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COM(2021) 813 final

2021/0419 (COD)

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**

(Text with EEA relevance)

{SEC(2021) 436 final} - {SWD(2021) 474 final} - {SWD(2021) 475 final}

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

This proposal concerns the adoption of a Directive of the European Parliament and of the Council, amending 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<sup>1</sup>.

#### **• Reasons for and objectives of the proposal**

Mobility and transport are essential for European citizens and for the European economy as a whole. The free movement of people and goods across its internal borders is a fundamental freedom of the European Union (EU) and its single market. The European Commission adopted in December 2020 the Communication on a Sustainable and Smart Mobility Strategy ('the strategy')<sup>2</sup> that proposes a fundamental transformation of the European transport system to achieve the objective of sustainable, smart and resilient mobility. Digitalisation is an indispensable driver of this transformation. Digitalisation will make the entire transport system seamless and more efficient. It will also further increase levels of safety, security, reliability and comfort.

The strategy identifies the deployment of intelligent transport systems (ITS) as a key action in building a connected and automated multimodal mobility system. The latter combines new developments such as Mobility as a Service (MaaS) and Cooperative, connected and automated mobility (CCAM). CCAM transforms a driver into a user of a shared fleet of vehicles, fully integrated in a multimodal transport system, made seamless by Multimodal Digital Mobility Services (MDMS) such as MaaS applications.

The strategy is clear: in order to make transport truly more sustainable we need to deliver effective and seamless multimodality, using the most efficient mode for each leg of the journey. In addition, each mode needs to become more efficient; for road this means that shared solutions increasingly provide a viable alternative for private vehicle ownership. This also fosters the uptake of zero-emission vehicles as users of shared mobility services will have a whole fleet at their disposal. Anxiety about range or purchase cost is then mitigated, especially when that fleet can go recharge itself automatically. In other words, emerging ITS services can accelerate the uptake of zero-emission vehicles and also help use them more efficiently.

Finally, smoothening road traffic flows (noting that zero-emission fleets should not lead to zero-emission traffic jams) will also contribute to more sustainable transport. Ideally, shared zero emission vehicles function as feeder services to existing and even more efficient modes, for both passengers and freight, providing for seamless and more inclusive travel. Congestion costs the EU economy more than 1% of GDP per year<sup>3</sup>, in time lost by citizens and workers but also in unreliable and inefficient logistics feeding the economy. By reducing incidents and improving traffic management, ITS can help reduce congestion and make an important contribution to economic efficiency and competitiveness of the EU economy. Deploying ITS has the potential to significantly improve road safety, traffic efficiency and comfort, by helping transport users to take the right decisions and adapt to the traffic situation. ITS also

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<sup>1</sup> OJ L 207, 6.8.2010, p. 1.

<sup>2</sup> COM(2020) 789 final.

<sup>3</sup> <https://publications.jrc.ec.europa.eu/repository/bitstream/JRC69961/congestion%20report%20final.pdf>

make it possible to make better use of existing infrastructure, increase multimodality options, and improve traffic management.

The *Communication on a European Strategy for Data*<sup>4</sup>, adopted by the Commission in February 2020, recognises that data-driven innovation will bring major benefits to the public through its contribution to the European Green Deal<sup>5</sup>, and by helping to make Europe fit for the digital age<sup>6</sup>.

Directive 2010/40/EU (the ITS Directive) was designed to be the framework for accelerating and coordinating the deployment and use of ITS applied to road transport and its interfaces with other transport modes.

The strategy announced that the ITS Directive would soon be revised, including some of its delegated regulations. The strategy also highlighted the Commission's intention to support the creation of a coordination mechanism in 2021 for the national access points (NAPs) created under the ITS Directive.

The Commission carried out an *ex-post* evaluation of the ITS Directive<sup>7</sup> that concluded that the Directive has had a positive impact on the deployment of ITS across the EU. The evaluation also concluded that the Directive remains a relevant tool to address: (i) a lack of coordination in ITS deployment across the EU; and (ii) the slow, risky and cost-ineffective deployment of ITS. The evaluation further noted that the use of ITS is increasing but despite improvements, the deployment of ITS is still often limited in geographical scope. There remains a clear need to take further action on interoperability, cooperation, and data sharing to enable seamless and continuous ITS services across the EU.

In October 2019, the Commission also released a report to the European Parliament and the Council on the implementation of the ITS Directive. This report highlighted: (i) the need to further improve coordination in accessibility of data; (ii) the need to take into account the emergence of new ITS themes and challenges; and (iii) the need to improve the availability of key data types on the whole road transport network (i.e. by making these data types available in digital machine-readable format).

Therefore, this proposal addresses the following problems: (i) the lack of interoperability and lack of continuity of applications, systems and services; (ii) the lack of concertation and effective cooperation among stakeholders; and (iii) unresolved issues related to the availability and sharing of data supporting ITS services. It achieves this notably by expanding the current scope of the Directive to cover new and emerging challenges, and by allowing essential ITS services to be made mandatory across the EU. The deployment of ITS services will be fed by the availability of data necessary to provide reliable information, thus ensuring that the benefits of digitalisation in the road sector can be reaped. Additional rules to improve alignment with current practices and standards will also address the problems referred to above.

