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ADDENDUM TO "I/A" ITEM NOTE

from: General Secretariat of the Council
to: COREPER/COUNCIL

Subject: Proposal for a Directive of the European Parliament and of the Council laying down the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes **(first reading)**
(LA + S)
– Adoption
(a) of the position of the Council
(b) of the statement of the Council's reasons
– Statements

**Commission statement on the deployment of Intelligent Transport Systems (ITS)
priority actions**

1. Article 6(2) of the text of the Council position at first reading is worded as follows:
2. The Commission shall aim at adopting specifications for one or more of the priority actions by ...*.

At the latest 12 months after the adoption of the necessary specifications for a priority action, the Commission shall, where appropriate, after conducting an impact assessment including a cost-benefit analysis, present a proposal to the European Parliament and the Council in accordance with Article 294 of the TFEU on the deployment of that priority action.

* Please insert the date: 30 months following the date of entry into force of this Directive.

2. On the basis of the information currently available, the Commission takes the view that for the adoption of the necessary specifications for the priority actions as referred to in Article 3, the following indicative time table could be envisaged:

Specifications for:	No later than end of:
the provision of EU-wide multimodal travel information services as set out in Article 3(a)	2014
the provision of EU-wide real-time traffic information services as set out in Article 3(b)	2013
the data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users as set out in Article 3(c)	2012
the harmonised provision for an interoperable EU-wide eCall as set out in Article 3(d)	2012
the provision of information services for safe and secure parking places for trucks and commercial vehicles as set out in Article 3(e)	2012
the provision of reservation services for safe and secure parking places for trucks and commercial vehicles as set out in Article 3(f)	2013

Table 1 : Indicative time-table for the adoption of specifications for priority actions

This indicative timetable is based upon the assumption that agreement on the ITS Directive between the EP and the Council is reached through early second reading at the beginning of 2010.

Commission statement on liability

The deployment and use of ITS applications and services may raise a number of liability issues that can be a major barrier to wide market penetration of some ITS services. Addressing these issues constitutes one of the priority actions put forward by the Commission in its ITS Action Plan.

Taking into account existing national and Community legislation on liability, and notably Directive 1999/34/EC, the Commission will carefully monitor the developments in the Member States concerning the deployment and use of ITS applications and services. If necessary and appropriate, the Commission will elaborate guidelines on liability, notably describing the stakeholders' obligations in relation to the implementation and use of ITS applications and services.

Commission statement concerning the notification of delegated acts

The European Commission takes note that except in cases where the legislative act provides for an urgency procedure, the European Parliament and the Council consider that the notification of delegated acts shall take into account the periods of recess of the institutions (winter, summer and European elections), in order to ensure that the European Parliament and the Council are able to exercise their prerogatives within the time limits laid down in the relevant legislative acts, and is ready to act accordingly.

**Statement by the European Parliament, the Council and the Commission
on Article 290 TFEU**

The European Parliament, Council and Commission declare that the provisions of this Directive shall be without prejudice to any future position of the institutions as regards the implementation of Article 290 TFEU or individual legislative acts containing such provisions.

Statement by the UK, the Czech Republic, Malta, Poland and Portugal

The UK, the Czech Republic, Malta, Poland and Portugal support the desire to facilitate the deployment and use of interoperable Intelligent Transport Systems across borders within the EU where there is a sound business case for doing so in pursuit of policy goals. Well-targeted deployment and use of Intelligent Transport Systems can make a significant contribution to improving transport efficiency, road safety, environmental performance and competitiveness. In accordance with the principle of subsidiarity, decisions on the deployment of Intelligent Transport Systems within their territory are for individual Member States. The UK, the Czech Republic, Malta, Poland and Portugal understand that nothing in this Directive prejudices that right, and will continue to regard this as critical in discussions on any future proposals.

Statement by France

France fully shares the goal of implementing an interoperable in-vehicle emergency call service ("eCall") at Community level, which should improve road safety.

It considers, however, that any decision relating to the functional and technical specifications of the eCall system should be preceded by new impact analyses and new analyses of the cost-benefit ratio of the proposed system.

France wishes national experts to be duly associated with the definition of specifications, insofar as implementing an eCall system will be the responsibility of the Member States.

The pan-European eCall as the only solution, as proposed by the Commission, was dismissed by the Council and the European Parliament. The wording adopted by the co-legislators allows the coexistence of interoperable systems, including existing systems, in accordance with the principles of Annex I to the Directive.

France reiterates its strong reservations concerning the pan-European eCall, since the technology approved does not offer optimal coverage of the territory of the European Union and since the Commission has not provided a sufficient guarantee in relation to the risk of disruption to the emergency services of the Member States.
