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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

Implementation of 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

(Text with EEA relevance)

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1. INTRODUCTION

1.1. Directive 2010/40/EU

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 mode of transport[1] (hereafter the 'ITS Directive' or 'Directive 2010/40/EU'). This Directive entered into force in August 2010, after a swift legislative process that showed the willingness of the co-legislators to make rapid progress in this new policy field.

The ITS Directive aims at accelerating the coordinated deployment and use across Europe of intelligent transport systems in road transport (and interfaces with other modes). It identifies a list of six priority actions encompassing:

a) the provision of EU-wide multimodal travel information services;

b) the provision of EU-wide real-time traffic information services;

c) data and procedure for the provision, where possible of road safety related minimum universal traffic information free of charge for users;

d) the harmonised provision for an interoperable EU-wide eCall[2];

e) the provision of information services for safe and secure parking places for trucks and commercial vehicles; and

f) the provision of reservation services for safe and secure parking places for trucks and commercial vehicles.

It also lists priority areas in which work is to be further pursued: optimal use of road, traffic and travel data (priority area I); continuity of traffic and freight management ITS services (priority area II), ITS road safety and security applications (priority area III), linking the vehicle with the transport infrastructure (priority area IV). These priority areas correspond to the first four priority areas of the ITS Action Plan[3].

According to Article 6 of the ITS Directive, specifications have to be adopted first for the six priority actions before adopting specifications for other actions in the priority areas. The six priority actions being part of priority areas I and III, the work on specifications focused primarily on these two priority areas.

Directive 2010/40/EU is based on a two-step approach:

- the Commission is empowered first to adopt, through delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU), the necessary specifications — including the functional, technical, organisational or service provisions — to ensure compatibility, interoperability and continuity for the deployment and operational use of ITS[4];

[1] OJ L 207 of 6.8.2010, p. 1.
[2] http://ec.europa.eu/transport/themes/its/road/action_plan/ecall_en.htm
[3] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0886:EN:NOT
[4] Article 3 of the ITS Directive

- in a second stage, at the latest 12 months after the adoption of the necessary specifications for a priority action, the Commission is to present a proposal, where appropriate, to the European Parliament and the Council in accordance with Article 294 of the TFEU, on the deployment of that priority action. The Commission should conduct an impact assessment including a cost-benefit analysis for any such proposal[5].

To that end, the Commission adopted a working programme[6] which specifies and further prioritises the work to be undertaken under the ITS Directive (see 2.1).

To involve public authorities and private actors in the implementation of Directive 2010/40/EU, the Commission is assisted by the European ITS Committee, which gathers representatives from Member States and by the European ITS Advisory Group composed of high-level representatives of ITS stakeholders.

The tasks of the Commission also included the adoption of guidelines for reporting by the Member States[7] and reporting at regular intervals on the progress achieved.

In addition to the specific obligations related to privacy, security and liability[8], Member States must take the necessary measures to ensure that the specifications adopted are applied to ITS applications and services when these are deployed in their territory**.** They must also make efforts to cooperate in respect of the priority areas, insofar as no specifications have been adopted. Reporting obligations for Member States stem from Article 17 of Directive 2010/40/EU. Their purpose is to get a better knowledge of the different activities and intentions of Member States and to stimulate these activities through a better recognition of the added value of ITS for transport policies in national environments.

According to Article 17(4) of the ITS Directive, the Commission must submit a report every three years to the European Parliament and to the Council on the progress made in the implementation of the Directive. It is to be accompanied by an analysis of the functioning and implementation of Articles 5 to 11 and Article 16, including the financial resources used and needed. The report must also assess the need to amend the Directive, where appropriate. In addition, Article 12(1) of this Directive requires the Commission to 'make a report in respect of the delegated powers no later than six months before the end of a five year period following 27 August 2010.'

This Report fulfils both above-mentioned obligations. It is also accompanied by a Commission Staff Working Document on the progress report and review of the ITS Action Plan and by a Commission Staff Working Document on the analysis of the Member States reports of 2011 (on national activities and projects regarding the priority areas) and 2012 (on national ITS actions envisaged over the following five-year period) submitted pursuant to Article 17 (1) and 17(2) of the ITS Directive.

