European Economic and Social Committee

OPINION

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Revision of the Directive on intelligent transport systems

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
[COM(2021) 813 final - 2021/0419 (COD)]

TEN/765

Rapporteur: **Stefan BACK**

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Referrals	European Parliament, 27/01/2022 Council, 28/01/2022
Legal basis	Articles 91 and 304 of the Treaty on the Functioning of the European Union
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	10/03/2022
Adopted at plenary	23/03/2022
Plenary session No	568
Outcome of vote (for/against/abstentions)	225/1/5

1. Conclusions and recommendations

1.1 The EESC welcomes the Commission proposal, which is fully in line with the EESC's recommendations in its earlier opinion on Cooperative Intelligent Transport Systems, and sees considerable added value in the proposal with respect to improvements, security, safety and efficiency.

1.2 The EESC also welcomes the broader scope of the information to be provided and the obligation on Member States to cooperate. In particular, attention may be drawn to the widened scope of information exchange regarding freight, as well as cooperative, connected and automated mobility, including vehicle-to-vehicle communication, which also significantly improves road safety.

1.3 The EESC notes that the improved efficiency will concern both freight and passenger transport, enabling, for instance, the progress of a consignment to be followed.

1.4 While appreciating the need to standardise exchange of information, the EESC nevertheless underscores the need to leave reasonable room for local and company-specific solutions, where duly justified and proportionate, also taking into account possible impacts on the internal market.

1.5 The EESC underscores that the deployment of ITS must be undertaken in a broad societal context, considering elements well beyond mere technical aspects, and that failure to do so may have adverse effects, in both sustainability and resource efficiency aspects. In this context, the EESC underlines the importance of devoting sufficient attention and resources to the needs of rural areas, including public service aspects and alternative means of mobility such as walking and cycling.

1.6 The EESC also raises the issue of the sharing of mobility resources and would like to draw attention to the possible need for a delegated act regarding ITS support for that purpose, addressing, for instance, availability of transport resources and capacity, as well as the aggregation of travel needs, and defining matching possibilities to optimise use of capacity.

1.7 Optimising use of available resources, with the increased number of zero-emission vehicles, will improve sustainability.

1.8 The EESC sees the proposal as a significant step towards a Common European Mobility Data Space, meaning added value through improved efficiency, as well as creating prerequisites for improved working conditions in the transport sector, for instance facilitating compliance with legislation on working and rest times, as well as finding and accessing rest areas.

1.9 The EESC draws attention to the importance of confidence building in order for a system built on the sharing of resources and information to be accepted by the public and function properly. This means that, inter alia, privacy and data protection as well as protection for business secrets must be satisfactory. The EESC is therefore looking forward to the framework of governance announced by the Commission in its Communication on a European Strategy for data.

1.10 Regarding in-vehicle data, the EESC also points to the need to ensure both consumer protection and fair competition, as further developed in point 3.18.

1.11 The EESC calls for an urgent sector-specific regulation regarding access to in-vehicle data, functions and resources. So far, the Commission has not put forward a proposal on the matter. Such a delay is particularly detrimental to consumers.

1.12 The EESC also points to the need to improve the inclusion of people with reduced mobility and calls for the accessibility requirements under Directive (EU) 2019/882 to be included in ITS requirements, possibly in the form of a delegated act.

1.13 Finally, the EESC reiterates its offer made in the above-mentioned opinion on Cooperative Intelligent Transport Systems to assist the Commission in its implementing activities by serving as a link with civil society.

2. Background

2.1 The Commission proposal is part of the implementation of the Commission's 2020 Sustainable and Smart Mobility Strategy (the Strategy) and the transformation of the European transport system. It sets out where digitalisation plays a key role in making the transport system seamless and more efficient.

2.2 Intelligent transport systems (ITS) play a key role in creating a connected and automated multimodal mobility system which will improve the efficiency, safety and sustainability of transport.

2.3 In line with its Communication on a European Strategy for Data (COM(2020) 66), the Commission has submitted the current proposal to contribute to implementation of the objectives of the Green Deal and to make Europe fit for the digital age.

2.4 The ITS Directive (2010/40/EU) needs updating to meet the challenges of technical development in ITS and in particular to improve cooperation among stakeholders as well as the availability of ITS services.

2.5 The proposal for updating the ITS Directive is part of a legislative package that focuses on the goals of CO_2 emission reduction, digitalisation and improved resilience of transport infrastructure. For instance, both the proposal for a review of the TEN-T Regulation[1] and the Communication on the new urban mobility framework[2] include provisions regarding the deployment of ITS services such as the provision of safety-related information and urban mobility development.

