

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 (Text with EEA relevance)

*Article 1*

**Subject matter and scope**

- 1 This Directive establishes a framework in support of the coordinated and coherent deployment and use of Intelligent Transport Systems (ITS) within the Union, in particular across the borders between the Member States, and sets out the general conditions necessary for that purpose.
- 2 This Directive provides for the development of specifications for actions within the priority areas referred to in Article 2, as well as for the development, where appropriate, of necessary standards.
- 3 This Directive shall apply to ITS applications and services in the field of road transport and to their interfaces with other modes of transport without prejudice to matters concerning national security or necessary in the interest of defence.

*Article 2*

**Priority areas**

- 1 For the purpose of this Directive the following shall constitute priority areas for the development and use of specifications and standards:
  - I. Optimal use of road, traffic and travel data,
  - II. Continuity of traffic and freight management ITS services,
  - III. ITS road safety and security applications,
  - IV. Linking the vehicle with the transport infrastructure.
- 2 The scope of the priority areas is specified in Annex I.

*Article 3*

**Priority actions**

Within the priority areas the following shall constitute priority actions for the development and use of specifications and standards, as set out in Annex I:

- (a) the provision of EU-wide multimodal travel information services;
- (b) the provision of EU-wide real-time traffic information services;
- (c) data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users;

- (d) the harmonised provision for an interoperable EU-wide eCall;
- (e) the provision of information services for safe and secure parking places for trucks and commercial vehicles;
- (f) the provision of reservation services for safe and secure parking places for trucks and commercial vehicles.

#### *Article 4*

#### **Definitions**

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

- (1) ‘Intelligent Transport Systems’ or ‘ITS’ means systems in which information and communication technologies are applied in the field of road transport, including infrastructure, vehicles and users, and in traffic management and mobility management, as well as for interfaces with other modes of transport;
- (2) ‘interoperability’ means the capacity of systems and the underlying business processes to exchange data and to share information and knowledge;
- (3) ‘ITS application’ means an operational instrument for the application of ITS;
- (4) ‘ITS service’ means the provision of an ITS application through a well-defined organisational and operational framework with the aim of contributing to user safety, efficiency, comfort and/or to facilitate or support transport and travel operations;
- (5) ‘ITS service provider’ means any provider of an ITS service, whether public or private;
- (6) ‘ITS user’ means any user of ITS applications or services including travellers, vulnerable road users, road transport infrastructure users and operators, fleet managers and operators of emergency services;
- (7) ‘vulnerable road users’ means non-motorised road users, such as pedestrians and cyclists as well as motor-cyclists and persons with disabilities or reduced mobility and orientation;
- (8) ‘nomadic device’ means a portable communication or information device that can be brought inside the vehicle to support the driving task and/or the transport operations;
- (9) ‘platform’ means an on-board or off-board unit enabling the deployment, provision, exploitation and integration of ITS applications and services;
- (10) ‘architecture’ means the conceptual design that defines the structure, behaviour and integration of a given system in its surrounding context;
- (11) ‘interface’ means a facility between systems which provides the media through which they can connect and interact;
- (12) ‘compatibility’ means the general ability of a device or system to work with another device or system without modification;
- (13) ‘continuity of services’ means the ability to ensure seamless services on transport networks across the Union;
- (14) ‘road data’ means data on road infrastructure characteristics, including fixed traffic signs or their regulatory safety attributes;

- (15) ‘traffic data’ means historic and real-time data on road traffic characteristics;
- (16) ‘travel data’ means basic data such as public transport timetables and tariffs, necessary to provide multi-modal travel information before and during the trip to facilitate travel planning, booking and adaptation;
- (17) ‘specification’ means a binding measure laying down provisions containing requirements, procedures or any other relevant rules;
- (18) ‘standard’ means standard as defined in Article 1(6) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>(1)</sup>.

#### *Article 5*

### **Deployment of ITS**

1 Member States shall take the necessary measures to ensure that the specifications adopted by the Commission in accordance with Article 6 are applied to ITS applications and services, when these are deployed, in accordance with the principles in Annex II. This is without prejudice to the right of each Member State to decide on its deployment of such applications and services on its territory. This right is without prejudice to any legislative act adopted under the second subparagraph of Article 6(2).

2 Member States shall also make efforts to cooperate in respect of the priority areas, insofar as no specifications have been adopted.

#### *Article 6*

### **Specifications**

1 The Commission shall first adopt the specifications necessary to ensure the compatibility, interoperability and continuity for the deployment and operational use of ITS for the priority actions.

2 The Commission shall aim at adopting specifications for one or more of the priority actions by 27 February 2013.

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.

3 Once the necessary specifications for the priority actions have been adopted, the Commission shall adopt specifications ensuring compatibility, interoperability and continuity for the deployment and operational use of ITS for other actions in the priority areas.

4 Where relevant, and depending on the area covered by the specification, the specification shall include one or more of the following types of provisions:

- a functional provisions that describe the roles of the various stakeholders and the information flow between them;
- b technical provisions that provide for the technical means to fulfil the functional provisions;

- c organisational provisions that describe the procedural obligations of the various stakeholders;
- d service provisions that describe the various levels of services and their content for ITS applications and services.

5 Without prejudice to the procedures under Directive 98/34/EC the specifications shall, where appropriate, stipulate the conditions in which Member States may, after notification to the Commission, establish additional rules for the provision of ITS services on all or part of their territory, provided that those rules do not hinder interoperability.

