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Committee on Transport and Tourism

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*****II**

DRAFT RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport
(06103/4/2010 – C7-0119/2010 – 2008/0263(COD))

Committee on Transport and Tourism

Rapporteur: Anne E. Jensen

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* alerts the relevant departments to parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act which the draft act seeks to amend includes a third and fourth line identifying respectively the existing act and the provision in that act affected by the amendment. Passages in a provision of an existing act that Parliament wishes to amend, but the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council position at first reading with a view to the adopting of a directive of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (06103/4/2010 – C7-0119/2010 – 2008/0263(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (06103/4/2010-C7-0119/2010),
 - having regard to the Commission proposal to Parliament and the Council (COM(2008)0887),
 - having regard to Article 251(2) and Article 71(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament,
 - having regard to the Commission Communication to Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
 - having regard to Article 294(7) and Article 91(1) of the Treaty on the Functioning of the European Union;
 - having regard to its position at first reading¹,
 - having regard to the opinion of the European Economic and Social Committee of 13 May 2009²,
 - after consulting the Committee of the Regions,
 - having regard to Rules 70 and 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A7-0000/2010),
1. Approves the Council position;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Texts Adopted, 23.4.2009, P6_TA(2009)0283.

² OJ C 277, 17. 11.2009, p. 85.

EXPLANATORY STATEMENT

1. Background and comments on the procedure

On 16 December 2008, the Commission submitted to the European Parliament (EP) and the Council a proposal for a directive laying down the framework for the deployment of Intelligent Transport Systems (ITS) in the field of road transport and for interfaces with other modes of transport¹. The proposed Directive provides a legal framework for the implementation of the Action Plan for the Deployment of ITS in Europe² which accompanied the Commission's proposal.

The Economic and Social Committee adopted its opinion on the Commission proposal on 13 April 2009.³ The European Committee of Regions thought was consulted, renounced to issue an opinion⁴.

During its sitting of 23 April 2009 the European Parliament adopted at first reading a legislative resolution amending the Commission's proposal⁵.

The European Data Protection Supervisor adopted its opinion on the Commission proposal on 22 July 2009.⁶

At its meeting of 21 July 2009, the Committee on Transport and Tourism (TRAN) confirmed the EP first reading adopted during the sixth legislature for this legislature and the rapporteur received a mandate to enter into the negotiations with the Council with a view to an early second reading agreement.

In accordance with the provisions of Article 251 (2) of the EC Treaty and the joint declaration on practical arrangements for the codecision procedure⁷, a number of informal contacts have taken place between the Council and the EP with a view of reaching an early agreement at second reading. In this context, the responsible bodies of both institutions⁸ reached an agreement which was confirmed by Coreper on 9 December 2009 and 10 March 2010 and on the level of TRAN Committee by means of the letters of its Chairman, dated 16 December 2009 and 11 March 2010.

On 10 May 2010, the Council, adopted its position at first reading, in accordance with the ordinary legislative procedure (OLP) laid down in Article 294 of the Treaty on the Functioning of the European Union (TFEU) incorporating the agreement.

2. The Commission's proposal: objective and main elements

¹ COM (2008) 887 final - 2008/0263 (COD)

² COM(2008) 886 final/2

³ OJ C277, 17.11.2009, p. 85.

⁴ CoR. Renouncement 13.03.2009.

⁵ T6-0283/2009.

⁶ OJ C047, 25.02.2010, p. 6

⁷ OJ C 145, 30.6.2007, p. 5.

⁸ COREPER and TRAN Committee.

The general objective (scope) is to establish a framework for the coordinated deployment and use of ITS and the development of the specifications in the field of road transport, including the interfaces with other modes of transport.

Specific objectives include increasing system interoperability, ensuring seamless access, fostering continuity of services and setting up an efficient co-operation mechanism between all ITS stakeholders.

Obligations for Member States aim to ensure the coordinated deployment and use of interoperable ITS applications and services.

Adoption of common specifications by the Commission assisted by a Committee composed of Member States representatives (European ITS Committee) under the regulatory procedure with scrutiny (RPS), cover, in particular, *four priority areas*:

1. Optimal use of road, traffic and travel data
2. Continuity of traffic and freight management ITS services in European transport corridors and conurbations
3. Road safety and security applications of ITS
4. Integration of the vehicle into the transport infrastructure.

