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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 13.3.2019 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the deployment and operational use of cooperative intelligent transport systems - Comments by the Finnish delegation

Delegations will find attached written comments by the Finnish delegation on the above-mentioned delegated act.

April 3rd 2019

FI CONCERNS RELATING TO C-ITS DELEGATED ACT

Finland fully shares the European Commission's goal to improve efficiency and environmental performance of road transport and to increase safety with enabling new technologies, such as cooperative intelligent transport systems (C-ITS). Although Finland support the European aim of interoperable C-ITS services across borders, we stress the utmost importance to provide level playing field for technologies already available. This is of utmost importance for the competitiveness of Europe. In this note we reflect the reasons for opposing the delegated act on C-ITS¹ prepared by the Commission.

1. The delegated act is not technologically neutral as it contains only one technology

Finland, together with other Members States, took actively part in the preparation of the C-ITS delegated act in Commission's expert group during 2017 and 2018. Finland also contributed with written proposals to modify the text so that it would also reflect the state of play with already existing technologies. These concerns are to some extent addressed in the recitals (recital 30) but legal provisions do not support this approach. Finland considers that it is essential that the delegated act would be in line with the European C-ITS strategy and therefore the delegated act should have included from the very beginning the full hybrid communication mix. With the current wording of the act, only ITS-G5 i.e. wifi communication is considered as C-ITS, leaving out not only short range LTE-V2X communication, but already existing C-ITS services using long-range cellular communication technologies 3G and 4G/LTE.

We firmly believe that Europe could have broader penetration and faster implementation by giving all technologies a chance. This would not compromise safety. ITS-G5 is not the only mature technology already available that can deliver the priority services covered by delegated act. There is an industry standardized alternative technology for ITS-G5 that can provide reliable and secure V2V and V2I (vehicle-to-vehicle/infrastructure) communication. The Commission chose not to include these standards in the delegated act even though the cellular based direct short-range communication technology C-V2X is already prepared for market take off starting 2020, the chipsets are already being sold and considerable number of car manufacturers are investing into this technology. Cellular alternative for V2V communication does not need sim-cards or network for direct communication between vehicles. It could therefore provide exactly the same services as

¹ Commission Delegated Regulation (EU) .. /.. of 13.3.2019 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the deployment and operational use of cooperative intelligent transport systems C(2019) 1789 final.

described in the delegated act if the delegated act did not limit those services exclusively to ITS-G5 only. We believe that the Commission should clarify, why these technologies are not allowed for European C-ITS as they are allowed in the US and Asian markets.

Cellular short-range technology C-V2X is also interoperable with other cellular technologies such as 5G. This is due to the long tradition of cellular standards in 3GPP. The US and Asia have not made similar decisions to choose just one short-range V2V technology, but prefer having both technologies available and also recognize the benefits interoperability with 4G and 5G will bring. We fear that major deployment of non-5G compatible technology will run counter the 5G strategy in the EU. It might also hinder the deployment of 5G as all already installed wifi based C-ITS stations will need to be retrofitted to be 5G interoperable. This will be both costly and time-consuming.

One important benefit for cellular technologies is that they can also be extended to the use of vulnerable road users with smart phones. This will extend the safety benefits considerably. This means for example that pedestrian's mobile phone can directly send and receive messages with vehicle's communication system and therefore the vulnerable road user will be more easily detectable by the vehicle. To be noted that wifi cannot communicate with smart phones and this is not supported by ITS-G5 standards that are included in the delegated act. In the near future we might have a situation where consumers in the US and in Asia benefit from certain safety related features in vehicles which cannot be used in the EU.

We fear that alternative technologies will have to wait 3 to 7 years to be considered C-ITS, because delegated act (Article 33:3) calls for migration path which inevitably means also setting a transitional period. Transitional period is meant to safeguard the investments of the first adopters, but in this case it would also mean unnecessary delayed introduction of the cellular technologies. This is also not in line with the impact assessment that demonstrates that broader safety benefits cannot be met without cellular technologies, because most of the benefits come by scaling the use of C-ITS safety messages to those with smart phones and those that use cellular networks. According to the impact assessment, the major effect for road safety is expected 2035 and it is mainly due to cellular technologies and smart phones. In our opinion, the Commission has not been able to show that ITS-G5 could provide similar benefits without cellular technologies. ITS-G5 has been developed for 10 years but has not demonstrated to scale without strong regulative push and public investments expected from delegated act.

2. Impossible backward interoperability requirement

The requirement for backward interoperability is a practical problem in relation to the non-technological neutrality. We believe that backward interoperability requirement is both unfair and unbalanced. There is and there will be no technological innovation that can hop over between two different radio technologies, meaning from wifi to cellular directly. The interoperability cannot be met at the communication layer level, even the message contents at service level would be aligned. The backward compatibility requirement is unreasonable as it puts all burden to new technologies to overcome these technical obstacles. The wifi based technology ITS-G5 does not support other radio technologies. This means that this technology has no capability to communicate with cellular technologies at all. **The backward interoperability requirement will mean re-equipping all C-ITS stations after their installation** to support cellular technologies later on if they will be included in the delegated act. This is costly and will postpone the use of cellular technologies. This of course postpones the use of the full hybrid model as outlined in the C-ITS strategy and the recitals of the

delegated act. We would also like to remind that this postpones the safety benefits for the vulnerable road users as these benefits will be reaped with cellular technologies and direct mobile phone to vehicle communication.

3. Allocation of frequencies

In principle, allocation of frequencies belong to Member States competence. However delegated act in fact limits the use of 5,9 GHz to ITS-G5 standards when delivering C-ITS services. Recital 8 states that current activities have led to the development of harmonised system profiles for vehicle C-ITS stations and roadside C-ITS stations communicating in the 5 855-5 925 MHz frequency. However, the discussion is ongoing and work item of ETSI (European Standardization Organisation dealing with telecommunications, broadcasting and other electronic communications networks and services) is discussing extension of the 5.9GHz band for safety related ITS for urban rail ITS and road ITS. In this work both ITS-G5 and LTE-V2X technologies in the 5.9 GHz ITS band is investigated. It should be ensured that either of these technologies could be used on that frequency even though the Commission chose ITS-G5 as the baseline technology.

Essentially, in the delegated act the Commission chose for Member States both the technology to be considered as C-ITS and the allocation of the 5,9 GHz frequency band. We consider the decision as extremely important in the context of development of connected and automated driving, deployment of 5G and the competitiveness of Europe. The preparatory work should have been more open. During the preparatory phase, the experts did not have access to the impact assessment. It was only published together with the adopted delegated act. The experts did not even have access to the up-to-date version of the draft delegated act during the last consultation. Furthermore, the delegated act seems to provide the Commission with implementing powers such as: being C-ITS Certificate Policy Authority (article 24), becoming the Trust List Manager (article 25) and C-ITS point of contact (article 26) on an interim basis. One should also note Article 30 and the powers conferred to the Commission in relation to interim measures without the involvement of Member States. Finland has doubts whether allocating these implementing and interim powers to the Commission instead of Member States, runs in fact contrary to the TFEU and ITS Directive.