- **Consistency with existing policy provisions in the policy area**

This proposal is part of a package of legislative initiatives aimed at contributing to the goals of decarbonisation, digitalisation and greater resilience in transport infrastructure. In addition to the revision of the ITS Directive, this package includes the revision of the TEN-T

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<sup>4</sup> COM(2020) 66 final.

<sup>5</sup> COM(2019) 640 final.

<sup>6</sup> [https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age_en)

<sup>7</sup> SWD(2019) 368 final.

Regulation<sup>8</sup> and of the urban mobility package<sup>9</sup>, which both include provisions related to the deployment of ITS services. For instance, the revision of the TEN-T Regulation addresses the means to detect road safety-related events, making it possible to provide road safety-related traffic information to road users under this proposal.

This proposal is consistent with the proposal for a new regulation on the deployment of alternative fuels infrastructure presented by the Commission on 14 July 2021<sup>10</sup>, which would repeal Directive 2014/94/EU of the European Parliament and of the Council on the deployment of alternative fuels infrastructure<sup>11</sup>. Data on recharging and refuelling points made available under this regulation must be made accessible through the NAPs set up under the ITS Directive.

This proposal is also consistent and aligned with other legal frameworks in the area of transport, such as the Electronic Freight Transport Information (eFTI) Regulation<sup>12</sup> and other legislation related to different transport modes, in particular with respect to the definition of the scope in Annex I of this Directive and the added value to the development of multimodal digital mobility services.

On road safety, the strategy confirmed the objective of bringing the death toll for all modes of transport in the EU close to zero by 2050. For road transport, there are several actions in the scope of the ITS Directive that contribute to this ambitious objective. For instance, eCall is a post-crash measure to speed up emergency-response times and therefore reduce the number of fatalities and severe injuries. Cooperative ITS allow vehicles, transport infrastructure and other road users to communicate and coordinate their actions. Cooperative ITS has significant potential to reduce the number and severity of accidents. Information services on safety-related events or for safe and secure truck parking contribute to the safety of road users. The mandatory availability of crucial data in machine-readable format will improve the functioning of safety services such as intelligent speed assistance, and making safety-related traffic information services mandatory will improve traffic safety.

This proposal is coherent with rules on passengers' rights and obligations, such as the rules laid down in Article 10 of Regulation (EU) 2021/782 of the European Parliament and of the Council<sup>13</sup>.

In addition, a review of Commission Delegated Regulation (EU) 2015/962<sup>14</sup> on the provision of EU-wide real-time traffic information service is currently ongoing<sup>15</sup>. That upcoming revision is expected to identify crucial data types and introduce certain new crucial data types related to traffic regulations: (i) weight/length/width/height restrictions; (ii) one-way streets; and (iii) boundaries of restrictions, prohibitions or obligations with zonal validity, current access status and conditions for circulation in regulated traffic zones. This proposal is

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<sup>8</sup> 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 (OJ L 348, 20.12.2013, p. 1).

<sup>9</sup> [https://transport.ec.europa.eu/transport-themes/clean-transport-urban-transport/urban-mobility\\_en](https://transport.ec.europa.eu/transport-themes/clean-transport-urban-transport/urban-mobility_en)

<sup>10</sup> COM(2021) 559 final.

<sup>11</sup> OJ L 307, 28.10.2014, p. 1.

<sup>12</sup> OJ L 249, 31.7.2020, p. 33.

<sup>13</sup> Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ L 172, 17.5.2021, p. 1).

<sup>14</sup> Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 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 (OJ L 157, 23.6.2015, p. 21).

<sup>15</sup> The adoption of the delegated act is expected to occur in Q1 2022.

consistent with the expected changes to the delegated act. Additionally, because of the importance of those three additional data points, once the new delegated act has been adopted, it will be appropriate to consider their inclusion in the list of the data types whose availability and provision is to be made mandatory.

- **Consistency with other Union policies**

The European strategy for data announced the establishment of EU-wide, common, interoperable data spaces in strategic economic sectors and domains of public interest. These data spaces include a common European mobility data space. The ITS Directive is an important component of the common European mobility data space, as it provides for the availability and accessibility of multimodal traffic and travel data on NAPs.

These data give particular support to advanced driver-assistance systems, such as the new vehicle systems under the General Safety Regulation (EU) 2019/2144<sup>16</sup>.

The proposal has been aligned with other EU legal frameworks such as the General Data Protection Regulation (EU) 2016/679<sup>17</sup>, the e-Privacy Directive 2002/58/EC<sup>18</sup> and the General Safety Regulation (EU) 2019/2144<sup>19</sup>. Where appropriate, the measures provided for in this proposal must take in due account the forthcoming Artificial Intelligence Act<sup>20</sup>.

This Directive is supportive to the R&I policies in climate, energy and mobility under the 2021-2027 Research Framework Programme Horizon Europe regarding the research and development of innovative technologies in the field of ITS, Cooperative ITS (C-ITS) and CCAM.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The amendment does not change the legal basis of the ITS Directive, which is Article 91 of the Treaty on the Functioning of the European Union.

- **Subsidiarity (for non-exclusive competence)**

The ITS Directive addresses trans-national aspects of transport that cannot be satisfactorily addressed by Member States on their own, such as the interoperability of equipment and the strengthening of the internal market for ITS services at the global level. It thus contributes to jobs and growth.

