



Brussels, 15.5.2013
C(2013) 2550 final

COMMISSION DELEGATED REGULATION (EU) No .../..

of 15.5.2013

supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users

(Text with EEA relevance)

{SWD(2013) 170 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

1.1. Background and relevance to other European policies

Road safety is a major element of the European Union's transport policy. Although fatalities have fallen by 42 % since 2001, 2011 still saw more than 30 000 persons lose their lives and almost 1.5 million people injured on European roads in more than a million road traffic accidents. This represents approximately €130 billion in costs for society. As shown in the last road accident figures published by the Commission in March 2012, the progress in cutting road fatalities significantly slowed in 2011 (to -2 %) compared to a very promising EU-wide reduction throughout the last decade (average -6 %). In fact, in some Member States the number of fatalities increased compared to 2010¹.

In this context, new technologies are expected to contribute a great deal to improving the safety record of road transport. It is considered that the wide deployment of Intelligent Transport Systems (ITS) that can detect incidents, support traffic supervision and provide information to road users in real time will considerably improve traffic safety (accident prevention). The human factor is the most important factor in accidents. Therefore, accurate and widely available road safety-related traffic information that can warn motorists and allow them to better anticipate and avoid unexpected and potentially dangerous situations has a high potential to reduce the number of traffic accidents.

The European Union is highly committed to reducing the number of road accidents and enhancing traffic efficiency. However, earlier attempts by the Commission to improve the uptake of ITS through 'soft' measures have failed, e.g. the Commission Recommendation of 4 July 2001² on the development of a legal and business framework for participation of the private sector in deploying telematics-based Traffic and Travel Information services in Europe, which invited Member States to establish harmonising requirements for traffic information at national, regional and local level.

In 2006, the Commission launched the eSafety³ initiative with the aim of accelerating the development, deployment and use of intelligent vehicle safety systems to improve road safety. Its working group 'Real-Time Traffic and Travel Information' issued a final report in 2007⁴ with a strong focus on road transport, including the topic of free road safety-related traffic information. This subject was raised again at a high-level eSafety conference held that same year under the German Presidency of the EU Council.

On 16 December 2008, the Commission adopted an Action Plan for the Deployment of Intelligent Transport Systems for road transport and its interfaces with other modes⁵. The aim of this Action Plan is to accelerate and coordinate the deployment of ITS applications. Action 1.4 of the Plan calls for the definition of specifications for data and procedures for the free provision of minimum universal traffic information services (including definition of the repository of messages to be provided).

¹ http://ec.europa.eu/transport/road_safety/events-archive/2012_03_29_press_release_en.htm.

² C(2001) 1102.

³ http://www.esafetysupport.org/en/esafety_activities/index.html.

⁴ http://www.esafetysupport.org/download/working_groups/RTTI/070918%20%20RTTI%20WG%20Final%20Report.pdf.

⁵ COM(2008) 886.

On 20 July 2010, in the Communication ‘Towards a European road safety area: policy orientations on road safety 2011-2020’⁶, the Commission set itself the ambitious target of halving the overall number of road fatalities in the European Union by 2020, starting from 2010, and presented seven strategic objectives to that end, including ‘Promote the use of modern technology to increase road safety’.

Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the legal framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport⁷ identified six priority actions for the adoption of specifications and, if appropriate, their mandatory deployment. ‘Data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users’ is one of these six priorities.

The White Paper on transport policy adopted by the Commission on 28 March 2011 aims to move towards zero fatalities in road transport by 2050 and increase the efficiency of transport and infrastructure use with information systems.

On 12 December 2011, in the Communication ‘Open Data. An engine for innovation, growth and transparent governance’⁸, the Commission stressed that intelligent processing of data was essential for addressing societal challenges. Opening up public and private data for re-use not only improves information-based services helping business and citizens to take informed decisions, but also stimulates innovation and contributes to growth. This was also pointed out in the Digital Agenda for Europe⁹ adopted by the Commission on 26 August 2010.

1.2. Commission approach to road safety-related traffic information

The impact assessment prepared in support of the ITS Action Plan and Directive 2010/40/EU showed that promoting the interoperability of road traffic information, and more specifically developing common requirements, guidelines, specifications and conditions to ensure the harmonised, interoperable and open development and deployment of ITS, would contribute very positively to road safety and traffic efficiency. The impact assessment clearly showed that the existing patchwork of national, regional and local solutions is slowing down overall deployment and hampering the provision of seamless services across the European Union.

Similarly, the impact assessment prepared in support of the 2011 Transport White Paper also indicated that the large-scale deployment of ITS is expected to have positive effects on safety.

Indeed, it is widely recognised that many road accidents can be avoided by timely warning of motorists about unexpected and dangerous traffic incidents/situations. However, in current circumstances, road users are not informed in a way that would contribute effectively to the target of zero fatalities in road transport by 2050.