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5 Article 6 of the ITS Directive

6 The working programme on the implementation of Directive 2010/40/EU was adopted by the Commission on 15 February 2011 (C(2011) 289 final) http://ec.europa.eu/transport/themes/its/road/action_plan/doc/c_2011_0289_en.pdf

7 Commission Implementing Decision of 13 July 2011 adopting guidelines for reporting by the Member States under Directive 2010/40/EU of the European Parliament and of the Council, OJ L 193, 23.7.2011, p. 48

8 See articles 10 and 11 of the ITS Directive

1.2. Transposition of Directive 2010/40/EU

In accordance with Article 18 of the Directive, Member States had until 27 February 2012 to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive and to notify them to the Commission.

As at that date, only seven Member States had notified their national transposition measures to the Commission. Several Member States took more than one additional year and the last Member State to notify its final transposition measure did so on 2 January 2014. During ITS Committee meetings, several Member States stated that this illustrated the difficulty of transposing the Directive: the latter contains very few really specific immediate measures to be transposed, as it constitutes a framework, allowing the adoption of subsequent regulatory measures.

2. ANALYSIS OF THE IMPLEMENTATION OF DIRECTIVE 2010/40/EU

2.1. Commission working programme

As provided for by Article 17(5) of the ITS Directive and in line with the timetable established by the Directive, the Commission adopted a working programme, after consulting the European ITS Committee.

The working programme covers the period 2011-15, and provides a general annual overview of the main tasks and activities to be performed by the Commission during this period as regards implementation of the ITS Directive. It focuses on the preparation of specifications related to the six priority actions and the estimated dates for their adoption.

2.2. Delegated acts on specifications

2.2.1. Methodology

The elaboration of the specifications was performed in accordance with the Framework Agreement on relations between the European Parliament and the European Commission[9] and the Common Understanding of the European Parliament, Council and Commission on delegated acts[10].

The actions and tasks performed in preparation of the specifications consist of the following:

- Collection of existing inputs and results from European studies, research projects, national implementation projects, public consultations, existing activities in associations, inputs from stakeholders, etc.

- Cost-benefit analysis.

- Gap analysis and analysis of requirements and possible approaches, in particular through online public consultations undertaken by the Commission to ascertain the views and positions of citizens, stakeholders and Member States.

- Consultations with Member States experts and the European Data Protection Supervisor on draft specifications. The European Parliament and the Council

[9] OJ L 304, 20.11.2010, p. 47.

[10] http://ec.europa.eu/commission_2010-2014/sefcovic/documents/common_understating_on_delegated_acts.pdf

received all relevant documents during the preparation of delegated acts and Parliament's experts were invited to the expert meetings.

- Opinion of the European ITS Advisory Group on draft specifications.

This preparatory work benefited also greatly from various actions, studies, workshops etc. related to the implementation of the ITS Action Plan (see Commission Staff Working Document on Progress Report and review of the ITS Action Plan).

2.2.2. Priority actions

The six priority actions for the development and use of specifications and standards are defined in Article 3 of the ITS Directive and its Annex I.

In accordance with Article 6(2) of the ITS Directive, the Commission had to adopt specifications for one or more of the priority actions by 27 February 2013. In addition, the Commission working programme set the following dates for the adoption of specifications for the first six priority actions:

(a) the provision of EU-wide multimodal travel information services: Q4 2014;

(b) the provision of EU-wide real-time traffic information services: Q4 2013;

(c) data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users: Q4 2012;

(d) the harmonised provision for an interoperable EU-wide eCall: Q4 2012;

(e) the provision of information services for safe and secure parking places for trucks and commercial vehicles: Q4 2012;

(f) the provision of reservation services for safe and secure parking places for trucks and commercial vehicles: Q4 2013.

Adopted specifications

The Commission met the deadline of 27 February 2013 by adopting a first set of specifications, on 26 November 2012, for priority action **(d)**, through Delegated Regulation (EU) No 305/2013 on the harmonised provision for an interoperable EU-wide eCall[11]. This Delegated Regulation establishes the specifications, based on standards, for the upgrading of the Public Safety Answering Point (PSAP) infrastructure required for the proper receipt and handling of eCalls in order to ensure the compatibility, interoperability and continuity of the harmonised, EU-wide eCall service.

