



Brussels, 29 March 2023
(OR. en)

Interinstitutional File:
2021/0419(COD)

6167/2/23
REV 2

LIMITE

TRANS 45
TELECOM 31
IND 40
CODEC 140
DATAPROTECT 31
DIGIT 18

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	ST 5686/23 ST 6167/23 REV1
Subject:	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 - Further revised Presidency discussion paper

Delegations will find in the annex a further revised Presidency discussion paper in view of the meeting of the Working Group on Transport - Intermodal Questions and Networks on 31 March 2023.

The revision takes stock of delegations' comments at and following the meeting on 10 March 2023, as well as of the interventions from the Commission.

Changes are made to Articles 6a and 7, Annex III and recital 12, shown in **grey shaded** compared to the previous version of the discussion paper.

As regards the references to Urban Nodes (Annex III) and the mechanism for modifying the Annexes (Article 7), the Presidency has taken note of the various comments and is further considering possible improvements of the text.

Revision of the Directive on the framework for deploying Intelligent Transport Systems

Revised Presidency discussion paper on data types and services (Annexes III and IV)

ANNEX III

List of data types

NOTE: Changes to the initial document are highlighted in grey shaded.

Data type	Geographical coverage	Date referred in Article 6a(1), second subparagraph, first indent	Date referred in Article 6a(1), second subparagraph, second indent
1. Data relating to the provision of EU-wide road traffic information and navigation services (as referred to in Annex I, Priority area I, paragraphs 1.2, 1.3):			
1.1 <u>Category</u> : Static and dynamic traffic regulations, where applicable, concerning:			
<u>Subcategory</u> : <ul style="list-style-type: none"> - access conditions for tunnels - access conditions for bridges - speed limits - overtaking bans on heavy goods vehicles - weight/length/width/height restrictions 	The trans-European core network for roads.	31 December 2025 [if an expression linked to entry into force is preferred, it could be here for instance: “[date of entry into force plus two years]”]	31 December 2027
	The comprehensive trans-European network for roads, other motorways and sections of primary roads, as identified in accordance with Articles 2, point 23, and 13 of Delegated	31 December 2026	31 December 2028

	Regulation (EU) 2022/670 ¹ , where the total annual average daily traffic is more than 2 000 vehicles and road infrastructure in the cities at the centre of each Urban Node as defined in [Article 3, point (f), of the TEN-T Regulation] ²		
<u>Subcategory:</u> - one-way street	Road infrastructure in the cities at the centre of each Urban Node as defined in [Article 3, point (f), of the TEN-T Regulation]	31 December 2025	31 December 2027
<u>Subcategory:</u> - freight delivery regulations	Road infrastructure in the cities at the centre of each Urban Node as defined in Article 3, point (f), of the TEN-T Regulation	31 December 2026	Delegated acts to be adopted pursuant to Article 7(1a) (c)
<u>Subcategory:</u> - direction of travel on reversable lanes	The core and comprehensive trans-European network for roads, other motorways and sections of primary roads, as identified in accordance with Articles 2, point 23, and 13 of Delegated Regulation (EU) 2022/670, where the total annual average daily traffic is more than 2 000 vehicles and road infrastructure in the cities at the centre of each Urban Node as defined in [Article 3, point (f), of the TEN-T Regulation]	31 December 2026	Delegated acts to be adopted pursuant to Article 7(1a) (c)

¹ Commission Delegated Regulation (EU) 2022/670 of 2 February 2022 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 122, 25.4.2022, p. 1).

² Definition provided in revision of TEN-T Regulation (on-going).

<p><u>Subcategory:</u></p> <ul style="list-style-type: none"> - traffic circulations plans 	<p>The core and comprehensive trans-European network for roads, other motorways and sections of primary roads, as identified in accordance with Articles 2, point 23, and 13 of Delegated Regulation (EU) 2022/670, where the total annual average daily traffic is more than 2 000 vehicles and road infrastructure in the cities at the centre of each Urban Node as defined in [Article 3, point (f), of the TEN-T Regulation]</p>	<p>Delegated acts to be adopted pursuant to Article 7(1a) (c)</p> <p>[NOTE: to be discussed if placing a date here becomes possible after better understanding of the minimum/relevant information content]</p>	<p>Delegated acts to be adopted pursuant to Article 7(1a) (c)</p>
<p><u>Subcategory:</u></p> <ul style="list-style-type: none"> - permanent access restrictions 	<p>The core and comprehensive trans-European network for roads, other motorways and sections of primary roads, as identified in accordance with Articles 2, point 23, and 13 of Delegated Regulation (EU) 2022/670, where the total annual average daily traffic is more than 2 000 vehicles and road infrastructure in the cities at the centre of each Urban Node as defined in [Article 3, point (f), of the TEN-T Regulation]</p>	<p>31 December 2026</p>	<p>Delegated acts to be adopted pursuant to Article 7(1a) (c)</p>
<p><u>Subcategory:</u></p> <ul style="list-style-type: none"> - boundaries of restrictions, prohibitions or obligations with zonal validity, current access status and conditions for circulation in regulated traffic zones 	<p>The core and comprehensive trans-European network for roads, other motorways and sections of primary roads, as identified in accordance with Articles 2, point 23, and 13 of Delegated Regulation (EU) 2022/670, where the total annual average daily traffic is more than 2 000 vehicles, and road infrastructure in the cities at the centre of each Urban Node as defined in [Article 3, point (f), of the TEN-T Regulation]</p>	<p>31 December 2026</p>	<p>Delegated acts to be adopted pursuant to Article 7(1a) (c)</p>
<p>1.2 Data category: Data types on the state of the network</p>			

