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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 15 May 2013

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

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Subject: COMMISSION DELEGATED REGULATION (EU) No .../.. of 15.5.2013
supplementing ITS Directive 2010/40/EU of the European Parliament and of
the Council with regard to the provision of information services for safe and
secure parking places for trucks and commercial vehicles

Delegations will find attached Commission document c(2013) 2549 final.

Encl.: c(2013) 2549 final



Brussels, 15.5.2013
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COMMISSION DELEGATED REGULATION (EU) No .../..

of 15.5.2013

**supplementing ITS Directive 2010/40/EU of the European Parliament and of the Council
with regard to the provision of information services for safe and secure parking places
for trucks and commercial vehicles**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT AND OBJECTIVES OF THE REGULATION

The Regulation aims to define harmonised and standard rules for Europe-wide implementation of an information service for safe and secure parking places for trucks and commercial vehicles. The objective is to optimise, through binding functional specifications for the provision of these information services, the use of parking places as well as to enhance road safety and security of truck drivers.

1.1. Background on information services for safe and secure parking places for trucks and commercial vehicles

As indicated in the White Paper Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system¹, adopted by the Commission on 28 March 2011, road safety and transport security are among the priorities of European transport policy. In this respect, intelligent transport systems are intended to improve the safety and security records of road transport.

Road safety is a major subject within European Union's the transport policy. According to a specific analysis conducted by the European Centre of Studies on Safety and Risk Analysis, an estimated that around 44 lives lost and 1 430 injuries per year can be ascribed to unsuitable parking of trucks². The EU is highly committed to reducing the number of road accidents by avoiding unsuitable parking through an information service and ensuring parking optimisation. The proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network (TEN-T)³ also requires Member States to provide secure parking places for commercial vehicles with a possibility of provision of Union financial aid through the Connecting Europe Facility (CEF)⁴.

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 (ITS) in the field of road transport and for interfaces with other modes of transport⁵ lays the groundwork for coordinated and coherent deployment and use of ITS within the Union. One of the defined priority actions is the provision of information services for safe and secure parking places for trucks and commercial vehicles (Art. 3(e) and the provision of reservation services for safe and secure parking places for trucks and commercial vehicles (Art. 3(f)).

This initiative is directly linked to the Commission Action Plan for the Deployment of Intelligent Transport Systems in Europe⁶, and more specifically to action 3.5 on "secure truck parking".

¹ COM(2011) 0144 final.

² Analysis led by CEESAR (European centre of studies on safety and risk analysis) on a basis of 624 road accidents involving at least one HGV (722 trucks with 433 trailers involved). The accidents happened between May 2004 and March 2006. All accidents involved at least one injured person. Of these 624 road accidents, 12 involved a parked HGV.

³ COM(2011) 0650 final/3.

⁴ Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe facility, COM(2011) 0655 final.

⁵ OJ L 207, 6.8.2010, p. 1.

⁶ COM(2008) 0886 final.

The initiative is also related to existing legislation on mandatory driving time rules for drivers engaged in the carriage of goods and passengers by road as established by Regulation (EC) N°561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport⁷ and on the deployment and use of the digital tachograph⁸. The rules on the use of the digital tachograph are defined in Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport⁹, which includes provisions on the capacity to monitor driving times of professional drivers in order to prevent fatigue, improve road safety and guarantee fair competition.

The impact assessment prepared in support of the ITS Action Plan and Directive 2010/40/EU indicates that ‘commercial transport is also suffering from problems related to unavailability and/or insecurity of parking places because of a limited supply of ITS-based parking information and reservation and security services’.

Thus, the emergence and availability of new travel and traffic information services and their interoperability and more specifically, the introduction of common technical requirements, guidelines, specifications and certain conditions to ensure harmonised, interoperable and open development and deployment of relevant ITS solutions for safe and secure parking, would contribute very positively to improving road safety and a greater security of land transport.

The impact assessment prepared in support of the 2011 Transport White Paper also indicates that ‘the large-scale deployment of Intelligent Transport Systems (ITS) is expected to have positive effects on road safety’.

1.2. What are the main problems which this Regulation addresses?

The majority of drivers decide themselves when to stop driving and where to park so as to comply with the mandatory driving time and resting rules as established by Regulation (EC) N° 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport.¹⁰ Depending on the circumstances, some companies may organise their parking beforehand, but due to often unexpected events during their trip such planning and advanced booking is relatively rare. This decision on where to park is therefore usually taken during the last hour, depending on the reality and circumstances.

If equipped with information that is reliable, drivers are more inclined to follow the guidance provided¹¹.