Regarding priority action (c), on 15 May 2013, the Commission adopted Delegated Regulation (EU) No 886/2013 with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users[12]. It establishes the specifications necessary to ensure compatibility, interoperability and continuity for the deployment and operational use of the relevant data and procedures for a defined set of road safety incidents. The Delegated Regulation addresses both public and private stakeholders and provides for sharing safety-related data at no extra cost to end users through a national access point in a

[11] OJ L 91, 3.4.2013, p. 1

[12] OJ L 247, 18.9.2013, p. 6

common standardised format (DATEX[13]), therefore contributing to interoperability and predictability for any potential users of such data. Nevertheless, it was not possible to specify detailed quality requirements in the timeframe of the elaboration of these specifications: a task force, involving public and private stakeholders, has therefore been established to look into quality criteria, and monitoring and assessment methods.

Regarding priority action (e), on 15 May 2013, the Commission adopted Delegated Regulation (EU) No 885/2013 with regard to the provision of information services for safe and secure parking places for trucks and commercial vehicles[14]. It establishes the specifications necessary to ensure compatibility, interoperability and continuity for the deployment and operational use of information services. The Delegated Regulation addresses both public and private stakeholders and defines the necessary elements to provide information services in a harmonised manner, including some advanced features on dynamic information. Just as for priority action (c), quality requirements are minimal.

These three sets of specifications were prepared in close cooperation with Member States in dedicated expert meetings[15] to which the European Parliament and the European Data Protection Supervisor were invited, and after stakeholder consultations, in particular through online public consultations and workshops.

Ongoing work on the remaining priority actions

In preparation of the work on specifications for priority action (a) on EU-wide multimodal travel information services, several initiatives have already been launched (1st Smart Mobility Challenge[16], studies, workshops and public consultations[17]). The objective is to have these specifications adopted in 2015. In parallel, the Commission initiated a discussion[18] on a possible initiative on access to multimodal transport data in order to address the challenge to make transport data accessible, covering all modes of transport and mobility services. This reflection led in a first stage to the Commission Staff Working Document 'Roadmap towards delivering EU-wide multimodal travel information, planning and ticketing services' in June 2014[19]. This will possibly lead to a legal proposal on access to multimodal travel and traffic data, depending on the outcome of an impact assessment to be finalised in the course of 2014.

For priority action (b) on EU-wide real-time traffic information services, the Commission has already organised several workshops and expert meetings in preparation of the specifications. The objective is to have these specifications adopted by the end of 2014. This delay compared with the initially estimated timetable is partly explained by the very broad scope of these specifications as specified in Annex I to the ITS Directive, and by the need to build a shared understanding with Member States on the scope of the specifications. They will

13 DATEX: European Technical Specification for modelling and exchanging ITS-related information

14 OJ L 247, 18.9.2013, p. 1

15 http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1941

16 1st Smart Mobility Challenge : http://ec.europa.eu/transport/its/multimodal-planners/index_en.htm

17 http://ec.europa.eu/transport/themes/its/road/action_plan/promotion_multimodal_planners_en.htm

18 http://ec.europa.eu/transport/themes/its/events/2013-11-15-towards-eu-wide-multimodal-travel-planning_en.htm

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focus on the enabling conditions for EU-wide real-time traffic information services and are therefore much more related to the back office than to the services themselves.

Regarding specifications for priority action (f) on the provision of reservation services for safe and secure parking places for trucks and commercial vehicles, the Commission conducted several consultations with Member State experts and the main stakeholders. The discussions highlighted that there is a low number of parking areas that could offer reservation services in 2014 (representing only 2% of parking places), and that there was, therefore, currently no need for specifications and standards on reservation of parking areas. However, further developments will be monitored and, if appropriate, the issue reconsidered in this perspective. Should standardisation activities be needed, they might be considered in the broader context of the forthcoming e-Freight initiative.

