



DIRECTIVE 2010/40/EU - EXPERT MEETING

TOWARDS SPECIFICATIONS FOR PRIORITY ACTION (C)

DATA AND PROCEDURES FOR THE PROVISION, WHERE POSSIBLE, OF ROAD SAFETY RELATED MINIMUM UNIVERSAL TRAFFIC INFORMATION FREE OF CHARGE TO USERS

Summary Record of the Expert Meeting on 15 November 2012 TEN-T Executive Agency, Brussels

Chairman: Mr. Pawel Stelmaszczyk, Head of Unit, DG MOVE C3, Intelligent Transport Systems

Participants: See attendance list in the Annex

1. WELCOME AND TOUR DE TABLE

The Chairman welcomed the participants to this last meeting with experts appointed by the Member States (MS) to follow the process of elaboration of specifications under Directive 2010/40/EU¹ ("ITS Directive").

The meeting was dedicated to the specifications for Priority Action (c) on **data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users.**

The Chairman gave an overview of the Agenda and confirmed that this meeting was the last opportunity to collectively discuss the working document on specifications for action c. It was therefore important to cover it in its entirety. The version for this meeting remained the same as the one discussed at the last meeting on 30 October 2012.

The Chairman thanked the participants for their interest and dedication. He also thanked the experts who provided comments in written format.

These words of introduction were followed by a quick 'Tour de Table' where all participants briefly introduced themselves and the institutions they were coming from (see Annex).

2. APPROVAL OF MINUTES OF 30 OCTOBER 2012

The Chairman asked whether experts had comments on the Minutes of the expert meeting held on 30 October 2012.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:207:0001:0013:EN:PDF>

To answer to the request for clarification on the applicability of the specifications upon private stakeholders DG MOVE C3 reiterated that **the specifications were applicable to both public and private stakeholders**. MS can decide to provide the service by themselves or contract it out to private providers. Private providers had no obligation to deploy 'above minimum requirements' services. But if they provided a service within the scope of action c they were bound by the specifications.

It was stressed that either the category 'dangerous road surface' shall be changed into 'temporary slippery road' or the definition should be revised. The distinction was important because dangerous road surface implied very specific duties for road operators for which they can be liable. There was also an issue of consistency with the definitions and signals/signs of the Vienna Convention.

DG MOVE C3 will process the comments, integrate additional explanations and re-circulate these final Minutes as soon as possible. The experts agreed on approval of the final Minutes revised with the aforementioned corrections.

3. DISCUSSION ON THE SPECIFICATIONS FOR PRIORITY ACTION C

The Chairman opened the discussion on the draft specifications and suggested proceeding section by section starting from paragraph 5 onwards.

Paragraph 5 on minimum requirements for the provision of the 'service'

Following the outcome of previous discussions with experts, DG MOVE C3 wondered whether quality requirements should be retained in the specifications, and if yes in which form. Although fundamental to road safety related traffic information, **quality requirements were yet difficult to define precisely and measure, and required more in-depth analysis by MS**. Such complementary work will be necessary to prepare the next stage i.e. mandatory deployment of the specifications but will not be ready in time for the finalisation of the specifications by end 2012/early 2013. Quality criteria were linked to Cost-Benefit Analysis (CBA). Benefits shall be assessed against real costs through field testing. MS needed to define quality targets which were the most profitable for road safety depending on road safety related categories along specific road sections and prioritise investments accordingly. It was too early to present figures in the specifications. And indeed the difficulty was to address quality which shall be defined in technical terms in the current specifications which were 'functional only'. Irrelevant criteria and averaging out the targets would weaken the specifications. More assessment was needed at national level and the outcome of such work could be a topic for MS reporting. Only then will it be possible to push for quality by defining realistic targets according to national/EU ambitions.

DG MOVE C3 understood that **quality requirements were maybe one step too far at this stage of functional specifications**, and agreed that quality targets needed to be reassessed continuously and evolve accordingly. Additionally, quality requirements should not hinder innovations or prevent from services improvements. DG MOVE C3 reminded to the experts that **the specifications will remain a living document** that could evolve over time to keep up with market evolution and technological improvements. DG MOVE C3 would like to maintain the momentum created with the MS experts and **continue working on the definition of relevant quality criteria, targets, and measurement methods** in a collaborative and dynamic way. In this respect MS benchmark on best practices,

weaknesses and gaps as well as sharing national visions with respect to quality would be very useful.

DG MOVE C3 acknowledged there was **no obligation to systematically deploy detection means at this stage of the specifications**, and such **detection means shall be implemented** within specific frameworks **with the consent of road authorities**. Service providers shall not be permitted to do whatever they wished in order to detect an event. When public equipment existed already there was no need for additional private equipment.

