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## REPORT

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From:	General Secretariat of the Council
To:	Council
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Subject:	Draft Council conclusions on the digitalisation of transport

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### I. INTRODUCTION

1. One of the overarching priorities of the Estonian Presidency has been to work towards creating a digital Europe and the free movement of data.
2. In this context, the Estonian Presidency declared it one of its horizontal priorities to contribute to this work by promoting the benefits of digital technologies to boost the transport sector and by developing Council conclusions on the digitisation of transport which advocate eliminating the obstacles to achieve a seamless and more effective multimodal transport system in Europe.

## **II. WORK WITHIN THE COUNCIL**

3. At the meeting of the Working Party on Transport, Intermodal Questions and Networks of 13 September 2017, the Presidency presented the first draft of the Council conclusions<sup>1</sup> which were discussed at a number of subsequent meetings in October and November.
4. On 22 November 2017, the Committee of Permanent Representatives examined the draft conclusions, settled the only outstanding issue left and agreed on the text of the draft conclusions, as it appears in the annex to this report.

## **III. CONCLUSION**

5. The Council is therefore invited to examine and adopt the conclusions on the digitalisation of transport as set out in the annex to this report

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<sup>1</sup> Doc. 11935/17.

**DRAFT COUNCIL CONCLUSIONS**

**on the Digitalisation of Transport**

**THE COUNCIL OF THE EUROPEAN UNION,**

**HAVING REGARD TO**

- White Paper - Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system<sup>2</sup>;
- the European Council conclusions of 15 December 2016 aiming to remove remaining barriers hampering the free flow of data within the Single Market<sup>3</sup>;
- the Council conclusions of 20 September 2016 on the eGovernment Action Plan 2016-2020<sup>4</sup>;
- the European Strategy for Low-Emission Mobility<sup>5</sup>;
- Tallinn declaration on e-governance adopted on 6 October 2017<sup>6</sup>;
- the communication 'Europe on the Move' adopted by the Commission on 31 May 2017<sup>7</sup>;
- the Council conclusions of 8 June 2017 on 'Priorities for the EU's maritime transport policy until 2020: Competitiveness, Decarbonisation, Digitalisation to ensure global connectivity, an efficient internal market and a world-class maritime cluster'<sup>8</sup>;

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<sup>2</sup> 8333/11 + ADD 1 + ADD 2 +ADD 3.

<sup>3</sup> EUCO 34/16.

<sup>4</sup> 12359/16.

<sup>5</sup> 11333/16 + ADD 1 + ADD 2.

<sup>6</sup> [https://www.eu2017.ee/sites/default/files/2017-10/Tallinn\\_eGov\\_declaration.pdf](https://www.eu2017.ee/sites/default/files/2017-10/Tallinn_eGov_declaration.pdf)

<sup>7</sup> 9967/17 + ADD 1.

<sup>8</sup> 9976/17.

- the Council conclusions of 8 June 2017 on 'Road safety'<sup>9</sup> endorsing the Valletta declaration;
- the European Strategy on Cooperative Intelligent Transport Systems (C-ITS)<sup>10</sup>;
- the Amsterdam Declaration on Cooperation in the field of connected and automated driving of 14-15 April 2016<sup>11</sup>;
- the Rotterdam Ministerial Declaration on Implementing the Trans-European Transport Network (TEN-T) adopted on 20 June 2016<sup>12</sup>;
- the Rotterdam Ministerial Declaration on the Rail Freight Corridors adopted on 21 June 2016<sup>13</sup>;
- the Ministerial Declaration agreed in Tallinn on 18 July 2017 on Making 5G a success for Europe<sup>14</sup>.

### **Potential of digitalisation for transport**

1. RECALLING the vital importance of the digitalisation of transport and logistics for the European economy and competitiveness and CONFIRMING the ambition for the Union to be a global leader in this field;

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<sup>9</sup> 9994/17.

<sup>10</sup> 15203/16.

<sup>11</sup> Followed by the first High-Level Structural Dialogue that took place in Amsterdam on 15 February 2017, the signing of the Letter of Intent of 23 March 2017 on the testing and large-scale demonstrations of Connected and Automated Driving and the second High Level Structural Dialogue held on 14-15 September 2017 in Frankfurt/Main which agreed on an "Action plan automated and connected driving".

<sup>12</sup> 10308/16.

<sup>13</sup> 10306/16.