The European ITS Advisory Group is to be established to which representatives of relevant ITS stakeholders shall be invited.

The mutual recognition of type approvals issued by the national bodies is proposed to cover road infrastructure related equipment and software.

Data protection provisions are proposed to ensure privacy and security.

Key principles as the effectiveness, the cost-efficiency, geographical continuity and interoperability, the degree of maturity should be taken into account by Member States.

3. Parliament's first reading

The Parliament's legislative resolution adopted by a very large majority (529 in favour, 42 against and 16 abstentions) at first reading was accompanied by 58 amendments. In these amendments EP sought primarily to support the coordinated and coherent deployment and interoperable use of ITS and to define the framework where ITS applications and services will apply. The most important modifications cover the following issues:

Subject matter and scope: Parliament specified the need for a *coherent* deployment and use of ITS, *including interoperable ITS* (AM 6) and that the Directive shall apply to all ITS *for travellers, vehicles and infrastructure and their interaction* in the field of road transport, including *urban transport*, and interfaces with other modes of transport (AM 7). Provisions on *vulnerable transport users* (AM 10, 11 and 59, 50, 55) and on *traffic and mobility management*, including the provision of *multimodal interoperable ticketing* (AM 9) were adopted under the scope and the specifications.

Adoption of common specifications would be limited to the proposed *four priority areas*,

while the possibility for the Commission to amend the content of the specifications through Comitology (RPS) was deleted (AM 19 and 37). Specifications on *interoperability* and on *liability* shall be provided, if necessary, and the obligations for the *services providers* shall be defined (AM 23 and 24). An *impact assessment* prior to the adoption of specifications and targets and deadlines for their implementation were asked for (AM 26 and 43).

Minimum level of ITS applications and services for the TEN-T was introduced for the following four priority areas where the Commission would define specifications for their obligatory deployment and use (AM 12, 20):

- a) the provision of EU-wide real-time traffic and travel information services;
- b) data and procedures for the provision of free minimum universal traffic information services;
- c) the harmonised introduction of eCall throughout Europe;
- d) appropriate measures on secure parking places for trucks and commercial vehicles and on telematics-controlled parking and reservation systems.

Obligations for Member States on ITS deployment would cover, where possible, *backward compatibility* (AM 14), *apply to all modes of transport and to the interfaces between them* (AM 57) and avoid *creating geographical fragmentation and discontinuity* (AM 15) with special provision on *morphological particularities* (AM 18).

On data protection Parliament sought to ensure privacy, the use of *anonymous data*, the *purpose limitation* and *prior consent* to the processing of the personal data (AM 32-36).

On type approval Parliament introduced a wide range of new provisions on type approval covering ITS *software application* and *market conformity* (AM 27-29) *technical standards and regulations* (AM 30 and 31).

4. Assessment of the Council's first reading and commentary

The Council endorses the agreement reached between Parliament's and Council's responsible bodies during the negotiations held at informal trilogues.

A very limited number of Parliament's amendments have not been incorporated fully, partially or in principle in the Council's text (AM 2, 5, 16, 53, 12, 21, 57). Areas where EP had demonstrated a key interest, e.g., scope, vulnerable road users, specifications for key areas of ITS, liability and data protection, are covered in the text. Some new elements are introduced, e.g. adoption of non-binding measures while other are clarified, e.g. provisions on deployment and standards and conformity assessment.

Subject matter and scope: The *coherent* deployment and use of ITS is included and *the cross border* dimension is added in Article 1 (1). The definition on *vulnerable transport users* is established (Article 2) with provisions on specifications in Annex I (Priority area III, 4.3) and in the principles in Annex II (a). *Urban* dimension and the *multimodal interoperable ticketing* would be covered by specifications in relation with the ITS architecture and continuity of traffic respectively (Annex I).

Adoption of common specifications and standards (Article 2) in the *four priority areas* is confirmed. Specifications on *interoperability* and on *continuity* are foreseen in Article 6 (1)

and (3), including, where relevant, *functional, technical, organisational and services provisions for the various stakeholders*. An impact assessment prior to the adoption of the specification is required.