DG MOVE C3 explained that **the matter of data retention**, distinguishing in particular personal data and other traffic data, **was a responsibility of road authorities and operators**, whom can rely on existing rules for data protection and liability.

DG MOVE C3 reasserted the relevance of **DATEX II which is a European standard widely implemented**. Although some stakeholders/service providers might need to code safety events back and forward what can generate several conversions, it would be against the objectives of interoperability, compatibility and continuity to open the door to many different coding formats, and would ultimately lead to a costly multiplication of interfaces. **Data exchange shall be feasible between operators and users and rely on one protocol only**. Reaching end users using TMC or TPEG or any other devices was another issue covered in another section of the specifications. Software and protocols existed already to translate DATEX II into TPEG, as well as for reverse translation.

Although **providing road safety related traffic information in first priority order** was very relevant, DG MOVE C3 acknowledged there was no mechanism enabling the enforcement of such a requirement in particular for private providers. They will have to comply with the specifications and conformity assessment will enable to check them e.g. private providers not complying will take the risk of being fined by MS.

DG MOVE C3 agreed to **integrate the term 'where possible'** stemming from the ITS Directive **in the specifications** as well. This had been checked with legal experts.

DG MOVE C3 acknowledged that although **certification of the service** might be relevant, it **seemed premature at this stage**. Defining a 'label' for safety related traffic information might act as a disincentive rather than a driver. The market will certainly solve the issue on its own i.e. service providers willing to claim and publicise their compliance will do so. Then DG MOVE acknowledged that **giving a brand name to the service** would facilitate its recognition but warned strongly against gimmicks.

Paragraph 6 on conformity assessment

DG MOVE C3 explained that **DG ENTR had been consulted regarding conformity assessment procedures**. They were of the opinion that modules E1 or H of the Decision 768/2008/EC on framework and rules on conformity assessment procedures seemed the most appropriate ones for road safety related traffic information, provided that the current Decision designed for products was adapted for services. However such modules were overcomplicated compared to the 'light' approach proposed in the current version of the specifications.

MS agreed to keep the section on **annual random audits broad and not overcomplicated**. They would decide by themselves on how to organise the

implementation of the conformity assessment. MS can decide whether they shall rely or not upon their providers and how they will check them. But it was indeed **important to well define responsible entities at national level. The notification of a national conformity assessment body was a necessary pre-requisite, and enabling self-declaration at national level would be an efficient way of involving all the stakeholders.** MS should inform the Commission as soon as their conformity assessment bodies were nominated and self-declaration should be updated as soon as possible in case of changes.

DG MOVE C3 confirmed that each **MS will have to decide on the set up needed for the conformity assessment** including possible delegation(s). **Audits would be required** to ensure the credibility of the conformity assessment, and cost had to be kept minimal. DG MOVE C3 believed **end users should not take part in audits**, but acknowledged that **MS shall be allowed to build up their own process and adapt in the event that such a process did not provide the expected outcomes.**

DG MOVE C3 explained that **national bodies shall report annually to their MS**, whom shall in turn report to the Commission, and reminded the experts that the information gathered through reporting was useful for benchmarking national experiences and practices.

In the case of non-compliance with the specifications, measures shall be taken first at national level and then after, if needed, the matter shall be brought to the European Commission. Situations where and when any provider would claim they provide the service, whereas such a service was not conforming to the specifications should be avoided.

DG MOVE C3 acknowledged the idea of a common initiative by several neighbouring MS to share efforts and cost of the conformity assessment. But this was up to MS to decide whether they wanted to collaborate and get organised for doing so. The specifications shall not exclude such a possibility but will not promote it.

Paragraph 7 on obligations linked to the deployment of the service free of charge to users

DG MOVE C3 indicated **that the specifications will stick to the wording of the ITS Directive** and agreed to check consistency of wording and legal interpretation with their legal experts.

Paragraph 8 on reporting

MS suggested **aligning the reporting on priority action c with national reports under the ITS Directive and consolidating it with reporting on other priority actions.** They warned against unnecessary administrative burdens. MS will report informally on quality but believed little knowledge / experience will have been gained after only 12 months following entry into force of the delegated act.

DG MOVE C3 explained that **for MS with little experience regular reporting and feedback from the Commission would be useful**, and agreed to consider alignment of reporting under the framework of the ITS Directive. In this respect the national reports guidelines could be made more comprehensive and practical. DG MOVE C3 reminded the experts that national reports were used to build up mutual knowledge on national situations and experiences which was very useful to set European expectations and also served as inputs for elaborating country profiles. DG MOVE C3 believed the first **report on the adopted specifications** shall be submitted within 12 months **to gain a clear**

understanding of the functional implementation and status of the service(s), whereas future reports can be less frequent thereafter. This first report can be a 'reality check' of a few pages only. DG MOVE C3 acknowledged the fear of an extra burden but still wanted to get the opportunity **to identify as soon as possible outstanding issues and possible amendments needed with respect to the specifications**. Such a functional reporting will help to assess whether MS were in line with their 5 year plans. DG MOVE C3 suggested checking with their legal experts what was feasible in terms of alignment of reporting and confirmed that **the deadline for functional reporting by MS will be 12 months**. Then after, reporting on priority actions might be included in the national reports. All experts agreed to the proposal.