This situation stems from two main reasons:

- Police and road authorities in Member States have long collected traffic information to better inform motorists of immediate safety-related issues such as wrong-way drivers, unprotected accident areas, road works etc. Nevertheless, the information at the disposal of road users varies between Member States in terms of content, format, coverage and quality. The information is therefore very scattered, non-universal, and not seamless across

⁶ COM(2010) 389 final.

⁷ OJ L 207, 6.8.2010, p. 1.

⁸ COM(2011) 882 final

⁹ COM(2010)245 final

borders. Moreover, in the present situation, traffic information for road users is not necessarily made available through communication channels that are compatible and interoperable with each other.

- The past decade has seen a significant increase in the activity of private companies collecting data and providing traffic information, mainly in the form of itinerary advice to avoid congestion but which do not necessarily address road safety. The emergence and proliferation of traffic information and navigation applications from such private service providers with business models based on subscription or bundling of premium services, could limit the access to traffic information concerning safety-critical incidents, as and if detected and further processed by these private companies.

Consequently, such a situation could prevent road users from benefiting from safety-critical universal warnings of dangerous traffic incidents or situations, sufficiently ahead of time to allow them to increase their vigilance, adapt their behaviour, and avoid potential accidents. This is all the more unacceptable if this type of traffic information is largely available to some public/private service providers.

The adoption of specifications for real-time road safety-related minimum universal traffic information free of charge to users across various road segments, including at cross-border level, should tackle this problem. More specifically, this can be achieved by:

- Defining the relevant road safety-related minimum universal traffic information in terms of content, format, and quality, to be made available free of charge to road users;
- Establishing on the basis of existing standards and technology the procedures to ensure compatibility, interoperability and continuity for the provision of minimum traffic information.

In this context, the Commission has engaged in a close dialogue with representatives of all stakeholder associations involved in the road safety-related traffic information value chain and with the Member States. In particular, the Commission has paid great attention to the work of the Traveller Information Services Association (TISA). Based on its technical, business and operational expertise in all issues relevant to real-time traffic information, TISA issued a position paper on the provision of a free minimum universal traffic information service in May 2012, which contains useful material for preparation of the specifications for the present priority action.

In parallel, the Commission has requested the European Standardisation Organisations (ESOs) to draft the necessary common European standards, and provided support for their development. For instance, ESO CEN (Technical Committee 278) has developed and is further developing common standards for road traffic data and traffic information (e.g. data coding standards, location referencing standards, broadcasting standards) and for ITS architecture and terminology.

Ultimately, the specifications should ensure compatible and interoperable services building on or complementing existing standards and technology. In the medium term, they will contribute to harmonised and Europe-wide road safety-related traffic information.

1.3. Delegated act under Directive 2010/40/EU

Directive 2010/40/EU aims to accelerate the coordinated deployment and use of ITS in road transport (and its interfaces with other modes) across Europe. Action c on ‘data and procedures for the provision, where possible, of road safety-related minimum universal traffic

information free of charge to users' is one of the six priority actions defined in Article 3 of Directive 2010/40/EU.

Article 7 of Directive 2010/40/EU empowers the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) to define specifications for the priority actions.

The present Regulation, to be adopted as a delegated act, constitutes the binding specifications for priority action c.

2. CONSULTATION AND EXTERNAL INPUTS PRIOR TO ADOPTION OF THE ACT

The present Regulation is the result of extensive consultations with stakeholders.

In the course of the study on 'Guaranteed access to traffic and travel data and free provision of universal traffic information', completed in March 2011¹⁰, the Commission conducted an online public consultation in spring 2010¹¹, a stakeholder workshop in June 2010¹², interviews with selected stakeholders, a discussion of study results at conferences, and a meeting with Member State experts in May 2011¹³.

In addition, and as part of the 2012 follow-up work, the Commission conducted:

- An online public consultation¹⁴ to evaluate the current provision of safety-related traffic information across Europe and gather participants' feedback on potential deployment options and topics to be covered by the specifications;
- Face-to-face interviews in spring 2012 with key stakeholders (22);
- A stakeholder workshop on 29 June 2012¹⁵ to consolidate the preliminary findings of the work carried out, in particular the results of the online public consultation and the outcomes of or issues raised during the interviews.

The first draft of the specifications for the present priority action has been further discussed with major stakeholders:

- A series of four meetings with Member State experts¹⁶ (+ EEA countries + Switzerland) were organised to further discuss the details of the specifications (on 26 September, 16 and 30 October, 15 November 2012), to which representatives from the European Parliament and the European Data Protection Supervisor were also invited.

¹⁰ Study report: http://ec.europa.eu/transport/themes/its/studies/doc/2011_03-final-report-study-data-access-free-safety-traffic-information.pdf.

¹¹ Online questionnaire and results at: http://ec.europa.eu/transport/themes/its/consultations/2010_06_18_traffic_travel_data_en.htm.

