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 (Text with EEA relevance)

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

(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[(1)], 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. This Regulation seeks to improve the accessibility, exchange, re-use and update of the road and traffic data required for the provision of high quality and continuous real-time traffic information services across the Union.

(3) 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.

(4) 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[(2)] and Commission Delegated Regulation (EU) No 886/2013[(3)].

(5) 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 framework 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 2003/98/EC of the European Parliament and of the Council[4] 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 2003/98/EC.

(6) Directive 2007/2/EC of the European Parliament and of the Council[5] 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[6]. The extension of the application of these specifications to all static road data types might also promote further harmonisation in this field.

(7) Regulation (EU) No 1315/2013 of the European Parliament and of the Council[7] defines the road transport infrastructure that is part of the core and the comprehensive trans-European transport network. This Regulation should apply to the comprehensive trans-European road network as defined in Regulation (EU) No 1315/2013 as this network is where most of international road transport takes place. As most motorways are already included in this network, other motorways should also be covered by this Regulation for the sake of consistency for the road users. 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. Member States should therefore be allowed to apply these specifications to selected roads, beyond the trans-European road network and the motorway network, identified by them as priority zones. Given the continuously changing nature of traffic patterns, Member States should be allowed to update those priority zones.

(8) Static road data, dynamic road status data and traffic data all have different characteristics and each should comply with appropriate requirements. Given the diversity of data sources ranging from infrastructure based sensors to vehicles acting as sensors, it is important that the specifications should apply to the relevant data categories regardless of the source of the data and technology used to create or update the data.

(9) In case the personal data would happen to be processed, it should be, where possible, irreversibly anonymised. Moreover, it should be processed in accordance with the Union law, as set out, in particular, in Directive 95/46/EC of the European Parliament and of the Council[8] and in Directive 2002/58/EC of the European Parliament and of the Council[9], and with the national legislations thereto. And it should comply with the principles of purpose limitation and data minimisation.

(10) If the information service is to rely on the collection of data, including geo-location, from the end-users themselves or through cooperative systems in the future, then 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 should be deployed by public and private data collectors such as road operators, service providers and automotive industries to ensure anonymity of the data received from end-users or their vehicles.

(11) 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.

(12) 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.

(13) The accessibility and regular update of static road 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 static road 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, public authorities should be able to request service providers and digital map producers to correct inaccuracies in their data.

(14) The accessibility of accurate and up-to-date static road data, dynamic road status data and traffic 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 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 and real-time traffic information service providers should make the data, corresponding metadata and information on the quality of the data accessible to other road authorities, road operators, real-time traffic information service providers and digital map producers through a 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. 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 should be allowed to cooperate 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.

(15) In order to allow road authorities, road 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.

(16) These specifications should not oblige road authorities or road operators and service providers to start collecting any data that they are not already collecting or to digitise any data that is not already available in machine readable format. The specific requirements regarding the updates of static road data, dynamic road status data and traffic data 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 road data.

(17) 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.

(18) 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.

(19) It is acknowledged that the use of road and traffic data and real-time traffic information services generated by private service providers can represent a cost-effective way for public authorities to improve traffic management as well as infrastructure management and maintenance. However, the specific terms and conditions applicable for the use or re-use of such data and associated services should be left to the parties concerned without prejudice to the provisions of Directive 2003/98/EC.

(20) Private service providers may use static road data, dynamic road status data and traffic 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 2003/98/EC.

(21) 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 road and traffic data by the road authorities, road operators, digital map producers 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 and service providers.

(22) 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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2015/962. (See end of Document for details)*

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.

(23) 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 Council[10] and delivered an opinion on 17 June 2015,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes the specifications necessary in order to ensure the accessibility, exchange, re-use and update of road and traffic data by road authorities, road operators and service providers for the provision of EU-wide real-time traffic information services.

It shall apply to the comprehensive trans-European road network, as well as motorways not included in this network, and priority zones identified by national authorities where they consider this to be relevant.

It 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 of the European Parliament and of the Council;

(3) ‘motorway’ means a road which is designated as such by the Member State in which it is located;

(4) ‘priority zones’ means road sections identified by national authorities where they consider this to be relevant, in particular in urban areas, that are not part of the comprehensive trans-European road network and are not motorways, based on the levels of recurring traffic congestion or other traffic management considerations;

(5) ‘accessibility of the data’ means a possibility to request and obtain the data at any time in a machine readable format;

(6) ‘static road data’ means road data that do not change often or on a regular basis, as listed in point 1 of the Annex;