Deployment (Article 5): While the Council accepted Parliament's idea to set *priorities actions* within the priorities areas of ITS, there was not able to accept the *automatic or mandatory deployment* of ITS as proposed by Parliament, mainly due to its unknown financial impact. Instead, it was agreed to have a legislative proposal for the deployment under the OLP (formerly co-decision), twelve months after the adoption of the specifications (Article 6 (2)).

The six priorities actions for the adoption of ITS specifications (Article 3) correspond to the four key areas that Parliament wanted as minimum level of ITS from the first reading. The Commission issued a statement which provides a commitment for the swift adoption of the specifications with a tight timetable:

- (a) the provision of EU-wide multimodal travel information services; (2014)
- (b) the provision of EU-wide real-time traffic information services; (2013)
- (c) data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users; (2012)
- (d) the harmonised provision for an interoperable EU-wide eCall; (2012)
- (e) the provision of information services for safe and secure parking places for trucks and commercial vehicles; (2012)
- (f) the provision of reservation services for safe and secure parking places for trucks and commercial vehicles; (2013).

On data protection (Article 10) the text fully reflects the content of Parliaments' amendments.

On liability (Article 11), provision is introduced in order to cover products in accordance with the EC legislation. For the ITS services, the Commission issued a statement for the adoption of guidelines.

Comitology/Delegated acts: Following the entry into force of the Lisbon Treaty, the Comitology provisions referred to RPS are replaced with delegated acts (Article 290 TFEU). The Commission will adopt under the system of delegated acts the specifications referred to Annex I starting with those contained under the priority actions. The duration of the delegation power given to Commission has been set for seven years.

5. Content of the recommendation

Your rapporteur would like to recommend the acceptance of the first reading of Council. The content of the Council's text largely reflects Parliament's first reading. The text is the result of tough negotiations held between the Swedish and Spanish Presidency and the Parliament negotiating team from October 2009 to March 2010.

Your rapporteur would like to stress the following:

- the voluntary approach on ITS had not worked and a minimum level of standardisation is required if users were to be able to use ITS systems during journeys.
- the Council's attitude had changed dramatically over the last period, as initially Member States were against a legislative act.

The adoption of the ITS Directive will accelerate the implementation of ITS solutions in road transport and for the interfaces with other mode of transport that has been slow over the past years. Facing the fragmented deployment which leads to a patchwork of national, regional and local solutions, the new ITS Directive provides an EU framework for a coherent deployment of ITS.

Therefore the agreement paves the way to make up for delays on ITS applications and services and remove inefficiencies on travelling by making transport more efficient, safer and secure while contributing to the policy objective of making transport cleaner.

ANNEX

Directive on ITS Steps and informal meetings between the EP negotiating team (1) and the Presidency of the Council

Date	Place	Meeting on ITS draft Directive
2009		
23 April	Strasbourg	EP adopts its first reading
21 July	Brussels	TRAN Committee meeting: confirmation of the first reading and decision on the mandate to enter into negotiations
14 October	Brussels	The first technical informal trilogue/ SE Presidency*
3 November	Brussels	Second technical informal trilogue *
10 November	Brussels	TRAN Committee meeting: report back Third technical informal trilogue *
19 November	Brussels	Fourth technical informal trilogue *
24 November	Strasbourg	First informal trilogue / SE Presidency**
1 December	Brussels	Second informal trilogue / SE Presidency**
2 December	Brussels	TRAN Committee meeting: report back
8 December	Brussels	Third informal trilogue / SE Presidency** Agreement in substance of the Directive
16 December	Strasbourg	TRAN Coordinators meeting: report back TRAN Chair letter confirming the agreement on the substance of the Directive without Comitology provisions and adaptation to Lisbon Treaty.
2010		
3 March	Brussels	Fourth informal trilogue / ES Presidency* Agreement on Comitology provisions: introduction of implementing acts and delegated acts
11 March		TRAN Chair letter to Coreper confirming the early second reading agreement
10 May	Brussels	Council adopts its first reading

(1) Rapporteur Ms A. E. Jensen, Shadow-rapporteurs: Mr D-L. Koch (EPP); Ms S-A. Țicău (S&D); Ms F. Brepoels (Greens/EFA); Mr R. Czarnecki (ECR).

* Council represented by Chair of Working Party on Intermodal Questions and Networks.

** Council represented by Chair of COREPER I.