

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2022/670

of 2 February 2022

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

(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 transport <sup>(1)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) Article 3(b) of Directive 2010/40/EU sets as a priority action the provision of EU-wide real-time traffic information services for the development and use of specifications and standards.
- (2) Article 6(1) of Directive 2010/40/EU requires the Commission to adopt specifications necessary to ensure compatibility, interoperability and continuity for the deployment and operational use of Intelligent Transport Systems (ITS) for the provision of EU-wide real-time traffic information services. The Commission establishes these specifications in Commission Delegated Regulation (EU) 2015/962 <sup>(2)</sup>, with a view to improving the accessibility, exchange, re-use and update of data required for the provision of high quality and continuous real-time traffic information services across the Union.
- (3) Data continues to provide the contextual basis for the generation of real-time traffic information. As the deployment of ITS accelerates across the Union, it requires continued support in the form of increased and seamless access to existing and new data types relevant to the provision of real-time traffic information services, with a higher geographical coverage. Therefore, an update of the requirements on data provision is necessary to continue ensuring effective re-use in information services to end users. These updated requirements can potentially affect the entire data chain, from data sourcing, formatting and aggregation to distribution and inclusion in traffic information services.
- (4) 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.

<sup>(1)</sup> (OJ L 207, 6.8.2010, p. 1).

<sup>(2)</sup> Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 157, 23.6.2015, p. 21).

- (5) These specifications should apply to the provision of all real-time traffic information services without prejudice to particular specifications adopted in other acts under Directive 2010/40/EU, notably Commission Delegated Regulation (EU) No 885/2013 <sup>(3)</sup> and Commission Delegated Regulation (EU) No 886/2013 <sup>(4)</sup>.
- (6) A market for the provision of real-time traffic information services already exists in the Union and it is in the interest of both the users and customers as well as the providers of those services that the right conditions are created for this market in order to be preserved and further developed in innovative ways. As regards the provision of real-time traffic information services, Directive (EU) 2019/1024 of the European Parliament and of the Council <sup>(5)</sup> 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 road authorities and public road operators, the rules established by this Regulation, in particular the ones concerning data updates, are applicable without prejudice to the rules established by the Directive (EU) 2019/1024. With respect to the re-use of data held by private data holders, the rules established by this Regulation do not impose sharing data free of charge. Data held by private data holders may be subject to licence agreements to regulate their re-use.
- (7) Directive 2007/2/EC of the European Parliament and of the Council <sup>(6)</sup> creates a European Union spatial data infrastructure in order to enable the sharing of and public access to spatial information (including the spatial data theme ‘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 the specifications established by Directive 2007/2/EC and its implementing acts, in particular Commission Regulation (EU) No 1089/2010 <sup>(7)</sup>. The extension of the application of these specifications to all data types on infrastructure might also promote further harmonisation in this field.
- (8) Regulation (EU) No 1315/2013 of the European Parliament and of the Council <sup>(8)</sup> defines the road transport infrastructure that is part of the core and the comprehensive trans-European transport network. Recurring traffic externalities and other traffic management difficulties, such as congestion, air pollution or noise, are not limited to the trans-European road network or to motorways. In fact a significant share of recurring traffic congestion occurs in urban areas. Furthermore, EU-wide real-time traffic information services should allow door-to-door travel and should not be limited to the comprehensive network trans-European road network and other motorways. Member States should therefore apply these specifications to the entire road network, with the exception of roads not owned by a public road or transport authority. Roads owned by a public road or transport authority but assigned to a private entity in the form of a management concession should not be part of this exception.
- (9) Specific data types considered crucial for the further development of reliable traffic information services and to improve traffic safety, such as traffic regulations, restrictions and road or lane closures, should be made available by road authorities or road operators. Due to their importance, those data types need to be made accessible as an earlier milestone compared to other data types.

<sup>(3)</sup> Commission Delegated Regulation (EU) No 885/2013 of 15 May 2013 supplementing ITS Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of information services for safe and secure parking places for trucks and commercial vehicles (OJ L 247, 18.9.2013, p. 1).

<sup>(4)</sup> Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users (OJ L 247, 18.9.2013, p. 6).

<sup>(5)</sup> Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

<sup>(6)</sup> 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).

