

Third Report from Portugal

PURSUANT TO ARTICLE 17 OF DIRECTIVE 2010/40/EC

INFORMATION REPORT ON THE INTEGRATED RESPONSE TO:

- **ARTICLE 9 OF DELEGATED REGULATION (EU) NO 885/2013**
- **ARTICLE 10 OF DELEGATED REGULATION (EU) NO 886/2013**

August 2014

THIRD REPORT FROM PORTUGAL PURSUANT TO ARTICLE 17 OF DIRECTIVE 2010/40/EU

(on national activities and projects regarding the priority areas - ITS Directive)

I. CONTEXT

This report covers the activities and measures adopted in Portugal up to August 2014 with a view to creating conditions for the implementation of the actions identified in the context of the priorities laid down by Directive 2010/40/EU or the amendments to the relevant specifications and objectives published thereafter.

We should, first, stress Portugal's commitment to successful solutions based on the new technologies and intelligent transport systems and services which contribute to promoting sustainable mobility and reducing the negative effects caused by transport choices and travel, such as impact on the environment and on air quality, energy consumption, accidents, congestion, etc.

We would, however, point out that for the last three years Portugal has been faced not only with economic crisis but also with restrictions on the choices and priorities possible within the limits defined by the Memorandum of Understanding established under the European Financial Stabilisation Mechanism (EFSM).

This situation has both constrained financial capacity and necessitated the reorganisation and restructuring of public services and an ensuing period of adaptation and adjustment.

Nevertheless, Portugal continues to participate fully in all ITS Committee and expert group activities and in the initiatives promoted by the Commission under Directive 2010/40/EU.

To that end, Portugal is currently reassessing the feasibility of relaunching studies with a view to framing a national action plan for intelligent transport systems and services (ITS).

II. ITS DIRECTIVE PRIORITY ACTIONS: CURRENT STATUS AND DEVELOPMENT IN PORTUGAL

In terms of the objective of characterising and identifying Intelligent Transport System developments in the actions laid down in Article 3 of Directive 2010/40/EU, some of the aspects most relevant to the following priorities are given below:

Action (a)

The provision of EU-wide multi-modal travel information services

Portugal has developed a number of multimodal transport information and planning systems since 2008. The multimodal approach has been made available on a website for long-distance transport, at national and interregional level, and for the two metropolitan areas of Lisbon and Oporto.

Travel planners have been developed on geographical information systems, enabling users to define the criteria for optimising journeys, based on the number of transfers, the time and cost of journeys. They do not, however, enable travel tickets to be purchased.

In tandem, various operators have made available their own - single-mode - information and travel planning systems. While these sites differ in their individual characteristics, the broad majority allow tickets to be purchased.

There is also a long-distance road transport (express service) website uniting several carriers, where, in addition to information and travel planning, it is also possible to buy travel tickets.

The national transport authority (*Instituto da Mobilidade e dos Transportes* - IMT) and various bodies promoting information and travel planning systems have been jointly examining data-sharing and data-interoperability solutions and other issues associated with the operation of such systems.

The TICE project, with European co-financing, was finalised in 2014. The project was for the development of a 'digital platform for sharing information aimed at developing services for urban mobility', integrating the various participating entities (transport operators, infrastructure and mobility system managers [bikesharing, etc.], municipalities, hotels and restaurants, etc.) into the applications already developed or to be set up. Here, too, a travel planner has been developed.

At the same time, the IMT has an IT platform based on a geographical information system for the licensing and management of road concessions - SIGGESC (geographical information system for bus route management), which will hold all the static information on schedules, routes and stops and could, under conditions still to be determined, become a source which feeds into travel information and planning systems. The platform is currently in the uploading phase.

In the meantime, Lisbon city transport operators have created a protocol with Google which already enables public transport journeys to be calculated, making this the first city in Portugal to have complete information.

In recent years, several applications (APP) have been made available, including on private initiatives with the collaboration of public transport operators, offering real-time information solutions for journey calculation and planning, aimed in particular at the cities of Lisbon and Oporto.

There are, however, concerns regarding the interoperability of the data and the existing systems installed in transport operator firms (including the issues of the nomenclature used by each party). The current legal framework does not require operators to supply information on services and still less to provide access to their databases.

This means that developing and making information and planning systems, and the related software applications, available to public transport users will depend on operators signing up voluntarily; this may, first, affect the completeness of the information on the transport services offered (with negative implications for the solutions proposed by systems) and, secondly, postpone real-time information solutions (either for reasons of different nomenclature and data structure, or lack of access to operators' own systems).