According to the principle of subsidiarity, the use of a directive or framework directive such as the ITS Directive remains one of the most appropriate ways to achieve the intended purpose. The overarching principles and enabling conditions for ITS implementation are set out using specifications developed with the strong involvement of thematic experts nominated by the Member States.

The Commission considers that it should be mandatory for some data types and ITS services to be made available and provided. Initial lists of such data and services are included in the

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<sup>16</sup> OJ L 325, 16.12.2019, p. 1.

<sup>17</sup> OJ L 119, 4.5.2016, p. 1.

<sup>18</sup> OJ L 201, 31.7.2002, p. 37.

<sup>19</sup> OJ L 325, 16.12.2019, p. 1.

<sup>20</sup> Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (artificial intelligence act) and amending certain Union legislative acts (COM(2021) 206 final).

proposal. A mechanism for updating these lists is also included in the proposal, based on a strengthened consultation of stakeholders and formal prior approval from the Member States.

In the framework of its institutional prerogatives, the Commission will also strengthen the role of the European ITS Advisory Group, which has representatives from relevant ITS stakeholders from the public and private sector. These stakeholders advise the Commission on the business and technical aspects of implementing and deploying ITS in the EU.

- **Proportionality**

According to the principle of proportionality, this proposal does not go beyond what is necessary to achieve its objectives. The Commission considers that all measures are proportionate in their impacts, as demonstrated in the impact assessment that accompanies this initiative<sup>21</sup>. The proposed intervention: (i) adapts the scope of the ITS Directive to new and emerging ITS service areas; (ii) strengthens the roles of – and coordination between – stakeholders; and (iii) mandates the availability of crucial data and provision of essential services. This is necessary to adapt the legal framework for ITS to an evolving landscape, and to ensure the necessary data and services are available to support the objectives of the strategy.

- **Choice of instrument**

Due to the limited changes to the ITS Directive, the Commission considers that an amendment is the best option for revising the Directive.

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

- ***Ex-post* evaluations/fitness checks of existing legislation**

The ‘REFIT’ *ex-post* evaluation of the ITS Directive concluded that the scope of the ITS Directive is still relevant today, with the identified priority areas still covering the relevant topics, services and data. The Directive and its delegated acts were also considered by stakeholders to have helped reduce the negative externalities of transport.

At the same time, as a result of societal and technological developments, the evaluation concluded that a number of areas required additional attention in the future. In particular, the evaluation considered that cooperative, connected and automated mobility required additional attention. Furthermore, the evaluation expected that ensuring availability of the relevant data and ITS infrastructure would lead to the deployment of continuous EU-wide services. The evaluation also concluded that only a limited number of interoperable ITS services had been deployed so far. The evaluation highlighted the persistent reluctance to share data, which continues to be a limiting factor, and the need to improve cooperation with and between stakeholders.

The problems that the proposal seeks to address were identified in the evaluation, namely: (i) the lack of interoperability and continuity of applications, systems and services; (ii) the lack of concertation and effective cooperation among stakeholders; and (iii) the unresolved issues related to the availability and sharing of data to support ITS services.

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<sup>21</sup> SWD(2021) 474

- **Stakeholder consultations**

The consultation process<sup>22</sup> engaged the main target groups through three different methods: a public consultation, an open public consultation, and targeted consultations. Each of these methods are discussed in the paragraphs below.

A public consultation was held on the inception impact assessment (IIA)<sup>23</sup> for this initiative, running from 8 October 2020 to 19 November 2020. The Commission received 34 responses to this public consultation, mostly from companies, business associations and public authorities. NGOs, consumer organisations and the public also replied to the IIA.

An open public consultation was launched on 3 November 2020 and remained open until 2 February 2021. The questionnaire in the open public consultation invited stakeholders' opinions on the key aspects of the impact assessment, namely: (i) the main problems addressed by the impact assessment; (ii) the drivers of these problems; (iii) possible policy measures to address these problems and drivers; (iv) the likely impacts of these possible policy measures; and (v) the relevance of EU-level action to address these problems. The Commission received 149 responses in total.

The targeted consultations consisted of four parts, set out in the bullet points below.

- An online survey for all key stakeholder groups was launched on 15 February 2021 and remained open until 26 March 2021.
- An interview programme with 53 stakeholders from all key stakeholder groups was launched on 16 February 2021 and remained open until 6 May 2021. Furthermore, six exploratory interviews with key stakeholders were conducted in the inception phase of the study (November/December 2020).
- Six stakeholder workshops took place between December 2020 and June 2021.
- The European ITS Committee held meetings on 17 December 2020 and 28 June 2021.

Throughout the period of preparing the impact assessment, the Commission also met with a wide variety of stakeholders and received several position papers.

- **Collection and use of expertise**

In preparing this initiative, the Commission used: (i) the findings of the *ex-post* evaluation of the ITS Directive<sup>24</sup>; (ii) the Commission report to the European Parliament and the Council on the implementation of the Directive<sup>25</sup>; and (iii) the Member States' 2020 progress reports on the implementation of the ITS Directive<sup>26</sup>.

Stakeholders also provided a lot of information in the consultation activities, supplemented by information that stakeholders provided to the Commission on an ad hoc basis. The impact

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<sup>22</sup> More details can be found in Annex F to the support study, which contains a report on the stakeholder consultation.