2.2.3. Other actions in the priority areas and beyond

As required under Article 6 of the ITS Directive, the Commission has to adopt specifications for other actions in priority areas, listed in Annex I to the ITS Directive, once the necessary specifications for the priority actions have been adopted. As explained in the Commission Staff Working Document on Progress Report and review of the ITS Action Plan, work has started on *cooperative systems*, based on research projects and many consultations of stakeholders including the European ITS Committee and the European ITS Advisory Group. The aim is to evaluate obstacles and enabling conditions and identify how the Commission can foster the deployment of such systems in the Union. Furthermore, preparatory studies have been carried with the aim to promote open access for ITS services (*open in-vehicle platform)*. In addition, there are indications that new possible domains for specifications (e.g. crowd-sourcing for transport data, automated driving) could be further explored with the aim to further enhance the practical use of intelligent transport systems.

2.3. Proposals on deployment

2.3.1. The interoperable EU-wide eCall (priority action d)

In addition to the recommendation to Member States targeting mobile network operators to support the transmission of the eCalls[20] and the specifications[21] containing requirements for the upgrade of the public safety answering point infrastructure the Commission adopted on 13 May 2013 two legislative proposals: one for a Decision of the European Parliament and of the Council on the deployment of the interoperable EU-wide eCall[22]; the second for a Regulation of the European Parliament and of the Council concerning type-approval requirements for the deployment of the eCall in-vehicle system[23].

The proposal for a Decision was adopted by the co-legislators on 25 May 2014 and subsequently published in the Official Journal[24]. In accordance with its provisions,

20 C(2011) 6269 final
21 Delegated Regulation (EU) No 305/2013
22 COM(2013)315 final
23 COM(2013)316 final
24 OJ L 164, 3.6.2014, p. 6

public safety answering points are to be made operational across the Union at the latest 6 months before the date of application of the type-approval requirements for the eCall in-vehicle system and in any case no later than 1 October 2017. This Decision makes explicit the right of each Member State to organise its emergency services in the most cost-effective way and appropriate to its needs.

The legislative process in relation to the type-approval proposal regarding the eCall in-vehicle system is still ongoing.

2.3.2. Other priority actions (c and e)

Some Member States have been very active recently in the deployment of services related to priority actions (c) on road safety-related information and (e) on information services on safe and secure parking places for trucks. However, in times of scarce financial resources, it seemed more reasonable, before setting any general deployment obligation, to first support developments that have followed the adoption of the specifications, through monitoring and exchange of best implementation practices among Member States, as well as through the latest trans-European transport networks (TEN-T) call for proposals and the upcoming Connecting Europe Facility calls. After learning from these first efforts and building on best practices, the need for proposals of legislative acts on mandatory deployment will then be assessed at a later stage.

2.4. Standards

Several standardisation activities related to the priority areas have been ongoing or completed since the adoption of the ITS Directive.

The eCall standards referred to in Delegated Regulation (EU) No 305/2013 have been adopted. Under the European Committee for Standardisation, CEN/TS 16454 on eCall end to end conformance testing is expected to become a full CEN standard before the end of 2014. A minor revision of these standards in order to integrate the outcome of the HeERO pilot projects[25] will also be finalised, most probably before the end of 2014.

The implementation of standardisation mandate M/453 on cooperative systems is well advanced. Both CEN (TC 278 WG16) and the European Telecommunications Standards Institute ETSI (TC ITS), but also other standardisation organisations, have provided standards relevant for cooperative ITS, falling within the scope of mandate M/453. Evaluation of the application of existing standards is an ongoing activity in the standardisation process in the relevant technical committees and working groups of CEN, ISO, SAE, IEEE and ETSI[26]. The ITS standardisation work is also benefitting from the international cooperation of the European Union with the United States of America and other partners working on global harmonisation of ITS standards. This cooperation accelerates standards definition and leads to quicker ITS deployment.

Additional standardisation needs falling within the scope of the ITS Directive have been identified. These include implementation of eCall in vehicles of categories

[25] For more information about the HeERO projects www.heero-pilot.eu

[26] CEN: European Committee for Standardization; ISO: International Organization for Standardization
SAE: Society of Automotive Engineers; IEEE: Institute of Electrical and Electronics Engineers;
ETSI: European Telecommunications Standards Institute

other than M1 and N1; guidelines on certification of (aftermarket) eCall systems; completion of mandate M/453; open in-vehicle platform architecture; integration of accurate (public) road data in digital maps; safe integration and operation of nomadic devices; and urban ITS. These have all been added to the 2013 Commission Rolling plan for ICT standardisation[27] in view of possible future standardisation mandates.