<u>Subcategory:</u> - road closures - lane closures - roadworks	The trans-European core network for roads	31 December 2025	Not applicable (note 1)
	The comprehensive trans-European network for roads	31 December 2026	Not applicable (note 1)
<u>Subcategory:</u> - temporary traffic management measures	The trans-European core and comprehensive network for roads	Delegated acts to be adopted pursuant to Article 7(1a) (c) [NOTE: to be discussed if placing a date here becomes possible after better understanding of the minimum/relevant information content]	Not applicable (note 1)
<u>2. Data category: data relating to information and reservation services for safe and secure parking places for trucks and commercial vehicles (as referred to in Annex I, Priority area III, paragraph 3.2):</u>			
<u>Subcategory:</u> - static data related to the parking areas - information on safety and equipment of the parking area	The trans-European core network for roads	31 December 2025	31 December 2026
	The comprehensive trans-European network for roads	31 December 2026	31 December 2027
<u>Subcategory:</u> - dynamic data on availability of parking places including whether a parking is full, closed or number of free places available.	The trans-European core network for roads	Delegated acts to be adopted pursuant to Article 7(1a) (c) [NOTE: to be discussed if placing a date here becomes possible after better understanding of the obligation]	Not applicable (note 1)

	The comprehensive trans-European network for roads	Delegated acts to be adopted pursuant to Article 7(1a) (c) NOTE: to be discussed if placing a date here becomes possible after better understanding of the obligation]	Not applicable (note 1)
3. Data category: data on detected road safety-related events or conditions relating to road-safety-related minimum universal traffic information (as referred to in Annex I, Priority area III, paragraph 3.3):			
Subcategory: - temporary slippery road - animal, people, obstacles, debris on the road - unprotected accident area - short-term road works - unmanaged blockage of a road - wrong-way driver	The core and comprehensive trans-European network for roads and other motorways not included in that network and sections of primary roads, as identified in accordance with Articles 2, point 23, and 13 of Delegated Regulation (EU) 2022/670	31 December 2025	Not applicable (note 1)
Subcategory - reduced visibility - exceptional weather conditions	The core and comprehensive trans-European network for roads and other motorways not included in that network and sections of primary roads, as identified in accordance with Articles 2, point 23, and 13 of Delegated Regulation (EU) 2022/670	31 December 2026	Not applicable (note 1)
4. Data category: Static multimodal traffic data for EU-wide multimodal travel information services (as referred to in Annex I, Priority area I, paragraphs 1.1 and 1.3):			

<p><u>Subcategory:</u> Location of identified access nodes for all scheduled modes, including information on accessibility of access nodes and paths within an interchange (such as existence of lifts, escalators)</p>	The entire transport network of the EU ³)	31 December 2026	Delegated acts to be adopted pursuant to Article 7(1a) (c)
--	---	-------------------------	---

Note 1: “Not applicable: no obligation to make the data created or updated before the date set out in the third column of this Annex available pursuant to Article 6a(1)”.

ANNEX IV

List of ITS services

Service	Geographical coverage	Date
Road safety-related minimum universal traffic information (SRTI) service (as referred to in Commission Delegated Regulation (EU) No 886/2013)	The core and comprehensive trans-European network for roads	31 December 2026

³ NOTE: access nodes mainly in Urban Nodes.

Directly relevant legislative text

NOTE: Changes to text as agreed for general approach, other than minor editorial changes, are highlighted in **bold underlined**, text added since the previous document are **grey shaded**.

