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 (Text with EEA relevance)

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

(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 3(c) and Articles 6(1) thereof,

After consulting the European Data Protection Supervisor,

Whereas:

(1) Article 3(c) of Directive 2010/40/EU identifies, as a priority action, data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users.

(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 priority actions.

(3) The Communication 'Towards a European road safety area: policy orientations on road safety 2011-2020'[(2)] acknowledges that 'ITS have the potential to play a considerable role for the improvement of traffic safety, for example through the adoption of systems to detect incidents and supervise traffic that are able to provide information to road users in real time.'.

(4) For the provision of information services, Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the reuse of public sector information[(3)] sets minimum rules for the reuse of public sector information throughout the Union and encourages Member States to go beyond these minimum rules and to adopt policies allowing broad use of information or data held by public sector bodies.

(5) The deployment and use of ITS applications and services entails the processing of personal data which should be carried out in accordance with Union law, as set out,

in particular, in 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[(4)] and in 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)[(5)]. Therefore, the principles of purpose limitation and data minimisation should be applied to ITS applications and services.

(6) To achieve compatibility, interoperability and continuity, it is necessary to define minimum requirements for road safety-related universal traffic information services. These requirements should relate to the identification and use of a standardised list of safety-related traffic events or conditions to be communicated to end users, as well as to the content of the information to be provided to end users. If end users receive information through various delivery channels that are under the control of public and/or private road operators, service providers and broadcasters dedicated to traffic information, that information should not be contradictory, therefore should consist of the same elements and be based on the same description of the event or condition in question.

(7) Road safety-related traffic data are essential for the provision of road safety-related minimum universal traffic information. They are collected and stored by public and/or private operators and service providers. In order for these data to be made easily available for exchange and reuse for the provision of information services, public and/or private road operators and service providers should make them accessible through individual access points or make sure that they are accessible through national access points set up and managed by the Member States. These national access points can take the form of a repository, registry, web portal or similar.

(8) These road safety-related traffic data should be made accessible in accordance with data protection requirements (e.g. anonymisation of personal data). 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/or private road operators, service providers and automotive industries to ensure the anonymity of the data received from end users or their vehicle.

(9) Those Member States which already provide some form of road safety-related traffic information on their territory should be able to continue using their existing methods, in so far as they are consistent with the requirements of this Regulation. To maximise the positive impact of the provision of information services on road safety and traffic conditions in terms of reducing the number of road accidents and fatalities in the Union, the provision of road safety-related minimum universal traffic information should be compatible, interoperable and continuous across Member States, maintained at a minimum level of quality and, where possible, free of charge for all end users.

(10) For all Member States to develop a harmonised and seamless approach towards the provision of road safety-related minimum universal traffic information across the Union it is relevant to define requirements for the whole Union which would apply to the provision of any road safety-related minimum universal traffic information service. Member States can rely on existing technical solutions and open standards, provided by the European and international standardisation organisations in order to ensure the interoperability and continuity of the provision of road safety-related minimum universal traffic information in the Union.

(11) To ensure that the provision of road safety-related minimum universal traffic information is both reliable and worthwhile, a minimum level of quality should be achieved. Member States should work further and share their experiences on the definition of the relevant quality criteria, the methods of quality measurement and monitoring, and the quality targets for every type of road safety-related events or conditions, road networks and/or operating environments. Member States should share their knowledge and best practices by communicating to the Commission the results of their analysis and experience relating to this topic.

(12) Although road safety-related minimum universal traffic information should be provided, where possible, as a universal facility free of charge to end users, there may be remaining costs for the latter linked to the cost of telecom fees, radio licence, or the purchase of the equipment enabling the reception of the information.

(13) Road safety-related minimum universal traffic information should reach as many end users as is technically feasible taking into account the different technical capabilities of vehicles, delivery channels and reception devices available on the market.

(14) Public and private road operators and service providers should aim to harmonise the presentation of the content of the information provided to end users irrespective of their language. Where Member States have signed it, they should rely on the 1968 Vienna Convention on Road Signs and Signals agreed by the United Nations Economic and Social Council on 8 November 1968, in particular the Consolidated Resolution on Road Signs and Signals developed by the Working Party on Road Traffic Safety[(6)].