<sup>(7)</sup> Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services (OJ L 323, 8.12.2010, p. 11).

<sup>(8)</sup> 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).

- (10) To allow the necessary developments in the field of data accessibility and standardisation to take place, a phased implementation should be considered. This phasing should provide a feasible and gradual increase in geographical coverage and accessibility to data. For that purpose, Member States should define a primary road network within their territory. To define this primary road network, Member States may re-use the network definition as required by Article 1 of Directive 2008/96/EC of the European Parliament and of the Council <sup>(9)</sup>.
- (11) Given the diversity of data sources ranging from infrastructure based sensors to vehicles acting as sensors, it is important that the specifications are aligned to the relevant data categories and data types, covering multiple possible sources of the data and technology used to create or update the data.
- (12) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data and privacy, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council <sup>(10)</sup>, and, where applicable, Directive 2002/58/EC of the European Parliament and of the Council <sup>(11)</sup>. Parts of Directive 2002/58/EC also apply for the processing of non-personal data.
- (13) In order to develop a harmonised and seamless provision of real-time traffic information services, Member States should rely on existing technical solutions and standards, provided by the European and international standardisation organisations, such as DATEX II (CEN/TS 16157 and subsequently upgraded versions) and ISO standards. For data types for which no standardised format is available, Member States and stakeholders should be encouraged to cooperate in order to reach an agreement on data definition, data format and metadata.
- (14) Several dynamic location referencing methods already exist in the Union and are being applied in Member States. The use of different location referencing methods should continue to be allowed. Member States and stakeholders, however, should be encouraged to cooperate with a view to reaching an agreement on allowed methods for location referencing, if necessary through European standardisation bodies.
- (15) The accessibility and regular update of data by road authorities and road operators are essential for enabling the production of up-to-date and accurate digital maps that are a key asset for reliable ITS applications. The digital map producers should be encouraged to integrate relevant data updates into their existing map and map update services in a timely manner. In order to comply with public policies such as road safety, service providers and digital map producers should collaborate with public authorities to correct inaccuracies in their data.
- (16) The accessibility of accurate and up-to-date data are essential for the provision of real-time traffic information services across the Union. The relevant data are collected and stored by road authorities, road operators, holders of in-vehicle generated data, recharging and refuelling-related stakeholders, tolling operators and real-time traffic information service providers. In order to facilitate the easy exchange and re-use of these data for the provision of such services, road authorities, road operators, holders of in-vehicle generated data, recharging and refuelling-related stakeholders, tolling operators and real-time traffic information service providers should make the data, corresponding metadata and information on the quality of the data discoverable and accessible to other road authorities, road operators, recharging and refuelling-related stakeholders, tolling operators, real-time traffic information service providers, digital map producers via the national or common access point. The access point can take the form of a repository, registry, web portal or similar depending on the type of data. National or common access points may also point to other locations where the data can be accessed, without hosting the data itself.

<sup>(9)</sup> Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).

<sup>(10)</sup> 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 (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>(11)</sup> 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 (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

Member States should regroup 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. Member States may continue using the access points set up under Delegated Regulation (EU) 2015/962 and they 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.