Recitals

“(12) Most actions under Directive 2010/40/EU, with the exception of eCall, have focused on **ensuring the adoption of specifications to ensure** 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 **creating and** making that data available **in such format** or for deploying specific services. The use of a number of ITS services has become widespread: for instance incident detection enabling road safety-related traffic information services; **likewise the use of** crucial data **within other priority areas identified in this Directive**, 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 Council⁴. The mandatory provision of ~~such~~ **certain** ITS services and crucial data **in machine-readable format** is considered necessary to ensure both continued availability of such data and continued delivery of such services across the Union. **It implies that the underlying information to be reflected in the machine-readable data already exists, irrespective of the format or medium in which it is presented. Underlying information is information in scope of the ITS Directive; for example, only when competent authorities issue an adverse weather warning (e.g. on the radio or an overhead gantry) does the underlying information exist. The ITS Directive does not prescribe whether specific traffic information needs to be created (for example, creating traffic circulation plans), nor under which circumstances a safety related warning should be issued (for example, whether snowfall triggers a warning for drivers) or which value a traffic**

⁴ 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).

regulation should carry (for example, the level of a speed limit). All of this remains at the discretion of the competent authorities, which implies that differences apply in practice (for instance the same snowfall can trigger a decision to issue a warning in some regions but not in others). In addition, the mandatory provision of certain ITS services, and of crucial data in a digital machine-readable format, does not require investments in the road-side equipment of the network to collect additional information.

Data types and services, the provision of which should be made mandatory **under this Directive**, should be identified ~~based on~~ **on the basis of** the specifications ~~set out in~~ adopted by the Commission by means of delegated acts supplementing Directive 2010/40/EU, in particular Commission Delegated Regulations (EU) No 2022/670, (EU) 885/2013, (EU) 886/2013 and (EU) 2017/1926, and reflect the data types and services set therein. ~~Where~~ The specifications already adopted by the Commission, including standards referred to therein, do not yet provide a harmonised definition of the leave room for choices concerning the digital content of an element of information to be made available in a machine-readable format. Preparatory work, such as profiling of standards, might be needed to provide for a common approach of implementation definition. In those cases, the ITS working programme should describe the preparatory work to be carried out and the applicable dates for the provision of these data types and related services should take into account this additional work.

(12a) The necessary conversion from non-digital information into a digital machine-readable format requires a gradual and proportionate approach, in view of the large amount of stakeholders involved and their uneven technical capacities, as well as in view of the large amount of information. Therefore, the mandatory provision of certain data in a digital machine-readable format should in the first stage concern information created or information updated after a specific starting date; in the second stage, also information which had been previously created should fall under the obligation. For other data for which information is getting outdated quickly, making only new or updated information available might suffice.

In the interest of continuity, data types and services the provision of which should be made mandatory under this Directive will require their availability within a concrete geographical scope. ~~For determining~~ That scope should likewise be defined on the

basis of a gradual and proportionate approach should be followed, based on the experience and results already obtained and being obtained during the expansion.

Articles (General approach)

'Article 4a

Working programme

1. 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 **at least the following elements:**

a) objectives and dates for its implementation every year, **indicating for which work items specifications should may be developed in accordance with Article 6;**

b) ~~as well as the data types and ITS services~~ the list of data categories and ITS services, for which the Commission may adopt delegated acts pursuant to Article 7(~~1~~) **and (2)(1a) and (1b);**

c) **preparatory work to be carried by the Commission in cooperation with stakeholders and Member States pursuant to Article 7(1).**

2. 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 **adopted in accordance with the examination procedure referred to in Article 15(4),** ~~adopt~~ issue a new working programme, **which shall include at least the elements referred to in paragraph 1, points (a) to (c) and (b).** ~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(4).~~

'Article 6a

Availability of data and deployment of ITS services

1. Member States shall ensure that for each data type listed in Annex III, **where the underlying information already exists, such** data is available for the geographical coverage relative to ~~the respective~~ such data type as early as possible and no later than the respective date set out in ~~that Annex~~ **the implementing acts referred to in paragraph 3.**

Member States shall ensure that:

- data corresponding to information created or updated on or after the date set out in the third column of Annex III is made available without delay;
- unless otherwise provided for in Annex III, other data, corresponding to all existing information, created or updated before the date set out in the fourth column of that Annex, is made available without delay after that date.

Where no date is set out in the third or fourth column of Annex III, the applicable dates shall be defined by means of a delegated act adopted under Article 7.

The deadlines pursuant to this paragraph shall apply only to the existing infrastructure. In case a road section is completed at a later date, the date of completion shall be the relevant deadline.