¹² Workshop materials at: http://ec.europa.eu/transport/themes/its/road/action_plan/traffic_and_travel_information_en.htm.

¹³ Agenda at: <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1941>.

¹⁴ Online questionnaire and results at: http://ec.europa.eu/transport/modes/road/consultations/2012-06-05-its2012_en.htm.

¹⁵ Workshop materials at: http://ec.europa.eu/transport/themes/its/events/2012-06-29-workshop_en.htm.

¹⁶ Agenda and summary records of meetings at: <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1941>.

- Written consultation of the 25 members of the European ITS Advisory Group¹⁷, composed of high-level representatives from ITS service providers, associations of users, transport and facilities operators, manufacturing industry, local authorities and other relevant fora, on the draft specifications and their potential impacts.

The detailed discussions with the Member State experts enabled the Commission to balance ambitions for the service and reality constraints in the Member States.

Also, a support study¹⁸ examining the costs and benefits of the provision, where possible, of road safety-related minimum universal traffic information free of charge to users was carried out by consultants from April to December 2012, leading to a final report. Elements of the analysis have been taken over in the present Memorandum.

3. IMPACTS AND COST-BENEFIT ANALYSIS

3.1. Initial considerations

At present, Member States stand at different stages of readiness for the provision of road safety-related minimum universal traffic information to users, in terms of both road safety-related events monitored and road network coverage.

In most Member States, road safety-related traffic information is available from road operators and coded under the European standard DATEX II (CEN/TS 16157) in one or more central systems¹⁹. Some Member States²⁰ do not yet have a DATEX II node but are working on its development.

In recent years, private value chains have developed alongside the existing public ones. As a result, in most Member States both private and public organisations collect, aggregate and validate traffic data in parallel. While some road authorities have decided to leave service provision to private parties, others consider it important to maintain a public source of information for road users.

There is already a significant market for the provision of traffic information services. Such services include:

- Roadside services (e.g. variable message signs);
- FM/VHF radio services;
- RDS-TMC²¹;
- TPEG-DAB²²;
- Mobile phone services / apps.

¹⁷ Composition and task of the group at: http://ec.europa.eu/transport/themes/its/road/action_plan/its_advisory_group_en.htm.

¹⁸ Deliverables available at http://ec.europa.eu/transport/themes/its/index_en.htm.
¹⁹ http://www.datex2.eu/sites/www.datex2.eu/files/Datex_Brochure_2011.pdf.

²⁰ e.g. Bulgaria, Cyprus, Estonia, Latvia, Lithuania, Luxembourg, Malta, Poland.

²¹ The Traffic Message Channel (TMC) is a technology for providing traffic information to drivers. The complementary Radio Data System (RDS) broadcasts digital information carrying TMC updates via FM radio.

²² The Transport Protocol Experts Group (TPEG) has developed an open protocol designed to send unidirectional multi-lingual information over one or more delivery technologies (e.g. DAB, internet) and allowing a range of receiver types.

The V2I and V2V protocols are not yet ready for wide-scale deployment, but will definitely improve and make it easier to pass on road safety-related traffic information once fully operational.

Each of the above channels has specific benefits and drawbacks, whether in terms of cost, coverage, language independence or system functionality. It is difficult to foresee future innovations with any certainty. Therefore, the present Regulation aims to remain technology-neutral and to maximise user reach through a variety of delivery channels available on the market now and in the future.

3.2. Cost-benefit analysis

Baseline trends

- Road accidents on European roads

On average, the trans-European road network accounts for 7 % of fatalities and 6 % of injury accidents²³.

Extrapolating from the trends over the past 10 years, the number of fatal accidents is expected to fall by approx. 5 % p.a. while injury accidents will drop by approx. 3 % p.a.

- Market penetration of traffic information services

The market penetration of traffic information services is a combination of the market penetration of delivery channels/receivers and the number of equipped users/vehicles. It is foreseen that the market for traffic information services will develop and the equipped vehicle population will expand. The market penetration rates of the main delivery channels are forecast to be (average values for the whole of Europe²⁴):

- 100 % by 2020 for RDS-TMC receivers;
- 1.86 % by 2020 and 7.23 % by 2030 for TPEG over DAB receivers;
- 12 % by 2020 and 21 % by 2030 for road safety-related traffic information smartphone applications (assuming that the uptake of smartphones will increase to nearly 100 % by 2030).

Analysis of main costs

- Data collection costs

Some traffic/event data are already available²⁵, but additional data may be required for a given network in order to provide road safety-related traffic information. Collecting additional data requires initial investment and will generate subsequent maintenance, operation and replacement costs depending on the lifecycle of the equipment.