- (17) In order to allow road authorities, road operators, recharging and refuelling-related stakeholders, tolling operators, service providers and digital map producers to successfully and cost-efficiently discover and use the relevant data, it is necessary to properly describe the content and structure of this data using appropriate metadata.
- (18) Real-time traffic information services need to be accurate in order to provide the best possible information to end-users in terms of reliability and timeliness. To improve the benefits for road users in terms of increased road safety and less traffic congestion, these services should also reflect the priorities of road authorities, as expressed for example through digitally accessible traffic circulation plans.
- (19) These specifications should not oblige any stakeholder to start collecting any data that they are not already collecting or to digitise any data that is not already available in a digital machine-readable format. The specific requirements regarding the updates of data should only apply to the data that is actually collected and available in a digital 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 data on infrastructure and data on regulations and restrictions.
- (20) These specifications should not oblige road authorities or road operators to define or implement traffic circulation plans and temporary traffic management measures. They should not oblige service providers to share any of their data with other service providers. Service providers should be free to conclude commercial agreements between themselves for the re-use of relevant data.
- (21) Member States and ITS stakeholders should be encouraged to cooperate to agree on common definitions of data quality with a view to use common data quality indicators throughout the traffic data value chain, such as the completeness, accuracy and up-to-dateness of the data, the acquisition method and location referencing method used, as well as quality checks applied. They should also be encouraged to work further to establish associated methods of quality measurement and monitoring of the different data types. Member States should be encouraged to share with each other their knowledge, experience and best practices in this field in the on-going and future coordination projects.
- (22) It is acknowledged that the use of data and real-time traffic information services generated by private service providers and holders of in-vehicle generated data can represent a cost-effective way for road authorities and road operators to improve traffic management, road safety as well as infrastructure management and maintenance. Common FRAND terms should be used by public authorities when receiving these data or services for the above-mentioned tasks, in order to lower the barriers for access and create transparency on the conditions for re-use. Member States and relevant stakeholders are encouraged to define the common FRAND terms applicable to the re-use of the relevant data types for the execution of these public tasks.
- (23) Private service providers may use data collected by road authorities and road operators as input data for their own real-time traffic information services. The specific terms and conditions applicable for such re-use of these data should be left to the parties concerned without prejudice to the provisions of Directive (EU) 2019/1024<sup>(12)</sup>. Certain data types provided by road authorities and road operators, such as traffic circulation plans, traffic regulations and restrictions and temporary traffic management measures, should be re-used by private services providers in order to ensure the accessibility for road users to the relevant information via real-time traffic information services.

<sup>(12)</sup> Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

- (24) 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 data by the road authorities, road operators, digital map producers, tolling operators, recharging and refuelling-related stakeholders, holders of in-vehicle generated data and service providers. To that end the competent authorities should be free to rely on evidence-based declarations of compliance submitted by road authorities, road operators, digital map producers, tolling operators, recharging and refuelling-related stakeholders, holders of in-vehicle generated data and service providers. Member States should work together to harmonise their approach towards the assessment of compliance in the on-going and future coordination projects, which help to implement the specifications of this Regulation.
- (25) These specifications do not limit the freedom of expression of radio broadcasters insofar as they do not oblige them to take any specific position with respect to the information to be disseminated, and leave sufficient room for the Member States to take account of their national constitutional traditions as regards the freedom of expression of radio broadcasters.
- (26) Taking into account the extent of the required changes, Delegated Regulation (EU) 2015/962 should be repealed,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

### **Subject matter and scope**

1. This Regulation establishes the specifications necessary in order to ensure the accessibility, exchange, re-use and update of data by data holders and data users for the provision of EU-wide real-time traffic information services, and to ensure that these services are accurate and available across borders to end-users.
2. This Regulation applies to the entire road network that is publicly accessible to motorised traffic. By way of exception, it shall not apply to private roads, unless they are part of the comprehensive TEN-T network or they are designated as a motorway or as a primary road.
3. This Regulation shall apply in accordance with Article 5 of Directive 2010/40/EU.

#### *Article 2*

### **Definitions**

For the purposes of this Regulation, the definitions in Article 4 of Directive 2010/40/EU shall apply.

The following definitions shall also apply:

- (1) 'core trans-European road network' means the road transport infrastructure that is part of the core network as defined in Regulation (EU) No 1315/2013;
- (2) 'comprehensive trans-European road network' means the road transport infrastructure that is part of the comprehensive network as defined in Regulation (EU) No 1315/2013;
- (3) 'motorway' means a road which is designated as such by the Member State in which it is located;
- (4) 'accessibility of the data' means a possibility to request and obtain the data at any time in a digital machine-readable format;
- (5) 'static data' means data that do not change often or on a regular basis;
- (6) 'dynamic data' means data that change often or on a regular basis;
- (7) 'data update' means any modification of the existing data, including its deletion or insertion of new or additional elements;