The existing capacity of truck parking areas along the main EU transport corridors is not utilised efficiently everywhere in the Member States¹². Truck drivers or transport companies

⁷ OJ L 102, 11.4.2006, p. 1.

⁸ A device enabling the recording of driving times, breaks and rest periods and other periods of work undertaken by a commercial driver.

⁹ OJ L 370, 31.12.1985, p. 8.

¹⁰ OJ L 102, 11.4.2006, p. 1.

¹¹ Member State concerned indicated that more than 40 % of drivers followed this advice on pilot priority zones.

¹² NEA Consult (2007): Study on feasibility of organizing a network of secured parking areas for road transport operators on the Trans European Network. NEA Consult modelled the demand and supply of secure parking in 2007. The demand is based on Origin Destination pairs for road freight transport in Europe in 2002, and the supply on data from IRU and ECMT. The model results in a supply of 111 529

do not have access to reliable information about the parking locations and even less on the availability of parking places at those locations. Such information would allow truck drivers to make the right choices when deciding to stop and park their vehicles so as to comply with the relevant social legislation¹³.

As road freight transport is expected to increase, the demand for safe and secure parking places is bound to go up in parallel.

This situation, if allowed to persist, would result in a deterioration of the working conditions for drivers with potentially serious consequences in terms of road safety (such as parking on hard shoulders), health (stress, drowsiness) attractiveness of the road haulage profession and security (thefts, attacks on drivers)¹⁴.

Today the ownership and management of truck parking areas along the main EU roads is split between public (road authorities) and private entities (e.g. based on concessions). There is no systematic collection of relevant and harmonised information (such as total number of existing parking places, periodic counting of available parking places, security level of parking areas, etc.), with very few exceptions of some websites providing partially the location of the parking facilities on main EU corridors. The shortcomings of the current information system on parking facilities along the main corridors in the EU are in part due to the following reasons:

- There is no extensive up-to-date inventory of suitable, safe and secure parking places for trucks based on a harmonised classification of facilities along the main European road axes;
- There is very little dynamic information provided to drivers about available parking places in the different parking facilities for trucks and commercial vehicles.
- There is no common definition for collecting, processing, sharing and disseminating these data and for indicating how users can access information on safe and secure parking places. In addition, even the few existing facilities do not yet give access to other parties that could further disseminate data to truck drivers (e.g. private or public traffic information service providers). Furthermore, the ways in which the information is provided to drivers and hauliers must be given specific attention in order to be understood by them and not cause any distraction to driving.

This initiative aims at resolving these deficiencies.

Some initiatives have already been taken at Member States level that gives some incentives for developing this type of service. Some Member States, for example, provide information on the situation and features of parking areas along their road network or display the information about nearby parking areas still offering available places on some overloaded corridors (Austria, Denmark, France, Germany, the Netherlands, Norway ...). These

places and a demand of 127 043 places. The supply figure is comparable to the Commission's estimate. The demand figure is somewhat higher and reflects the overall situation of scarcity. It incorporates a factor of 1.3 for taking into account the peak demand situations. By the way, scarcity is amplified if forecast demand data for 2020 is considered.

¹³ OJ L 102, 11.4.2006, p. 1.

¹⁴ While unsuitable parking (on hard shoulders), all respondent drivers experienced robberies, and 60% experienced accidents.

initiatives, however, remain isolated, lack a clear and interoperable framework (especially in cross-border areas) and do not effectively address the issue across the Union.

1.3. The legal form of the proposal

Directive 2010/40/EU aims at accelerating the coordinated deployment and use of intelligent transport systems in road transport (and interfaces with other modes) across Europe. The ‘provision of information services for safe and secure parking places for trucks and commercial vehicles’ is one of the six priority actions set out in Article 3 of Directive 2010/40/EU.

Article 7 of Directive 2010/40/EU empowers the Commission to adopt delegated acts in accordance with Article 290 of the TFEU as regards specifications for the priority actions.

This Regulation, to be adopted as a delegated act, constitutes the binding specifications for priority action provided for in Article 3(e) of Directive 2010/40/EU on the provision of information services for safe and secure parking places for trucks and commercial vehicles.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Different major stakeholders have been consulted through four types of extensive consultations.

- Online questionnaire posted in 2012 on the ‘Your Voice in Europe’ received a strong Stakeholder response that was generally supportive of what is expected from an information service.
- Face-to-face interviews with main stakeholders (15 interviews) coming from industry and professional associations were held. These interviews gave a detailed picture of the situation and market.
- The Commission organised a workshop in June 2012. The aim was to present and discuss the results of the consultation phase and draw conclusions. The workshop provided a good indication on what needed to be addressed.
- Meetings with Member States were held intensively which were very constructive.

