



SENATE  
OF THE PARLIAMENT OF THE CZECH REPUBLIC

13<sup>TH</sup> TERM

388<sup>th</sup>

**RESOLUTION OF THE SENATE**

Delivered on the 21<sup>st</sup> session held on 2<sup>nd</sup> March 2022

**on 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 /Senate Print no. N 140/13, COM(2021) 813/**

**The Senate**

- I.**
- 1. Agrees**  
with the need to ensure sufficient interoperability and continuity of relevant transport applications, systems and services across the EU and, in this respect, supports the adoption of the necessary measures to enable flawless and continuous Intelligent Transport Systems (ITS) services;
  - 2. Reminds**  
that no ITS can eliminate the poor permeability, the insufficient capacity of certain traffic sections or routes and the impact of weather conditions, the very limited number of inter- and intra-urban interchange terminals, as well as the immediate detection of dangerous situations in real traffic (e.g. an obstacle on the roadway, vehicle in the opposite direction, uncontrolled traffic stop), such information could only be collected and distributed if all sections of the transport infrastructure were covered by automatic warning systems or if all vehicles were equipped with similar systems, which would require disproportionate investment and operating costs;
  - 3. Regrets**  
for this reason, that the present Proposal does not include an adequate provision for conformity assessment, defining the necessary technical requirements, coordination and

## *Courtesy translation*

standardisation work related to the creation of mechanisms for data exchange and distribution, which would remedy this current shortcoming of the legal framework for ITS;

### **4. Agrees**

with the efforts to reduce the number of casualties in all modes of transport in the EU, but considers unrealistic to achieve the objective to bring the death toll close to zero;

### **5. Draws attention**

to the fact that some of the proposed mandatory measures to achieve safe, sustainable, intelligent and resilient mobility, which will require the processing of travel, traffic or road network data, involve processing of personal data and must therefore be fully compliant with data protection requirements;

### **6. Recalls**

the need to respect the principles of technological neutrality and to ensure that technologies are technically ready to be implemented and tested in real-life conditions, as they may otherwise constitute a threat to road users;

### **7. Disagrees**

with the scope of the competencies delegated to the Commission to adopt delegated acts, which amend the list of data types for which the availability and accessibility on national access points needs to be ensured, as well as the list of the ITS services, for this would constitute an amendment of the substantive scope of the Directive, and therefore an amendment of the essential elements of the legislative act, which is not permissible according to Article 290 TFEU;

### **8. Recalls**

in this context, the 26<sup>th</sup> Resolution of the Senate from 30<sup>th</sup> November 2016 on the Commission's Annual Report 2015 on relations between the European Commission and national Parliaments and on subsidiarity and proportionality, in which the Senate criticised the Commission's vague and broadly formulated authorisation to adopt delegated acts, which makes it difficult to assess the content of the Proposal comprehensively, and drew the Commission's attention to the fact that according to Article 290 TFEU a legislative act may delegate to the Commission the power to adopt non-legislative acts of general application only in case they supplement or amend certain non-essential elements of the legislative act, and that it is always preferable to regulate the substance of a given issue directly in a legislative act, which is adopted in a more transparent manner in the Council and the European Parliament;

## **II.**

### **1. Requests**

the Government to provide the Senate no later than on 30<sup>th</sup> June 2022 about the way this Resolution was taken into account, and about the further development of negotiations;

### **2. Authorises**

the President of the Senate to forward this Resolution to the European Commission.

*Courtesy translation*

Miloš Vystrčil  
sign manual  
President of the Senate

Adéla Šípová  
sign manual  
Senate Verifier