Road transport: framework for the deployment of intelligent transport systems and for interfaces with other transport modes

2008/0263(COD) - 10/05/2010 - Council position

In establishing its position at first reading, the Council has taken full account of the proposal of the Commission and the European Parliament's opinion at first reading.

With respect to the amendments proposed by the European Parliament, the Council observes that a considerable number of amendments have – in spirit, partially or fully – already been included in its first reading position. The European Parliament adopted its opinion at first reading on 23 April 2009, approving 57 amendments. The Commission did not present a modified proposal.

General: although the Council agreed with the Commission as regards the objective of the proposal, the Council's approach involves major adaptations of the original proposal on the following issues:

Subject matter and scope: the Council specifies that the proposed framework shall be in support of the coordinated and coherent use of ITS, in particular across the borders between Member States. The Council, in line with the Parliament, foresees that this directive shall not prejudge matters of national security or of interest of defence.

Priority areas: in the Commission proposal four priority areas (optimal use of road, traffic and travel data, continuity of traffic and freight management ITS services on European Transport corridors and conurbations, road safety and security, and integration of the vehicle into the transport infrastructure) were listed in which the Commission should, in particular, define specifications for the deployment and use of ITS applications and services. The European Parliament confirmed the above priority areas, but deleted the possibility to adopt specifications in other areas than the four listed above. The Council position at first reading conforms largely with the position of the European Parliament and foresees an article on its own for the following four priority areas:

- optimal use of road, traffic and travel data;
- continuity of traffic and freight management ITS services;
- ITS road safety and security applications;
- linking the vehicle with the transport infrastructure.

The scope of these priority areas is specified in Annex II of the directive.

Priority actions: no priority actions were set out by the Commission or the Parliament. However, the European Parliament defined four areas (the provision of EU-wide real-time traffic and travel information services, data and procedures for the provision of free minimum universal traffic information services, the harmonised introduction of e-Call throughout Europe and appropriate measures on secure parking places for trucks and commercial vehicles and on telematics-controlled parking and reservation systems) in which the Commission should define specifications for the obligatory deployment and use of the minimum level of ITS applications and services.

The Council position at first reading picks up the idea of the European Parliament to give priority to certain ITS applications and services. To this end, the Council sets up the following **six priority actions**:

- the provision of EU-wide multimodal travel information services;
- the provision of EU-wide real-time traffic information services;
- data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users;
- the harmonised provision for an interoperable EU-wide e-Call;
- the provision of information services for safe and secure parking places for trucks and commercial vehicles;
- the provision of reservation services for safe and secure parking places for trucks and commercial vehicles.

Deployment of ITS applications and services: the Commission proposal foresaw that the Member States take the necessary measures for a coordinated deployment and use of interoperable ITS applications and services within the Union. To this end, the Commission proposed to adopt specifications through the comitology procedure (regulatory procedure with scrutiny) which might also entail obligations for Member States to deploy ITS applications and services. The European Parliament followed largely the Commission proposal by strengthening the respective wording to avoid geographical fragmentation and discontinuity of ITS applications and services. The Council clarifies that Member States decide whether or not to deploy ITS applications and services on their territory. However, if ITS applications and services are deployed, the specifications adopted under this directive shall be respected. The Council also foresees that Member States shall make efforts to co-operate in respect of the aforementioned priority areas insofar no specifications have been adopted.

Specifications: the Council position at first reading develops the idea of the European Parliament to **prioritize certain ITS applications and services reflected in the priority actions**. For this purpose, the Commission shall aim to adopt specifications for the above priority actions. Further, at the latest **12 months after the adoption of the necessary specifications for a priority action**, the Commission shall, where appropriate, and after having conducted an impact assessment accompanied by a cost-benefit-analysis, **present a proposal to the Parliament and the Council on the deployment of that priority action**. Further, the Council specifies that specifications may include functional, technical, organisational and service provisions. The Council conforms with the Parliament's position that Member States, after notification to the Commission, may establish additional rules for the provision of ITS services on their territory. The Council foresees that specifications shall, where appropriate, be based on standards and that the Commission shall always conduct an impact assessment prior to the adoption of specifications. Lastly, the Council foresees that the Commission may adopt specifications through the delegated acts procedure in accordance with Article 290 of the Treaty of the Functioning of the European Union. The power of adopting specifications according to this procedure will end after a period of seven years following the entry into force of this directive. The Parliament or the Council may revoke the delegations of powers to adopt specifications at any time. The European Parliament or the Council may object to specifications within a period of two months from the date of notification. At the initiative of the Parliament or the Council this period may be extended by two months.

Standards and non-binding measures: the Commission proposal and the European Parliament did not make a reference to standards and non-binding measures. The Council makes reference to standards which may be developed in the priority areas and priority actions following the procedure laid down in Directive 98/34/EC. These standards should provide for interoperability, compatibility and continuity for the deployment and operational use of ITS applications and services. Further, the Council introduces an article on the adoption of guidelines and other nonbinding measures by the Commission in order to facilitate Member States' co-operation relating to the priority areas.

Data protection: the Council strengthens the provisions on data protection and privacy.

Rules on liability: the Commission proposal did not foresee rules on liability. The European Parliament considered liability issues as a necessary pre-condition for the swift development and deployment of ITS

applications and services. The Council takes account of the Parliament’s position and makes a reference to relevant existing Union law and national legislation.

Principles for specifications and deployment of ITS: the Commission proposal established certain principles to be respected when selecting and deploying ITS applications and services. The European Parliament strengthened and expanded the above mentioned principles. The Council, inspired by the EP position, develops further the respective provisions by making reference to proportionality, interoperability, backward compatibility and respect existing national infrastructure and network characteristics, equality of access, quality of timing and positioning, and coherence.

Other amendments adopted by the European Parliament but not included in the Council first reading position concern:

- a reference to advanced applications and Community mechanisms for different transport modes such as for railway transport (ERTMS and TAF-TSI), open sea and inland waterways (LRITS, SafeSeaNet, VTMIS, RIS), air transport (SESAR) and land transport, for example, livestock transport;
- a reference to Dedicated Short Range Communication (DSRC);
- a reference to travellers, vehicles and infrastructure and their interaction in the field of road transport, including urban transport, in the article "subject matter and scope";
- the establishment and definition of a minimum level of ITS applications and services;
- additional provisions concerning "Type-approval of road-infrastructure related ITS equipment and software";
- a transposition period of 12 months following the entry into force of this directive;
- the obligation to Member States to draw up a correlation table between adopted national provisions and this directive.