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COMMISSION DELEGATED REGULATION (EU) .../...

of 31.5.2017

**supplementing Directive 2010/40/EU of the European Parliament and of the Council
with regard to the provision of EU-wide multimodal travel information services**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Digitalisation of transport plays an important role in bringing more efficiency to transport operations and the management of traffic flows. Efficiency gains have been highlighted in the context of the Digital Single Market Strategy where the free flow of data is seen as an enabler of growth, jobs and competitiveness for the EU. Furthermore, the role of digitalisation in supporting modal shift is also recognised within the Energy Union Strategy and recently adopted Strategy for Low-emission Mobility.

The Delegated Regulation supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services is an enabler for increased modal shift and the promotion of sustainable modes of transport. A market already exists for the delivery of travel information services to end users, but a number of gaps and barriers are still present limiting the full potential of such services. This initiative expects to provide the necessary requirements to make EU-wide multimodal travel information services accurate and available across borders. It establishes the specifications necessary to ensure the accessibility, exchange and update of travel and traffic data and distributed journey planning for the provision of multimodal information services in the European Union.

Through the ITS Directive the Commission is empowered¹ to adopt ‘Delegated Acts’ to define technical, functional and organisational specifications in relation to the six priority actions and an additional number of priority areas. The Directive foresees these specifications to be binding and aims at ensuring the interoperability and continuity of services, where possible based on existing standards and technology, with a set of enabling conditions supporting the growth and operation of services.² The scope of priority action (a), as outlined in the ITS Directive, concerns the fulfilment of the necessary requirements to make EU-wide multimodal travel information services accurate and available across borders to ITS users, based on in particular the accessibility and exchange of travel and traffic data and their relevant updates. The delegated regulation shall be interpreted and implemented in accordance with the EU rules on competition and specifically with the rules on the exchange of sensitive commercial information.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

2.1. Meetings with experts nominated by Member States

EU intervention that prescribes rules and requirements to support the provision of EU-wide multimodal travel in services, and in particular the interoperability between Member States, requires close cooperation during the development phase of the specifications. Member States, plus the EEA countries and Switzerland, were invited to nominate an expert to attend a series of meetings in Brussels with the Commission services to help assist the development of the specifications. Eleven meetings took place between 18 November 2014 and 18 March 2016³. Invited experts from the European Parliament also

¹ Article 7 of the ITS Directive in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU)

² Such specifications encompass a common set of prescribed rules and provisions but in accordance with Article 5 of the ITS Directive only apply to Member States where the relevant ITS service already exists or will be deployed in the future.

³ Register of experts E01941 Intelligent transport systems

participated in these meetings. Moreover, in addition, a number of bi-lateral meetings with Member States also took place.

2.2. Stakeholder Consultation

An online public consultation on the provision of EU-wide multimodal travel information services ran for 14 weeks between September 2015 and December 2015. A dedicated public consultation report details the full results and an analysis of the public consultation and can be found online.⁴ In addition a workshop was organised in Brussels on 4th November 2015 by the European Commission to discuss the identified gaps and barriers and the associated potential policy measures to support the provision of EU-wide multimodal travel information services. A dedicated workshop report details the outcomes of the discussions on specific proposed policy measures and can be found online.⁵ In accordance with the procedures defined under the Commission's Better Regulation Agenda⁶, the draft delegated regulation was published online from 22/03/2017 -19/04/2017⁷. The accompanying Staff Working Document summarises the content of the contributions received and how the Commission addressed them. The members of the European ITS Advisory Group were consulted on the draft specifications at the same time the draft delegated regulation was published. In addition, a number of dedicated meetings took place with different associations representing the rail, public transport, local and regional authorities, and air and travel information sectors prior to the final rounds of meetings with experts nominated by Member States that provided constructive feedback. On 16 February 2016, the Commission presented the objective and scope of the delegated act to the members of the Transport and Tourism Committee. An impact assessment was conducted⁸ for the main legal instrument, the ITS Directive itself and for individual delegated acts it was therefore deemed suitable to conduct a cost-benefit analysis instead.⁹

