

## **Frequently Asked Questions on the delegated Regulation (EU) No 885/2013 “provision of information services for safe and secure parking places for trucks and commercial vehicles”**

### **To whom applies this delegated Regulation?**

The Regulation applies to all stakeholders, whether public or private, involved in the provision of such information services, namely the provision of information on safe and secure parking places for trucks. In accordance with Article 5 (1) of Directive 2010/40/EU ("ITS Directive"), this delegated Regulation does not introduce any obligation on the Member States to deploy these services. However should the Member States or any stakeholders choose to do so in their respective field of operation, they have to comply with the provisions of this Regulation.

This delegated Regulation is directly applicable to all stakeholders and does not require national implementing rules (following the definition of a regulation provided for in Article 288 TFEU). Therefore, there is no need to introduce any measure at national level. However if they wish so, Member States may adopt additional rules. Such national rules could complement the Commission's delegated Regulation but should in no way be contrary to, prevent or make more difficult the implementation of this Regulation.

### **Where does this delegated Regulation apply?**

For Member States deploying or willing to deploy the information services, the delegated Regulation applies on the Trans-European Road Network (TERN). In this context Member States shall designate the areas and priority zones (i.e. for dynamic information) of the TERN where the services are the most relevant / useful.

### **What is the purpose of the assessment of compliance with this delegated Regulation?**

The assessment of compliance is important to ensure that the information services provided are correctly implemented and reliable.

Bearing this in mind, this delegated Regulation defines basic functional provisions enabling Member States to organise such an assessment and to check easily the compliance with the requirements of both public and private stakeholders involved in the provision of the respective services.

Member States remain free to decide on the procedures needed as well as on the actions required at national level in case of non-compliance.

### **What are the main characteristics of “the national bodies competent to assess compliance with the requirements” of this delegated Regulation?**

1/ Impartiality to make sure that the national body reports to the national authorities in a neutral, non-discriminatory and transparent manner when fulfilling its tasks on assessment of compliance, based on objective criteria and methodologies, without any external influence.

2/ Independence of reporting to guarantee that national authorities take objective decisions, i.e. decisions that are not affected by political and specific economic or market interests. General interest shall prevail.

### **What/who can be designated as such a national body?**

In case of a public national body, it shall be distinct from any public service directly in charge of road operations.

In case of a private national body, it shall not have any direct commercial interest in the traffic information business or road operations.

National bodies could consult and cooperate with other relevant (national and European) authorities in order to ensure effectiveness and consistency. Furthermore, national bodies can consult and cooperate with each other as and where needed, e.g. on cross-border issues.

It is possible to rely on existing bodies which are already responsible for other similar services, e.g. registration and certification of European Electronic Toll Service (EETS), certification of eCall, rail safety agency.

### **How should Member States notify their national body to the Commission?**

Member States can notify the national body to the appropriate services of the Commission (i.e. DG MOVE) directly or via their Permanent Representation.

In doing so, the Member States should explain how the conditions of impartiality and independence are fulfilled and safeguarded.

### **What can be a “national access point”?**

The goal of the national access point is to ensure that data can be accessible at national level without discrimination. Technically, different solutions are feasible. It can be:

- a national data warehouse or market place or other database;
- a national registry pointing towards the different data sources (i.e. data owners' access points, websites, datasets, databases) provided that :

the information is digitised,

the data are in the right format, up to date and ready for re-use,

the path towards the data sources is self-explanatory.

The TEN-T project “European ITS Platform” and its continuation "European ITS Platform +" will explore the different possible solutions (i.e. functional, organisational, technical requirements and associated cost estimates) and develop recommendations towards a harmonised concept for “national access point”.

### **What can be an “international access point”?**

The Commission is developing a European Access Point for Truck Parking Data at the request of the Member States. The European Access Point for Truck Parking aims to support Member States in collecting truck parking data according to the delegated Regulation in order to make the collected data available as DATEX II export on the EU Open Data Portal.

At this moment the Access Point will only support "static data" as defined in Article 4 of the Regulation.

### **Which responsibilities are associated with such access points?**

Each data owner is responsible for its data access point, and data made available through it. Mechanisms for update and distributed authorisation of access (i.e. feed and download) are recommended to safeguard the quality of the data, and equality of access.

Documentation about the data (including sharing and re-use conditions) can be drawn up by the data owners and/or Member States in line with the requirements of the delegated Regulation, and made available together with the data.

### **What are the reporting obligations of the Member States?**

The annual report to be submitted by the Member States to the Commission should focus on the implementation of the information services, namely information on safe and secure parking places for trucks and commercial vehicles.

It is acknowledged that in the first year there might be little to report with respect to the operational implementation of these information services. However, the first report by the Member States should provide information on the state of the art of these information services, including costs and benefits, in the different Member States, and would provide indications on the organisational framework foreseen, including standards in use and national access points.

The reports would align with and complement other reporting obligations of the Member States under the ITS Directive.

If the Member States decide not to deploy the information services, it is not required to submit the annual report. In this case the Member States should only submit the reports required by the ITS Directive

### **What does “any change of situation shall be immediately notified” mean? What is a typical change of situation? (Article7)**

“Any change of situation” can be understood as any change having an impact on the decision making process of the driver (e.g. new security features, new sleeping facilities, availability of parking places...).

“Immediately notified” can be understood as being officially communicated as soon as the change of situation occurs and it is realistically possible to give this information.

<p><b>Disclaimer:</b> This FAQ is for information only and has no legal effects. In any event, the interpretation of Union law is ultimately the role of the Court of Justice of the European Union.</p>
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