The level of additional data collection required depends on several factors:

- the type of events monitored,
- the level of granularity of the data,
- the length of the road network equipped,
- the estimated current level of data collection,

²³ Figures drawn from the European centralised database on road accidents: CARE (Statistical Report 2011, which contains data sets for the years 2000-2009).

²⁴ Values derived from a combination of multiple sources: EUROSTAT, TISA, SBD, Comscore.

²⁵ Usually free of charge in the case of data from public sources (i.e. journalistic data). The market price of private data (e.g. floating car data) is not established yet

- the data collection method and technology.

Depending on all these parameters, the resulting costs of data collection can vary greatly across Member States (i.e. by a factor of 10 between low-cost and high-cost estimates).

- Data sharing costs

Data sharing costs refer to the costs associated with the formatting and opening of the data needed for providing road safety-related traffic information to end users. In practice, these are one-off costs of:

- Setting up a national DATEX II node, estimated at €5 million per Member State; or
- Amending/updating an existing DATEX II node, estimated at €50 000 per Member State.

These average estimates can vary across Member States depending on the size of road networks, the number of operators or the density of existing equipment.

- Operating costs

The cost of operating the service (i.e. collating/maintaining the data, processing the information, outsourcing or staff training) is estimated at a total of €23 million per year for the 17 Member States without a road safety-related traffic data/information service (i.e. an average of €1.4 million each)²⁶. For the 10 Member States where some form of road safety-related traffic information already exists or where data enabling the provision of the information service are available, there will be no extra cost (i.e. assuming that these costs are already budgeted for the future) and the operation of the service will be merged with existing activities/operating contracts.

Labour costs related to the provision of the service are assumed to be already covered under the existing activities of road operators, traffic management centres and service providers.

Analysis of main benefits

- Reduction of fatalities and injuries

The overall effect of road safety-related traffic information is estimated to be an average reduction of 2.7% in fatalities and 1.8% in injuries, relative to all road accidents²⁷. These figures vary depending on the road types and safety events to be covered by the service (although in the absence of a road accident causation database, it is difficult to produce precise estimates).

In order to monetise the cost of traffic accidents, the following average costs²⁸ have been applied:

- €1 361 262 for fatalities;
- €214 074 for serious injuries;
- €16 428 for less severe injuries.

- Reduction in delays

²⁶ Based on the UK NTIS OJEU for operating traffic information services, i.e. £ 8 m = €9.5 m for a 7-year operating contract.

²⁷ Based on an extensive literature review incl. CODIA, eIMPACT, PROSPER, Easyway, road operator reports and the CARE database.

²⁸ Figures from the eCall Impact Assessment.

The delays caused by accidents will decrease as a direct result of the reduction in the number of accidents, and therefore so will the costs associated with these delays.

The analysis relied on the following average congestion costs²⁹:

- €37 500 for a fatal accident;
- €10 250 for an injury accident.
- Total savings

The overall savings associated with road safety-related traffic information are calculated using:

- accident rates (by road type);
- the potential savings from road safety-related traffic information (depending on the percentage of users capable of receiving it);
- the value of the savings, calculated using the monetary values for the costs of accidents and delays (depending on accident severity).

Benefit/cost ratios of the retained deployment options

The following table describes the main options considered by the Commission:

No	Description of deployment options
I.	- Baseline ('do nothing')
II.	- Deployment of road safety-related traffic information by some Member States
III.	- Deployment of road safety-related traffic information except 'unexpected end of queue' (EoQ) by some Member States
IV.	Same as option II, deployed by all Member States
V.	Same as option III, deployed by all Member States

The extent of deployment and the road safety-related categories covered by the service are the two main cost determinants.

In case of options II and III, the service will only be deployed by the 17 Member States which already provide some form of road safety-related traffic information or have data available for the provision of road safety-related traffic information as well as a DATEX II node for data sharing.

All options require implementation of a DATEX II node or any fully compatible and interoperable with DATEX II node for data sharing, but do not mandate any specific dissemination channel so as to respect technological neutrality (i.e. dissemination to end users via existing delivery channels/devices/service providers).

Two sets of costs estimates have been considered to take into account different means of data collection. Costs and benefits have been estimated until 2030, accounting for inflation.

²⁹ Source Trans-European Road Network:
http://ec.europa.eu/transport/infrastructure/ten-t-policy/transport-mode/doc/road_tab1.pdf.

The following table summarises the benefit/cost ratios (BCR) for the retained deployment options:

Options	I	II	III	IV	V
BCR (low cost estimates)	-	1.09	1.80	1.01	2.58
BCR (high cost estimates)	-	0.27	0.22	0.25	0.20

In practice, BCRs will be somewhere in between the low and high cost estimates. This will depend on the individual deployment choices of each Member State and their respective ambitions for the service, taking into account their current level of equipment.

Conclusions

An extensive analysis has been conducted, taking into account stakeholders' inputs, mapping the potential impacts, and analysing the costs and benefits of possible deployment options. Based on the results of this work, option V is the preferred solution (i.e. deployment by all Member States of road safety-related traffic information except 'unexpected end of queue').