2.3. STATE OF EU-WIDE MULTIMODAL TRAVEL INFORMATION SERVICES AND POLICY OPTIONS

EU-wide multimodal travel information services can be delivered in a variety of ways. Pan-European travel information can be provided either by a single travel information service or by different local, regional and national service providers that connect together to perform distributed journey planning. The supporting study provided an overview of the current status of multimodal travel information services in Europe and revealed that whilst a large number of services were available the current level of service was not satisfactory to fulfil users travel requirements fully benefit societies at large. Meetings with experts nominated by Member States further reinforced this point agreeing that the specifications would need to focus on provisions that support all possible approaches i.e. centralised and de-centralised architectures. The supporting study and stakeholder consultation exercises highlighted that (1) insufficient accessibility of travel and traffic data, (2) the lack of travel and traffic data interoperability, (3) lack of travel information service interoperability and (4) insufficient travel and traffic data quality were the key barriers of comprehensive travel information services in the EU. The supporting study and stakeholder consultation exercises revealed that the key enablers to address these barriers were (1) ensuring that

⁴ <http://ec.europa.eu/transport/themes/its/consultations/doc/2015-its-mmtp/consultation-report.pdf>

⁵ http://ec.europa.eu/transport/themes/its/events/2015-11-04-its-directive-mmtp-workshop_en.htm

⁶ https://ec.europa.eu/info/law/law-making-process/better-regulation-why-and-how_en

⁷ https://ec.europa.eu/info/law/better-regulation/share-your-views_en

⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008SC3083&from=EN>

⁹ https://ec.europa.eu/transport/themes/its/studies/its_en

users have access to the right scope of data and information with the appropriate data sharing mechanism, (2) making travel and traffic data interoperable with a common set of data exchange standards, (3) improving the interoperability of travel information services and supporting distributed journey planning and (4) improving the quality of multimodal travel information services with a basic data quality framework. The accompanying Staff Working Document provides detailed information on all of the aforementioned barriers and enablers of comprehensive multimodal travel information services.

2.4. POLICY OPTIONS

To support the provision of EU-wide multimodal travel information services a combination of different policy measures are needed. However, the scale and scope of each measure can vary, i.e. the policy measure could be mandated or simply recommended. Four core policy options that include different combinations of the policy measures were developed with Member States and assessed within a cost-benefit analysis. The policy options were scoped around the different approaches to support EU-wide multimodal travel information services: those focusing on requirements that support **data** access and exchange or **service** access and exchange for distributed journey planning or a balanced combination of both. A cost-benefit analysis was carried out by the supporting study based on the four core policy options aforementioned. Overall, the consultants' estimates indicate a positive cost/benefit ratio of the Commission taking action in the field of multimodal information with the 'comprehensive' policy option providing the highest overall cost-benefit ratio of **10.3** bringing over **1 billion EUR** of benefits in relation to costs of **100 million EUR** across all EU-28 over a **15 year period**. The full details of the policy options and cost-benefit analysis can be found in the final report of the supporting study and a summary can be found in the staff working document accompanying the delegated regulation.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

3.1. LEGAL BASIS

This delegated act supplements Directive 2010/40/EU in compliance with its Article 7. A Regulation constitutes the most appropriate legal instrument for this delegated act as it does not call for national transposition measures therefore ensuring a higher degree of harmonisation and swift entry into force.

3.2. SUBSIDIARITY AND PROPORTIONALITY

According to the principle of subsidiarity (Article 5(3) of the Treaty on the European Union), action at the Union level should only be taken when the aims envisaged cannot be achieved satisfactorily by Member States alone and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Union. Action at the Union level is needed in order to guarantee the interoperability and continuity of travel information services throughout Europe across borders, which cannot be satisfactorily achieved by individual Member States. Action on this level could result in fragmented policies and development. Throughout the document further detailed and specific arguments about why action at EU level is more suitable than at local or national are also presented but not duplicated here. The results of the cost-benefit analysis, which can be found in the staff working document accompanying the delegated regulation, also demonstrate that the financial and administrative costs for national authorities are expected to be minor and proportionate to the objectives to be achieved. A substantial part of the implementation is left to national decisions.