- (8) 'real-time traffic information' means information derived from any data on the infrastructure, data on regulations and restrictions, data on the state of the network and data on the real-time use of the network, or the combination thereof;
- (9) 'real-time traffic information service' means an ITS service that provides end-users immediately with real-time traffic information;
- (10) 'road authority' means any public authority responsible for the planning, control or management of roads falling within its territorial competence;
- (11) 'road operator' means any public or private entity that is responsible for the maintenance and management of the road and management of traffic flows;
- (12) 'service provider' means any public or private provider of a real-time traffic information service, excluding a mere conveyer of data to data users;
- (13) 'tolling operator' means any public or private entity taking the role of toll service provider or toll charger as defined in Directive (EU) 2019/520 of the European Parliament and of the Council <sup>(13)</sup>;
- (14) 'data holder' means any legal person, data subject or public or private entity who has the right to grant access to or to share the data types listed in the Annex under its control, in accordance with applicable Union or national law;
- (15) 'data user' means any road authority, road operator, tolling operator, service provider and digital map producer or any other entity using data to create real-time traffic information or, where allowed by the terms and conditions determined by the data holder, using the data for other mobility related purposes;
- (16) 'end-user' means any road user, natural or legal person, who has access to real-time traffic information services;
- (17) 'access point' means a digital interface where data listed in the Annex, together with the corresponding metadata, are made accessible for re-use to data users, or where the sources and metadata of these data are made accessible for re-use to data users;
- (18) 'metadata' means a structured description of the contents of the data facilitating the discovery and use of this data;
- (19) 'discovery services' means services allowing for the search of the requested data using the contents of the corresponding metadata and displaying such contents;
- (20) 'temporary traffic management measures' means temporary measures intended to solve a given traffic disturbance and designed for example to control and guide traffic flows;
- (21) 'traffic circulation plans' means permanent traffic management measures that are designed by traffic managers to control and guide traffic flows in response to permanent or recurring traffic disturbances;
- (22) 'traffic signs' means any road sign, signal, device, notice or road marking that identifies a danger, advises persons of the precautions to be taken against such danger, indicates the existence of a road regulation or implements such a regulation, following the Vienna Convention on Road Signs and Signals;
- (23) 'primary roads' means a road outside urban areas that connects major cities or regions, or both, not classified as part of the comprehensive trans-European road network or as a motorway;
- (24) 'private roads' means a road not owned by a public road or transport authority, excluding roads owned by a public road or transport authority but assigned to a private entity in the form of a management concession;

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<sup>(13)</sup> Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (OJ L 91, 29.3.2019, p. 45).

- (25) 'data on infrastructure' means data that describes the road network or facilities on or along the road network;
- (26) 'data on regulations and restrictions' means data that relates to a traffic regulation or a restriction applicable to vehicles on the road network;
- (27) 'data on the state of the network' means data that describes temporary situations which could prevent or slow travel or can inform the end-user in dangerous situations;
- (28) 'data on the real-time use of the network' means data that describes the current use of the road network and usage options on the road network;
- (29) 'crucial data types' means data types which are considered crucial for the benefit of increased reliability of real-time traffic information services, supporting safe and efficient door-to-door travel and future mobility services;
- (30) 'in-vehicle generated data' means any data created by the vehicle or by an on-board device embedded in the vehicle or personal devices offering ITS-applications while the vehicle is in use;
- (31) 'holder of in-vehicle generated data' means any entity engaged in in-vehicle generated data collection, aggregation or other types of processing to fulfil privacy requirements;
- (32) 'FRAND (Fair, Reasonable and Non-Discriminatory) conditions' means licence terms negotiated in good faith, allowing access to services or data in exchange of a fair reward, under the same or similar terms as determined with other users.

### 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 data users to the data listed in the Annex, including data updates, provided by the data holders as referred to in Articles 4 to 11 and concerning the territory of a given Member State.
2. Existing national or common access points that have been set up to comply with Article 3 of Delegated Regulation (EU) 2015/962 or with the requirements arising from other delegated acts adopted under Directive 2010/40/EU may be used as national access points for the purposes of this Regulation if deemed appropriate by the Member States.
3. National access points shall provide discovery services to data users, for example services allowing for the search of the requested data using the contents of the corresponding metadata and displaying such contents.
4. Public and private data holders shall ensure that they provide the metadata in order to allow data users to discover and use datasets via national access points.
5. Two or more Member States may set up a common access point.
6. Any entity providing data via the National Access Point can do so by proxy in accordance with applicable agreements, for example through a third party database or aggregator. This does not relieve the original data holder of responsibilities regarding the quality of the original data being provided.