Other stakeholders working on the same subject were consulted such as ‘Easy way’.

The main comments received during this consultation indicated a clear preference for functional rather than detailed technical specifications, thereby allowing Member State-flexibility in implementing them;

- All stakeholders strongly supported the need to collect static data in a harmonised way to provide information to end users;
- The limited market segment of high-value cargo transportation does sometimes require parking areas with high-quality security equipment;
- The decision where to park is mainly taken by the drivers, who, if not informed in real time about parking possibilities, might opt to respect working

regulations and may park on places not suitable for that purpose (e.g. hard-shoulders);

- Most stakeholders agreed that the Trans-European Transport Network could be considered an appropriate minimum requirement for road network coverage, leaving open the option of coverage of other parts of the network where provision of such information could provide a good return on investment;

The following table illustrates the strong support obtained from the online consultation phase matching the objectives of the information services under the present Regulation.

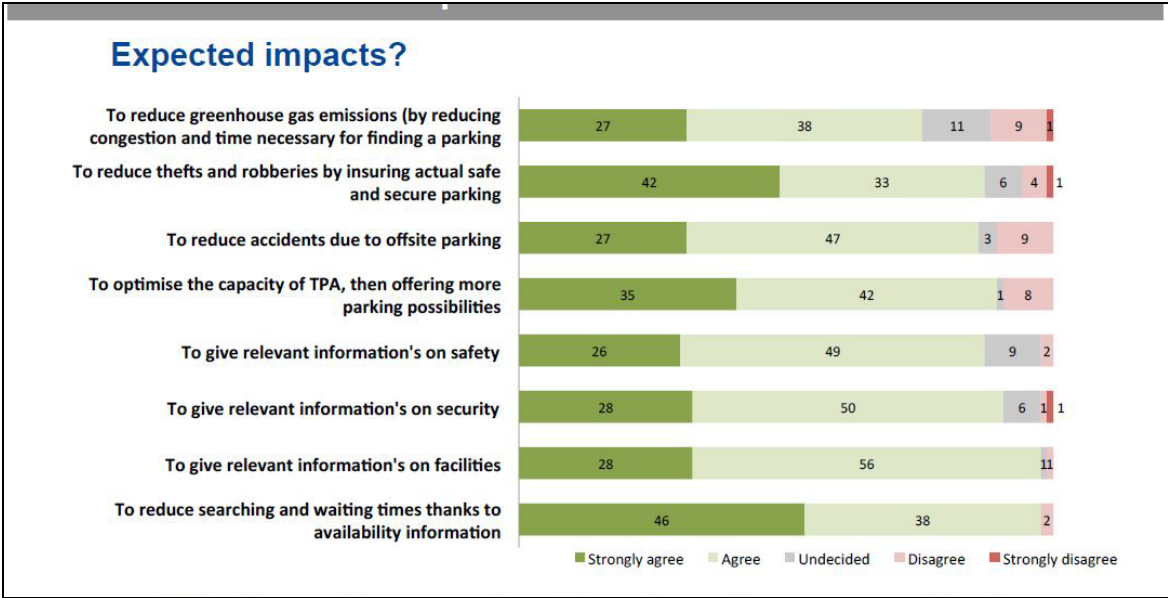


Table 1: Main results and expectation provided by the online consultation

2.1. Expertise

A support study¹⁵, examining cost-benefit analysis, was conducted by consultants from April to November 2012 leading to a final report whose main conclusions are incorporated in the present explanatory memorandum.

3. ASSESSMENT OF IMPACTS AND COST-BENEFIT ANALYSIS

The options considered prior to the drafting of this Regulation differentiate between implementation in some of the Member States vs. in all Member States. Another key aspect is to distinguish between the provision of basic static information describing the parking area versus static and dynamic information on the availability of parking places in real time.

Static information is describing the parking location and the services and is based on information that can be updated approximately once a year. Dynamic information is providing information on the availability of parking places in real time, needs to be updated at the minimum every 15 minutes to be effective and is based on the implementation of monitored detection systems.

¹⁵ http://ec.europa.eu/transport/themes/its/index_en.htm

Options that have been considered are described in the table below:

Id	Description
I.	<ul style="list-style-type: none"> • Baseline Option – No EU intervention
II.	<ul style="list-style-type: none"> • Static information: Specifications for voluntary service deployment of and dissemination to end users is left to Member States • Dynamic information in priority zones is left to Member States
III.	<ul style="list-style-type: none"> • Static information: Voluntary service deployment includes dissemination • Dynamic information: Voluntary deployment of ITS in priority zones
IV.	<ul style="list-style-type: none"> • Static information: deployment in all Member States, dissemination left to M.S. • Dynamic information: voluntary deployment of additional, local dynamic ITS in priority zones where capacity can be used more efficiently
V.	<ul style="list-style-type: none"> • Static information: deployment in all Member States, including provisions for dissemination through service providers • Dynamic information: Specifications for deployment of additional, local dynamic ITS in priority zones where capacity can be used more efficiently

Table 2: Summary of prior options considered.