3.3. FUNDAMENTAL RIGHTS

In the European Union the right to the protection of personal data is guaranteed under Article 8 of the Charter of Fundamental Rights of the European Union. Whenever the measures provided for in this Commission Delegated Regulation entail the processing of personal data, they shall be carried out in accordance with EU law on protection of personal data, in particular Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹⁰.

4. BUDGETARY IMPLICATIONS

There are no budgetary implications for the EU budget.

¹⁰ OJ L 281, 23.11.1995, p.31

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport¹¹, and in particular Article 6 (1) thereof,

Whereas:

- (1) Article 3(a) of Directive 2010/40/EU sets as a priority action the provision of Union-wide multimodal travel information services for the development and use of specifications and standards.
- (2) Article 5 of Directive 2010/40/EU provides that specifications adopted in accordance with Article 6 of this Directive should apply to the ITS applications and services when these are deployed without prejudice to the right of each Member State to decide on the deployment of such applications and services on its territory.
- (3) These specifications should apply to the provision of all travel information services without prejudice to particular specifications adopted in other acts under Directive 2010/40/EU, notably Commission Delegated Regulations (EU) No 886/2013 and 2015/962, as well as Commission Regulation (EU) No 454/2011.
- (4) As regards the provision of multimodal travel information services, Directive 2003/98/EC of the European Parliament and of the Council¹² sets out minimum rules for the re-use of public sector information throughout the Union. With respect to the re-use of data held by transport authorities and transport operators, the rules established by this Regulation, in particular the ones concerning data updates, should apply without prejudice to the rules established by Directive 2003/98/EC.
- (5) Whenever the measures provided for in this Delegated Regulation entail the processing of personal data, they shall be carried out in accordance with EU law on the protection of personal data, in particular Directive 95/46/EC¹³ and Directive

¹¹ OJ L 207, 6.8.2010, p.1

¹² Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

¹³ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31) The Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of

2002/58/EC¹⁴, as well as the national implementing measures thereto. Information relating to an identified or identifiable natural person should be processed in strict compliance with the data minimisation principle and only for the purposes of this Regulation and as long as necessary. Such data should not allow for the identification of an individual or make an individual identifiable whenever possible and when it does not hinder the purpose of this Regulation

- (6) Where the information service relies on the collection of data, including geo-location, end users should be clearly informed about the collection of such data, the arrangements for data collection and potential tracking, and the periods for which such data are kept. Appropriate technical measures (including privacy by design and data protection by design features) should be deployed by public and private data collectors such as transport operators, transport authorities, travel information service providers and digital map producers to ensure pseudonymisation¹⁵ of the data received from end users.
- (7) Directive 2007/2/EC¹⁶ of the European Parliament and of the Council aims at creating a Union spatial data infrastructure which enables the sharing of and public access to spatial information, including information related to transport networks, across the Union, with a view to supporting Union environmental policies, and policies or activities which may have an impact on the environment. The specifications set out in this Regulation should be compatible with those established by Directive 2007/2/EC and Commission Regulation (EU) No 1089/2010.
- (8) The specifications set out in this Regulation should apply to all transport modes in the Union, such as schedule based (air, rail including high speed rail, conventional rail and light rail, long-distance coach, maritime including ferry, metro, tram, bus, trolley-bus, cableways), transport on demand (shuttle bus, shuttle ferry, taxi, ride-share, car-share, car-pool, car-hire, bike-share, bike-hire, dial-a-ride) and personal based (car, motorcycle, bicycle, walking). Walking as a travel option to fulfil parts of the first and last mile of the journey is very relevant for multimodal travel information and can bring both environmental and network management benefits but also health benefits to the traveller directly.
- (9) Regulation (EU) No 1315/2013 of the European Parliament and of the Council¹⁷ establishes the transport infrastructure that is part of the core and the comprehensive

personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) - OJ L 119, 4.5.2016, p. 1–88- will apply as of 25 May 2018. Articles 10 and 11 of Directive 95/46/EC and Articles 13 and 14 of Regulation 2016/679 provide a full list of information to be given to the data subject. Article 12 of Directive 95/46 and Articles 17-19 of Regulation 2016 identify other rights of individuals, such as the rights to access, the right to rectify, block, erase or destroy inaccurate or unjustified personal data.