1 Regulation (EU) 1315/2013.

2 COM(2021) 1811.

2.6 The ITS Directive will be an important element in implementation of the common European mobility data space, which is one of the data spaces planned for strategic sectors under the European strategy for data.

2.7 The proposal amends the ITS Directive by adding availability of data and the deployment of ITS services to the scope of the Directive. The priority areas for action have been restructured to tally better with the various types of ITS services.

- A National Access Point is being set up in each Member State for data exchange. Exchange/provision of data is becoming compulsory in a number of fields, and data will to a large extent be forwarded also to stakeholders.
- Member States are also to cooperate, where necessary, with relevant stakeholders on operational aspects of implementation.
- A new section in Annex I regarding priority areas contains provisions regarding a role for data in tracking and tracing freight and a new section on cooperative, connected and automated mobility services.
- There are also provisions on data protection and integrity.
- One important element is that the Commission is to be empowered to adopt delegated acts to update certain information requirements.
- Member States are to report regularly to the Commission on implementation of the Directive.

3. General comments

3.1 The EESC welcomes the Commission proposal, which is fully in line with the developments recommended by the EESC in its opinion on Cooperative Intelligent Transport Systems[3]. It sees considerable added value in the updated ITS system now being proposed by the Commission, as a matter of both improved security and safety, as well as of improved efficiency, not only relating to improved and safer traffic flows but also as a support function for efficient logistics.

3.2 The EESC therefore also welcomes the broader scope of the information to be provided and the fact that Member States will be under an obligation to cooperate. It particularly appreciates the widened scope of provisions on information exchange regarding freight and extension of the information covered to include cooperative, connected and automated mobility.

3.3 It assumes that the proposed information system also covers vehicle-to-vehicle communication, as already requested in its opinion on the European Strategy on Cooperative Intelligent Transport Systems. The EESC recalls the major contribution of vehicle-to-vehicle communication in preventing road accidents.

3.4 The EESC assumes that the upgraded information exchange system now being proposed will bring added value in the form of improved efficiency in both passenger and freight transport and

3 OJ C 288, 31.08.2017, p. 85 and COM(2016) 766.

also that the progress of a consignment, for instance, will now be easy to follow for those concerned, since relevant information will now also be forwarded to relevant stakeholders.

3.5 It notes that the information to be exchanged at this stage is largely standardised and therefore reiterates its view that it is important that reasonable room be left for local and company-specific solutions, where this is duly justified and proportionate, also taking into account possible impacts on the internal market. The EESC assumes that this does not pose a problem as long as the information fed into the proposed system complies with the standards set.

3.6 The EESC notes that the deployment of Intelligent Transport Systems (ITS) must be undertaken in a broad societal context and does not automatically lead to a climate-friendly transport system. The digitalisation of transport modes in itself (e.g. automated mobility by car) can even be counterproductive in terms of environmental policy. Intelligent Transport Systems should be developed, promoted and used in such a way as to develop climate-friendly added value.

3.7 An efficient public transport system as part of services of general (economic) interest, complemented by cycling and walking, is essential for sustainable mobility. The EESC advocates the promotion of Intelligent Transport Systems to strengthen and complement public transport.

3.8 The EESC points out that a purely technology-oriented view of the development of Intelligent Transport Systems may lead to a failure to contribute to achievement of the set goals and results – for example, the contribution of car-sharing systems in urban agglomerations that already have well-developed public transport systems. Automated car driving may not be a forward-looking solution for cities either, especially where there is congestion and scarce public space. The EESC therefore maintains that the major mobility innovations of electrification, automation and sharing will yield the best added value if they are conceived and laid out with due regard to the needs of society, such as accessibility, efficiency and public service aspects.

3.9 Stakeholder consultations have revealed many concerns about territorial coverage. The EESC regrets that the proposal does not mention the development of Intelligent Transport Systems to cover the needs of rural areas, as an issue apart from their development in urban areas. The EESC recommends that the Commission pay special attention to extending ITS systems to rural areas, as life in such areas largely depends on the availability of quality public services and infrastructure. A separate Communication from the Commission entitled *A long-term vision for EU: Rural Areas*[4] also states that basic services and related infrastructure in these areas are key to ensuring social and economic inclusion. It should therefore be an EU-level concern that rural areas be able to profit from the solutions provided by ITS.