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

Article 6b

Deployment of ITS services

2. Member States shall ensure that the ITS services specified in Annex IV are deployed for the geographical coverage as early as possible and, in any event, no later than the respective dates set out in that Annex ~~set out in that Annex by the date specified there and no later than the respective date set out in the implementing acts referred to in paragraph 3.~~

Article 7

Amendments to Annexes III and IV

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

‘1. Before adopting delegated acts under this Article, the Commission shall, as part of the recurrent consultation process and together with experts designated by Member States and with stakeholders, ascertain the maturity of descriptions for the digital content of data types which are to be made available in accordance with Article 6a and ensure the finalisation of carry out appropriate preparatory work in order to provide a harmonised definition of the digital content of data types which are to be made available

in accordance with Article 6a, where such a definition is likely to advance ITS deployment and quality and is not already provided in existing specifications.

1a. Following a cost-benefit analysis and an impact assessment including appropriate consultations, the Commission **shall be** empowered to adopt delegated acts in accordance with Article 12 **in view of market and technological development throughout the Union, in order** to amend the list of data types in Annex III, **by including**

(a) adding or modifying data types which are inherently linked to the priority areas set out in Annex I and which are listed in the specifications established pursuant to Article 6(8), where the availability of such data types brings, according to the cost-benefit analysis and impact assessment, important and clearly justified benefits and improvements in terms of transport sustainability, transport safety and security, or transport efficiency and management, and defining the geographical coverage for which those new data types shall be made available as well as the corresponding applicable dates or;

(b) where clearly justified, deleting data types included in Annex III;

(c) defining the applicable dates for data types listed in Annex III for which no dates have been defined at [date of adoption of the amending Directive].

the date of implementation and the geographical coverage for each data type:

1b. Those amendments The delegated acts adopted under paragraph 1a of this Article shall be consistent with the data types categories set out in the latest working programme adopted in accordance with Article 4a17(5) and shall relate, where relevant, to the digital content defined in the framework of the preparatory work referred to in paragraph 1 of this Article.

Each delegated act adopted under paragraph 1a of this Article shall not cover more than one priority area.

1c. Where the delegated acts adopted pursuant to point (a) and (c) of paragraph 1a concern data which fall within the scope of one of the data categories or subcategories already referred to in Annex III, the geographical coverage shall be the same as the one defined in that Annex for those categories or subcategories. In cases where the data does not fall within that scope, the geographical coverage shall be appropriate to the type of data concerned.

1d. The dates set out in the delegated acts adopted pursuant to point (a) and (c) of paragraph 1a shall

- **as regards the third column of Annex III, not be set before the expiry of two years after the entry into force of the delegated act concerned;**
- **as regards the fourth column of Annex III, not be set before the expiry of [four] years after the entry into force of the delegated act concerned. However, in case that Annex III already specifies a date in the third column, the date for the fourth column shall not be set before the expiry of two years after the date specified there and not before the expiry of two years after the entry into force of the delegated act concerned.**

However, where the availability of existing data corresponding to information created or updated before the date set out in the third column of Annex III is not deemed necessary on the ground that the corresponding information is getting outdated quickly, the delegated acts adopted pursuant to point (a) and (c) of paragraph 1a may indicate in the fourth column of Annex III that the obligation laid down in Article 6a(1), second subparagraph, shall not apply to such data.

2. 4b: Following a cost-benefit analysis ~~taking due account of market developments and technology evolution~~ and an impact assessment including appropriate consultations, the Commission ~~shall be~~ empowered to adopt delegated acts in accordance with Article 12 **in view of market and technological development throughout the Union, in order** to amend the list of ITS services in Annex IV ~~by, including~~

(a) adding or modifying services within the scope of Annex I in respect of which specifications have been established pursuant to Article 6(8), where the provision of such services brings, according to the cost-benefit analysis and impact assessment, important and clearly justified benefits and improvements in terms of transport sustainability, transport safety and security, or transport efficiency and management, and defining the geographical coverage for which those new services shall be deployed as well as the corresponding applicable dates, or

(b) where clearly justified, deleting services included in Annex IV.

~~the date of implementation and the geographical coverage for each ITS service.~~

Each delegated act ~~Those amendments~~ shall be consistent with the list of ITS services set out in the latest working programme adopted in accordance with Article ~~4a17(5)~~ **and shall not cover more than one priority area.**

The dates set out in the delegated acts adopted pursuant to point (a) shall not be set before the expiry of two years after the entry into force of the delegated act concerned.

3. When adopting delegated acts pursuant to this Article, the Commission shall take duly into account the risk of interference with personal data as well as the costs and human resources needed to make the relevant data available or to deploy the relevant services with a sufficient level of quality in order to ensure that those costs and resources, in particular those incurred by public authorities, are kept to a minimum. The Commission shall also consider the costs and administrative burden on private operators which may be required to provide the data and services.

~~(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.’;~~
