

SGI EUROPE'S POSITION ON THE INTELLIGENT TRANSPORT SYSTEM DIRECTIVE (ITS)

SGI Europe strongly supports the Commission's aim at building a strong legal framework regulating data by imposing high ethical and regulatory standards. Furthermore, SGI Europe generally welcomes the Commission's aim to make transport more sustainable and its efforts to deliver effective and seamless multimodality. We understand that data-driven innovation will play a crucial role in achieving these goals.

Nevertheless, we call for careful assessment of the already existing legislation and its enforcement before introducing additional rules. SGI Europe would like to point out that the Open Data Directive¹ already imposes strict sharing obligations on the public bodies. Therefore, the upcoming legislation should, in particular, prevent further imbalances in market power and ensure fair competition. The coherent data framework is highly desirable, showing clear delimitation of the scope of last Commission's initiatives such as the Data Act and other more sector tailored rules.

Also, the Intelligent Transport System Directive (ITS) is introducing new provisions on data availability enshrined in Article 6a and Article 7 paragraph 1a). Whilst SGI Europe generally welcomes Commissions' aims to create a data economy, benefitting consumers and enterprises with less market power, we are concerned about the clearness of the envisaged obligations. Namely, we are worried about the legal certainty of these provisions since Article 6a refers to the type of data listed in Annex III. In particular unclear to us are which data will have to be created and at which cost.

Furthermore, Article 7 para 1a) empowers the Commission to adopt delegated acts in accordance with Article 12 to amend the list of data types in Annex III, including the date of implementation and the geographical coverage for each data type. Our primary concern lies in the uncertainty that such undetermined provision could bring. Whilst we understand that in a fast-developing world, quick responses are crucial, this should not open the door for not involving relevant stakeholders in the legislative process. We believe that reasonable solutions that benefit society at large should be found in dialogue.

¹ Directive (EU) 2019/1024.