2.5. Non-binding measures

2.5.1. Guidelines for reporting by the Member States

As required under Article 17 of the ITS Directive, the Commission adopted on 13 July 2011 guidelines for reporting by Member States under Directive 2010/40/EU[28].

2.5.2. Urban ITS guidelines

These Guidelines have been prepared under the ITS Action Plan (see Commission Staff Working Document on the progress report and review of the ITS Action Plan). They have raised awareness about urban ITS features and provided input for the Commission Staff Working Document on Mobilising Intelligent Transport Systems for EU cities[29] which was part of the Urban Mobility Package adopted on 17 December 2013[30].

2.6. Protection of personal data rules

Relevant provisions related to protection of personal data, security and re-use of information rules have been included in all adopted specifications. These build on a preparatory study[31] commissioned in the framework of the ITS Action Plan[32] and are in accordance with Article 10 of the ITS Directive. The European Data Protection Supervisor has been systematically invited to Member State expert meetings in preparation of the specifications and his opinions on the final drafts of the specifications have been duly taken into account. This will also be the case for all future specifications and proposals.

2.7. Liability

Relevant provisions related to liability rules have been included in all adopted specifications. For these, input was gained from a preparatory study[33] within the framework of the ITS Action Plan, and they are in accordance with Article 11 of the ITS Directive. This will also be the case for all future specifications and proposals.

2.8. Member State reporting

2.8.1. Report on national activities and projects regarding the priority areas

In accordance with Article 17(1) of the ITS Directive, Member States were required to submit to the Commission by 27 August 2011 a report on their national activities and projects regarding the priority areas listed in Article 2 of this Directive.

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27 http://ec.europa.eu/enterprise/sectors/ict/standards/work-programme/index_en.htm

28 OJ L 193, 23.7.2011, p. 48

29 http://ec.europa.eu/transport/themes/urban/doc/ump/swd(2013)527-communication.pdf

30 http://europa.eu/rapid/press-release_IP-13-1255_en.htm

31 http://ec.europa.eu/transport/themes/its/studies/its_en.htm

32 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0886:EN:NOT

33 http://ec.europa.eu/transport/themes/its/studies/its_en.htm

These reports provided a first overview, for the four priority areas of the ITS Directive, on ITS implementation all across the Union.

These 2011 reports are analysed in the Commission Staff Working Document 'Analysis of Member States reports' accompanying this Report.

In accordance with Article 17(3) of the ITS Directive, Member States are to report by 27 August 2014 on the progress made since 2011 report.

2.8.2. Information on national ITS actions envisaged over the following five year period

In accordance with Article 17(2) of the ITS Directive, Member States were required to provide the Commission by 27 August 2012 with information on national ITS actions envisaged over the following five-year period.

These 2012 reports are analysed in the Commission Staff Working Document 'Analysis of Member States reports' accompanying this Report.

For the first time since the adoption of Directive 2010/40/EU, these reports describe the intentions of Member States with regard to the deployment of ITS on their territory in the coming five years. They demonstrate a strong interest and willingness on the part of Member States to foster ITS deployment throughout Europe to support service continuity and smarter mobility, and in particular a clear trend towards further engagement in information services.

As already demonstrated in the 2011 national reports, Member States have invested and have informed that they will continue to invest into priority areas I 'Optimal use of road, traffic and travel data' and priority area II 'Continuity of traffic and freight management ITS services' (further information in the Commission Staff Working Document 'Analysis of Member States reports')[34] . Therefore, specifications in these areas certainly help to ensure interoperability and continuity of the already deployed and future services, and special attention should be devoted to compatibility with existing applications.

Activities related to priority area III 'ITS road safety and security applications' seem to be more limited and notably focused on some specific actions (e.g. eCall, information services for safe and secure truck parking) which benefit now from adopted specifications.