¹⁴ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37)

¹⁵ As defined in Article 4 (5) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC

¹⁶ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1)

¹⁷ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1)

trans- European transport networks. In order to address the travelling needs of end-users across the Union and to maximise the full potential of multimodal travel information, the full door-to-door network coverage is needed. Therefore, this Regulation should apply to the comprehensive TEN-T network, including Urban Nodes, and the other parts of the transport network.

- (10) In order to support the provision of Union-wide multimodal travel information services, both centralised approaches based on data provisions and de-centralised approaches based on data and service provisions can be used. Therefore, this Regulation should include requirements for both data and service provision to support those two approaches. In order to facilitate the easy exchange and re-use of these data for the provision of comprehensive travel information services, transport authorities, transport operators, infrastructure managers or transport on demand service providers as appropriate should make the static data, corresponding metadata and information on the quality of the data accessible to users through a national or common access point. The access point may take various forms, such as a database, data warehouse, data marketplace, repository, and register, web portal or similar depending on the type of data. Member States should consider regrouping the existing public and private access points in a single point enabling access to all the types of relevant available data that fall within the scope of these specifications.
- (11) Member States should be allowed to co-operate with one another to set up a common access point covering the available data of the participating Member States. Member States should be free to decide to use the access points established under other delegated acts adopted under Directive 2010/40/EU as the national access points for the data falling within the scope of this Regulation. Moreover, Member States should be free to decide to use pre-existing access points covering multiple sectors as the National Access Point. Member States may define which actor is responsible for the provision of the travel and traffic data listed in Annex I. In some cases transport operators, infrastructure managers and transport on demand service providers operate across different Member States and therefore more than one access point is relevant to provide access to the travel and traffic data. However, efforts should be made to avoid unnecessary duplication of data and take into account the shape and form of the relevant access points. Therefore, the relevant data and metadata could be listed in all relevant NAPs that take the form of a repository. In addition, if some of the relevant NAPs take the form of a database/data warehouse, then the data and metadata could be hosted in only one of them and listed in all others. Terms and conditions for the use of the traffic and travel data provided through the national access point may be determined, where appropriate, through a licence agreement.
- (12) The travel and traffic data listed in Annex I may be integrated into the national access point in a phased approach. Member States should be free to decide whether or not to integrate the data listed in Annex I ahead of the time limit set. Multimodal travel information services are based on both static and dynamic travel and traffic data as listed in Annex I. Static travel and traffic data is essential for information and planning purposes during the pre-trip phase and is therefore required by all Member States. Dynamic travel and traffic data, for example travel disturbances and delays, can allow end users to make well informed travel decisions and bring time savings. However, the integration of dynamic travel and traffic data within national access points may bring additional effort. Member States should be free to decide whether or not to include the dynamic travel and traffic data listed in Annex I through the national access point. Should they decide to do that the requirements of this Regulation should apply. To

ensure that the development of multimodal travel information is consistent and coherent across the Union, Member States are encouraged to integrate the existing dynamic travel and traffic data through the national access point according to the following timeline: the travel and traffic data set out in point 2.1 of Annex I by 1 December 2019, the travel and traffic data set out in point 2.2 of Annex I by 1 December 2020 and the travel and traffic data set out in point 2.3 of Annex I by 1 December 2021.