### Article 4

#### Accessibility, exchange and re-use of data on infrastructure

1. For the purpose of facilitating the provision of compatible, interoperable, and continuous real-time traffic information services across the Union, road authorities, road operators, tolling operators and recharging and refuelling-related stakeholders shall provide the data on infrastructure listed in the Annex they collect in a standardised format such as the INSPIRE data specification on transport networks, TN-ITS (CEN/TS17268 and subsequently upgraded versions) or DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions). Any update to this data shall be carried out pursuant to Article 8.

If additional or alternative standards are to be defined, the following conditions shall apply:

- Member States shall cooperate in order to define these additional or alternative standards;
  - digital machine-readable formats shall be compatible with existing standards referred to in the first sentence of this paragraph.
2. The data referred to in paragraph 1 and the corresponding metadata including information on the quality thereof shall be accessible for exchange and re-use by any data user within the Union:
- (a) on a non-discriminatory basis;
  - (b) following minimum quality requirements that Member States shall agree upon in cooperation with relevant stakeholders;
  - (c) within a time-frame fitting to the reliable and effective use of the data to create real-time traffic information;
  - (d) via the national or common access point referred to in Article 3.
3. Data users using the data referred to in paragraph 1 and data holders shall collaborate in order to ensure that any inaccuracies related to the data are signalled without delay to the data holder from which the data originates.

#### *Article 5*

#### **Accessibility, exchange and re-use of data on regulations and restrictions**

1. For the purpose of facilitating the provision of compatible, interoperable, and continuous real-time traffic information services across the Union, road authorities, road operators and tolling operators shall provide the data on regulations and restrictions listed in the Annex they collect in DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions) or TN-ITS (CEN/TS 17268 and subsequently upgraded versions) format. Any update to this data shall be carried out pursuant to Article 9.

If additional or alternative standards are to be defined, the following conditions shall apply:

- Member States shall cooperate in order to define these additional or alternative standards;
  - digital machine-readable formats shall be compatible with existing standards referred to in the first sentence of this paragraph.
2. The data referred to in paragraph 1 and the corresponding metadata including information on the quality thereof shall be accessible for exchange and re-use by any data user within the Union:
- (a) on a non-discriminatory basis;
  - (b) following minimum quality requirements that Member States shall agree upon in cooperation with relevant stakeholders;
  - (c) within a time-frame fitting to the reliable and effective use of the data to create real-time traffic information;
  - (d) via the national or common access point referred to in Article 3.
3. Data users using the data referred to in paragraph 1 and data holders shall collaborate in order to ensure that any inaccuracies related to the data are signalled without delay to the data holder from which the data originates.
4. Service providers shall process and include, in the relevant services they provide, without additional costs to the end-user, data on any traffic circulation plans and traffic regulations and restrictions developed by the competent authorities and made accessible via the national or common access point in a digital machine-readable format.

*Article 6***Accessibility, exchange and re-use of data on the state of the network**

1. For the purpose of facilitating the provision of compatible, interoperable, and continuous real-time traffic information services across the Union, road authorities, road operators, holders of in-vehicle generated data and service providers shall provide the data on the state of the network listed in the Annex they collect in DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions) format. Any update to this data shall be carried out pursuant to Article 10.

If additional or alternative standards are to be defined, the following conditions shall apply:

- Member States shall cooperate in order to define these additional or alternative standards;
- digital machine-readable formats shall be compatible with existing standards referred to in the first sentence of this paragraph.

2. The data referred to in paragraph 1 and the corresponding metadata including information on the quality thereof shall be accessible for exchange and re-use by any data user within the Union:

- (a) on a non-discriminatory basis when provided by road authorities and road operators;
- (b) following minimum quality requirements that Member States shall agree upon in cooperation with relevant stakeholders;
- (c) within a time-frame fitting to the reliable and effective use of the data to create real-time traffic information;
- (d) via the national or common access point referred to in Article 3;
- (e) without any obligation on holders of in-vehicle generated data and private service providers to grant access to or share any of their data with private data users. Exchange and re-use of their data may be subject to terms and conditions determined by the private data holder.

3. Data users using the data referred to in paragraph 1 and data holders shall collaborate in order to ensure that any inaccuracies related to the data are signalled without delay to the data holder from which the data originates.

4. Service providers shall process and include, without additional costs to the end-user, in the relevant services they provide, any temporary traffic management measures developed by the competent authorities and made accessible via the national or common access point in a digital machine-readable format.