3.1. Economic, social and environmental impacts

The options that solicit EU intervention are expected to have a positive economic, social and environmental impact. Taking into account operating costs and budgetary implications, harmonised information on safe and secure truck parking areas are cost effective because of the potential reduction of road accidents and reduced searching time for parking.

Information services are also contributing to developing the internal market for road transport, namely by preventing unequal enforcement of driving time and parking offences. In terms of competitiveness, planning of trips and securing on-trip needs leads to more reliable transport and reduces time taken for parking; data harmonisation contributes to a more efficient fleet management process. The positive social and environmental impacts become even more significant (17 for option V) if the deployment were required in all Member States.

When comparing the options, the results yielded by Option V were particularly evident as summarised in the table below:

Option	I.	II.	III.	IV.	V.
Economic impacts	0	1	2	2	5
Social/Safety impacts	0	0	0	4	8
Environmental impacts	0	1	1	3	4
Total	0	2	3	9	17

Table 3: Aggregated impacts economic, social and environmental.

3.2. Impact on stakeholders

The assessment done for the Commission shows generally positive rankings for all stakeholders, except for truck parking area operators. For the latter, the positive impact is limited by the cost of data collection and potential equipment for dynamic data. **In conclusion** the assessment done for the Commission shows that the impact is much stronger in relation to

deployment options in all Member States (option IV and V). These options rank generally positive for all stakeholders, except for truck parking area operators where the positive impact is limited by the cost of data collection and potential equipment for dynamic data. In addition, **the deployment of dynamic information in all Member States is the most discriminating factor for the impacts on road authorities (4) and hauliers (8) since they will benefit the most from the optimisation of parking places.**

The aggregated ranking for each option is summarised in the following table:

Option	I.	II.	III.	IV.	V.
Driver	0	0	1	3	4
Truck parking area operator	0	1	1	1	1
Road authority	0	0	0	1	4
Haulier	0	0	0	4	8
Cargo owner	0	0	0	1	1
Insurance company	0	0	0	0	0
Total	0	1	2	10	18

Table 5: Aggregated rankings of impacts on stakeholders

3.2.1. Impact on SME's

As the previous section showed, the impacts of the preferred option are positive for drivers, hauliers and cargo's owners. Many of these are small and medium-sized enterprises (SMEs). The proposal therefore promotes the interest of many SMEs in the transport sector and will also allow them to meet their legal obligations, like driving time limitations, in a more efficient way.

These benefits significantly outweigh any additional small burdens that may occur for parking space operators which may also be SMEs.

3.3. Special impacts such as protection of personal data, environmental protection, fair and just working conditions

Working conditions, particularly for drivers are set to improve with the provision of dynamic information services. This will depend heavily on the quality of data displayed. The administrative burden of collecting data should not be overestimated for truck parking operators¹⁶

3.4. Impact on existing markets and services

Information services for safe and secure truck parking are expected to be a minor application in the wider context of the markets for communication between vehicles and central services, and for mobile and in-vehicle devices. Hence they should be expected to have to adapt to the big trends in these markets without influencing them significantly. Again the impacts are strongly related to the mandatory character of the deployment¹⁷.

3.5. Compliance with principles set out in the ITS Directive

Deployment has been assessed with regard to the principles set out in Annex II to Directive 2010/40/EU. All deployments are assessed positively under the aspect of economic,

¹⁶ An annual amount of 800€ has been calculated for this purpose.

¹⁷ Option V

social/safety and environmental impacts. Cost-effectiveness is given for extensive static information and for dynamic information in priority zones. The optimal compromise between homogeneity of service and a selective and stepwise deployment has been defined in the regulation. The proposal facilitates inter-modality in Zones with high truck parking demand in the vicinity of important terminals (e.g. seaports; pre-urban zones).

The specifications should ensure sufficient flexibility or time lapses for allowing existing legacy systems to be renewed in accordance with their own lifecycle.

3.6. Cost-benefit estimate of impacts:

The study undertaken on behalf of the Commission estimates that when a number of assumptions are made the minimum gain **based on the sole implementation of static information** would be:

- EUR 45 million of productivity gains from reducing driving time and kilometres spent for search of parking¹⁸
- EUR 12 million of reduction of external costs such as reduced driving time for searching a parking place¹⁹
- EUR 24 million of reduction of external costs due to accidents entailed by unsuitable parking.