The impacts of option V are positive in all three categories economic, social and environmental as it will contribute to the reduction of road accidents and associated delays, CO2 emissions and environmental risks (e.g. fire, spillage), the cost of infrastructure repair. It will support economic growth and better traffic management. It will foster research and development as well as deployment of innovations. Such information services will enhance customer satisfaction and collaboration among stakeholders, and might also create new jobs.

The impacts of option V are positive for the main groups of stakeholders along the value chain e.g. road operators, data collectors, content providers, service providers. Most of them will increase their activities and market base. Above all, the end users e.g. drivers, motorcyclists, hauliers and cargo owners will be the main beneficiaries. Many of these stakeholders and beneficiaries are small and medium-sized enterprises (SMEs). The proposal therefore promotes their interest in the transport and information technology sectors.

Such benefits will outweigh possible burdens that may occur for private service providers of traffic information and navigation applications. They might have to adapt their business models but could also benefit from new market opportunities (i.e. possibility of cross selling traffic information services in combination with road safety-related traffic information).

The proposal remains technology-neutral and aims to maximise end-user reach through a variety of delivery channels. It promotes the use of the common European standard DATEX II to support the interoperability of the service what will enable compatibility between systems while supporting the activities of road operators. It will foster the collection of the data necessary for providing road safety-related traffic information and facilitate the access to, exchange and re-use of these data.

4. LEGAL ELEMENTS OF THE DELEGATED ACT

4.1. Legal basis

This delegated act supplements Directive 2010/40/EU.

A Regulation seems the most appropriate legal instrument for the delegated act as it does not call for national transposition, thus ensuring a higher degree of harmonisation and control by the Commission as well as quicker entry into force.

4.2. Subsidiarity and proportionality

According to the principle of subsidiarity (Article 5(3) of the Treaty on European Union), action at EU level should be taken only when the aims envisaged cannot be achieved satisfactorily by Member States alone, and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the EU.

The provision of road safety-related minimum universal traffic information aims to inform all drivers on EU roads of potential dangerous situations/incidents in a harmonised manner across Europe. This requires the collaboration of many different public and private stakeholders. Action at EU level is needed to guarantee the interoperability and continuity of the service throughout Europe, including across borders, which cannot be satisfactorily achieved by single Member States. It would clearly trigger benefits of scale and can foster European competitiveness and growth.

Action at EU level using common European standards, terminologies and processes approved by ESO CEN and/or supported by the widely representative association TISA will contribute to optimising the provision of the service, building consensus among professionals, and avoiding market fragmentation (which may happen due to the proliferation of national and/or proprietary private solutions implemented in different ways).

Defining requirements limited only to the data necessary for providing the road safety-related minimum universal traffic information service and that do not favour particular technical solutions will ensure there is no undue disturbance to existing markets while preserving the innovation potential of the European Union.

The specifications for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users have been conceived so as to minimise the negative impact on all public and private stakeholders in the value chain. However, the provision of the service entails unavoidable extra costs directly related to the quality of the service and the expected safety benefits.

The financial and administrative costs for national/regional authorities are expected to be minor and proportionate to the objectives to be achieved. A substantial part of implementation is left to national decisions. The organisational processes to meet the functional requirements of the specifications will be set by the Member States in a way best suited to their situations, thus respecting the specificities and circumstances of each Member State. In particular, requirements for the assessment of compliance with the present Regulation and reporting by Member States have been kept moderate and flexible.

4.3. Detailed explanation of the proposal

Article 1 defines the subject matter and scope of the delegated act.

Article 2 provides definitions specific to the present Regulation, complementary to the definitions laid down in Article 4 of Directive 2010/40/EU.

Article 3 defines the list of road safety-related events or conditions covered by the road safety-related minimum universal traffic information service.

Article 4 defines the information content provided on road safety-related events or conditions.

Article 5 specifies the provision of the information service, which entails different functions, each further explained in subsequent articles:

- Article 6 on the detection of events or conditions and the collection of data;
- Article 7 on the availability, exchange and re-use of data;
- Article 8 on the dissemination of information.

Article 9 defines the approach to the assessment of compliance with the requirements of the present Regulation.

Article 10 requires the Member States to communicate to the Commission the state of implementation of the present Regulation no later than 12 months following its entry into force and every calendar year thereafter.

Article 11 states that the present Regulation will enter into force on the 20th day following that of its publication in the Official Journal of the European Union (OJEU). It will apply to new road safety-related traffic information service from the first day of the month following publication in the OJEU, and will apply 24 months after entry into force to service already deployed on the date of entry into force of the present Regulation.

5. BUDGETARY IMPLICATIONS

There are no budgetary implications for the EU budget.

