><u>[ boundaries of restrictions, prohibitions or obligations with zonal validity, current access status and conditions for circulation in regulated traffic zones<sup>1</sup> ]</u></b>	<del>[The entire road network that is publicly accessible to motorised traffic]</del>	<del>[31 December 2025]</del>
<b><u>1.2. Data</u></b> <del>Types of data</del> on the state of the network <del>(as referred to in Commission Delegated Regulation (EU) 2015/962):</del>		
<b><u>Data types:</u></b> -road closures -lane closures -roadworks -temporary traffic management measures	<del>[ The trans-European network for roads, other motorways not included in that network and primary roads]</del>	<del>[31 December 2025]</del>
	<del>[The entire road network of the EU that is publicly accessible to motorised traffic, with the exception of private</del>	<del>[31 December 2028]</del>

<sup>1</sup> See previous footnote.

	roads <del>1</del>	
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<b><u>2. Data relating to information and reservation services for safe and secure parking places for trucks and commercial vehicles (as referred to in Annex I, Priority area III, paragraph 3.2) <del>Types of data on safe and secure parking places for trucks and commercial vehicles (as referred to in Commission Delegated Regulation (EU) No 885/2013<sup>1</sup>):</del></u></b>		
<b><u>Data types:</u></b> -static data related to the parking areas -information on safety and equipment of the parking area -dynamic data on availability of parking places including whether a parking is: full, closed or number of free places available.	<del>1The trans-European network for roads and other motorways not included in that network1</del>	<del>131 December 20251</del>
<b><u>3. Data on detected road safety-related events or conditions relating to road safety-related minimum universal traffic information (as referred to in Annex I, Priority area III, paragraph 3.3) <del>Data on detected road safety-related events or conditions (as referred to in</del></u></b>		

<sup>1</sup>—— 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).

<b><del>Commission Delegated Regulation (EU) No 886/2013<sup>1</sup></del></b> :		
<b><u>Data types:</u></b> -temporary slippery road -animal, people, obstacles, debris on the road -unprotected accident area -short-term road works -reduced visibility -wrong-way driver -unmanaged blockage of a road -exceptional weather conditions	<del>[The trans-European network for roads and other motorways not included in that network]</del>	<del>[31 December 2026]</del>
<b><u>4. Data relating to multimodal static travel for EU-wide multimodal travel information services (as referred to in Annex I, Priority area I, paragraphs 1.1 and 1.3) Types of multimodal static travel data (as referred to in Commission Delegated Regulation (EU) 2017/1926<sup>2</sup>)</u></b> :		
<b><u>Data types:</u></b> Location of identified access nodes for all scheduled modes, including information on accessibility of access nodes and paths within an	<del>[The entire transport network of the EU]</del>	<del>[31 December 2026]</del>

<sup>1</sup>—— ~~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).~~

<sup>2</sup>—— ~~Commission Delegated Regulation (EU) 2017/1926 of 31 May 2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services (OJ L 272, 21.10.2017, p. 1).~~



interchange (such as existence of lifts, escalators)		
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## ANNEX IV

List of ITS services

<b>Service</b>	<b>Geographical coverage</b>	<b>Date</b>
Road safety-related minimum universal traffic information (SRTI) service <b><u>as referred to in Annex I, priority area III, paragraph 3.3</u></b> (as referred to in Commission Delegated Regulation (EU) No 886/2013)	<del>The trans-European network for roads and other motorways not included in that network</del>	<del>31 December 2026</del>

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