Maximum estimated gains on the basis of the implementation of 30 "priority zones" (average of 10 parking each) providing dynamic information on the availability of parking places in Europe would be the following:

- EUR 90 million of productivity gains from reducing driving time and kilometres spent for search of parking
- EUR 24 million of reduction of external costs such as reduced driving time for searching a parking place
- EUR 48 million of reduction of external costs due to accidents entailed by unsuitable parking.

3.6.1. Estimate of costs:

EU wide costs incurred by truck parking area operators and public authorities for providing static data, implementing and managing a static database are estimated at EUR 4 million per year (EU-wide total)²⁰. Dynamic information has been calculated on the basis of deployment of 30 priority zones equipped with adequate sensors, each one comprising on average 10 parking areas. The overall cost of one priority zone is evaluated at EUR 2 million of initial

¹⁸ Based on a study cited in the High level group on the development of the EU Road Haulage Market, June 2012.

¹⁹ Based on estimation of external costs for noise, congestion, air pollution, climate change in inter-urban transport based on the range of values proposed by the IMPACT study for Germany. Most other studies focus on t.km and result in higher assumption when multiplied with an average of load of 16 tons.

²⁰ The present estimate is equivalent to EUR 800 per year and truck parking area including the overhead for central access point implementation and management (the cost of which is not incurred by truck parking area operators). The estimated amount of EUR 4 million per year includes EU-wide total costs.

investment. This is a high end, since different solutions may be used such as video cameras supervising the parking area under the distant control of a traffic manager or information provided by users indicating the availability of parking²¹. Assuming yearly maintenance and operation costs at 10% of the initial investment, and depreciation over 10 years, total yearly cost in an income statement approach is EUR 12 million per year for 30 priority zones. Talking into account the relevant assumptions, the expenditure by hauliers on products and services that provide dynamic information is estimated at EUR 9 million per year²².

3.6.2. Estimate of economic and social benefits:

Around 60 million vehicle "stops" (need for parking place per year during a long-distance trip) are to be due to the need to comply with relevant social rules while driving on the trans-European road network. This assumption does not differentiate between short-duration breaks and long-duration rests. Only international long-distance trip are considered in relation to the information service. The estimate is the supply of 60 million parking slots per year. This average figure does not reflect the situation of demands exceeding supply on some corridors.

The deployment of information and reservation services for safe and secure truck parking areas will ensure that the estimated parking events / stops estimated above optimally end up in the right parking place if no major lack of parking areas is addressed.

The following main factors are taken into consideration:

- Productivity gains (reduction of private cost) from reducing driving time and kilometres covered by a driver in searching for a parking slot. Productivity gains via the operating cost of a freight truck in Europe are assumed to amount to EUR 60 per hour by taking an average from figures of a study cited in a recent report²³. Five % of parking events with a gain of 15 minutes driving time lead to €90M of productivity gains.
- Reduction of external cost from reducing driving time and kilometres covered by a driver in searching for a parking slot. The Commission assumes that this external cost amounts to EUR 0.20 per km 24 million of reduction of external costs
- Specific analysis, conducted by the European Centre of Studies on Safety and Risk Analysis, has concluded that an estimated 44 lives lost and 1 430 injuries per year can be ascribed to unsuitable parking of trucks. This estimate represents the potential saving that could be reached if unsuitable parking of trucks were to totally disappear. Drowsiness and vehicle failure²⁴ are identified as further relevant accident factors in the context of safe and secure truck parking.
- Reduction of situations of unsuitable parking has a potential impact on 44 fatalities and 1 430 injuries per year in Europe. Assuming a social cost of EUR 1.36 million per fatality and EUR 42 500 per injury, this translates to a

²¹ Such experiences are currently going on but need to be assessed.

²² Costs incurred by service providers for integrating dynamic information into their devices and services
²³ Report of the High Level Group on the Development of the EU Road Haulage Market, June 2012.

²⁴ Drowsiness represents 3% of all accidents and vehicle failure that could be avoided by technical services and maintenance of parking places represent 2.5%.

monetary value of EUR 120 million. Based on the implementation of static information an estimate of 20% decrease of accidents is made. With dynamic information, 40% of accidents are estimated to decrease.

Deployment Option	Estimate of benefit [M€/year]	Estimate of cost [M€/year]
Baseline	0	0
IV. (static information in all Member States)	80	4
V. (static and dynamic information in priority zones in all Member States)	160	25

Table 11: Quantitative estimates of costs and benefits.

4. LEGAL ELEMENTS OF THE REGULATION

4.1. Legal basis

This Regulation supplements Directive 2010/40/EU, which states that specifications are to be adopted in the form of a delegated act.