The broad majority of transport operators and national and local authorities are already clearly aware of the importance of these travel planning systems, including their role in promoting sustainable mobility and the qualification and competitiveness of territories, and new applications and systems are expected to continue to emerge, despite the difficulties indicated.

Action (b)

The provision of EU-wide real-time traffic information services

Following the work carried out on Action (c) of Directive 2010/40/EU, which led to the publication of Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013, DG MOVE Unit C.3 (Intelligent Transport Systems) followed up the implementation of Action (b), establishing a work programme and an agenda with a view to having a draft Delegated Regulation approved by the end of 2014.

During that period, with the support of a panel of national experts from various Member States, in which the IMT was a regular participant, the Commission proposed to prepare by the end of the year a proposal for a Regulation which would provide the legal framework for the Europe-wide implementation of real-time traffic information services.

Of particular relevance in this context are the definitions of the geographical scope of the services, the quality of information and data and the definitions of the mechanisms for the self declarations and the assessment of compliance, which are the procedures that allow the Member States to validate and certify a defined quality requirement of the service provided and, thus, ensure that services are provided in line with the principles underlying the spirit of the Regulation.

During this period, the IMT, together with Portugal's highway concession holders, promoted the need to create a single national access point, as the focus for the data and information considered relevant for the provision of real-time traffic information throughout the system of European road corridors.

However, the lack of a clear political framework for the attribution of competences in this area can be highlighted as the main constraint to such services being made operational and implemented in full, because, in the current management and financing model, each concession holder defines its own operational methods, which obstructs the creation of an integrated joint vision for the sector and compromises the quality of service provided to the road user.

Whilst in other countries the 'Single Network Manager' facilitates the organisation of the activity provided for in Directive 2010/40/EU (the ITS Directive), in Portugal, in line with the PPP road contract model, this role is not officially assigned to any administrative body, there being instead an implicit understanding that a joint effort was needed internally to ensure appropriate coordination between stakeholders, which has resulted in the formal establishment of specific working groups and the detailed timetabling of activities.

Since the subject area cuts across many sectors, it is essential that in the public sector effective mutual liaison is established between the various ministries - specifically, those of the interior, health and the economy - with a view to preventing the duplication or triplication of investments.

It became clear in the course of this process that this action will effectively serve to regulate the behaviour of emerging markets in these areas and that, consequently, the main difficulty lay in establishing a clear boundary between public and private interest while safeguarding the general principles of free competition and equal opportunities.

Accordingly, a number of some guiding principles for the defence of national interests were defined:

- i. to ensure that the services laid down in the Regulation could be accessed in a scaleable and voluntary fashion;
- ii. to ensure that implementation was not necessarily dependent on public investment;
- iii. to ensure that the specification would be technologically neutral, so as to avoid creating dependency on specific suppliers;
- iv. to ensure equal treatment and access to opportunities for Portuguese businesses in this area wishing to compete on European markets.

As regards another - equally important - aspect, stakeholders advocated the need to define the minimum requirements of the Regulation without this leading, as in priority action (c), to:

- i. potential requests for financial rebalancing from road concession holders,
- ii. jeopardising investments already made and future commitments,
- iii. failure to meet the legal deadlines set for the implementation of the action.

It is interesting to learn that the complexity of implementing the Directive increases exponentially as requirements are fulfilled, from action (c) through action (b) to action (a), with the multimodal travel information services.

Thus, the strategy advocated during the negotiating process was based on implementing action (c), which was deemed to be relatively simple and would, if successful, serve to gather consensus around the starting point for implementing action (b), for which Portugal is not going to define or identify priority zones, since it is restricted to implementation on the trans-European network (comprehensive road network), in which all the road concession holders already have a significant proportion of the planned services.

As a development strategy, these road operators could plan their annual and multi-annual investment so as to move gradually closer to the figure of service providers for some of the services that would be in their business interest to be able to develop.

Based on the definition in the national road safety strategy, it was considered essential that domestic traffic information be centralised in near real time through a network of nodes between the different concession holders and EP (*Estradas de Portugal S.A.* - the Portuguese road agency), using the DATEX II protocol as the principal medium of communication.

The network already exists, since the vast majority of concession-holders have already implemented their own DATEX node.