- (13) In order to allow the successful and cost-efficient use of national access points, it is necessary to properly describe the content and structure of the relevant travel and traffic data by using the appropriate metadata.¹⁸
- (14) These specifications should not oblige transport authorities, transport operators, transport on demand service providers and infrastructure managers to start collecting any data that is not already available in machine readable format. The specific requirements regarding the static and dynamic travel and traffic data of different transport modes should only apply to the data that is actually collected and available in machine readable format. At the same time Member States should be encouraged to look for cost-effective ways that are appropriate for their needs to digitise existing static and dynamic data of different transport modes. Member States that start digitising static and dynamic travel and traffic information of different transport modes that can be used for multimodal travel information services are encouraged to start with the data defined in level of service 1 of Annex I and then beyond in level of service 2 and 3. The data defined in the first group are regarded as essential for the basic functioning of multimodal travel information services.
- (15) In order to develop a harmonised and seamless provision of multimodal travel information services and to support interoperability across the Union, a harmonised set of interoperable data exchange formats and protocols based on existing technical solutions and standards across different transport modes should be used at the national access point. Within the frame of multimodal travel information services there are a number of relevant pre-existing standards and technical specifications that exist covering road (DATEX II), rail (TAP-TSI technical documents B1, B2, B3, B4, B8, B9), air (IATA SSIM) and underlying spatial data (INSPIRE). In such cases this Regulation should refer to the requirements already in place but such transport modes may choose to use other standards and technical specifications identified in the specification. However, duplication of the same travel and traffic data in more than one format should be avoided (for example urban rail data in either TAP-TSI or NeTEx). In the future such standards, notably DATEX II, may expand their scope to cover further urban elements, and if available they should be used in the frame of the specifications.
- (16) For what concerns the exchange of static scheduled data (such as public transport, long distance coach and maritime including ferry), the relevant data in the national access point should use the CEN data exchange standard NeTEx CEN/TS 16614 based on the underlying conceptual data reference model Transmodel EN 12896: 2006 and subsequent upgraded versions or any machine-readable format fully compatible by the agreed timeline. For what concerns the exchange of dynamic public transport data, if Member States choose to include dynamic data in the national access point the relevant parts of the CEN public transport data exchange standard SIRI CEN/TS 15531 and subsequent upgraded versions or any machine-readable format fully

¹⁸ EU EIP SPA Coordinated Metadata Catalogue

compatible should be used. Member States may choose to continue using national public transport data standards at the Member State level for national operations but to ensure EU-wide interoperability and the continuity of services, the specified EU standards must be used at the national access point level. Member States may use translation and conversion methods to adhere to the European standardisation requirements. The version of the prescribed standards that is available at the time of date of application should be used. Any relevant updates that widen the scope and include new types of data should be used.

- (17) To ensure the optimal use and full interoperability of the aforementioned standards between Member States, a common minimum profile that identifies the different key elements of the standard should be established and used within national access points. Member States' national profiles must be based on a common minimum European profile when it exists.
- (18) The provision of accurate and reliable travel information by service providers is essential for travellers across the Union. When changes occur, the relevant data should be updated by the transport authorities or transport operators through the national access point in a timely manner. Moreover, when travel and traffic data is used by a service provider, there is a risk of inaccurate travel information being displayed to users which may have a negative impact on the journey taken by the traveller. When any inaccuracies are detected by transport authorities, transport operators, infrastructure managers or transport on demand service providers, such errors should be corrected in a timely manner.
- (19) At present, there are a substantial number of multimodal travel information services in Europe but those services that offer a full door-to-door routing result are mainly limited to the territory within a Member State. A key solution to enhance the geographical coverage of travel information services and to support Union-wide multimodal travel information is by linking local, regional and national travel information services. This involves the use of technological tools including interfaces to link existing information systems to exchange routing results. It is recommended that travel information services should use the European Technical Specification entitled 'Intelligent Transport Systems – Public Transport – Open API for distributed journey planning 00278420' currently under finalisation when performing distributed journey planning. When service providers establish handover points for distributed journey planning, such handover points should be listed in the national access point.
- (20) Travel information services may provide multiple travel options to end-users with different transport operators. It is imperative that service providers are transparent in the criteria used to rank travel options and provide neutral travel information. Wherever possible, travel information service providers should provide information on the greenhouse-gas emissions of different modes to support the shift to sustainable modes of transport. It is also strongly encouraged for services providers to allow direct customer feedback regarding service quality.
- (21) The use of static and dynamic data for the purpose of travel information services involves data from different actors across the value chain. In many cases the original data from a transport authorities, transport operators, infrastructure managers or transport on demand service providers will be used by a travel information service provider. In this instance it is imperative that the original source, the date and time of the last static update are indicated when used.