The form of a regulation has been chosen because it does not call for transposition and ensures a high degree of harmonisation, and timely entry into force.

4.2. Subsidiarity and proportionality

Based on the White Paper on transport policy adopted by the Commission on 28 March 2011, road safety and transport security are among the priorities of the transport policy of the Union. In this respect, intelligent transport systems are expected to contribute significantly to improvement of the safety and security of road transport.

The provision of information services for safe and secure parking places for trucks and commercial vehicles, as envisaged by Directive 2010/40, focuses on transnational aspects that cannot be satisfactorily achieved by individual Member States. It concerns the conditions for deployment of information services and the Europe-wide interoperability and/or cross-border harmonisation of these services. The action mainly concerns a framework for deployment in support of European information services where various technological, operational and legislative obstacles have to be tackled to maximise benefits for the European transport industry and other road users.

4.3. Presentation of the proposal

- Article 1 defines the subject matter and scope of the Regulation.
- Article 2 introduces definitions applicable under the Regulation.
- Article 3 defines the requirements for the provision of information services for safe and secure parking places for trucks and commercial vehicles.
- Article 4 defines the obligations related to data collection.
- Article 5 defines the requirements related to sharing and exchange of data

- Article 6 defines the requirements related to dissemination of information
- Article 7 defines the requirements related to quality management
- Article 8 defines the requirements related to compliance assessment.
- Article 9 defines the obligations linked to follow-up.
- Article 10 touches upon the entry into force of the Regulation.

5. BUDGETARY IMPLICATION

There are no budgetary implications for the EU budget.

COMMISSION DELEGATED REGULATION (EU) No .../..

of 15.5.2013

**supplementing ITS Directive 2010/40/EU of the European Parliament and of the Council
with regard to the provision of information services for safe and secure parking places
for trucks and commercial vehicles**

(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 transport²⁵, and in particular Article 3(e) and Article 6(1) thereof,

After consulting the European Data Protection Supervisor,

Whereas

- (1) Article 3(e) of Directive 2010/40/EU sets as a priority action the provision of information services for safe and secure parking places for trucks and commercial vehicles.
- (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 information services for safe and secure parking places. This Regulation seeks to optimize the use of parking places and to facilitate driver or transport companies decision about when and where to park by means of deployment of information services.
- (3) Council resolution²⁶ on combating and preventing road freight crime and providing secure truck parks highlights the need to improve safety and security for truck drivers and parking possibilities.
- (4) Mandatory rest periods and breaks may have an influence on drivers' behaviour with regard to choosing a parking place. The present Regulation seeks to optimise the use of parking places and to facilitate drivers' or transport companies' decisions on when and where to park by means of deployment of information services.

²⁵ OJ L 207, 6.8.2010, p. 1.

²⁶ SN 27.10.2010 15504/10

- (5) In order to ensure the interoperability and continuity of the service throughout the Union as well as to take full account of data protection requirements it's important that all Member States develop a harmonised and seamless approach towards the provision of information services for safe and secure parking places for trucks and commercial vehicles across the Union. To this effect, Member States can rely on technical solutions and standards, which shall be provided mainly through European and/or international standardisation organisations and/or associations, in order to ensure interoperability and continuity of the service EU-wide while also taking full account of data protection requirements.
- (6) The provision of security and comfort information contributes to the decision drivers make in choosing the parking area. Guidance may be given by displaying the security, safety and services features offered on a parking,
- (7) In case of specific persistent heavy demand for safe and secure parking in certain areas, truck drivers should be redirected from a full parking area to another location in the priority zone where free safe and secure places are available in order to avoid unsuitable parking, therefore, Member States should determine the 'priority zones'.
- (8) If static signs are used to indicate safe and secure parking areas, these should comply with the Vienna Convention of 8 November 1968 where Member State are party to it.
- (9) Directive 2003/98/EC on the re-use of public sector information (PSI) sets minimum rules ²⁷ for re-using PSI throughout the European Union. It is built around two key pillars of the internal market, namely transparency and fair competition, and encourages Member States to go beyond these minimum rules for the re-use of public sector information and to adopt policies allowing broad use of documents, or data in the context of this Regulation, held by public sector bodies. In some cases the re-use of data will take place without a licence being agreed. In other cases a licence will be issued imposing conditions on the re-use by the licensee and dealing with issues such as liability, the proper use of data, guaranteeing accordance with data protection requirements, non-alteration and the acknowledgement of source. The intellectual property rights of third parties shall not be affected.
- (10) Feedback from the users is information that is provided by the parking users in order to give personal and anonymous advice to other future users and to truck parking area operators. This information may be used for a quality management check of the information service as well as for the assessment. The anonymity of the feedback should be guaranteed.
- (11) The deployment and use of ITS applications and services might entail 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 1995²⁸ on the protection of individuals with regard to the processing of personal data and on the free movement of such data 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. Therefore principles of purpose limitation and data minimisation should be applied to ITS applications.

