



EUROPEAN COMMISSION

*Brussels, 11.5.2022
C(2022) 3215 final*

Dear President,

The Commission would like to thank the Senát for its Opinion on the Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport {COM(2021) 813 final}.

This proposal forms part of a broader package to support the transition to cleaner, greener and smarter mobility, in line with the objectives of the European Green Deal.

The specific objectives of this proposal are to make crucial data available to support essential intelligent transport systems services such as real-time traffic information or intelligent speed assistance and to increase the interoperability and cross-border continuity of intelligent transport systems applications by expanding the scope of Directive 2010/40/EU to passenger multimodality and automated mobility.

The Commission welcomes the Senát's general support to the adoption of the necessary measures to enable 'flawless and continuous' intelligent transport systems services.

The Commission notes the remark of the Senát on what it sees as disproportionate investments and operating costs to detect dangerous situations on all sections of the transport infrastructure. The Commission would like to recall that the proposal to provide the related information service (annex IV of the proposal) only applies to the trans-European network for roads and other motorways not included in that network.

The Commission also notes the Senát's regrets that the present proposal does not include an adequate provision for conformity assessment. However, the Commission would like to recall that specifications adopted pursuant to the intelligent transport systems Directive may include rules on conformity assessment and market surveillance, including a safeguard clause, in accordance with Decision No 768/2008/EC.

Regarding the processing of travel, traffic or road network data, the Commission shares the views of the Senát that this processing should be compliant with data protection requirements in case it involves personal data. Due reference is made in the proposal to

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Regulation (EU) 2016/679 and Directive 2002/58/EC, as well as to the use of anonymous data.

Regarding technology neutrality, this principle is established in the European Electronic Communications Code. Annex II of the proposal includes the principle of coherence, taking into account existing Union rules, policies and activities which are relevant in the field of intelligent transport systems. This link is further clarified in recital 8 which states that '[i]f appropriate, it should be ensured, in particular for C-ITS, that requirements for ITS systems neither impose nor discriminate in favour of the use of a particular type of technology'. Adding the principle to Annex II is thus not necessary and would actually risk reducing coherence. For similar reasons, there is no principle on protection of personal data, as this is handled by Regulation (EU) 2016/679. On technical readiness to implementation, the Commission would like to recall principle (i) of Annex II of the Directive: 'demonstrate, after appropriate risk assessment, the robustness of innovative ITS systems, through a sufficient level of technical development and operational exploitation'.

The Commission takes note of the disagreement of the Senát on the use of delegated acts to amend Annexes III and IV. However, the Commission would like to clarify that the amendment of these Annexes would be subject to the following procedure:

- 1) Data and services are described in specifications, adopted through a delegated act. This is how the Directive works currently.*
- 2) Adoption of the working programme including data and services envisaged for mandating would only take place after approval by the representatives of Member States in the ITS Committee (examination procedure).*
- 3) Amendment of Annex III and/or Annex IV through a delegated act.*

The Senát's Opinion has been made available to the Commission's representatives in the ongoing negotiations of the co-legislators, the European Parliament and the Council, and will inform these discussions.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senát and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Adina-Ioana Vălean
Member of the Commission*