Action (c)

Data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users:

Considering that, by October 2015, data sharing should already be up and running, in accordance with the established procedures, for the provision of road safety related traffic

information free of charge to users, an inter-ministerial working group was set up, as a major step towards defining a strategy and a functional architecture that would make it possible to clearly identify the new competences and tasks of each entity involved, stemming from the implementation of the new type of services laid down in Directive 2010/40/EU, in national legislation - Law No 32/2013 - and Commission Delegated Regulation (EU) No 886/2013, instruments falling within one of the pillars for the sustainable promotion of road safety.

Following the publication of Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013, it was understood that Member States which already provided some form of road safety related traffic information within their territory could continue to use their own methods, provided that they fulfilled the requirements of the 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 EU, 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.

In this context, with a view to creating an integrated vision and achieving the desired continuity and uniformity of quality of service, Portugal has focussed on:

- i. defending data exchange standards,
- ii. defining the type of network on which this service will initially be provided and, in particular,
- iii. meticulous definition of the type of information that should be provided without charge to users - real-time information on road safety.

Thus, on the basis of the existing infrastructure and judicious investments co-financed under EU intelligent transport system (ITS) programmes, such as EasyWay I and II (2007-2013), Portugal has been able to prepare the ground to facilitate implementation of this Delegated Regulation with minimum impact upon the sector.

The Single Access Point, however, still has to be created.

There are plans for its creation, as intended and designed, under a joint application to the CEF from the IMT and EP, in partnership with the road concession holders concerned.

Following on from this, the technological architecture must be defined consensually for the sector, to be scalable over time and in accordance with the definition of the type of information to be made available, in particular with a view to being compatible with other services and other modes of transport, as intended in the context of the other priority actions of the Directive.

In planning its activities, the IMT has made plans for a number of initiatives, some of which also come within the scope of the national road safety strategy [ENSR] 2012-2015.

In the context of management and financing of the road sector, made up mainly of PPPs, throughout the negotiation process, which has gone through a particularly difficult period in terms of financial assistance, every effort has been made to comply with the minimum requirements for the implementation of the action, without this leading to:

- i. potential requests for financial rebalancing from road concession holders,
- ii. jeopardising investments already made and future commitments,
- iii. failure to meet the legal deadlines set for the implementation of the action.

Portugal has therefore successfully focussed its efforts on:

- i. Defining the geographical scope of the action and the voluntary adoption of a scalable model, since the action could be restricted to implementation on the trans-European network (comprehensive road network), on which all the road concession holders already have more in place than the minimum required.
- ii. Adopting the DATEX II data exchange protocol, since this was used by most of the road concession holders, practically all of whom have a DATEX node as a result of their participation in co-financed ITS programmes.

Action (d)

Harmonised provision for an interoperable EU-wide eCall

This year Portugal has taken two decisive steps towards the successful implementation of eCall:

- First, it launched an international public tender for upgrading the PSAP (Public Safety Answering Point), including installing, commissioning and maintaining 112.pt, and ensuring connection and more robust redundancy between the two operational centres. The eCall specifications were included in the tender. An expert group with representatives from the various services involved in emergency and rescue services was set up to define the terms of the invitation to tender and of the legal acts regulating the 112.pt system and services.
- Secondly, a working group was set up involving representatives from the services and entities which may in some way contribute to the implementation and proper functioning of eCall, with responsibility for defining the tasks and powers of each body and the mechanisms for coordination, reporting and initiatives between all the parties.

Consequently, Portugal will soon have the physical infrastructure, the definitions of competences and responsibilities and the coordination mechanisms required for compliance with the deadlines and objectives of the eCall project as defined in the various European acts on the subject.

Actions (e) and (f)

The provision of information services (e) and reservation services (f) for safe and secure parking places for trucks and commercial vehicles

Actions (e) and (f) are not considered priorities, considering Portugal's outlying geographical position in relation to Europe and the fact that, in terms of the provision of parking areas for heavy goods vehicles, places are available as standard in both service areas and rest areas on the main trans-European corridors in Portugal.

However, should the need for a service in these areas arise, it would comply with the agreed European guidelines, particularly those stemming from the EasyWay Programme and which warrant the formal agreement of road operators.

Nonetheless, fulfilling implementation requirements, compliance and definition of procedures for the services laid down in Regulations (EU) No 885/2013 and No 886/2013 will be included in the objectives to be achieved for action (c), and will be covered should it be deemed opportune to proceed to put it into practice.