²⁷ OJ L 345, 31.12.2003, p. 90

²⁸ OJ L 201, 31.7.2002, p. 37

- (12) The deployment and use of ITS applications and services, as set out in specifications adopted in accordance with Article 6 of Directive 2010/40/EU, are addressed in accordance with Union law, including in particular Council Directive 85/374/EEC of 25 July 1985²⁹ on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products as well as relevant national legislation.
- (13) In accordance with the principle of proportionality, as set out in Article 5 of the Treaty on European Union, this Regulation does not go beyond what is necessary in order to achieve that objective,

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 information services for safe and secure parking places for trucks and commercial vehicles on a Union level in accordance with Directive 2010/40/EU³⁰.

It shall apply to the provision of information services situated on the trans-European road network (TERN).

Article 2
Definitions

For the purposes of this Regulation the following definitions shall apply

- (1) ‘safe and secure parking place’ means a parking place for commercial users allowing them to avoid unsuitable parking and contributing to safety of drivers and freight.
- (2) ‘user’ means any truck or commercial vehicle driver, dispatcher, haulier, traffic management body, or any other body such as cargo owners, insurance companies, road authorities, and police forces. They should obtain the information from the service providers.
- (3) ‘service provider’ means any public or private body that provides the information service to users.
- (4) ‘data’ means information provided by a truck parking operator which describes the truck parking area.
- (5) ‘information’ means any aggregated, processed and/or extracted data, offered by the service provider to the users through different channels.

²⁹ OJ L 210 , 07/08/1985 p. 0029 - 0033

³⁰ OJ L207 6.8.2010.

- (6) 'information service' means any service which provides guidance to its users, allowing them to comply with mandatory rest periods and breaks, to reduce unsuitable parking and optimise the use of parking places.
- (7) 'feedback from the users' means information provided by users of the parking places, giving personal and anonymous advice to other future users and to truck parking area operators.
- (8) 'dynamic information' means information indicating, at any given time, the available parking capacity available in a parking area or its current status (free/full/closed) of a parking area.
- (9) 'static information' means information provided by the parking area operator relating to the description of the parking area.
- (10) 'reliability of information' refers to the accuracy of the information service provided in comparison to the real situation.
- (11) 'unsuitable parking' means stopping or parking of heavy goods vehicles outside of safe and secure parking places on motorways or corridors, on hard shoulders, or inside overcrowded parking places.
- (12) 'access point' means a digital point of access where the information on parking places is collected, processed, and made available to be disseminated. These point of access will provide the possibility to disseminate the information services across borders.
- (13) 'priority zone' means a section, as defined by the national authorities, where there is a shortage of spaces at one or several safe and secure parking places, which can be alleviated by providing information on other unused parking capacities in the same zone.

Article 3

Requirements for the provision of information services

1. Member States shall designate areas where traffic and security conditions require the deployment of information services on the safe and secure parking places.

They shall also define priority zones where dynamic information will be provided.
2. The provision of information services shall fulfil the requirements set out in Articles 4 to 7.

Article 4

Data collection

Data on safe and secure public and private parking areas describing the parking facility, to be provided to the users, shall be collected and supplied by public or private parking operators and service providers. The data to be collected shall be easy to provide, including remotely, by any relevant means, in order to facilitate a distant collection by all parking operators.

Public or private parking operators and service providers shall use DATEX II³¹ profiles or other internationally compatible formats in order to ensure interoperability of the information services across the Union.

The data to be collected shall be the following:

1. Static data related to the parking areas, including (where applicable)
 - Identification information of parking area (name and address of the truck parking area [limited to 200 characters])
 - Location information of the entry point in the parking area (latitude/longitude) [20+20 characters]
 - Primary road identifier1/direction [20 characters /20 characters] Primary road identifier2/direction [20 characters /20 characters] if same parking accessible from two different roads
 - If needed, the indication of the Exit to be taken [limited to 100 characters] / Distance from primary road [integer 3] km or miles
 - Total number of free parking places for trucks [integer 3]
 - Price and currency of parking places [300 characters]
2. Information on safety and equipment of the parking area
 - Description of security, safety and service equipment of the parking including national classification if one is applied (500 characters)
 - Number of parking places for refrigerated goods vehicles [numerical 4 digits]
 - Information on specific equipment or services for specific goods vehicles and other [300 characters]

Contact information of the parking operator:

 - Name and surname [up to 100 characters]
 - Telephone number [up to 20 characters]
 - Email address [up to 50 characters]
 - Consent of the operator to make his contact information public [Yes/No]
3. Dynamic data on availability of parking places including whether a parking is: full, closed or number of free places which are available.

