



Directive on the deployment of Intelligent Transport Systems in the field of road transport

COM(2021) 813

Executive summary

Intelligent Transport Systems (ITS) combine electronics and information technology with transport engineering. Their design enables users to use road infrastructure and interfaces with other transport modes in a safe, efficient and “smart” manner.

[Directive 2010/40/EU](#) established a framework to develop technical specifications in certain areas and to introduce new ITS systems with interoperability. The electronic emergency call system eCall may serve as one example for this. Throughout Europe, it requests help in the event of an accident and establishes a connection to the nearest emergency call response centre via data emitted from the vehicles as well as satellite positioning.

Essentially, the amendment of the directive aims at mandatory collection and better availability of important data to provide ITS services. To this end, it identifies four priority areas: information and ITS-based mobility services; travel and traffic management; road safety; as well as cooperative, connected, and automated mobility services.

AK's demands

- The Commission's view on ITS is too technology-centric. As a result, it does not recognise the failure of many applications. To achieve truly sustainable and intermodal solutions, ITS must be embedded in a **broad policy and regulatory framework**.
- Only a **public transport system** complemented by **cycling and walking** is an environmentally and climate friendly transport system. Automated mobility by car can even counteract climate and environmental goals. Therefore, this form of mobility can only be considered as a feeder for public transport on the first and last mile.
- From a data protection perspective, there are major concerns about the **exchange and utilisation of processed data**. In AK's view, the General Data Protection Regulation (GDPR) does not provide sufficient protection for employees and consumers. The proposal needs clarification in this regard.
- When it comes to safety and security, consumer rights issues are consistently excluded. The **liability** in cases in which algorithms and data systems in assistance systems lead to damage is ultimately **borne by consumers**.
- Strengthening the **interoperability** of the road with other modes of transport is necessary.
- AK sees the extended competence of the Commission for **delegated acts** in a critical way. Usually, such legal acts are strongly influenced by industry-driven experts. From AK's point of view, there is a need for broader democratic legitimacy. Representatives of trade unions, environmental and consumer protection associations should be better involved in the development of technical specifications.

AK's position

In mid-December 2021, the European Commission (EC) presented its ideas for a future, climate-neutral transport system. The EC presented a proposal on changes to the use of intelligent transport systems next to proposals on Trans-European Transport Networks (TEN-T), urban mobility as well as an action plan to promote long-distance and cross-border rail passenger transport. AK supports this proposal provided it addresses data protection concerns and intelligent transport systems are part of public services.

Public services

AK understands (intelligent) mobility systems as services of general interest whose design must be socially, ecologically, and democratically determined, but must under no circumstances be driven by corporate profit motives. However, AK does not share the Commission's assessment in the explanatory notes on the enormous potential of ITS for a multimodal, sustainable, and climate-friendly transportation system. The major mobility innovations of automation, electrification, and sharing are only sustainable in public transport systems. For example, sharing systems have only established themselves in urban locations where public transport is well developed anyway. Transforming the transportation system outside of metropolitan areas is unachievable with sharing per se.

Digitalisation can reduce the lack of inclusion that affects people with limited mobility in their daily lives. In this sense, the accessibility requirements under Directive (EU) 2019/882 should be set out for all ITS areas in a defining way. It is not sufficient to merely mentioning this subject in recital 13, which envisages the development of accessibility features for people with reduced mobility in digital multimodal services. Only mentioning this topic in recital 13, which envisages the development of accessibility features for people with reduced mobility in digital multimodal services, is not suffice.

From a professional drivers point of view, AK welcomes the development of ITS to safe and secure parking for lorries (Annex I para. 3.2 as well as Annex III). An EU-wide retrievability of information on free parking spaces on trans-European motorways can bring great benefits for less privileged employees, as it facilitates the planning of driving and rest times. When it comes to the reservability of parking spaces, the basic problem with hopelessly overcrowded rest areas is the lack of infrastructure at night.

AK welcomes the planned availability and exchange of data on roads and motorways (e.g. driving restrictions, speed limits, real-time data on road closures, road works, etc.) in Annex III. In this context, AK suggests the development of intelligent traffic management systems that can equalise the traffic of (transit) lorries on motorways in terms of time, thus ensuring safety and ease of traffic.

This Directive also intends to ensure intelligent interfaces with other modes of transport. In the area of technically unsecured railway crossings, cooperation between rail and road has the potential to prevent many serious traffic accidents. Coordination of rail safety systems on less busy lines that do not have ERTMS (European Rail Traffic Management System) should be addressed with ITS systems in motor vehicles.

AK welcomes the initiative announced by the Commission for multimodal travel services and easier ticket booking on railways, when different operators make trips on different routes. However, the explanations do not specify a desirable inclusion of other modes of transport (e.g. bus) in this initiative.

Therefore, provision must also be made in Art 10 (“Provisions on data protection and privacy”) for sector-specific protection provisions to be adopted in future ITS applications, for example in the case of access to in-vehicle data. The legal text in its current form (“Where appropriate, the use of anonymous data shall be encouraged”) is definitely too weak. Anonymization of data must be made mandatory. When using personal data at work, not even the transparency and documentation requirements according to the [Artificial Intelligence Act](#) are sufficient. Co-determination and veto rights are necessary for employees and their interest groups, as there are simply no options in the workplace.

Data protection

AK emphasised in its [opinion on the White Paper on Artificial Intelligence](#) that data subjects have a right to information, prior checking, complaint, and self-determination as regards the processing of data. However, the GDPR does not provide sufficient protection when data is anonymised. Machine-learning applications can be used to identify people in this regard. Based on vehicle data such as mobility patterns, it is possible to identify individuals repeatedly. The use of technologies such as facial recognition, for example to distinguish pedestrians from other obstacles, falls under the category of biometric data collection. AK calls for prohibiting the trade in biometric data as well as individual freedom of choice for each application. In test operation, algorithmic discrimination by automated vehicles has already attracted attention, as these vehicles were less able to recognise dark-skinned people for example.



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About us

The Austrian Federal Chamber of Labour (AK) is by law representing the interests of about 3.8 million employees and consumers in Austria. It acts for the interests of its members in fields of social-, educational-, economical-, and consumer issues both on the national and on the EU-level in Brussels. Furthermore, the Austrian Federal Chamber of Labour is a part of the Austrian social partnership. The Austrian Federal Chamber of Labour is registered at the EU Transparency Register under the number 23869471911-54.

The main objectives of the 1991 established AK EUROPA Office in Brussels are the representation of AK vis-à-vis the European Institutions and interest groups, the monitoring of EU policies and to transfer relevant information from Brussels to Austria, as well as to lobby the in Austria developed expertise and positions of the Austrian Federal Chamber of Labour in Brussels.