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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY <i>Ex post</i> evaluation of the Intelligent Transport Systems Directive 2010/40/EU

Delegations will find attached document SWD(2019) 369 final.

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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY

Ex post evaluation of the Intelligent Transport Systems Directive 2010/40/EU

{SWD(2019) 368 final}

The ITS Directive was the first EU-wide legislative basis to support the coordinated and coherent deployment of ITS in the road sector and its interfaces with other modes of transport. It was introduced in direct response to action 6.1 of the ITS action plan¹.

Considering that the first working programme has been completed and given the significant developments in the sector, it is important to take stock and verify the adequacy of the current EU legislative framework for ITS.

The ex-post evaluation takes into account not only the Directive as such, but also delegated acts adopted under its terms, the working programmes adopted by the Commission, the Commission's guidelines for reporting, and the activities of committees and experts. It also considers relevant aspects of the ITS action plan and standards and non-binding measures aimed at facilitating the deployment of ITS in road transport. It assesses the implementation of the Directive in all 28 Member States between 2008 and 2017.

As the use of ITS is increasing, the Directive remains a relevant tool to address the issues of 1) lack of coordination in ITS deployment across the EU and 2) slow, risky and not-cost-effective ITS deployment. ITS deployment, despite improvements, still often remains restricted to a limited geographical scope. Thus, there remains a clear need for further action on interoperability, cooperation and data sharing to enable seamless, continuous ITS services across the EU.

The delegated acts adopted under the Directive also remain relevant, while some stakeholders consider some delegated acts could be extended to increase their relevance. This has been reflected in the Directive's updated working programme adopted on 11 December 2018².

In general, the Directive has had a positive impact on the deployment of ITS across the EU. However, given that the deployment of ITS and the implementation of the delegated regulations are still at an early stage, there is not a lot of evidence to determine whether this already significantly helps to improve the continuity of ITS services across the EU, and in turn to reduce the negative externalities (accidents, congestion, pollution) of road transport.

Considering that the benefits of ITS cannot yet be quantified, it is not possible to assess the cost-benefit ratio of the Directive's implementation. It is too early to give a true assessment of whether observed costs are proportional compared to the benefits, but stakeholders are generally positive. Costs are seen to be proportional, and if the benefits do not already outweigh the costs, they are expected to do so in the long term.

Considering the cost-effectiveness of reporting obligations, the most significant remaining issue is the lack of comparability between Member State reports. While there is a positive trend in the quality and consistency of reporting over time, and there are no indications of disproportionate reporting costs, the differences in structure and level of detail of the KPI reporting means comprehensive monitoring is still challenging. To facilitate future evaluations, streamlining the reporting process for the Directive and its delegated regulations should be continued. However,

In general, the Directive and its delegated acts are internally coherent. A point of attention is the frequency and timing of reporting obligations under the various pieces of legislation, and also the consistency of terminology used in the different pieces of legislation.

¹ COM(2008) 886 final.

² C(2018) 8264 final,

https://ec.europa.eu/transport/sites/transport/files/legislation/c20188264_en.pdf.

In general, the Directive is coherent with EU strategic policies and relevant other EU legislation and contributes to their achievement. The Directive and its delegated acts make relevant references to other legislation, rather than introducing overlapping requirements.

Moving forward towards connected, cooperative and automated mobility, the Directive is expected to become even more interdependent with other legislation, in particular on aspects related to vehicles, telecommunications, cybersecurity, liability and the processing and flow of data. Specific attention should therefore be paid to ensure coherence between different instruments, while avoiding unnecessary administrative burden.

The EU level is considered the most relevant to provide a framework for the coordinated and coherent deployment of ITS. Action at national level — even if promoted through non-binding action at EU level — could not be expected to address the key problem of incoherent, inconsistent and fragmented development of ITS across the EU. Likewise, while at international level there are mechanisms and structures in place, they cannot be considered sufficient to ensure a comprehensive EU-wide approach as currently provided by the Directive.

It does not seem justified to repeal the Directive, as such repeal would most likely lead to a slowing down of ITS deployment and increase the risk of divergence and fragmentation. In addition, if the Directive were repealed, specifications would remain unchanged without a clear way to evolve, and may thus become outdated in the fast evolving domain of ITS.