Although the potential of priority area IV 'Linking the vehicle with the transport infrastructure' to contribute to enhancing road safety and reducing traffic congestion is acknowledged by Member States, activities are still in the research/testing/piloting phase. Several Member States have specific plans for pilot projects, but many stakeholders seem still to be in a waiting mode, with still a needed emergence of clear business models for the large-scale deployment of cooperative ITS services and a needed minimal penetration rate of equipped vehicle or infrastructure coverage. A coordination of all involved stakeholders going beyond the mere adoption of specifications or the financial support of pilot projects seems to be needed in order to overcome this situation.

[34] SWD(2014) 319

2.9. European ITS Advisory Group

Pursuant to Article 16 of the Directive, the Commission had to establish a European ITS Advisory Group to advise it on business and technical aspects of the deployment and use of ITS in the Union. The group is to be composed of high level representatives from relevant ITS service providers, associations of users, transport and facilities operators, manufacturing industry, social partners, professional associations, local authorities and other relevant fora,

The European ITS Advisory Group was set up by a Commission Decision on 4 May 2011[35] and its members appointed on 27 January 2012, after an open call for applications[36].

The first meeting was held on 23 March 2012, and the second meeting on 26 February 2013. These meetings were the occasions for discussions with stakeholders on current ITS issues, in particular on strategies regarding enabling conditions for real-time traffic information services, access to transport data and the deployment of cooperative systems. They helped also to share with the stakeholders a common vision on the deployment of cooperative systems, with notably a proposed platform to involve all stakeholders and federate all initiatives, in order to avoid a fragmented patchwork and ensure interoperability of services, systems and technologies.

The Commission has systematically asked members of the European ITS Advisory Group for their written opinions on the business and technical aspects of the draft specifications, and they provided valuable comments for their finalisation.

Main outcome of these meetings have been made available to the European ITS Committee, as requested by the ITS Directive.

3. EFFICIENCY AND APPROPRIATENESS OF DIRECTIVE 2010/40/EU AND THE DELEGATION OF POWER

3.1. Various configurations

The ITS Directive provides a framework for the rapid adoption of specifications, through delegated acts adopted by the Commission. This approach facilitated a rather smooth adoption of specifications for the first three priority actions on road safety-related information services (c), on eCall (d) and on information services for truck parking places (e).

Nevertheless, the context in which these specifications were adopted varies strongly from one action to the other, depending notably on the advancement of EU and national actions and public or private initiatives in these domains.

For eCall, the principles of the initiative were already defined in the Commission Communication 'eCall: Time for Deployment',[37] and a Recommendation[38] to

35 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011D0505(01):EN:NOT

36 http://ec.europa.eu/transport/themes/its/road/action_plan/call_application_eiag_en.htm
List of members and summary records of the meetings are available on the Register of Commission Expert Groups.
http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2736

37 COM(2009) 434 final

Member States targeting mobile network operators had already been issued. In addition, standards already existed at the moment the first draft of specifications was proposed for discussion with Member States experts. Pre-deployment pilot projects, based on these standards, had also been launched. The ITS Directive has therefore served to complement the approach and the ongoing initiatives, filling the gap in as far as emergency call centres — otherwise known as public safety answering points – were concerned.

The situation was very different for road safety-related minimum information and information services for truck parking places. There were no dedicated standards on which to base the specifications, although DATEX II, TPEG and RDS TMC[39] standards did serve as a reference for some aspects. Moreover, diverse services were already operating in Member States. This general situation raised additional questions regarding the conditions of application of the upcoming specifications to already existing services. Given the relatively narrow scope of these two actions, it was nevertheless possible to adopt specifications in a relatively short time, including the necessary targeted consultation of stakeholders.

This challenge is proving to be greater for the two remaining priority actions: for the provision of EU-wide multimodal travel information services (a); and for the provision of EU-wide real-time traffic information services (b). This in particular because of their larger scope and the number of stakeholders involved. The same applies to other actions for which a more comprehensive approach, beyond the mere adoption of specifications, may be needed.