6. OPTIONAL ELEMENTS

A substantial part of implementation is left to national decisions. In this context, Member States should aim to provide an accurate overview of the provision of the information service on their territory. They should aim to do so in the form of a publishable map of the road network covered by the service and a register of the providers of the service. This national overview should be updated as and when necessary. The map and register should be both in an electronic format that will be commonly agreed between the Commission and the Member States. This would allow the Commission to report on the regular progress made for the implementation of ITS applications and services within the Union as required in Article 17(4) of Directive 2010/40/EU.

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 transport³⁰, and in particular Articles 3(c) and 6(1) thereof,

After consulting the European Data Protection Supervisor,

Whereas:

- (1) Article 3(c) of Directive 2010/40/EU identifies, as a priority action, data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users.
- (2) Article 6(1) of Directive 2010/40/EU requires the Commission to adopt specifications necessary to ensure compatibility, interoperability and continuity for the deployment and operational use of Intelligent Transport Systems (ITS) for the priority actions.
- (3) The Communication ‘Towards a European road safety area: policy orientations on road safety 2011-2020’³¹ acknowledges that ‘ITS have the potential to play a considerable role for the improvement of traffic safety, for example through the adoption of systems to detect incidents and supervise traffic that are able to provide information to road users in real time.’
- (4) For the provision of information services, Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information³² sets minimum rules for the re-use of public sector information throughout the Union and encourages Member States to go beyond these minimum rules and to adopt policies allowing broad use of information or data held by public sector bodies.
- (5) The deployment and use of ITS applications and services entails the processing of personal data which should be carried out in accordance with Union law, as set out, in particular, in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of

³⁰ OJ L 207, 6.8.2010, p. 1.

³¹ COM(2010) 389 final.

³² OJ L 345, 31.12.2003, p. 90.

personal data and on the free movement of such data³³ and in Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector³⁴. Therefore, the principles of purpose limitation and data minimisation should be applied to ITS applications and services.

- (6) To achieve compatibility, interoperability and continuity, it is necessary to define minimum requirements for road safety-related universal traffic information services. These requirements should relate to the identification and use of a standardised list of safety-related traffic events or conditions to be communicated to end users, as well as to the content of the information to be provided to end users. If end users receive information through various delivery channels that are under the control of public and/or private road operators, service providers and broadcasters dedicated to traffic information, that information should not be contradictory, therefore should consist of the same elements and be based on the same description of the event or condition in question.
- (7) Road safety-related traffic data are essential for the provision of road safety-related minimum universal traffic information. They are collected and stored by public and/or private operators and service providers. In order for these data to be made easily available for exchange and re-use for the provision of information services, public and/or private road operators and service providers should make them accessible through individual access points or make sure that they are accessible through national access points set up and managed by the Member States. These national access points can take the form of a repository, registry, web portal or similar.
- (8) These road safety-related traffic data should be made accessible in accordance with data protection requirements (e.g. anonymisation of personal data). If the information service is to rely on the collection of data, including geo-location, from the end users themselves or through cooperative systems in the future, then end users should be clearly informed about the collection of such data, the arrangements for data collection and potential tracking, and the periods for which such data are kept. Appropriate technical measures should be deployed by public and/or private road operators, service providers and automotive industries to ensure the anonymity of the data received from end users or their vehicle.
- (9) Those Member States which already provide some form of road safety-related traffic information on their territory should be able to continue using their existing methods, in so far as they are consistent with the requirements of this Regulation. To maximise the positive impact of the provision of information services on road safety and traffic conditions in terms of reducing the number of road accidents and fatalities in the Union, the provision of road safety-related minimum universal traffic information should be compatible, interoperable and continuous across Member States, maintained at a minimum level of quality and, where possible, free of charge for all end users.
- (10) For all Member States to develop a harmonised and seamless approach towards the provision of road safety-related minimum universal traffic information across the Union it is relevant to define requirements for the whole Union which would apply to the provision of any road safety-related minimum universal traffic information service. Member States can rely on existing technical solutions and open standards, provided by the European and international standardisation organisations in order to ensure the

³³ OJ L 281, 23.11.1995, p. 31.

³⁴ OJ L 201, 31.7.2002, p. 37.

interoperability and continuity of the provision of road safety-related minimum universal traffic information in the Union.