- (22) To maximise the foreseeable use of travel information services by persons with functional limitations, travel information service providers and Member States when implementing the delegated regulation should take into account relevant legislation as regards accessibility requirements such as the forthcoming European Accessibility Act. Relevant requirements include the accessibility of websites and mobile device-based services in a consistent and adequate way for users' perception, operation and understanding.
- (23) In order to make sure that these specifications are correctly implemented, Member States should assess the compliance with the requirements concerning the accessibility, exchange, re-use and update of the multimodal travel data by the transport authorities, transport operators, transport on demand service providers and travel information service providers. To that end the competent authorities should be free to rely on self-declarations of compliance submitted by transport authorities, transport operators, infrastructure managers, transport on demand service providers or travel information service providers, and may randomly check the correctness of these declarations.
- (24) In order to monitor the implementation of this Regulation, Member States should provide the Commission with a report that describes the implementation of the different requirements.
- (25) Through the Connecting Europe Facility the Commission will support different technical requirements established within this Regulation through a programme support action¹⁹, notably the establishment of the national access point, the conversion to prescribed data exchange standards and the use of common minimum profiles within national access points and the linkage of travel information services where relevant.
- (26) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council²⁰ and delivered an opinion on [...],

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter and scope

1. This Regulation establishes the necessary specifications in order to ensure that EU-wide multimodal travel information services are accurate and available across borders to ITS users.
2. This Regulation applies to the entire transport network of the Union.
3. This Regulation shall apply in accordance with Article 5 of Directive 2010/40/EU.

¹⁹ Commission Implementing Decision of 7.4 2016 amending Commission Implementing Decision C(2014)1921 establishing a Multi Annual Work Programme 2014-2020 for financial assistance in the field of Connecting Europe Facility CEF - Transport sector for the period 2014-2020

²⁰ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Article 2
Definitions

For the purposes of this Regulation, the definitions set out in Article 4 of Directive 2010/40/EU and in Article 3 of Regulation (EU) 1315/2013 shall apply.

The following definitions shall also apply:

- (1) ‘accessibility of the data’ means the possibility to request and obtain the data at any time in a machine readable format;
- (2) ‘data update’ means any modification of the existing data, including its deletion or insertion of new or additional elements;
- (3) ‘metadata’ means a structured description of the contents of the data facilitating the discovery and use of this data;
- (4) ‘discovery services’ means services allowing for the search of the requested data using the contents of the corresponding metadata and displaying such contents;
- (5) ‘comprehensive trans-European transport network’ means the transport infrastructure that is part of the comprehensive network as defined in Regulation (EU) No 1315/2013 ;
- (6) ‘access point’ means a digital interface where at least the static travel and historic traffic data together with the corresponding metadata are made accessible for re-use to users, or where the sources and metadata of these data are made accessible for re-use to users;
- (7) ‘dynamic travel and traffic data’ means data relating to different transport modes that changes often or on a regular basis, as listed in Annex I;
- (8) ‘static travel and traffic data’ means data relating to different transport modes that does not change at all or does not change often, or change on a regular basis, as listed in Annex I;
- (9) ‘transport authority’ means any public authority responsible for the traffic management or the planning, control or management of a given transport network or modes of transport, or both, falling within its territorial competence;
- (10) ‘transport operator’ means any public or private entity that is responsible for the maintenance and management of the transport service;
- (11) ‘user’ means any public or private entity which uses the National Access Point such as transport authorities, transport operators, travel information service providers, digital map producers, transport on demand service providers and infrastructure managers;
- (12) ‘end user’ means any natural or legal person who has access to travel information;
- (13) ‘travel information service’ means an ITS service, including digital maps, that provides users, and end-users, with travel and traffic information of at least one transport mode;
- (14) ‘historic traffic data’ means traffic characteristics depending on the hour, day, season based on previous measurements, including rate of congestion, average speeds, average travel times, as listed in Annex I;