6 The specifications shall, where appropriate, be based on any standards referred to in Article 8.

The specifications shall, as appropriate, provide for conformity assessment in accordance with Decision No 768/2008/EC.

The specifications shall comply with the principles set out in Annex II.

7 The Commission shall conduct an impact assessment including a cost-benefit analysis prior to the adoption of the specifications.

#### *Article 7*

#### **Delegated acts**

1 The Commission may adopt delegated acts in accordance with Article 290 of the TFEU as regards specifications. When adopting such delegated acts the Commission shall act in accordance with the relevant provisions of this Directive, in particular Article 6 and Annex II.

2 A separate delegated act shall be adopted for each of the priority actions.

3 For the delegated acts referred to in this Article, the procedure set out in Articles 12, 13 and 14 shall apply.

#### *Article 8*

#### **Standards**

1 The necessary standards to provide for interoperability, compatibility and continuity for the deployment and operational use of ITS shall be developed in the priority areas and for the priority actions. To that effect, the Commission, after having consulted the Committee referred to in Article 15, shall request the relevant standardisation bodies in accordance with the procedure laid down in Directive 98/34/EC to make every necessary effort to adopt these standards rapidly.

2 When issuing a mandate to the standardisation bodies, the principles set out in Annex II shall be observed as well as any functional provision included in a specification adopted in accordance with Article 6.

## *Article 9*

### **Non-binding measures**

The Commission may adopt guidelines and other non-binding measures to facilitate Member States' cooperation relating to the priority areas in accordance with the advisory procedure referred to in Article 15(2).

## *Article 10*

### **Rules on privacy, security and re-use of information**

1 Member States shall ensure that the processing of personal data in the context of the operation of ITS applications and services is carried out in accordance with Union rules protecting fundamental rights and freedoms of individuals, in particular Directive 95/46/EC and Directive 2002/58/EC.

2 In particular, Member States shall ensure that personal data are protected against misuse, including unlawful access, alteration or loss.

3 Without prejudice to paragraph 1, in order to ensure privacy, the use of anonymous data shall be encouraged, where appropriate, for the performance of the ITS applications and services.

Without prejudice to Directive 95/46/EC personal data shall only be processed insofar as such processing is necessary for the performance of ITS applications and services.

4 With regard to the application of Directive 95/46/EC and in particular where special categories of personal data are involved, Member States shall also ensure that the provisions on consent to the processing of such personal data are respected.

5 Directive 2003/98/EC shall apply.

## *Article 11*

### **Rules on liability**

Member States shall ensure that issues related to liability, concerning the deployment and use of ITS applications and services set out in specifications adopted in accordance with Article 6, are addressed in accordance with Union law, including in particular Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products<sup>(2)</sup> as well as relevant national legislation.

## *Article 12*

### **Exercise of the delegation**

1 The power to adopt the delegated acts referred to in Article 7 shall be conferred on the Commission for a period of seven years following 27 August 2010. The Commission shall

make a report in respect of the delegated powers no later than six months before the end of a five year period following 27 August 2010.

2 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

3 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 13 and 14.

### *Article 13*

#### **Revocation of the delegation**

1 The delegation of powers referred to in Article 7 may be revoked by the European Parliament or by the Council.

2 The institution which has commenced an internal procedure for deciding whether to revoke the delegation of powers shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

3 The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.

### *Article 14*

#### **Objections to delegated acts**

1 The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.

At the initiative of the European Parliament or the Council this period shall be extended by two months.

2 If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the *Official Journal of the European Union* and shall enter into force on the date stated therein.

The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3 If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

### *Article 15*

#### **Committee procedure**

1 The Commission shall be assisted by the European ITS Committee (EIC).

2 Where reference is made to this paragraph, Article 3 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

#### *Article 16*

### **European ITS Advisory Group**

The Commission shall establish a European ITS Advisory Group to advise it on business and technical aspects of the deployment and use of ITS in the Union. The group shall be composed of high level representatives from relevant ITS service providers, associations of users, transport and facilities operators, manufacturing industry, social partners, professional associations, local authorities and other relevant fora.

#### *Article 17*

### **Reporting**

1 Member States shall submit to the Commission by 27 August 2011 a report on their national activities and projects regarding the priority areas.

2 Member States shall provide the Commission by 27 August 2012 with information on national ITS actions envisaged over the following five year period.

Guidelines for reporting by the Member States shall be adopted in accordance with the advisory procedure referred to in Article 15(2).

3 Following the initial report, Member States shall report every three years on the progress made in the deployment of the actions referred to in paragraph 1.

4 The Commission shall submit a report every three years to the European Parliament and to the Council on the progress made for the implementation of this Directive. The report shall be accompanied by an analysis on the functioning and implementation, including the financial resources used and needed, of Articles 5 to 11 and Article 16, and shall assess the need to amend this Directive, where appropriate.

5 In accordance with the advisory procedure referred to in Article 15(2), the Commission shall adopt a working program by 27 February 2011. The working program shall include objectives and dates for its implementation every year and if necessary shall propose the necessary adaptations.

#### *Article 18*

### **Transposition**

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 27 February 2012.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference, and its wording, shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 19***Entry into force**

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

*Article 20***Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 7 July 2010.

*For the European Parliament*

*The President*

J. BUZEK

*For the Council*

*The President*

O. CHASTEL



- (1) OJ L 204, 21.7.1998, p. 37.
- (2) OJ L 210, 7.8.1985, p. 29.