- (11) To ensure that the provision of road safety-related minimum universal traffic information is both reliable and worthwhile, a minimum level of quality should be achieved. Member States should work further and share their experiences on the definition of the relevant quality criteria, the methods of quality measurement and monitoring, and the quality targets for every type of road safety-related events or conditions, road networks and/or operating environments. Member States should share their knowledge and best practices by communicating to the Commission the results of their analysis and experience relating to this topic.
- (12) Although road safety-related minimum universal traffic information should be provided, where possible, as a universal facility free of charge to end users, there may be remaining costs for the latter linked to the cost of telecom fees, radio licence, or the purchase of the equipment enabling the reception of the information.
- (13) Road safety-related minimum universal traffic information should reach as many end users as is technically feasible taking into account the different technical capabilities of vehicles, delivery channels and reception devices available on the market.
- (14) Public and private road operators and service providers should aim to harmonise the presentation of the content of the information provided to end users irrespective of their language. Where Member States have signed it, they should rely on the 1968 Vienna Convention on Road Signs and Signals agreed by the United Nations Economic and Social Council on 8 November 1968, in particular the Consolidated Resolution on Road Signs and Signals developed by the Working Party on Road Traffic Safety³⁵.
- (15) On the basis of national assessment, Member States should be able to delineate the coverage of the road safety-related minimum universal traffic information service along the trans-European road network within their territory in order to focus on road sections and areas where traffic and safety conditions require the provision of information services and justify the associated investment. However, it is acknowledged that, due to the different situations and stakeholders, the requirements of this Regulation should not apply to urban nodes. Member States should communicate to the Commission the national delineation of the information service.
- (16) Article 17(4) of Directive 2010/40/EU requires the Commission to submit a report every three years to the European Parliament and to the Council on the progress made in the implementation of this Directive. The report should be accompanied by an analysis of the functioning and implementation of Articles 5 to 11 and Article 16, and should assess the need to amend this Directive, where appropriate. This review should also assess the need to amend and/or complement the specifications adopted for priority actions, where appropriate, in the light of their national deployment, technological developments and standardisation progress.

³⁵ United Nations — ECE/TRANS/WP.1/119/Rev.2 – 27 May 2010.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes the specifications necessary to ensure compatibility, interoperability and continuity for the deployment and operational use of data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users on a Union level in accordance with Directive 2010/40/EU.

It shall apply to the provision of road safety-related minimum universal traffic information services on the trans-European road network.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) ‘trans-European road network’ means the road network as defined in Section 2 of Annex 1 to Decision No 661/2010/EU of the European Parliament and the Council³⁶ with the exclusion of urban nodes;
- (b) ‘temporary slippery road’ means any unforeseen condition of the road surface which makes it slippery for a certain amount of time, causing low adherence of the vehicle to the road;
- (c) ‘animal, people, obstacles, debris on the road’ means any situation where animals, debris, obstacles or people are positioned on the road where one would not expect to find them so that an emergency manoeuvre might be required to avoid them;
- (d) ‘unprotected accident area’ means the area where an accident has occurred and which has not yet been secured by the competent authority;
- (e) ‘short-term road works’ means any temporary road works that are carried out on the road or on the side of the road and which are indicated only by minimum signing because of the short-term nature of these works;
- (f) ‘reduced visibility’ means visibility affected by any condition that reduces the sight range of drivers and which might affect safe driving;
- (g) ‘wrong-way driver’ means a vehicle travelling on the wrong side of a divided carriageway against the oncoming traffic;
- (h) ‘unmanaged blockage of a road’ means any blockage of a road, partial or total, which has not been adequately secured and signposted;
- (i) ‘exceptional weather conditions’ means unusual, severe or unseasonal weather conditions which might affect safe driving;
- (j) ‘user of road safety-related minimum universal traffic information’ means any legal or natural person participating in the provision of road safety-related minimum universal traffic information services, such as public and private road

³⁶ OJ L 204, 5.8.2010, p. 15.

operators, traffic managers, service providers, and broadcasters dedicated to traffic information;

- (k) 'end user' means any driver benefiting from road safety-related minimum universal traffic information services;
- (l) 'road safety-related minimum universal traffic information service' means a real-time traffic information service that provides an agreed minimum road safety-related content and which can be accessed at minimum effort by a maximum of end users;
- (m) 'road safety-related traffic data' means data necessary for providing the road safety-related minimum universal traffic information service and collected via any private or public source;
- (n) 'road safety-related minimum universal traffic information' means any extracted, aggregated and processed road safety-related traffic data, offered by public and/or private road operators and/or service providers to end users through any delivery channels;
- (o) 'access point' means a digital point of access where the road safety-related traffic data necessary for generating the road safety-related minimum universal traffic information are collected, formatted, and made available for exchange and re-use;
- (p) 'free of charge' means the provision of the road safety-related minimum universal traffic information service at no extra cost for the end users at the point of use.

Article 3

List of road safety-related events or conditions

The events or conditions covered by the road safety-related minimum universal traffic information service shall consist of at least one of the following categories:

- (a) temporary slippery road;
- (b) animal, people, obstacles, debris on the road;
- (c) unprotected accident area;
- (d) short-term road works;
- (e) reduced visibility;
- (f) wrong-way driver;
- (g) unmanaged blockage of a road;
- (h) exceptional weather conditions.