3.2. Exercise of the delegation

Political endorsement by Member States

The eCall case provided some lessons regarding the nuances that may exist between the work developed in the context of the specifications with national experts and the political control by the Council once the specifications have been adopted by the Commission. Although there was almost unanimous support for the content of the eCall specifications at expert level, in the Council seven Member States voted in favour of an objection, however in the absence of a qualified majority, the Council did not object. The reasons presented by some of these seven Member States might not necessarily have been related to the specifications in the strictest sense, but to the eCall initiative as a whole, especially the funding linked to the future mandatory deployment of the service, or issues related to the in-vehicle part of the eCall initiative.

Questioning the scope of the delegation of power

In line with article 290 of the TFEU, the ITS Directive empowers the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act.

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38 Commission Recommendation 2011/750/EU of 8 September 2011on support for an EU-wide eCall service in electronic communication networks for the transmission of in- vehicle emergency calls based on 112 (‘eCalls’) - OJ L 303, 22.11.2011, p. 46.

39 TPEG: Transport Protocol Experts Group specifications offering a method for transmitting multimodal traffic and travel information; RDS: Radio Data System; TMC: Traffic Message Channel

Two Member States questioned in writing the validity of the delegation of power to oblige Member States to upgrade existing services in order to meet the requirements of specifications adopted under the ITS Directive. They considered that such an obligation contradicted the right of each Member State to decide on its own deployment as stated in Article 5(1) of the ITS Directive. On 18 December 2013, one Member State referred the two delegated Regulations (EU) N° 885/2013 (truck parking information services) and (EU) N° 886/2013 (road safety-related minimum universal traffic information services) to the General Court of the European Union. It asked for annulment of these two delegated regulations arguing that they exceed the limits of the delegation of powers under Directive 2010/40/EU and therefore infringe upon Article 290 of TFEU.

Insufficiency of the vertical approach

The ITS Directive identifies six priority actions for which specifications are to be adopted. Whereas the first three adopted specifications concern relatively different and distinct domains, the remaining priority actions contain common issues, e.g. common types of data to be specified, common issues regarding access to and availability of data, and data protection and liability. The vertical approach stemming from the ITS Directive may then be complemented by more horizontal approaches on some of these cross-cutting issues. This might be the case in relation to multimodal travel and real-time traffic information services or for horizontal measures on privacy and data protection.

As already mentioned above, for some of the other actions (e.g. cooperative systems), a more comprehensive approach may be needed in order to address the various issues (funding, standardisation, greater coordination of stakeholders, governance linked to deployment etc.) that go beyond the scope of possible specifications.

Expiration date of the delegation

The power to adopt delegated acts has been conferred on the Commission until 27 August 2017. While this has been and still is an efficient and flexible instrument for the finalisation of the adoption of specifications for all six priority actions, the necessity to adopt specifications for the other actions listed in Annex I of the ITS Directive) would call for an extension of this deadline.

3.3. Follow-up of specifications

For eCall, the HeERO[40] pilot projects and the European eCall Implementation Platform[41] provided frameworks for exchanges on the implementation of the eCall Delegated Regulation. For the other adopted specifications, the need arose to better structure the follow-up in Member States of the implementation of specifications for road safety-related information services (c) and information on parking places for trucks (e).

Therefore, the Commission convened meetings with Member State experts in October 2013 and January 2014. It intends to continue and develop this dialogue, in

40 http://www.heero-pilot.eu

41 http://www.imobilitysupport.eu/imobility-forum/governance-structure/european-ecall-implementation-platform-eeip

particular through a specific collaborative platform (wik-ITS) in order to support a common interpretation of the specifications and the exchange of best practices, and to share frequently asked questions.

Assistance to the implementation of the specifications will also be provided through funding under the Connecting Europe Facility and Horizon 2020 and by ongoing stakeholders initiatives/platforms such as the European eCall Implementation Platform, the iMobility Forum Working Group on SafeApps, TISA guidelines on mapping of safety events into DATEX/TPEG/RDS standards, the European ITS Platform (project funded under TEN-T Call 2012) on DATEX node/national access point and quality of SRTI etc[42].

These follow-up measures will also help to assess the need to launch possible proposals for deployment in the near future.