³¹ CEN/TS 16157

Article 5
Sharing and exchange of data

1. Public or private parking operators and service providers shall share and exchange data referred to in paragraph 1 of Article 4. For these purposes they shall use DATEX II (CEN/TS 16157) format or any DATEX II compatible international machine-readable format. Data shall be accessible for exchange and re-use by any public or private information service provider and/or parking operator on a non-discriminatory basis, and in accordance with access rights and procedures defined in Directive 2003/98/EC.
2. The static data shall be accessible through a national or international access point.
3. For dynamic data, Member States (or national authorities) shall be responsible for setting up and managing a central national or international point of access referencing all individual single points of access of each truck parking operator and/or service provider on their territory in the interests of users.
4. Member States may contribute to an international access point by providing data and ensuring that its quality is in conformity with the requirements in Article 7.
5. Charges for access to, exchange of, and re-use of public or private dynamic data shall remain reasonable as referred to in the PSI Directive.
6. Public and private parking operators and/or service providers shall periodically send their static collected data to the national or international access point through appropriate electronic means no less than once a year for static data referred to in Article 4(1).

For dynamic data public and private operators and/or services providers shall update their information referred to in Article 4(3) no less than once every 15 minutes.

Article 6
Dissemination of information

Service providers collecting information at a specific location shall display:

- at least the next two safe and secure parking places along a corridor within approximately 100 kilometres;
- the availability of parking places in a priority zone in at least the next two parking areas within approximately 100 kilometres.

The dissemination of information shall be consistent with the Vienna convention where a Member State has signed it. In-vehicle application should have a robust human machine interface in order to avoid driver distraction and fatigue.

Parking operators and/or service providers shall inform the users about the launch of any new information service for safe and secure parking by any communication means they find appropriate.

Article 7
Quality management

Any change of situation of the parking area, including its closure, shall be immediately notified by public and private parking operators to the national or international access point and to the national authorities.

For each new priority zone, all public and private operators of parking places shall ensure the reliability of the information. For these purposes they shall carry out periodical controls of the detection equipment, including measuring of the difference between the data displayed and the real availability of parking places. That information shall be assessed in accordance with Article 8.

Article 8
Assessment of compliance with the requirements

1. Member States shall designate a national body competent to assess whether the requirements set out in Articles 4 to 7 are fulfilled by service providers, parking operators and road operators. This body shall be impartial and independent from the latter.

Two or more Member States may designate a common regional body competent to assess compliance with those requirements on their territories.

Member States shall notify the nominated body to the Commission.

2. All services providers shall submit a declaration to the designated bodies on their compliance with the requirements set out in Articles 4 to 7.

The declaration shall contain the following elements:

- (a) The collected data pursuant to in Article 4 collected on safe and secure parking places for trucks and commercial vehicles including the percentage of parking places registered in the information service;
 - (b) The means of dissemination of the information services to users;
 - (c) The coverage of dynamic information services on safe and secure parking places;
 - (d) The quality and availability of the information provided, point of access to the information and the format in which that information is provided.
3. Designated bodies shall randomly inspect the correctness of the declarations of a number of public and private service providers and parking operators, and request a demonstration of compliance with the requirements set out in Articles 4 to 7.

The quality of the service may also be assessed using user-generated comment

Every year, the designated bodies shall report to the relevant national authorities on the declarations submitted, as well as on the results of their random inspections.

Article 9
Follow-up

1. Member States shall provide to the Commission at the latest 12 months following the entry into force of this Regulation the following information:
 - (a) the competent bodies designated for assessment of compliance with the requirements set out in Articles 4 to 7;
 - (b) the description of the national access point if applicable.
2. At the latest 12 months following the entry into force of this Regulation and every calendar year afterwards, Member States shall communicate the following information:
 - (a) the number of different parking places and parking spaces on their territory;
 - (b) the percentage of parking places registered in the information service;
 - (c) the percentage of parking places providing dynamic information on the availability of parking spaces and the priority zones to the Commission.

Article 10
Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply:

from**³² to the provision of services already deployed on the date of entry into force of this Regulation.

from ... ***³³ to the provision of services to be deployed after the date of entry into force of this Regulation.

³² ** OJ: Please insert the date: first day of the month following publication in the OJEU.

³³ *** OJ: Please insert the date: ** + 24 months.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15.5.2013

*For the Commission
The President
José Manuel BARROSO*