Article 4

Information content

1. The information provided on the road safety-related events or conditions shall include the following items:
 - (a) location of the event or the condition;

- (b) the category of event or condition as referred to in Article 3 and, where appropriate, short description of it;
 - (c) driving behaviour advice, where appropriate.
2. The information shall be withdrawn if the event or condition cease to subsist, or shall be modified if there is a change in the event or condition.

Article 5

Provision of the information service

1. Member States shall designate sections of the trans-European road network where traffic and safety conditions require the deployment of the road safety-related minimum universal traffic information service.

They shall communicate these sections of roads to the Commission.

2. The provision of the information service shall fulfil the requirements set out in Articles 6 to 8.

Article 6

Detection of events or conditions and collection of data

For the sole purposes of providing the information service, public and private road operators and/or service providers shall set up or use the means to detect events or identify conditions, and shall collect the relevant road safety-related traffic data.

The deployment of these means shall comply with the conditions and requirements set out in national law.

Article 7

Availability, exchange and re-use of data

1. Public and/or private road operators and/or service providers shall share and exchange the data they collect pursuant to Article 6. For that purpose, they shall make these data available in the DATEX II (CEN/TS 16157) format or any fully compatible and interoperable with DATEX II machine-readable format through an access point.
2. Member States shall manage a national access point to the data referred to in paragraph 1, which regroups the access points established by public and/or private road operators and/or service providers operating on their territory.
3. These data shall be accessible for exchange and re-use by any user of road safety-related minimum universal traffic information:
- (a) on a non-discriminatory basis;
 - (b) within the Union irrespective of the Member State of establishment;
 - (c) in accordance with access rights and procedures defined in Directive 2003/98/EC;
 - (d) within a timeframe that ensures the timely provision of the information service;
 - (e) through the national access point.

4. Public and private road operators and service providers shall ensure the timely renewal and quality of data made available through their access point.

Article 8

Dissemination of information

1. Public road operators, service providers and broadcasters dedicated to traffic information shall provide road safety-related minimum universal traffic information to end users prior to the provision of any other non-safety-related traffic information.
2. The information service shall fulfil the following conditions:
 - (a) it shall be provided in such a way as to ensure the widest reach of end users concerned by the given event or condition referred to in Article 3;
 - (b) it shall be made available by public and/or private road operators and/or service providers and/or broadcasters dedicated to traffic information, where possible free of charge to end users.
3. Public and private road operators and service providers shall collaborate to harmonise the presentation of the content of the information provided to end users.

They shall inform end users of the existence of the information service and its coverage.

Article 9

Assessment of compliance with requirements

1. Member States shall designate an impartial and independent national body competent to assess whether the requirements set out in Articles 3 to 8 are fulfilled by public and private road operators and service providers and broadcasters dedicated to traffic information. Two or more Member States may designate a common body competent to assess compliance with these requirements on their territories.

Member States shall notify the national bodies to the Commission.
2. Public and private road operators, service providers and broadcasters dedicated to traffic information shall provide the designated national bodies with their identification details and a description of the information service they provide, and submit a declaration of compliance with the requirements set out in Articles 3 to 8.

The declaration shall contain the following elements, where applicable:

 - (a) the road safety-related categories covered and the road network coverage of the information service;
 - (b) information on their access point to road safety-related traffic data and its conditions of use;
 - (c) the format of the road safety-related traffic data accessible through their access point;
 - (d) the means of dissemination of the information service to end users.

Public and private road operators, service providers and broadcasters dedicated to traffic information shall immediately update their declarations of compliance following any change in the provision of their service.

3. The designated national bodies shall randomly inspect the correctness of the declarations of a number of public and private road operators, service providers and broadcasters dedicated to traffic information, and shall request proof of compliance with the requirements set out in Articles 3 to 8.

Every year, the designated national bodies shall report to the national authorities on the declarations submitted and on the results of their random inspections.

Article 10
Follow-up

1. Member States shall communicate to the Commission no later than 12 months following the entry into force of this Regulation the following information:
 - (a) the national body designated for the assessment of compliance with the requirements set out in Articles 3 to 8;
 - (b) the description of the existing or envisaged national access point.
2. At the latest 12 months following the entry into force of this Regulation and every calendar year thereafter, Member States shall communicate to the Commission the following information:
 - (a) the progress they have made in implementing the information service, including the criteria used to define its level of quality and the means used to monitor its quality;
 - (b) the results of the assessment of compliance with the requirements set out in Articles 3 to 8;
 - (c) where relevant, a description of changes to the national access point.

Article 11
Entry into force and application

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

It shall apply from ...**³⁷. However, with regard to the information service already deployed on the date of entry into force of this Regulation, it shall apply from ... ***³⁸.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15.5.2013

For the Commission
The President
José Manuel BARROSO

³⁷ ** OJ: Please insert the date: first day of the month following the publication in the OJEU.

³⁸ *** OJ: Please insert the date: ** + **24 months**.