3.10 This may be of particular interest in the efficient use of transport capacities in rural areas. The damage caused by transport is reflected not only in emissions but also in the use of transport resources. We recommend that the Commission consider, where appropriate, adopting delegated acts to address the sharing of resources supported by ITS. This should include smart, digitally

4 *A long-term Vision for the EU's Rural Areas - Towards stronger, connected, resilient and prosperous rural areas by 2040* - COM(2021) 345.

supported aggregation of travel needs and the sharing of spare capacity (see ride-pooling), which would be particularly needed in rural areas, where available transport capacity is becoming increasingly limited and where it is becoming increasingly difficult to build new capacity due to distances. Such intelligent systems should enable the sharing of information about use of the vehicle and the ability to replenish the existing system with additional passengers or goods.

3.11 The EESC welcomes the fact that, in addition to the proliferation of zero-emission vehicles, the proposal will also contribute to more sustainable transport through shared mobility services, leading us to net zero emissions by 2050. By making road traffic smoother and reducing traffic jams, we are serving our environmental goals in a number of ways.

3.12 The EESC appreciates that strengthening the ITS system as is now being proposed may be seen as a first step toward a Common European Mobility Data Space, which would mean considerable added value in terms of improved efficiency.

3.13 Clearly the creation of such a space would facilitate the provision of mobility as a service with respect to both passengers and freight and may improve working conditions in the transport sector.

3.14 The EESC welcomes ITS for safe parking for professional drivers on the Trans-European Motorway Network. Telematics applications for safe parking can facilitate compliance with legal driving and rest times. However, the EESC points out that the basic problem for companies and professional drivers alike is the inadequate infrastructure of motorway rest areas, which leads to over-parking at night. Infrastructure development must go hand in hand with ITS-based services (e.g. reserved parking).

3.15 The EESC would, in that context, again underline the importance of confidence building and the fact that no obligation to provide information should impinge on business confidentiality, privacy or data protection.

3.16 Regarding the right of the Commission to adopt delegated acts to update specific information obligations, the EESC notes the need for a level playing field and trust regarding all involved in "data sharing". The EESC supports the widened scope of the ITS Directive and the added value that it brings. The EESC also takes note of the existence of problems of trust regarding data sharing and the need to establish a framework of governance of European Data Spaces, particularly in strategic areas such as mobility, as outlined in the Commission Communication on a European strategy for data[5].

3.17 Here the EESC would likewise stress that it is important that the information in the system be used for ITS purposes only and not for other ends. The EESC reiterates the importance of effective privacy and data protection in the context of the deployment of Intelligent Transport Systems. However, the General Data Protection Regulation does not provide sufficient protection when technologies (e.g. mobility patterns of vehicle data, facial recognition, etc.) that

5 COM(2020) 66.

allow conclusions to be drawn about individuals or even discriminate through algorithms are used when anonymising data. When it comes to the use of personal data in the workplace, workers, their representatives and trade unions need a say and a veto. The EESC stresses that Article 10 of the proposal (provisions on data protection and privacy) must exclude this potential risk. This is particularly important to strengthen trust in the system and acceptance in society at large.

3.18 The EESC notes that consumers must stay in control over the data that is being shared: their personal information when booking services or tickets, as well as the data their cars share with service providers or infrastructure. In all circumstances, consumers must be at the centre and have their data protected, in full compliance with the GDPR.

3.19 Access to in-vehicle data must finally be regulated in favour of data and consumer protection, as well as fair competition. If in-vehicle data is left to car manufacturers, this leads to monopolies and dominant market positions and risk of abuse. The Commission has long been called upon to submit a regulatory proposal and has given positive signals in that regard, for instance in the abovementioned data strategy, so far however without taking any steps to submit a proposal. This delay is particularly detrimental to consumer interests and the possibilities of consumers to control data and make alternative, informed choices.

3.20 Digitalisation can reduce the lack of inclusion that affects people with reduced mobility in their daily lives. In this sense, explicit accessibility requirements under Directive (EU) 2019/882 should be programmatically enshrined in this Directive for all ITS sectors. Mentioning this topic only in a recital that holds out the prospect of developing accessibility features for people with reduced mobility in digital multimodal services is too little.

3.21 The planned exchange and availability of data on roads and motorways (driving bans, speed limits, real-time data on road closures, road works, etc.) in Annex III is to be welcomed. In this context, the EESC would encourage the development of intelligent traffic management systems that can equalise the traffic of (transit) road transport on motorways in terms of time and thus ensure the safety and ease of traffic.

3.22 In this connection, the EESC notes that the Commission, in its work to update the list of mandatory information, intends to call on input from the European ITS Advisory Group. Here the EESC reiterates the offer it set out in the above-mentioned opinion to assist the Commission by serving as a link with civil society.

Brussels, 23 March 2022

Christa SCHWENG
The president of the European Economic and Social Committee