- (15) ‘timeliness of data’ means the availability of up to date data provided to users and end users sufficiently in advance to be useful;
- (16) ‘travel information service provider’ means any public or private provider of travel and traffic information, excluding a mere conveyer of information, to users and end-users;
- (17) ‘transport on demand’ means a passenger transport service which is characterised by flexible routing such as car-sharing, car-pooling, bike-sharing, ride-sharing, taxi, dial-a-ride services. These services usually require interaction between the transport on demand service provider and end-users before delivery;
- (18) ‘transport on demand service provider’ means any public or private provider of transport on demand service to users and end-users, including travel and traffic information thereof;
- (19) ‘linking of service’ means the connection of local, regional, and national travel information systems which are interlinked via technical interfaces to provide routing results or other application programming interfaces (APIs) results based on static and/or dynamic travel and traffic information;
- (20) ‘handover point’ means the station, stop or location at which two travel information services’ routing results are linked to produce a journey;
- (21) ‘multimodal travel information’ means information derived from any static or dynamic travel and traffic data, or both, for users and end-users, through any communication means, covering at least two modes of transport and allowing the possibility to compare transport modes;
- (22) ‘routing result’ means the travel itinerary in a machine readable format resulting from an end-users’ journey request with reference to the hand-over point(s) used;
- (23) ‘infrastructure manager’ means any public or private body or undertaking that is responsible in particular for establishing and maintaining transport infrastructure, or part thereof;
- (24) ‘traveller transport service’ means any public or private transport service or any service which is available for collective use or private use by the general public covering different modes of transport.

Article 3
National access points

1. Each Member State shall set up a national access point. The national access point shall constitute a single point of access for users to at least the static travel and traffic data and historic traffic data of different transport modes, including data updates, as set out in Annex I, provided by the transport authorities, transport operators, infrastructure managers or transport on demand service providers within the territory of a given Member State.
2. Existing national access points that have been set up to comply with other delegated acts adopted under Directive 2010/40/EU may be used as national access points, if deemed appropriate by the Member States.
3. National access points shall provide discovery services to users, for example services allowing for the search of the requested data using the contents of the corresponding metadata and displaying such contents;

4. Transport authorities, transport operators, infrastructure managers or transport on demand service providers shall ensure that they provide the metadata in order to allow users to discover and use the datasets made accessible through the national access points.
5. Two or more Member States may set up a common access point.

Article 4

Accessibility, exchange and re-use of static travel and traffic data

1. Transport authorities, transport operators, infrastructure managers or transport on demand service providers shall provide the static travel and traffic data and historic traffic data listed in point 1 of Annex I, of the different transport modes by using:
 - (a) for the road transport, the standards defined in Article 4 of Commission Delegated Regulation (EU) No 2015/962;
 - (b) for other transport modes, the use of one of the following standards and technical specifications: NeTEx CEN/TS 16614 and subsequent versions, technical documents defined in Commission Regulation (EU) No 454/2011 and subsequent versions, technical documents elaborated by IATA or any machine-readable format fully compatible and interoperable with those standards and technical specifications;
 - (c) for the spatial network the requirements defined in Article 7 of Directive 2007/2/EU.
2. The relevant static travel and traffic data listed in point 1 of Annex I that are applicable to NeTEx and DATEX II shall be represented through minimum national profiles
3. Transport authorities, transport operators, infrastructure managers or transport on demand service providers shall provide the static travel and traffic data through the national access point in the required formats in line with the following timetable:
 - (a) for the travel and traffic data set out in point 1.1 of Annex I for the comprehensive TEN-T network, by 1 December 2019 at the latest;
 - (b) for the travel and traffic data set out in point 1.2 of Annex I for the comprehensive TEN-T network, by 1 December 2020 at the latest;
 - (c) for the travel and traffic data set out in point 1.3 of Annex I for the comprehensive TEN-T network, by 1 December 2021 the latest;
 - (d) for the travel and traffic data set out in points 1.1, 1.2 and 1.3 of Annex I for the other parts of the Union transport network, by 1 December 2023 at the latest.
4. APIs that provide access to static travel and traffic data listed in Annex I via the national access point shall be publicly accessible allowing users and end-users to register to obtain access.

Article 5

Accessibility, exchange and re-use of dynamic travel and traffic data

1. Where the Member States decide to provide the dynamic travel and traffic data of different transport modes listed in point 2 of Annex I through the national access

point, transport authorities, transport operators, infrastructure managers or transport on demand service providers shall use:

- (a) for the road transport the standards defined in Articles 5 and 6 of Commission Delegated Regulation (EU) 962/2015,
 - (b) for the other transport modes: SIRI CEN/TS 15531 and subsequent versions, technical documents defined in Commission Regulation (EU) No 454/2011 or any machine-readable format fully compatible and interoperable with those standards or technical documents.
2. The relevant travel and traffic data referred to in point 2 of Annex I applicable to SIRI and DATEX II shall be represented through minimum national profiles determined by Member States accessible through the national access point.
 3. APIs that provide access to dynamic travel and traffic data listed in Annex I via the national access point shall be publicly accessible allowing users and end-users to register to obtain access.

