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cc. Mevr. Khadija ARIB
Voorzitter van de Tweede Kamer
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Dear Chair,

The Commission would like to thank the Tweede Kamer for its Opinion regarding the public consultation on the delegated measures in the field of EU-wide multimodal travel information services envisaged under the 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 ('the ITS Directive')[1].

Delivering comprehensive, accurate and reliable multimodal travel information to travellers across the EU is a key priority of the Commission. In order to achieve this, establishing a data layer and facilitating the free flow of interoperable data across the EU along with supporting the use and exchange of interoperable local, regional and national services are paramount. In this regard, the envisaged delegated measures aim to support the realisation of this objective in a balanced and effective manner.

The Commission values the Tweede Kamer's early engagement at this stage of the preparation of the delegated acts. The Commission recently published the results of the public consultation[2] which addressed some of the specific questions of the Tweede Kamer, such as the economic, legal, technical and organisational obstacles, as well as the need and impact of standardisation with regard to introducing accurate, comprehensive and reliable multimodal travel information services in the EU. Furthermore, a cost-benefit analysis of the foreseen policy options will be conducted, demonstrating the impact of the different measures. Upon completion of the supporting study and of the discussions with experts nominated by the Member States, the Commission expects to adopt the specifications by the end of 2016, after which the European Parliament and the Council will be notified in accordance with the ITS Directive.

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[1] OJ L 207, 6.8.2010, pp. 1-13.
[2] http://ec.europa.eu/transport/themes/its/consultations/2015-its-mmtips_en.htm.

In response to the more technical questions and comments raised in the Opinion, the Commission would like to refer the Tweede Kamer to the attached annex.

The Commission hopes that these clarifications address the issues raised by the Tweede Kamer and looks forward to continuing our political dialogue in the future.

Yours faithfully,

Frans Timmermans
First Vice-President

Violeta Bulc
Member of the Commission

The Commission has carefully considered the issues raised by the Tweede Kamer in its Opinion and would like to offer the following detailed observations, grouped by topic.

<u>*On Intelligent Transport Systems and the Implementation of the ITS Directive*</u>

Intelligent Transport Systems (ITS) is an area of dynamic market driven solutions where close collaboration and public/private partnerships are essential. The implementation of the ITS Directive focuses much of its efforts on creating the necessary conditions for end-users to receive reliable information. This is why the technical specifications adopted so far focused on the 'back office', meaning easier access to the relevant data, pushing for interoperability through harmonized standards, and supporting the continuity of ITS services through the EU transport network. It is important to highlight that such specifications only apply to data and services that already exist in the Member State. They do not mandate the collection of new data or the creation of new services; Member States know best where any need for ITS solutions arise, having regard to the different local contexts.

The delegated acts adopted so far include safe and secure truck parking, road safety information, and real-time traffic information whose specifications were developed during extensive and cooperative discussions identifying how to build a framework that would support and not hinder the market. The implementation of the ITS Directive has already started with the setting up of National Access Points (NAP) across the EU.[3] In this regard, Member States can determine what form the NAP can take according to their local context and existing infrastructure. In the case of the Netherlands, following a detailed analysis, the National Data Warehouse (NDW) was appointed as the NAP for truck parking and safety related traffic data.

A report on the implementation of the ITS Directive is publicly accessible on the DG Mobility and Transport website that we invite the Tweede Kamer to consult for further detail.[4]

<u>*On Multimodal travel information services in the EU*</u>

Multimodal travel information plays a key role in Intelligent Transport Systems overall. It has the potential to have a major impact on the efficiency of the transport sector by facilitating the integration of various modes of transport, promoting their sustainability, and supporting the different information needs of all types of travellers. Various Member States, including the Netherlands, have already made a significant amount of progress in this domain.