<sup>23</sup> <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12534-Intelligent-transport-systems-review-of-EU-rules- en>

<sup>24</sup> SWD(2019) 368 final.

<sup>25</sup> COM/2019/464 final.

<sup>26</sup> [https://transport.ec.europa.eu/transport-themes/intelligent-transport-systems/road/action-plan-and-directive/its-national-reports\\_en](https://transport.ec.europa.eu/transport-themes/intelligent-transport-systems/road/action-plan-and-directive/its-national-reports_en)

assessment relies to a considerable extent on an accompanying external support study carried out by a consultant<sup>27</sup>.

Another source of information came from a broad consultation exercise the Commission carried out with the Member States' expert group on ITS<sup>28</sup> on the definition of crucial data types. This exercise was carried out as part of the revision of Commission Delegated Regulation (EU) No 2015/962.

Overall, the sources used to draft the impact-assessment report are numerous, comprehensive and representative of the various stakeholder groups.

- **Impact assessment**

The Regulatory Scrutiny Board received the impact assessment report on 25 August 2021. The Board issued a positive opinion on the report with reservations on 27 September 2021. The Board considered that the report should be further improved in: (i) the scope of the initiative, for example how it will contribute to multimodality and the Green Deal objectives; (ii) the specific problems being addressed and the most critical policy choices; (iii) the analysis of impacts; (iv) the choice of the preferred policy option; and (v) stakeholder views.

The final impact-assessment report includes a comprehensive description and assessment of the initiative's added value and its links with other policy initiatives in Sections 1 through 4. A detailed description of the policy options is included in Section 5. A comprehensive analysis of the impacts of all options is presented in Section 6, and a comparison of the policy options in Section 7. The executive summary of the impact assessment and the opinion of the Board can be found on the Commission's website<sup>29</sup>.

Three policy options were analysed in the final impact-assessment report. A summary of each of these three options is set out in the three bullet points below.

- Policy option 1: Strengthened coordination and deployment principles. This first policy option introduces the greatest number of policy measures. Nevertheless, it mostly takes a light-touch approach, including on the measures related to: (i) amendments to the Directive to allow for expanding its operation in new and emerging ITS-service areas; (ii) addressing identified shortcomings in stakeholder cooperation with measures improving coordination; and (iii) ensuring the coherence of the Directive's provisions with those of other existing legal instruments. It also includes measures that aim to: (i) strengthen further the coordination of all relevant stakeholders; (ii) institutionalise parts of the governance framework; and (iii) make the Directive future-proof to function in the advent of known upcoming EU policy initiatives.
- Policy option 2: Mandate the collection and availability of crucial data. This intervention makes it mandatory to collect and share data crucial for the operation of essential services as a means to boost the deployment of such services. These measures retain all other aspects of policy option 1 while also aiming to improve: (i) data availability; (ii) data quality; (iii) data access; (iv) data exchange; and (v) data usage.

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<sup>27</sup> Final report, impact assessment support study 'Impact Assessment Support Study for the revision of the Intelligent Transport System Directive (2010/40/EU)', 2021.

<sup>28</sup> Code E01941 in the Register of Commission Expert Groups and Other Similar Entities.

<sup>29</sup> SWD(2021) 475



- Policy option 3: Mandate the provision of essential services. This intervention contains the possibility of introducing mandatory deployment of essential services through delegated acts. It especially capitalises on the increased availability, quality, exchange and usage of data promoted by policy option 2, and aims to further support the deployment of interoperable and continuous services.

The Commission clearly prefers policy option 2 over policy option 1, as it achieves significantly greater benefits and the best cost-benefit ratio. The mandatory collection of data and resulting uptake of ITS services also greatly increases the effectiveness of the Directive in achieving the objectives of the ITS Directive and makes it more coherent. Limiting the mandatory collection of data to crucial data – and the very significant benefits that would result from collecting this crucial data – also means that policy option 2 is proportional.

The difference in net benefits between policy option 2 and policy option 3 is smaller than the difference between the net benefits in policy option 1 and policy option 2. Nevertheless, the differences in net benefits between policy option 2 and policy option 3 remain very significant. The main difference is a considerable increase in safety-related benefits expected in policy option 3 compared to policy option 2. Although policy option 3 also presents an increased level of costs, the marginal cost-benefit ratio of the additional costs and benefits brought by policy option 3 is still positive. It is also the most coherent policy option. The mandatory provision of essential ITS services for road safety – although introducing considerable compliance costs – is also proportional.

The policy option preferred by the Commission is therefore policy option 3 (which includes policy options 1 and 2) because: (i) it generates the greatest net benefits; (ii) it is the most effective option; (iii) it best achieves the specific objectives of the ITS Directive; and (iv) it best ensures the swift and coherent deployment of ITS services in line with the objectives of the strategy.

The impact assessment includes a detailed description of the policy measures included under the different policy options, as well as the main impacts, costs and benefits of each policy option.

- **Regulatory fitness and simplification**

The proposal will reduce the administrative costs of Member States, as it streamlines recurrent reporting obligations, and enables the use of a common system for reporting on the implementation of the Directive and its delegated acts. Based on a common template and common key performance indicators, it will also make it easier to analyse and compare reports. However, the proposal may also increase coordination costs related to data collection, in particular regarding local authorities.