(15) On the basis of national assessment, Member States should be able to delineate the coverage of the road safety-related minimum universal traffic information service along the trans-European road network within their territory in order to focus on road sections and areas where traffic and safety conditions require the provision of information services and justify the associated investment. However, it is acknowledged that, due to the different situations and stakeholders, the requirements of this Regulation should not apply to urban nodes. Member States should communicate to the Commission the national delineation of the information service.

(16) Article 17(4) of Directive 2010/40/EU requires the Commission to submit a report every three years to the European Parliament and to the Council on the progress made in the implementation of this Directive. The report should be accompanied by an analysis of the functioning and implementation of Articles 5 to 11 and Article 16, and should assess the need to amend this Directive, where appropriate. This review should also assess the

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 886/2013. (See end of Document for details)*

need to amend and/or complement the specifications adopted for priority actions, where appropriate, in the light of their national deployment, technological developments and standardisation progress,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes the specifications necessary to ensure compatibility, interoperability and continuity for the deployment and operational use of data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users on a Union level in accordance with Directive 2010/40/EU.

It shall apply to the provision of road safety-related minimum universal traffic information services on the trans-European road network.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a) ‘trans-European road network’ means the road network as defined in Section 2 of Annex I to Decision No 661/2010/EU of the European Parliament and of the Council[7] with the exclusion of urban nodes;

(b) ‘temporary slippery road’ means any unforeseen condition of the road surface which makes it slippery for a certain amount of time, causing low adherence of the vehicle to the road;

(c) ‘animal, people, obstacles, debris on the road’ means any situation where animals, debris, obstacles or people are positioned on the road where one would not expect to find them so that an emergency manoeuvre might be required to avoid them;

(d) ‘unprotected accident area’ means the area where an accident has occurred and which has not yet been secured by the competent authority;

(e) ‘short-term road works’ means any temporary road works that are carried out on the road or on the side of the road and which are indicated only by minimum signing because of the short-term nature of these works;

(f) ‘reduced visibility’ means visibility affected by any condition that reduces the sight range of drivers and which might affect safe driving;

(g) ‘wrong-way driver’ means a vehicle travelling on the wrong side of a divided carriageway against the oncoming traffic;

(h) ‘unmanaged blockage of a road’ means any blockage of a road, partial or total, which has not been adequately secured and signposted;

(i) ‘exceptional weather conditions’ means unusual, severe or unseasonal weather conditions which might affect safe driving;

(j) ‘user of road safety-related minimum universal traffic information’ means any legal or natural person participating in the provision of road safety-related minimum universal traffic information services, such as public and private road operators, traffic managers, service providers, and broadcasters dedicated to traffic information;

(k) ‘end user’ means any driver benefiting from road safety-related minimum universal traffic information services;

(l) ‘road safety-related minimum universal traffic information service’ means a real-time traffic information service that provides an agreed minimum road safety-related content and which can be accessed at minimum effort by a maximum of end users;

(m) ‘road safety-related traffic data’ means data necessary for providing the road safety-related minimum universal traffic information service and collected via any private or public source;

(n) ‘road safety-related minimum universal traffic information’ means any extracted, aggregated and processed road safety-related traffic data, offered by public and/or private road operators and/or service providers to end users through any delivery channels;

(o) ‘access point’ means a digital point of access where the road safety-related traffic data necessary for generating the road safety-related minimum universal traffic information are collected, formatted, and made available for exchange and reuse;

(p) ‘free of charge’ means the provision of the road safety-related minimum universal traffic information service at no extra cost for the end users at the point of use.

Article 3

List of road safety-related events or conditions

The events or conditions covered by the road safety-related minimum universal traffic information service shall consist of at least one of the following categories:

(a) temporary slippery road;

(b) animal, people, obstacles, debris on the road;

(c) unprotected accident area;

(d) short-term road works;

(e) reduced visibility;

(f) wrong-way driver;

(g) unmanaged blockage of a road;

(h) exceptional weather conditions.