

Memorandum

Subject: Reactions from SMCSP to the EC Draft Delegated Regulation C-ITS
Date: 1 February 2019

On 11 January 2019 the European Commission made the Draft C-ITS Delegated Act available for feedback via https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-2592333_en . The EC feedback process provides every person or organization to individually present their views and comments to the documents. The current Draft is the result of consultation work with a group of nominated experts from European Members States and EFTA countries, as well as experts from European Parliament.

The draft document and EC feedback process was brought to the attention of SMCSP and a meeting was organized on Friday, January 18, in cooperation with the Dutch Ministry of Infrastructure and Water Management (MinI&W), for collection of reactions from the community members. The document and process for feedback from MinI&W were briefly explained by Marcel Otto and interested parties were invited send their written reactions to the SMCSP chairman. It was agreed that the responses would then be summarized and used by the MinI&W in drafting a reply to the European Commission.

In total 10 responses were collected from organizations and experts members of SMCSP. Below follows a summary analysis of the responses structured per main topic.

Process for development of the current draft of the Delegated Act

Concerns were raised to Article 32, on the “C-ITS stations put in service before 31 December 2019”, with reference to the negotiation process between the EC with stakeholders within the “C-ITS platform” work in December 2017, where an agreement was achieved detailing that no exceptions would be granted with regard to a transitional period. Current Article 32 contradicts this agreement.

Process for review and amendments

Draft DA presents the possibility for review and amendments process within a 3-year period. Respondents are positive to this possibility, in the perspective for complementing the deployment of C-ITS use cases with long range communication (4G and 5G) and other future technologies. Nevertheless, based on the current provisions presented in Annex 2, concerns were raised on the feasibility for introduction of future short range communication technologies.

Process for implementation, migration and reporting

It was highlighted that although the DA states that no “national transposition measures” are needed and also “less administrative burden for the Member States”, concerns were raised, based on experience from previous products implementations, on the necessary changes in current national

regulations and laws for market supervision. This can imply that a direct national implementation of C-ITS stations is not feasible before all national regulations adjustments are in place.

Another consideration is the impact of the implementation scenario where DA does not come to practice this year. Then the prescribed C-ITS security trust domain comes to a halt for the time being, because the EC may not go further in its executive role, which will cause uncertainty among many stakeholders regarding the security requirements to be deployed in their products and implementations. The European interoperability of trusted ITS services is then considerably delayed.

Governance aspects

It was noted the DA allocates temporarily several roles to the EC, awaiting the establishment of appropriate bodies to do this, but misses an accompanying process and planning for future delegation of those tasks. Also with relation to Article 12 on the “C-ITS stations put in service before 31 December 2019” concerns were raised on the prescribed EC role as CPA, assessing exceptions (C-ITS stations) without consultation of the entire C-ITS stakeholders field.

Clearer definitions were asked for the presented roles of “C-ITS station operator”, “C-ITS station owner” and “end user” in order to be able to certify or acknowledge institutions in this roles. The same remark was made also in relation to the ownership of the data generated or collected by a C-ITS station.

Respondents requested a more detailed reasoning of the requirement for 15 years storing of a copy of the EU declaration of conformity, noting the difference from other product guidelines such as e.g. Radio devices directive and EMC directive requiring only a 10 years' storage period.

C-ITS services definitions and specifications

A respondent raised the need to clarify the difference (and relation) between TPEG and C-ITS and identify the need to ensure complementarity between current TPEG and described C-ITS services. Related to this point it proposed a definition of Cooperative-ITS in Article 2 to “means an application of Intelligent Transport Systems that enable ITS users to cooperate by exchanging secured and trusted messages through the EU C-ITS security credential management system”. Also requested to add a clearer reference that not only C-ITS technologies but also new C-ITS services beyond the list of Day 1/1.5 could be added in upcoming reviews.

(Hybrid) C-ITS communication technologies

The reactions on the current specifics and provisions in the DA concerning communication technologies are diverse. Most of the reactions acknowledge that C-ITS services are already and/or will be delivered through parallel (current or future) communication technologies, either “short range” or “long range”, “each with their strong and weak points”.

Some respondents mention their support to the EC choice, reinforced in the DA, to allocate the 5.9 GHz frequency band to the specific goal of road safety improvement. Others underlined that current services via currently available cellular communication already contribute to this goal advocating the further expansion of mobile based backend communication to be the best solution, expect that 4G/5G will be prevalent in other markets as well.

Some respondents support the choice, at this time and in the current DA instrument, to specify the allocation of the standardized WiFi IEEE 802.11p (ITS-G5) short range technology to the 5.9 GHz frequency band, as a way forward to stimulate C-ITS deployment in Europe. The DA regulatory framework referencing fully tested standards does not contradict the principle of technology neutrality, and through the review process there is still opening for emerging technologies as soon as they are fully tested and standardized.

Some parties believe that the choice for allocation of the 5.9GHz frequency band uniquely is claimed by a specific technology, goes against with the European frequency policy of technology-neutrality. This specification is also seen as a strong impediment for the introduction of upcoming “short range” technologies such as LTE-V Mode 4 / PC5 within the roadmap of 3GPP.

Some reactions discourage for the co-usage of the same frequency band by different technologies, due to non-interoperable operation, risk of interference and lack bandwidth capacity.

C-ITS station

The reactions collected on the C-ITS station are also diverse. A reaction points to the potential of the C-ITS station to ensure the interoperable use of both short range and long range communication technologies. On the other hand other reaction alerts for the current C-ITS station specification (ETSI architecture compliant) excludes C-ITS services implementations using long range communication only.

Security and privacy aspects

A respondent notes that considerations regarding the GDPR are mentioned in the current DA draft as loose references in the text, but a specific dedicated article cannot be found with the proper attentions to the subject.

Also noted by a respondent that the GDPR policy asks for a contractual relation between the data generator and the data processor. By not limiting C-ITS to predefined C-ITS stations (where contractual obligations for data processing are valid), an open communication of location data of vehicles is in conflict with the GDPR policy.

Another reaction believes that with the DA the establishment of a PKI infrastructure on a European scale will now be started so that this bump has also been taken and security has been arranged for ITS G5.

Overall opinion and advice to Mini&W for response to EC

The received reactions have several amendments suggestions and requests that will be passed on the EC. Reactions received show that there is no consensus on overall opinion and advice.