5. For the purpose of providing appropriate information directly to the end-users and optimising road maintenance and road safety, road authorities and road operators may request holders of in-vehicle generated data and service providers to provide the data types on the state of the network they collect and update pursuant to Article 10. Where, in response to a request from a road authority or road operator, the data holder makes the data accessible, FRAND (Fair, Reasonable And Non-Discriminatory) conditions shall apply. The data shall be provided in DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions) format or any digital machine-readable format agreed upon by Member States, accompanied by the corresponding metadata including information on the quality thereof.

6. Data on the state of the network that has been archived by road authorities or road operators may be used for purposes of road infrastructure safety management and network-wide road safety assessments. Unless prohibited by licence agreements, this data shall be made accessible for exchange and re-use, on a non-discriminatory basis, via the national or common access point referred to in Article 3.

7. Within the limits of applicable licence agreements, predictive data on the state of the network that has been computed by road authorities or road operators, shall be made accessible for exchange and re-use, on a non-discriminatory basis, via the national or common access point referred to in Article 3.

8. Member States shall collaborate on defining common standards for the exchange and re-use of data referenced in paragraphs 6 and 7.

*Article 7***Accessibility, exchange and re-use of data on the real-time use of the network**

1. For the purpose of facilitating the provision of compatible, interoperable, and continuous real-time traffic information services across the Union, road authorities, road operators, service providers, holders of in-vehicle generated data and recharging and refuelling-related stakeholders shall provide the data on the real-time use of the network listed in the Annex they collect in DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions) format. Any update to this data shall be carried out pursuant to Article 11.

If additional or alternative standards are to be defined, the following conditions shall apply:

- Member States shall cooperate in order to define these additional or alternative standards;
- digital machine-readable formats shall be compatible with existing standards referred to in the first sentence of this paragraph.

2. The data referred to in paragraph 1 and the corresponding metadata including information on the quality thereof shall be accessible for exchange and re-use by any data users within the Union:

- (a) on a non-discriminatory basis when provided by road authorities and road operators;
- (b) following minimum quality requirements that Member States shall agree upon in cooperation with relevant stakeholders;
- (c) within a time-frame fitting to the reliable and effective use of the data to create real-time traffic information;
- (d) via the national or common access point referred to in Article 3;
- (e) without any obligation on holders of in-vehicle generated data and private service providers to grant access to or share any of their data with private data users. Exchange and re-use of their data may be subject to terms and conditions determined by the private data holder.

3. For the purpose of providing appropriate information directly to end-users and optimising traffic management and road safety, road authorities and road operators may request holders of in-vehicle generated data and service providers to provide the data types on the real-time use of the network they collect and update pursuant to Article 11. Where, in response to a request from a road authority or road operator, the data holder makes the data accessible, FRAND (Fair, Reasonable And Non-Discriminatory) conditions shall apply. The data shall be provided in DATEX II (EN 16157, CEN/TS 16157 and subsequently upgraded versions) format or any digital machine-readable format agreed upon by Member States, accompanied by the corresponding metadata including information on the quality thereof.

4. Data on the real-time use of the network that has been archived by road authorities or road operators may be used for purposes of road infrastructure safety management and network-wide road safety assessments. Unless prohibited by licence agreements, this data shall be made accessible for exchange and re-use, on a non-discriminatory basis, via the national or common access point referred to in Article 3.

5. Within the limits of applicable licence agreements, predictive data on the real-time use of the network that has been computed by road authorities or road operators, shall be made accessible for exchange and re-use on a non-discriminatory basis, via the national or common access point referred to in Article 3.

6. Member States shall collaborate on defining common standards for the exchange and re-use of data referenced in paragraphs 4 and 5.

*Article 8***Updating data on infrastructure**

1. The updates of the data on infrastructure shall concern as a minimum the following parameters:

- (a) the type of data as set out in point 1 of the Annex concerned by the update;

- (b) the location of the condition concerned by the update;
- (c) the type of update (modification, insertion or deletion);
- (d) the description of the update, containing the updated value(s) and field(s) and updated information, and where relevant, the reasons for replacing the outdated value(s) and field(s);
- (e) the date on which the data has been updated;
- (f) the date and time when the change in a given condition has occurred or is planned to occur;
- (g) the quality of the data update as defined in quality requirements that Member States shall agree upon in cooperation with relevant stakeholders.