SMEs are not a specific target of the policy measures, and there is no indication that the policy measures will have a differentiated impact on companies of different sizes. However, a fragmented market would have arisen without introducing new data specifications and standard requirements and without the widespread use of NAPs. If this fragmented market continued it might produce a comparative advantage for larger companies compared to SMEs. In a harmonised market with harmonised standards, SMEs will benefit from lower barriers to entry to expand their operations and compete on an equal basis with larger enterprises.

The proposal is expected to contribute greatly to the establishment of the common European mobility data space, under the European strategy for data. It will contribute to the common European mobility data space by increasing the availability of data on the NAPs, and simplifying the re-use of data by standardising the data exchanges and harmonising access conditions.

- **Fundamental rights**

In order to reach the objective of a safe, sustainable, smart and resilient mobility it may be required to process travel, traffic or road data that include personal data. When processing of personal data is required to achieve the objectives of the ITS Directive, more detailed rules, e.g. on which data are to be collected by whom for which specific purposes can only be laid down in tertiary acts based on it. When proposing those acts, the Commission will duly take data protection requirements into account.

#### **4. BUDGETARY IMPLICATIONS**

The proposal has no impact on the European Union budget.

#### **5. OTHER ELEMENTS**

- **EU C-ITS framework for the provision of trusted and secure communication**

The Commission draws on its operational experience of implementing the ‘Security architecture for connected infrastructure and vehicles in Europe’ support action which entrusted the Joint Research Centre with the implementation of the pilot phase (2018-2022) of the EU Cooperative ITS (C-ITS) security credential management system.

Pending the formalisation of such system into a binding framework (and the possible future establishment of dedicated entities to govern it), the Commission is identified as the subject that will take the roles of C-ITS certificate policy authority, trust list manager, and C-ITS point of contact.

- **Implementation plans and arrangements for monitoring, evaluation and reporting**

The Commission will adopt working programmes every 5 years, which will set out the actions for which possible European specifications may be adopted, or for which additional data or ITS services may be mandated.

Member States will report every 3 years on their progress in implementing the Directive and its delegated acts, using a common template and common key performance indicators.

Using the Member State reports as a basis, the Commission will submit every 3 years a report to the European Parliament and the Council on the implementation of the Directive.

- **Explanatory documents**

In compliance with recital 27 of the proposal, Member States must notify the Commission of their transposition measures with supporting documents. This is necessary because of the new provisions laid down by the proposal for collecting data and deploying services. These new provisions may require the adoption of additional national legislation or the amendment thereof. In order for the Commission to monitor correct transposition, it is therefore important that Member States send the Commission supporting documents showing which existing or new provisions under national law are meant to implement the individual measures set out in the proposed Directive.

- **Detailed explanation of the specific provisions of the proposal**

This proposal amends the current 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, as amended by Decision (EU) 2017/2380 of the European Parliament and

of the Council<sup>30</sup>. The structure of the amended ITS Directive is set out in the bullet points below.

- Article 1(1) adapts Article 1 of the current Directive, setting out the subject matter and scope of the Directive by adding the availability of data and deployment of services to the subject matter and scope of the current Directive.
- Article 1(2) updates in Article 2 of the current Directive the title of the four priority areas of the current Directive, as the priority areas are reorganised according to the types of ITS services.
- Article 1(3) extends the list of definitions of the current Directive where necessary and as appropriate given the overall changes in the scope and provisions of the amended Directive.
- Article 1(4) extends the requirements on Member States in Article 5 regarding their cooperation related to the deployment of ITS services in application of the specifications adopted under the Directive.
- Article 1(5) updates in Article 6 the reference to existing legislation and completes the reference to Decision No 768/2008/EC.
- Article 1(6) provides for a new article requiring Member States to ensure the availability of data for the data types listed in the new Annex III and their accessibility on NAPs, and for a new article requiring Member States to ensure the deployment of ITS services listed in the new Annex IV.
- Article 1(7) adds provisions to Article 7 of the current Directive for the update of Annexes III and IV through delegated acts, subject to a prior impact assessment including a cost-benefit analysis.
- Article 1(8) provides for a new article authorising the Commission to adopt interim measures in the event of an emergency situation that has a severe direct impact on road safety, cyber security or the availability and integrity of ITS services.
- Article 1(9) updates a reference in Article 8 of the current Directive.
- Article 1(10) replaces Article 10 of the current Directive with updated rules on data protection and privacy, streamlining the text by removing duplications of existing obligations under data protection rules, e.g. on the security of personal data processed and the need for controllers to comply with their other obligations under data protection rules. It also stresses the requirement for the Commission to take into account data protection requirements in the development of specifications.
- Article 1(11) provides for a new article on the C-ITS certificate policy authority, the Trust list manager and the C-ITS point of contact, and establishes that the Commission will define and fulfil these roles.
- Article 1(12) adapts Article 12 of the current Directive as regards the date from which the power to adopt delegated acts is conferred on the Commission.
- Article 1(13) replaces Article 15 of the current Directive on Committee procedure with updated references to existing legislation and the addition of the reference to the examination procedure (Articles 5 and 8 of Regulation (EU) No 182/2011).

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<sup>30</sup> OJ L 340, 20.12.2017, p. 1.