Paragraph 9 on entry into force

DG MOVE C3 advised that **equal treatment shall be ensured between providers within the EU internal market**. In this context accommodating a transition period of 2 years for some providers and 5 for others seemed unbalanced. Considering the short life cycle of some products/systems, 5 years did not seem relevant for phasing in a service. The issue will have to be further discussed with legal experts and other DGs.

DG MOVE C3 acknowledged the fact that **a transition period of 1 year might be short for enabling backward compatibility**. In this respect MS were encouraged to share their experience. But as for now, **2 years seemed appropriate** to accommodate both public investment plans and private sector readiness to provide the service across EU.

Background

DG MOVE C3 explained that the current **section named 'background'** in the working document **would be the 'recitals'** of the delegated act. Therefore consistency across the different sections of the specifications and with the ITS Directive will be checked.

Since the 'light' approach for conformity assessment of the specifications had been agreed the reference to Decision 768/2008/EC will be removed from the recitals.

DG MOVE C3 explained that **road safety related traffic information shall be free of charge whereas premium/added value services can come at a cost**. Premium services could be for instance a bundle of high quality advanced services also integrating basic road safety related traffic information as defined in the specifications. And indeed road safety related traffic information was never a stand-alone service, as there was no business model for it, but always linked to other services e.g. sat nav. systems. In this case private providers should not charge for the basic element of the premium package. DG MOVE C3 acknowledged it was difficult to control.

MS argued that if existing charging rates were challenged, providers might stop offering such services. DG MOVE C3 did not want to impact negatively on businesses but did certainly not want to undermine the requirements of the specifications i.e. the service should remain free of charge at the point of use in all MS. DG MOVE C3 also warned against blackmail and remained open to discussion with private providers.

DG MOVE C3 acknowledged the need for **clarifying further with legal experts the issue of urban nodes being part of the TEN-T**. The intention was that urban areas were kept out of the scope of the specifications. However **specific features of the administrative**

structure of a MS cannot justify non-compliance with EU rules. Stronger demonstration would be required in the event of intentional non-compliance.

Then DG MOVE C3 reiterated that the specifications, adopted as a delegated act, were only binding measures at this stage (whereas a legislative proposal would be required for mandatory deployment), and will apply equally to public and private stakeholders. In this respect it seemed to be in the interests of the concessionaires to improve safety records on their network. This could even be turned into conditionality for public funding.

5 NEXT STEPS TOWARDS SPECIFICATIONS

DG MOVE C3 explained that a final draft of the specifications for priority action c will be circulated to MS as soon as possible for a final round of comment in written format. This final draft will also be circulated to the European ITS Advisory Group for written comments. **Deadline for these last comments will be 7 December 2012.**

The Commission will then process these comments and finalise **the specifications** which **will then be shared with other DGs via Inter-service Consultation (ISC)**. A note including elements of CBA will be attached to the specifications for the ISC and can be shared with MS. The ISC shall be launched before the Christmas break and feedback received by end of January 2013. Results of the ISC will be analysed to finalise the **specifications** which will be **submitted to the Council and the European Parliament** in February-March 2013. They will have 2 + 2 months to react. **In the absence of objection** from them **the specifications will be adopted** by default and published.

In addition, a communication package (e.g. press release, FAQ) will be prepared and can be shared with the MS in support of their own communication at national level.

The ITS Directive mentioned the possibility of a legislative proposal for mandatory deployment of the specifications within 12 months following their adoption as delegated acts. However the Commission owned its right of initiative at any time. A new legislation for mandatory deployment would require lengthy negotiation as well as a comprehensive impact assessment. **Should the specifications be properly applied across the MS, mandatory deployment would not be absolutely necessary.**

Finally, DG MOVE C3 closed the meeting and thanked all participants for their participation and the positive discussion.

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ATTENDANCE LIST

Expert Meeting: Data and procedures for the provision where possible of road safety related minimum universal traffic information free of charge to users

Date: **15 November 2012**, 10h45 – 17h00 - Venue: W910 00/41

Participants
Austria
Belgium
Croatia
Czech Republic
Germany
Denmark
Finland
France
Greece
Ireland
Italy
Lithuania
Netherlands
Norway
Poland
Portugal
Romania
Sweden
Switzerland
Spain
United Kingdom
European Commission