At present, a market of multimodal travel information services exists in Europe, but the level of comprehensiveness, accuracy and reliability of the travel information available still remains limited in terms of the real-time information and the range of travel options that is provided to the user. The ease of planning a door-to-door trip across Europe still remains a

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[3]   http://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-642-EN-F1-1.Pdf;
    http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014SC0319&from=en
[4]   http://ec.europa.eu/transport/themes/its/road/action_plan/its_reports_en.htm

laborious, complicated and time-consuming process. It is true that in some parts of Europe cross-border travel information is more advanced than others, especially for point-to-point information, but overall across Europe and especially in respect of information on a 'door-to-door' basis, the picture is more fragmented and the information provided remains limited. The Commission called for a seamless door-to-door transport system in its 2011 White Paper on Transport[5] and Member States have also called for action at an EU level to support the development of such a system. The first key building block to support such a system is the comprehensive and accurate travel information provided to travellers. However, in order to facilitate this, a common and interoperable EU framework needs to be established, bearing in mind that technical developments have so far taken place on a national level. To ensure a consistent approach across Europe with the involvement of all actors along the value chain, action at the EU level is necessary as otherwise a patchwork of data and services would emerge rather than a network. The key objective of any specification in this area would be to remove the barriers of non-interoperable exchange and access to travel and traffic data and services that currently exist in Europe. At present, EU-wide multimodal travel information services may involve centralised systems and de-centralised systems, and services at a national and regional level may be combined. The framework to be established through the specifications may be able to support any of these solutions. This would make it easier to access and to exchange both data and services via harmonised data standards, interfaces and data repositories. This in turn would bring benefits both to travellers and to stakeholders.

The implementation phase of the specifications would be led by Member States but the Commission would support this activity by continuing to engage with Member States' experts and by hosting coordination meetings, following the same approach as in respect of other delegated acts adopted under the ITS Directive. Moreover, where relevant and possible, the Commission would endeavour to identify other support activities.

On Data ownership, privacy and passenger rights

The provision of such information brings into question a number of important issues such as data ownership, passenger rights and privacy. In response to the direct question on data protection, the Commission observes that it does not see scope for including the exchange of personal data in the specifications. In any event, the use of such data is always covered by the relevant Union rules, in particular those of Directive 95/46/EC on data protection[6] and Directive 2002/58/EC on privacy and electronic communications[7], and the national legislations adopted thereunder. The applicability of those rules has been recalled in earlier delegated acts adopted under the ITS Directive. The development of a multimodal transport system may raise questions regarding the protection of passenger rights, whose importance the Commission fully recognises. The issues cover for example liability for inaccurate information and missed connections. The Commission is currently reviewing these issues in

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[5] White Paper: Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0144&from=EN
[6] OJ L 281, 23.11.1995, pp. 31-50.
[7] OJ L 201, 31.7.2002, pp. 37-47.

order to determine whether and to what extent EU intervention is appropriate. As regards data ownership, it is true that the use and re-use of travel and traffic data raises questions regarding the transfer of ownership. It is intended to address this issue, possibly also through safeguards for data owners, in the context of data-exchange.

On Integrated Ticketing

Information and planning are a key fundamental aspect but multimodal ticketing also has an increasingly important role. In this regard, the Commission would like to emphasise the importance of ticketing and the various research activities[8] that have been conducted thanks to various funding instruments, with a view to supporting the full integration of transport modes. A two-step approach may be followed. In a first step, it is essential that travellers receive the information they need to plan their trip. The specifications currently under preparation may facilitate this exercise, by tackling a range of technical barriers. As a logical subsequent step, issues regarding integrated ticketing may be looked into. Although some examples of such ticketing exist today, it is not yet a widespread practice in Europe. With regard to the specific question about the clear indication of prices of tickets and pricing models, certain rules pertaining to the aviation sector exist today in Regulation (EC) No 80/2009 on a Code of Conduct for computerised reservations systems[9] and Regulation (EC) No 1008/2008 on common rules for the operation of air services[10]. Similar rules do not yet exist for other transport modes. The Commission will, however, take stock of market developments and key findings from the various EU research activities in determining to what extent EU rules might be needed to support the development of integrated ticketing across the EU and whether they should also promote cooperation amongst stakeholders.

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[8]   http://www.mobiwallet-project.eu/ ; http://cordis.europa.eu/project/rcn/193375_en.html ;
      http://masai.teleticketing.eu/ ; http://www.allwaystravelling.eu ; http://www.eutravelproject.eu/ ;
      http://www.it2rail.eu/ ; http://www.shift2rail.org
[9]   OJ L 35, 4.2.2009, pp. 47-55.
[10] OJ L 293, 31.10.2008, pp. 3-20.