- Article 1(14) replaces Article 17 of the current Directive with updated rules on the reporting of Member States (common template, common key performance indicators) and of the Commission, as well as updated rules for the adoption of the working programmes of the ITS Directive.
- Articles 1(15) and 1(16) replace the two annexes of the current Directive by four annexes:
  - Annex I adapts Annex I of the current Directive by organising the priority areas according to the types of ITS services, and also adds new actions corresponding to new and emerging ITS services;
  - Annex II adapts Annex II of the current ITS Directive by updating and adding some of the principles;
  - the new Annex III lists the data types for which availability and accessibility on NAPs needs to be ensured by the date indicated for each data type and on the geographical coverage indicated for each data type;
  - the new Annex IV lists the ITS services to be deployed by the date indicated for each ITS service and on the geographical coverage indicated for each ITS service.
- Articles 2, 3 and 4 provide for the transposition, entry into force and addressees of the amended Directive.
- **European Economic Area**

The proposed act is of EEA relevance.

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**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,  
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>31</sup>,

Having regard to the opinion of the Committee of the Regions<sup>32</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Commission's *Communication on a Sustainable and Smart Mobility Strategy*<sup>33</sup> identifies the deployment of Intelligent Transport Systems ('ITS') as a key action in achieving connected and automated multimodal mobility, and therefore contributing to the transformation of the European transport system to reach the objective of efficient, safe, sustainable, smart and resilient mobility. This complements the actions announced under the flagship on greening of freight transport to foster multimodal logistics. The strategy also announced for 2022 a revision of the Delegated Regulation (EU) 2017/1926 on multimodal travel information services to include mandatory accessibility of dynamic datasets, as well as an assessment of the need for regulatory action on rights and duties of multimodal digital service providers together with an initiative on ticketing, including rail ticketing.
- (2) The Sustainable and Smart Mobility Strategy confirms the objective to bring the death toll for all modes of transport in the Union close to zero by 2050. Several actions in the scope of Directive 2010/40/EU of the European Parliament and of the Council<sup>34</sup>

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<sup>31</sup> OJ C , , p.

<sup>32</sup> OJ C , , p.

<sup>33</sup> COM(2020)789 final.

<sup>34</sup> 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).

contribute to the safety of road users, such as eCall, road safety-related traffic information services and safe and secure parking areas<sup>35</sup>.

- (3) The European Green Deal<sup>36</sup> highlights the increasing role of automated and connected multimodal mobility, together with smart traffic management systems enabled by digitalisation, and the objective of supporting new sustainable transport and mobility services that can reduce congestion and pollution, especially in urban areas.
- (4) The growing need to make better use of data in making transport chains more sustainable, efficient and resilient, calls for enhanced coordination of the ITS framework with other initiatives aimed at harmonising and facilitating data sharing in the mobility, transport and logistics sectors with a multimodal perspective<sup>37</sup>.
- (5) In view of the need to digitalise road transport, to increase road safety and reduce congestion, the deployment and use of intelligent transport systems and services on roads should be further developed on the trans-European transport network.
- (6) In many Member States national applications of those systems and services are already being deployed in the road transport sector. However, despite improvements since its adoption in 2010, the evaluation of Directive 2010/40/EU<sup>38</sup> found persistent shortcomings leading to remaining fragmented and uncoordinated deployment and lack of geographical continuity of ITS services throughout the Union and at its external borders.
- (7) In the context of the implementation of Commission Delegated Regulations<sup>39</sup> supplementing Directive 2010/40/EU, Member States have established national access points<sup>40</sup> (NAPs). The NAPs organise the access to and reuse of transport related data to help support the provision of EU-wide interoperable travel and traffic ITS services to end users. These NAPs are an important component of the common European

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<sup>35</sup> As certified in accordance with Commission Delegated Regulation (EU) .../... of XXX on EU standards detailing the level of service and security of EU safe and secure parking areas and procedures for their certification.

<sup>36</sup> Communication from the Commission – The European Green Deal, COM(2019) 640 final.

<sup>37</sup> Such as the Common European Mobility data space and its components, 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>38</sup> [https://transport.ec.europa.eu/transport-themes/intelligent-transport-systems/road/action-plan-and-directive\\_en](https://transport.ec.europa.eu/transport-themes/intelligent-transport-systems/road/action-plan-and-directive_en)

<sup>39</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);

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);

Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 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 (OJ L 157, 23.6.2015, p. 21);

and 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).

<sup>40</sup> [https://transport.ec.europa.eu/transport-themes/intelligent-transport-systems/road/action-plan-and-directive/national-access-points\\_en](https://transport.ec.europa.eu/transport-themes/intelligent-transport-systems/road/action-plan-and-directive/national-access-points_en)

mobility data space under the European strategy for data<sup>41</sup> and should be relied upon in particular as regards the accessibility of data.