Article 6 *Data updates*

1. Travel information services shall be based on updates of static and dynamic travel and traffic data.
2. When changes occur, the relevant static and dynamic travel and traffic data listed in Annex I shall be updated by transport authorities, transport operators, infrastructure managers or transport on demand service providers through the national access point in a timely manner. They shall in a timely manner correct any inaccuracies detected by them in their data or signalled to them by any user or end user.

Article 7 *Linking travel information services*

1. Upon request, travel information service providers shall provide to another information service provider routing results based on static, and where possible, dynamic information.
2. Routing results shall be based on:
 - (a) the enquirers start and end points of a journey along with the specific time and date of departure or arrival, or both;
 - (b) possible travel options along with the specific time and date of departure or arrival, or both, including any possible connections;
 - (c) the handover point between travel information services;
 - (d) in case of disturbances, alternative possible travel options along with the specific time and date of departure or arrival, or both, and any connections, where available.

Article 8

Requirements for service provisions re-use of travel and traffic data and linking of travel information services

1. The travel and traffic data listed in Annex I and the corresponding metadata including information on the quality thereof shall be accessible for exchange and re-use within the Union on a non-discriminatory basis, through the national or common access point and within a time-frame that ensures the timely provision of travel information services. They shall be accurate and up to date.
2. The data referred to in paragraph 1 shall be re-used in a neutral manner and without discrimination or bias. Criteria used for ranking travel options of different transport modes or combinations thereof, or both, shall be transparent and not be based on any factor directly or indirectly relating to the user identity or, if any, the commercial consideration related to the re-use of the data and shall be applied on a non-discriminatory basis to all participating users. The first principle travel itinerary presentation shall not mislead the end-user.
3. Where re-using the static and dynamic travel or traffic data, the source of those data shall be indicated. The date and time of the last update of the static data shall also be indicated.
4. The terms and conditions for the use of the traffic and travel data provided through the national access point may be determined through a licence agreement. Those conditions shall not unnecessarily restrict possibilities for re-use or be used to restrict competition. Licence agreements, whenever used, shall in any event impose as few restrictions on re-use as possible. Any financial compensation shall be reasonable and proportionate to the legitimate costs incurred of providing and disseminating the relevant travel and traffic data.
5. Terms and conditions of linking travel information services shall be defined in contractual agreements between the travel information service providers. Any financial compensation of the expenses of linking travel information services incurred shall be reasonable and proportionate.

Article 9

Assessment of compliance

1. Member States shall assess whether the requirements set out in Articles 3 to 8 are complied with by the transport authorities, transport operators, transport on demand service providers and travel information service providers.
2. In order to conduct the assessment, the competent authorities of Member States may request from the transport authorities, transport operators, infrastructure managers, transport on demand service providers or travel information service providers, the following documents:
 - (a) a description of the travel and traffic data listed or stored in the access point(s) and the travel information services available including connections with other services if applicable, as well as the information on the quality thereof; and
 - (b) an evidence-based declaration of compliance with the requirements set out in Articles 3 to 8.
3. Member States shall randomly check the correctness of the declarations referred to in point b of paragraph 2.

Article 10

Reporting

1. By 1 December 2019 Member States shall provide the Commission with a report on the measures undertaken, if any, to set up a national access point and on the modalities of its functioning.
2. Every other calendar year thereafter, Member States shall provide the Commission with a report containing the following information:
 - (a) the progress made in terms of the accessibility and exchange of the travel and traffic data types set out in Annex I;
 - (b) the geographical coverage and the travel and traffic data set out in Annex I accessible in the access point and the linking of travel information services;
 - (c) the results of the assessment of compliance referred to in Article 9 and
 - (d) where relevant, a description of changes to paragraph 1 or paragraph 2 (b).

Article 11

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31.5.2017

For the Commission
The President
Jean-Claude JUNCKER