4. FINANCIAL RESOURCES USED AND NEEDED

The adopted specifications are still quite recent, therefore the financial resources used and needed are based on an estimation of the necessary upgrade of existing services and of their likely deployment in the Member States.

The HeERO I and II pre-deployment pilot projects for eCall have received investments totalling €9.4m and €4.3m (of which €4.7m and €2.1m is European Union funding) under the Competitiveness and Innovation Programme (CIP), the scope of which was wider than purely implementing the specifications. Additional funding will be needed to upgrade the public safety answering point infrastructures in all Member States, as estimated in Annex XIV of the eCall impact assessment[43].

Regarding priority action (c), the collection of additional data necessary for the provision of the road-safety related traffic information service requires initial investments (e.g. for sensors, CCTV, weather stations, 112 reports or user reports, private providers / floating car data) and will generate subsequent costs for maintenance, operation and replacement. Depending on various parameters (e.g. length of the network equipped, density and type of equipment, data collection method and technology, pre-existing equipment and data), the costs of additional data collection can vary greatly across Member States, even by a factor of 10 between low and high costs estimates. It is estimated that operating the information service will cost an average of €1.4m annually for a Member State having no service at all today.[44]

Regarding priority action (e), €4m a year are the estimated EU-wide costs that will be incurred by truck parking-area operators and public authorities for the EU-wide implementation of the common specifications (provision of static data, implementation, management of a static database and costs for haulers). Dynamic information will most probably be deployed in a limited number of priority zones (each zone comprising an average of 10 parking areas), the costs per priority zone

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42 TISA: Traveller Information Services Association; SRTI: road safety related minimum universal traffic information.

43 http://ec.europa.eu/smart-regulation/impact/ia_carried_out/docs/ia_2011/sec_2011_1019_en.pdf

44 More information on costs in the study on Priority Action Action C - Free Road Safety Traffic Information - Final Report http://ec.europa.eu/transport/themes/its/studies/its_en.htm

being estimated at around €2m for initial investment and €0.2m annual operating, maintenance and depreciation costs.[45]

The last TEN-T call for proposals launched in December 2013 offered the opportunity to support projects falling within the scope of the ITS Directive. Of particular interest are deployment projects of ITS core services along European corridors, and studies including real life trials and pre-deployment preparations, e.g. for cooperative systems and upgrades of eCall public safety answering points. The same opportunity will arise from the upcoming Connecting Europe Facility calls starting in 2014.

Standardisation activities have been supported under the EU budget, representing to date an amount of €165 000 for eCall and €1.338m for cooperative systems under the M/453 standardisation mandate. The preparation and maintenance of the DATEX specifications benefited from various funding sources (study, grant, projects under the TEN-T programmes) for an estimated total amount of €1.4m.

Additional financial resources, still to be estimated, will be needed for the other standardisation items listed in the rolling plan for ICT standardisation.

5. CONCLUSION

So far, the ITS Directive has been an efficient tool for the rapid adoption of common specifications for the first three priority actions.

The work on the specifications for the remaining two priority actions (EU-wide real-time traffic information and EU-wide multimodal travel information services) will be dealt with before the end of the working programme in 2015. Regarding reservation services for safe and secure parking places for trucks and commercial vehicles, no further action in the near future is needed.

Taking into account the emergence of new long-term trends also mentioned in the Commission Staff Working Document on the progress report and review of the ITS Action Plan (e.g. use of crowd-sourcing for transport data, partly automated driving, deployment of cooperative systems) and the possible necessity to set up new priorities beyond the six currently defined priority actions and four priority areas, over and above the important elements listed in Annex I to the ITS Directive, it seems necessary as a first step to prioritise the remaining actions to be addressed in the current scope of the ITS Directive and ITS Action Plan. In a second phase, it will be necessary to reflect on, and start preparing work for a possible revision of the ITS Directive and of the supporting ITS Action Plan, taking into account the constant technical evolution of ITS and building also on the conclusions of the Commission Staff Working Document on the progress report and review of the ITS Action Plan.

[45] More information on costs in the study on Priority Actions E and F - Information and Reservation Services for Safe and Secure Parking Places for Trucks and Commercial Vehicles - Final Report http://ec.europa.eu/transport/themes/its/studies/its_en.htm