The location of the condition concerned by the update shall be determined using a standardised or any other widely used and generally accepted dynamic location referencing method that enables unambiguous decoding and interpretation of that location.

2. The relevant data holders shall ensure the update of data on infrastructure within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services and, where known and possible, provide those updates to data users in advance.

3. The relevant data holders shall in a timely manner correct any inaccuracies detected by them in their data or signalled to them by any data users and end-users.

4. When digital map producers and service providers present information to end users, they shall ensure that relevant data updates on infrastructure are processed within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services.

#### *Article 9*

#### **Updating data on regulations and restrictions**

1. The updates of the data on regulations and restrictions shall concern as a minimum the following parameters:

- (a) the type of data as set out in points 2 and 3 of the Annex concerned by the update;
- (b) the location of the condition concerned by the update;
- (c) the type of update (modification, insertion or deletion);
- (d) the description of the update, including the period of occurrence of the event and condition(s) imposed, for example on certain types of vehicles, concerned by the update;
- (e) the date on which the data has been updated;
- (f) the date and time when the change in a given condition has occurred or is planned to occur;
- (g) the quality of the data update as defined in quality requirements that Member States shall agree upon in cooperation with relevant stakeholders.

The location of the condition concerned by the update shall be determined using a standardised or any other widely used and generally accepted dynamic location referencing method that enables unambiguous decoding and interpretation of this location.

2. The relevant data holders shall ensure the update of data on regulations and restrictions within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services and, where known and possible, provide these updates to data users in advance.

3. The relevant data holders shall in a timely manner correct any inaccuracies detected by them in their data or signalled to them by any data users and end-users.

4. When digital map producers and service providers present information to end users, they shall ensure that relevant data updates on regulations and restrictions are processed within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services.

5. The real-time traffic information shall be modified accordingly or withdrawn as soon as possible after the status of the data concerned has changed.

#### Article 10

##### Updating data on the state of the network

1. The updates of the data on the state of the network shall concern as a minimum the following parameters:
  - (a) the type of data as set out in points 4 and 5 of the Annex concerned by the update and, where appropriate, a short description of it;
  - (b) the location of the event or condition concerned by the update;
  - (c) the period of occurrence of the event or condition concerned by the update;
  - (d) the quality of the data update as defined in quality requirements that Member States shall agree upon in cooperation with relevant stakeholders.

The location of the event or condition concerned by the update shall be determined using a standardised or any other widely used and generally accepted dynamic location referencing method that enables unambiguous decoding and interpretation of this location.

2. The relevant data holders shall ensure the update of data on the state of the network within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services and, where known and possible, provide these updates in advance.
3. The relevant data holders shall in a timely manner correct any inaccuracies detected by them in their data or signalled to them by any data users and end-users.
4. The real-time traffic information shall be modified accordingly or withdrawn as soon as possible after the status of data concerned has changed.
5. When service providers present information to end users, they shall ensure that relevant data updates on the state of the network are processed within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services.

#### Article 11

##### Updating data on the real-time use of the network

1. The updates of the data on the real-time use of the network shall include as a minimum the following parameters:
  - (a) the type of data as set out in point 6 of the Annex concerned by the update and, where appropriate, a short description of it;
  - (b) the location of the event or condition concerned by the update;
  - (c) the quality of the data update as defined in quality requirements that Member States shall agree upon in cooperation with relevant stakeholders.

The location of the event or condition concerned by the update shall be determined using a standardised or any other widely used and generally accepted dynamic location referencing method that enables unambiguous decoding and interpretation of this location.

2. The real-time traffic information or related data shall be modified accordingly or withdrawn as soon as possible after the status of the data concerned has changed.
3. When service providers present information to end users, they shall ensure that data updates on the real-time use of the network are processed within a timeframe fitting to the reliable and effective use of the data in real-time traffic information services.