- (8) To ensure a coordinated and effective deployment of ITS within the Union as a whole, specifications including, where appropriate, standards, laying down further detailed provisions and procedures should be introduced, in addition to already adopted specifications. Before adopting any additional or revised specifications, the Commission should assess their compliance with certain defined principles set out in Annex II. Priority should be given in the first instance to the four main areas of ITS development and deployment. During further implementation of ITS the existing ITS infrastructure deployed by a particular Member State should be taken into account in terms of technological progress and financial efforts made. If appropriate, it should be ensured, in particular for C-ITS, that requirements for ITS systems neither impose nor discriminate in favour of the use of a particular type of technology.
- (9) The specifications should take into account and build upon the experience and results already obtained in the field of ITS, cooperative intelligent transport systems (C-ITS) and cooperative, connected and automated mobility (CCAM), notably in the context of the C-ITS<sup>42</sup> and CCAM platforms<sup>43</sup>, the European Forum for Multimodal Passenger Mobility<sup>44</sup> and the European eCall Implementation Platform<sup>45</sup>.
- (10) The specifications should foster innovation. The increased availability of data should for example lead to the development of new ITS services, and vice-versa innovation should identify the needs for future specifications. The European Partnership on cooperative, connected and automated mobility under Horizon Europe should support the development and testing of the next wave of C-ITS services, helping the integration of highly automated vehicles in new multimodal mobility services.
- (11) C-ITS use technologies that enable road vehicles to communicate with each other and with roadside infrastructure including traffic signals. C-ITS services are a category of ITS services based on an open architecture that enables a many-to-many or peer-to-peer relationship between C-ITS stations. This means all C-ITS stations should securely exchange messages with each other, and should not be limited to exchanging messages with pre-defined stations. Most services require ensuring the authenticity and integrity of C-ITS messages containing information such as position, velocity and heading. Therefore, one common European C-ITS trust model should be created to establish a relation of trust between all C-ITS stations, regardless of communication technologies used. That trust model should be implemented by the adoption of a policy on the use of a Public Key Infrastructure (PKI). The highest level of that PKI should be the European certificate trust list, consisting of entries of all trusted root certification authorities in Europe. To ensure the smooth functioning of that C-ITS trust model, certain tasks should be carried out at a central level. The Commission should ensure that those essential tasks are carried out, in particular as concerns the roles of the C-ITS certificate policy authority, the trust list manager, and the C-ITS point of contact.

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<sup>41</sup> COM(2020) 66 final.

<sup>42</sup> Code E03188 in the Register of Commission Expert Groups and Other Similar Entities

<sup>43</sup> Code E03657 in the Register of Commission Expert Groups and Other Similar Entities

<sup>44</sup> Code E03826 in the Register of Commission Expert Groups and Other Similar Entities

<sup>45</sup> Code E02481 in the Register of Commission Expert Groups and Other Similar Entities

- (12) Most actions under Directive 2010/40/EU, with the exception of eCall, have focused on 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 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, 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>46</sup>. The mandatory provision of such essential ITS services and crucial data is considered necessary to ensure both continued availability of such data and continued delivery of such services across the Union. Data types and services, the provision of which should be made mandatory, should be identified based on the specifications set out in delegated acts supplementing Directive 2010/40/EU and reflect the data types and services set therein.
- (13) The 2020 study “Mapping accessible transport for persons with reduced mobility”<sup>47</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. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European

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<sup>46</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).

<sup>47</sup> <https://op.europa.eu/en/publication-detail/-/publication/dfa0c844-3b5f-11eb-b27b-01aa75ed71a1>



Parliament and of the Council<sup>48</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 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>49</sup> and in Directive 2002/58/EC of the European Parliament and of the Council<sup>50</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.
- (17) Directive 2001/95/EC of the European Parliament and of the Council on general product safety<sup>51</sup> applies to products for which sectorial legislation does not provide more specific provisions with the same safety objective, as well as where the safety requirements imposed by a sectorial legislation do not cover the aspects and risks or category of risks covered by the said Directive (the so called "safety net").
- (18) Where it is necessary to carry out a conformity assessment, the specifications should include detailed provisions laying down the procedure governing assessment of conformity or suitability for use of constituents. With respect to certain ITS services, and in particular with respect to C-ITS services, continuous compliance with certain requirements and interoperability are essential to ensure safety and proper functioning of the system. Therefore, where necessary, specifications that lay down requirements for products should also lay down procedures related to market surveillance, including a safeguard clause. Those provisions should be based on Decision No 768/2008/EC of the European Parliament and of the Council<sup>52</sup>, in particular concerning the modules for the various phases of the conformity assessment and market surveillance procedures. Regulation (EU) 2018/858 of the European Parliament and of the Council<sup>53</sup> lays down

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<sup>48</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>49</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>50</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).

<sup>51</sup> Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001, on general product safety (OJ L 11, 15.1.2002, p. 4).

<sup>52</sup> Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).

<sup>53</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

a framework for the type approval and market surveillance of motor vehicles and their parts or related equipment, and Regulations (EU) No 167/2013<sup>54</sup> and (EU) No 168/2013<sup>55</sup> of the European Parliament and of the Council lay down rules on the type approval of two- or three-wheel vehicles and quadricycles, and agricultural or forestry vehicles and their parts or related equipment. Therefore, it would be a duplication of work to provide for conformity assessment of equipment and applications falling within the scope of those legislative acts. However, those legislative acts on vehicle approval apply to ITS-related equipment installed in vehicles, but not to external road infrastructure ITS equipment and software which should fall under the remit of this Directive. In the latter case, the specifications could provide for conformity assessment and market surveillance procedures. Such procedures should be limited to what would be necessary in each separate case.

