

Infrastrukturdepartementet
i.remissvar@regeringskansliet.se
i.transport.remissvar@regeringskansliet.se

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BIL Sweden's response to EUCOM's proposal for a Directive of the European Parliament and of the Council amending Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (COM(2021) 813)

BIL Sweden welcomes the opportunity to submit comments on the proposed revision of the ITS-directive. BIL Sweden will provide a more detailed answer to EUCOM's public consultation on the revision of the ITS Directive, due 20 March 2022.

BIL Sweden responded on 9 November 2021 to EUCOM's public consultation on the draft delegated regulation of EU-wide real-time traffic information (RTTI) services, see https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12337-Road-traffic-information-services-revised-specifications/F2751222_en.

BIL Sweden's general comments

Digitalisation is an indispensable driver of the transformation of the European transport system. A successful ITS deployment has the potential to significantly improve road safety, security and traffic efficiency, contributing to the "vision zero" of road fatalities and a more sustainable road transport sector. ITS enable better use of existing, as well as new, infrastructure and improve traffic management. ITS is a key factor in the European Green Deal and a Europe fit for the Digital Age.

Long-term

Transport agencies, transport administrations, vehicle manufacturers and their suppliers are all important stakeholders in ITS deployment, all requiring long-term plans due to expectancy of long life-time products and infrastructure installations.

Long-life products and infrastructure installations call for long-term compatibility of older mandated technology (ex 2G/3G with the 4G as with the 5G and onwards), maintenance as well as the ability to update/upgrade, ex software etc.

For vehicles, there are many sector-specific regulations, ex UNECE R156 for software update and software update management system.

Communication

Communication between vehicles (V2V) as well as between vehicle and road infrastructure (V2I) can for example help preventing accidents by informing the drivers in real time of potential hazards in its vicinity before the vehicle has reached the site where the potential hazard exists. These technologies increase the awareness horizon for the driver and enhance the travel efficiency and comfort.

Vehicle manufacturers need both short-range wireless communication (e.g., ITS-G5) and long-range cellular connectivity (e.g., 4G/5G), complementary to the information from the on-board sensors, as they complement each other, depending on the urgency for high data quality and low latency.

Data sharing

Data availability does not equal mandated data sharing.

Vehicle manufacturers are responsible for all vehicles put on the market, they shall operate in a safe and secure manner. For security and safety reasons it's fundamental that in-vehicle data, when mandated, is exported using the extended vehicle (ExVe) standards ISO 20077-1 and ISO 20077-2 through a vehicle manufacturer backend.

For more detailed information, please see the European Automobile Manufacturers' Association (ACEA) position paper regarding their views of a European regulatory framework for in-vehicle data access and sharing, supported by BIL Sweden's members, see

https://www.acea.auto/files/ACEA_position_paper-Access_to_in-vehicle_data.pdf

GDPR

Data must follow in compliance with General Data Protection Regulation (GDPR).

According to GDPR, personal data and/or data that can be traceable to a person can be processed if using legitimate interest as legal ground. Companies and others using legitimate interest as legal ground for personal data and/or data that can be traceable to a person must inform their customers, before they start to generate data, they need to inform which data will be generated for which purpose and for how long. It's not accepted to re-use data for other purposes than was first informed.

Ex, the draft for RTTI and DGA propose re-use of data, i.e., inconsistent to GDPR.

Ex, the ePrivacy-draft propose consent, i.e., not legitimate interest as GDPR.

Since data generated in vehicles often can be traceable to a person (the owner, the fleet owner, the driver etc.), it's important that ITS, RTTI, DGA, ePrivacy and other forthcoming regulations will be stipulated so they don't conflict with neither the GDPR nor any of each other.

NAP

It seems that the National Access Point (NAP) of the different Member States still differ, for example regarding available data and its quality. The Swedish NAP has recently been translated to English which is welcomed.

Vehicles cross borders every day, especially heavy-duty vehicles. It's important for ITS as well as TEN-T to accelerate the national ITS plans in a manner that ensures uniformity and coherence among the various member states for cross-border services, ex access to NAPs with a comparable data and quality.

C-ITS

The notion of Cooperative ITS (C-ITS) is acknowledged in the revision of the ITS directive. C-ITS deployment has already started in Europe using the short-range wireless communication technology ITS-G5. Around 500.000 vehicles are in circulation communicating using ITS-G5 and 20.000 km of roads provide C-ITS services based on the same technology to vehicles and the numbers are increasing rapidly.