*Article 12***Assessment of compliance**

1. Member States shall assess whether the requirements set out in Articles 3 to 11 are complied with by the data holders and data users to which these articles apply in accordance with paragraphs 2 and 3.
2. In order to proceed to the assessment, the competent authorities of Member States may request from any data holders and data users the following documents:
  - (a) a description of the data, digital map or real-time traffic information services they provide as well as the information on the quality thereof and the conditions of re-use of these data;
  - (b) an evidence-based declaration of compliance with the requirements set out in Articles 3 to 11.
3. Member States shall randomly check the correctness of the declarations referred to in point (b) of paragraph 2.

*Article 13***Reporting**

1. By 1 January 2023 at the latest, Member States shall provide the Commission with the list and map visualisation of roads included in the primary road network.
2. Member States shall provide the Commission with the following information as part of the progress reports provided for in Article 17(3) of Directive 2010/40/EU:
  - (a) the progress made in terms of the accessibility, exchange and re-use of the data types set out in the Annex;
  - (b) the geographical scope of the data accessible via the National Access Point, changes to the primary road network and to the data content of real-time traffic information services and their quality, including the criteria used to define this quality and the means used to monitor it;
  - (c) the results of the assessment of compliance referred to in Article 12 with the requirements set out in Articles 3 to 11;
  - (d) where relevant, a description of changes to the national or common access point.

*Article 14***Transitional provisions**

For a transitional period ending on 31 December 2027, obligations related to data types under points 1, 3, 5 and 6 of the Annex shall not apply with respect to roads other than the following:

- (a) comprehensive trans-European road network;
- (b) other motorways not included in comprehensive trans-European road network;
- (c) primary roads.

*Article 15***Repeal**

Delegated Regulation (EU) 2015/962 is repealed from 1 January 2025.

*Article 16***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*.

It shall apply from 1 January 2025.

However, Article 13 shall apply from 1 January 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 February 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX

(as referred to in Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14)

(1) The types of data on infrastructure:

- (a) road network links and their physical attributes:
  - (i) geometry;
  - (ii) road width;
  - (iii) number of lanes;
  - (iv) gradients;
  - (v) junctions;
- (b) road classification;
- (c) location of tolling stations;
- (d) location of service areas and rest areas;
- (e) location of recharging points for electric vehicles and the conditions for their use;
- (f) location of compressed natural gas, liquefied natural gas, liquefied petroleum gas stations;
- (g) location of refuelling points and stations for all other fuel types;
- (h) location of delivery areas.

(2) The crucial types of data on regulations and restrictions:

- (a) static and dynamic traffic regulations, where applicable:
  - (i) access conditions for tunnels;
  - (ii) access conditions for bridges;
  - (iii) permanent access restrictions;
  - (iv) speed limits;
  - (v) freight delivery regulations;
  - (vi) overtaking bans on heavy goods vehicles;
  - (vii) weight/length/width/height restrictions;
  - (viii) one-way streets;
  - (ix) boundaries of restrictions, prohibitions or obligations with zonal validity, current access status and conditions for circulation in regulated traffic zones;
  - (x) direction of travel on reversible lanes;
- (b) traffic circulation plans.

(3) Other types of data on regulations and restrictions:

- (a) the location and identification of traffic signs reflecting traffic regulations and identifying dangers:
  - (i) access conditions for tunnels;
  - (ii) access conditions for bridges;
  - (iii) permanent access restrictions;
  - (iv) other traffic signs reflecting traffic regulations;

- (b) static and dynamic traffic regulations, where applicable, other than traffic regulations referred to in point (2);
  - (c) identification of tolled roads, applicable fixed user charges and available payment methods (including retail channels and fulfilment methods);
  - (d) variable road user charges and available payment methods, including retail channels and fulfilment methods.
- (4) The crucial types of data on the state of the network:
- (a) road closures;
  - (b) lane closures;
  - (c) roadworks;
  - (d) temporary traffic management measures.
- (5) Other types of data on the state of the network:
- (a) bridge closures;
  - (b) accidents and incidents;
  - (c) poor road conditions;
  - (d) weather conditions affecting road surface and visibility.
- (6) The types of data on the real-time use of the network:
- (a) traffic volume;
  - (b) traffic speed;
  - (c) location and length of traffic queues;
  - (d) travel times;
  - (e) waiting time at border crossings;
  - (f) availability of delivery areas;
  - (g) availability of recharging points and stations for electric vehicles;
  - (h) availability of refuelling points and stations for alternative fuel types;
  - (i) price of ad hoc recharging/refuelling.
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