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EUROPEAN COMMISSION

Brussels, 18.5.2010
COM(2010)251 final

2008/0263 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294 (6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council at first reading on the adoption of an amended proposal for a
Directive of the European Parliament and of the Council laying down the framework for
the deployment of Intelligent Transport Systems in the field of road transport and for
interfaces with other transport modes**

(Text with EEA relevance)

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and the Council 16 December 2008
COM(2008)0887 - 2008/0263(COD)

Date of the opinion of the European Economic and Social Committee: 13 May 2009

Date of the opinion of the European Parliament, first reading: 23 April 2009

Date of adoption of the position of the Council : 10 May 2010

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The deployment of intelligent transport systems (hereafter: ITS) in road transport has been much slower than in other modes of transport and ITS services have been often deployed on a fragmented basis. Voluntary agreements and standardisation have failed to deliver significant progress in terms of deployment and use of such systems. Therefore, the Commission has put forward an action plan and a proposal for a framework directive on the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes.

Whereas the action plan outlines six priority areas and the related measures for speeding up the deployment and interoperability of ITS in road transport across the European Union, the directive provides the legal framework for the implementation of the actions required for an effective and coordinated deployment and use of ITS. Within the context of this framework, the proposal envisages the delegation of powers to the Commission to adopt, through delegated acts, the detailed specifications necessary to ensure the compatibility, interoperability and continuity for the deployment and operational use of ITS.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council has slightly modified the initial Commission proposal. Taking into account the amendments proposed by the European Parliament, it has clarified the scope of the Directive by specifying the priority areas and by focusing, in the first instance, on six

priority actions for the development and use of specifications to be adopted by the Commission. The Council position has also reinforced the importance, in the context of ITS deployment, of protection of personal data and of liability issues, as underlined by the European Parliament and in the opinion of the European Data Protection Supervisor.

With the slight modifications as compared to the initial proposal of the Commission, the Council position in 1st reading reflects the agreement reached between the institutions and confirmed by an exchange of letters between the president of Coreper I and the chair of the Transport and Tourism committee of the European Parliament in March 2010.

The Commission considers that this agreement is fully in line with the objective of its proposal, and therefore can support it.

The agreement foresees three Commission statements and one statement by the three institutions, which are contained in the Annex to the Communication and shall be published in the Official Journal together with the legislative act.

ANNEX I

Commission statements

Commission Statement on the deployment of ITS priority actions

1. Article 6(2) of the text of the Council position at first reading is worded as follows:

"1a. The Commission shall aim at adopting specifications for one or more of the priority actions by ...¹.

At the latest 12 months after the adoption of the necessary specifications for a priority action, the Commission shall, where appropriate, after conducting an impact assessment including a cost-benefit analysis, present a proposal to the European Parliament and the Council in accordance with Article 294 of the TFEU on the deployment of that priority action. "

2. On the basis of the information currently available, the Commission takes the view that for the adoption of the necessary specifications for the priority actions as referred to in Article 3, the following indicative time table could be envisaged:

Specifications for :	No later than end of :
the provision of EU-wide multimodal travel information services as set out in Article 3(a)	2014
the provision of EU-wide real-time traffic information services as set out in Article 3(b)	2013
the data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users as set out in Article 3(c)	2012
the harmonised provision for an interoperable EU-wide eCall as set out in Article 3(d)	2012
the provision of information services for safe and secure parking places for trucks and commercial vehicles as set out in Article 3(e)	2012
the provision of reservation services for safe and secure parking places for trucks and commercial vehicles as set out in Article 3(f)	2013

Table 1 : Indicative time-table for the adoption of specifications for priority actions

This indicative timetable is based upon the assumption that agreement on the ITS Directive between the EP and the Council is reached through early second reading at the beginning of 2010."

¹ Please insert the date : 30 months following the date of entry into force of this Directive

Commission Statement on liability

"The deployment and use of ITS applications and services may raise a number of liability issues that can be a major barrier to wide market penetration of some ITS services. Addressing these issues constitutes one of the priority actions put forward by the Commission in its ITS Action Plan.

Taking into account existing national and Community legislation on liability, and notably Directive 1999/34/EC, the Commission will carefully monitor the developments in the Member States concerning the deployment and use of ITS applications and services. If necessary and appropriate, the Commission will elaborate guidelines on liability, notably describing the stakeholders' obligations in relation to the implementation and use of ITS applications and services."

Commission Statement concerning the notification on delegated acts

"The European Commission takes note that except in cases where the legislative act provides for an urgency procedure, the European Parliament and the Council consider that the notification of delegated acts shall take into account the periods of recess of the institutions (winter, summer and European elections), in order to ensure that the European Parliament and the Council are able to exercise their prerogatives within the time limits laid down in the relevant legislative acts, and is ready to act accordingly."

ANNEX II

Institutional statement

Statement by the European Parliament, the Council and the Commission

on Article 290 TFEU

"The European Parliament, the Council and the Commission declare that the provisions of this Directive shall be without prejudice to any future position of the institutions as regards the implementation of Article 290 TFEU or individual legislative acts containing such provisions."