European citizens can already today enjoy an increased road traffic safety environment due to the enormous investments made by public and private sectors. To continue this success, backward compatibility and interoperability are key ingredients as outlined in Annex II of the revision of the ITS directive together with the established trust model as introduced in the new called Article 10a in the proposed revision.

BIL Sweden's comments on the articles

Article 1 (1) Adding the availability of data and deployment of services to the subject matter and scope of the current Directive. Adding a specific geographical coverage as specified in Annexes III and IV.

- BIL Sweden support.

Article 1 (2) Updated title of the four priority areas of the current Directive, as the priority areas are reorganized according to the types of ITS services.

- BIL Sweden support. The new titles appear more suitable.

Article 1 (3) Extends the list of definitions of the current Directive. Updates a reference. New definitions for “C-ITS”, “C-ITS service”, “availability of the data”, “National Access Point”, “accessibility of the data” and “multimodal digital mobility service”.

- BIL Sweden support.

Article 1(4) Extends the requirements on Member States in Article 5 regarding their cooperation, where necessary with relevant stakeholders, related to the deployment of ITS services.

- BIL Sweden support.

Article 1(5) Updates in Article 6. Updates a reference.

- BIL Sweden support.

Article 1(6) New article requiring Member States to ensure the availability of data for the data types listed in the new Annex III and their accessibility on NAPs.

New article requiring Member States to ensure the deployment of ITS services listed in the new Annex IV.

- BIL Sweden support.

Article 1(7) Adds provisions to Article 7 of the current Directive for the update of Annexes III and IV through delegated acts, subject to a prior impact assessment including a cost-benefit analysis.

- BIL Sweden support. Great that an impact assessment, including a cost-benefit analysis, has been introduced.

Article 1(8) New article authorising the Commission to adopt interim measures in the event of an emergency situation that has a severe direct impact on road safety, cyber security or the availability and integrity of ITS services.

- BIL Sweden support. It is great that a tool for emergency situations concerning severe safety/security has been introduced.

Article 1(9) Updates a reference in Article 8 of the current Directive.

- BIL Sweden support.

Article 1(10) Replaces Article 10 of the current Directive with updated rules on data protection and privacy, streamlining the text by removing duplications of existing obligations under data protection rules, e.g., on the security of personal data processed and the need for controllers to comply with their other obligations under data protection rules. It also stresses the requirement for the Commission to take into account data protection requirements in the development of specifications.

- BIL Sweden support. Please see also above, in BIL Sweden's general comments, under “GDPR”.

Article 1(11) New article on the C-ITS certificate policy authority, the Trust list manager and the C-ITS point of contact, and establishes that the Commission will define and fulfil these roles.

- BIL Sweden support. The new roles appear suitable.

Article 1(12) Adapts Article 12 of the current Directive as regards the date from which the power to adopt delegated acts is conferred on the Commission.

- BIL Sweden support.

Article 1(13) Added article 15, info about the European ITS Committee (EIC) procedure.

- BIL Sweden support.

Article 1(14) Replaces Article 17 of the current Directive with updated rules on the reporting of Member States (common template, common key performance indicators) and of the Commission, as well as updated rules for the adoption of the working programmes of the ITS Directive.

- BIL Sweden support.

Articles 1(15) and 1(16) replace the two annexes of the current Directive by four annexes:

- **Annex I** adapts Annex I of the current Directive by organising the priority areas according to the types of ITS services, and also adds new actions corresponding to new and emerging ITS services.
- **Annex II** adapts Annex II of the current ITS Directive by updating and adding some of the principles.
- **New Annex III** lists the data types for which availability and accessibility on NAPs needs to be ensured by the date indicated for each data type and on the geographical coverage indicated for each data type.
- **New Annex IV** lists the ITS services to be deployed by the date indicated for each ITS service and on the geographical coverage indicated for each ITS service.
 - BIL Sweden support Annex II.
 - BIL Sweden will prepare a more detailed answer to EUCOM's public consultation on the revision of the ITS Directive, due 20 March 2022, regarding the annexes I, III and IV.

Articles 2, 3 and 4 provide for the transposition, entry into force and addressees of the amended Directive.

- BIL Sweden support.

BIL Sweden is pleased to be available for further discussions or any clarifications.

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Maria Backlund

Technical Coordinator: Vehicle regulations and Research
BIL Sweden