- (19) When the deployment and use of ITS equipment and software include artificial intelligence systems, the relevant provisions of the forthcoming Artificial Intelligence Act<sup>56</sup> should be taken into account.
- (20) For ITS applications and services for which accurate and guaranteed timing and positioning services are required, satellite-based infrastructures or any technology providing an equivalent level of precisions should be used. Synergies between the Union transport and space sectors should be exploited to foster the broader use of new technologies, which respond to the need of accurate and guaranteed timing and positioning services. The Union Space Programme established under Regulation (EU) 2021/696 of the European Parliament and of the Council<sup>57</sup> provides high-quality, up-to-date and secure space-related data, information and services through the Galileo, the European Geostationary Navigation Overlay Service (EGNOS), and Copernicus systems.
- (21) The provision of secured and reliable timing and positioning services is an essential element of the effective operation of ITS applications and services. Therefore, it is appropriate to ensure their compatibility with the authentication mechanism provided by the Galileo programme, in order to mitigate Global Navigation Satellite Systems ('GNSS') signal spoofing attacks.
- (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.
- (23) To ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission as regards the adoption of the

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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>54</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>55</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).

<sup>56</sup> Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (artificial intelligence act) and amending certain Union legislative acts (COM(2021) 206 final).

<sup>57</sup> Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme (OJ L 170, 12.5.2021, p. 69).

template for the reports to be provided by Member States, and the adoption and updating of working programmes. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>58</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>59</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.
- (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>60</sup>, (EU) 2019/1239<sup>61</sup>, (EU) 2020/1056<sup>62</sup> and (EU) 2018/858 of the European Parliament and of the Council, and by Directives 2007/2/EC<sup>63</sup> and Directive (EU) 2019/520 of the European Parliament and of the Council<sup>64</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>58</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>59</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).

<sup>60</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>61</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>62</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>63</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>64</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>65</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>66</sup> and delivered an opinion on XX XX 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:
- (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. 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

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<sup>65</sup> OJ C 369, 17.12.2011, p. 14.

<sup>66</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).

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 of data in a digital machine-readable format;

(22) “National Access Point” 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.’;

(4) Article 5 is replaced by the following:

*Article 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 Articles 6a and 6b. Where relevant, Member States shall also cooperate on the enforcement of those specifications.

2. 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, 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 National Access Points’ architectures, common data exchange conditions, as well as common training and outreach activities.’;

(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, 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.’;

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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).’;

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

*Article 6a*

#### **Availability of data**

Member States shall ensure that for each data type listed in Annex III, 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.

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

*Article 6b*

#### **Deployment of ITS services**

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 therein.’;

(7) Article 7 is amended as follows:

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

‘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 to amend the list of data types in Annex III, including the date of implementation and the geographical coverage for each data type. Those amendments shall be consistent with the data categories set out in the latest working programme adopted in accordance with Article 17(5).

1b. 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 to amend the list of ITS services in Annex IV, including the date of implementation and the geographical coverage for each ITS service. Those amendments shall be consistent with the list of ITS services set out in the latest working programme adopted in accordance with Article 17(5).’;

(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.’;

(8) The following Article 7a is inserted:

*‘Article 7a*

#### **Interim measures**

In the event of an emergency situation having a severe direct impact on road safety, cyber security or the availability and integrity of ITS services, and which may compromise the safe and proper functioning of the Union transport system, 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. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 15(3). They shall be strictly limited to addressing the causes and consequences of such emergency situations.’;

(9) in Article 8(1), the reference to ‘Directive 98/34/EC’ is replaced by the reference to ‘Directive (EU) 2015/1535’;

(10) Article 10 is replaced by the following:

*‘Article 10*

#### **Rules on data protection and privacy**

Where specifications adopted pursuant to Article 6 concern the processing of traffic, travel or road data that are personal data as defined in Article 4, point (1) of Regulation (EU) 2016/679\*, they shall lay down the categories of those data and provide for appropriate personal data protection safeguards pursuant to Regulation (EU) 2016/679 and Directive 2002/58/EC. Where appropriate, the use of anonymous data shall be encouraged.

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\* 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).’;

(11) The following Article 10a is inserted:

*‘Article 10a*

#### **EU C-ITS security credential management system**

The specifications for the priority area referred to in Article 2(1), point (d), to be adopted by the Commission in the exercise of its powers pursuant to Article 7(1), shall lay down the EU C-ITS security credential management system referred to in point 4.3 of Annex I. That system shall comprise the following roles:

- (a) C-ITS certificate policy authority;
- (b) C-ITS trust list manager;
- (c) C-ITS point of contact.

The Commission shall be responsible for ensuring the execution of those roles.’;

- (12) in Article 12(2), ‘27 August 2017’ is replaced by ‘[Publication Office: please insert the date of entry into force of this Directive]’;
- (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\*.
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.
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 a simple majority of 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).’;

- (14) Article 17 is replaced by the following:

*‘Article 17*

**Reporting and working programme**

1. Member States shall submit to the Commission by [Date of entry into force + 12 months] a report on the implementation of this Directive and of all delegated acts supplementing this Directive, on their national activities and projects regarding the priority areas 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. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 15(2).



3. Following the initial report, Member States shall report every 3 years on the progress made in the implementation of this Directive and of all delegated acts supplementing this Directive, as referred to in paragraph 1.

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. 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.

## *Article 3*

### **Entry into force**

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

## *Article 4*

### **Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*