<sup>14</sup> [https://www.eu2017.ee/sites/default/files/inline-files/Ministerial%20declaration%205G\\_final\\_0.pdf](https://www.eu2017.ee/sites/default/files/inline-files/Ministerial%20declaration%205G_final_0.pdf)

2. BUILDING on the vision of the secure and free movement of data<sup>15</sup> that fosters innovation and reduces the barriers to the seamless functioning of the Single Market and therefore could be considered as a 'fifth freedom' of the European Union;
3. CONFIRMING its commitment to fully exploit the benefits of digital technologies for a safer, more inclusive, connected, competitive, and cleaner transport sector to serve better citizens and businesses;
4. RECOGNIZING the potential of digitalisation to reduce the negative environmental impact of transport and to strengthen sustainable mobility;
5. STRESSING the importance of safety in the transport sector, in particular the objectives of halving the number of road deaths and serious injuries<sup>16</sup> and RECOGNISING the potential of digital technologies to contribute to safer traffic flows, safer vehicles and increased road safety, especially for vulnerable road users;
6. ACKNOWLEDGING that the success of digitalisation in the transport sector depends on a close cooperation of all actors, including private and public entities at all levels, with the aim of promoting and accelerating the deployment of digital solutions;
7. STRESSING the importance of the full use of digital technologies that help to create a favourable environment for a) innovative transport and mobility services that are multimodal, user-friendly, inclusive, affordable, seamless and demand-driven, such as Mobility as a Service and EU-wide integrated ticketing services, b) efficient and optimised use of existing services and transport infrastructure, and c) improved mobility in urban and rural areas;

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<sup>15</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).

<sup>16</sup> Objectives as agreed in the Council conclusions of 8 June 2017 on 'Road safety' endorsing the Valletta declaration.

8. ACKNOWLEDGING the opportunities to fully exploit transport data for creating and improving value-added EU-wide services;
9. EMPHASISING the importance of interoperability and the harmonisation of the interfaces for data exchange as an enabler for seamless and efficient cross-border multimodal transport services;
10. STRESSING that digitalisation helps reduce the administrative burden and simplify procedures for authorities and businesses, and at the same time facilitates the monitoring of compliance with legislation and the creation of a level playing field for all transport operators.

### **Challenges of the digitalisation of transport**

11. ACKNOWLEDGING that digitalisation and automation challenge the traditional transport systems, services, organisations and individuals;
12. RECALLING that despite the different stage of digital development across regions, borders and different modes of transport, the digitalisation process has brought positive results, and therefore REAFFIRMING the need for more efficiency and new logistics concepts based on openly available real time information, thus enabling seamless, multimodal transport and mobility services;
13. EMPHASISING the work done by the Commission together with the Member States in order to promote higher levels of connectivity between transport modes, in particular through the enhanced management of traffic flows and transport information systems;
14. UNDERLINING the importance of privacy, data protection and cyber security for building citizens', businesses' and consumers' trust in digital solutions for transport enabling the 'digital by default'<sup>17</sup> principle;

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<sup>17</sup> As defined in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU eGovernment Action Plan 2016-2020 - Accelerating the digital transformation of government (doc. 8097/16 + COR 1 + ADD 1 + ADD 2).

15. RECOGNISING the current insufficient exchange of transport data within and between transport modes and the logistics sector and the potential for developing new digital services;
16. EMPHASISING the importance of sufficient public and private investments for the development of digital transport infrastructure.

**THE COUNCIL THEREFORE:**

17. CALLS on the Commission to work with Member States and stakeholders to develop a comprehensive and multimodal digitalisation strategy for the transport sector during the first quarter of 2019 to be accompanied by a roadmap comprising an indicative list of proposed actions and an associated timeline for their presentation;
18. UNDERLINES the importance of the NIS directive<sup>18</sup> and the General Data Protection Regulation<sup>19</sup>; ASKS for guidance from the European Data Protection Board to assist the specific modes of transport in applying the General Data Protection Regulation in a consistent manner, and CALLS on the transport sector to contribute to their full application;
19. EMPHASISES the importance of wide societal dialogue and therefore CALLS on the Commission to assess the socio-economic and environmental impact of automation and digitalisation in the field of transport taking into account the new skills needed in that sector, and, if necessary, to propose measures to address those impacts;
20. CALLS on the Commission to work together with Member States and stakeholders, including at international level, to analyse the liability regime in the context of the digitalisation of transport, addressing especially data quality, data integrity and traffic of connected and automated vehicles, vessels and drones and EMPHASISING the need to take into consideration the individual characteristics of each mode of transport and developments;

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<sup>18</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1–30 ).

<sup>19</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).

21. URGES Member States, stakeholders and EU bodies to make more transport-related non-personal data and, where appropriate, anonymised data, including real-time data, openly available and re-useable in a non-discriminatory manner to all service providers and users in order to enable efficient traffic management, new digital services and business models;
22. CALLS for the continuation of the work of Digital Transport and Logistics Forum (DTLF) developing with all relevant stakeholders measures to support more systematic use and acceptance of e-documents and the harmonised exchange of information and data in the logistic chain, EMPHASISES in particular the need for the rapid accession by the EU Member States to the e-CMR protocol<sup>20</sup>; INVITES the Commission to propose an appropriate follow-up to the review of the Reporting Formalities Directive, including by introducing the e-Manifest through a harmonised European Maritime Single Window environment, in order to set up a European Maritime Transport Space without Barriers and to improve the efficiency and attractiveness of the maritime transport sector;
23. CALLS on the Commission to apply the 'digital by default' and 'once only'<sup>21</sup> principles when developing new enabling or evaluating existing legislation in order to keep it fit for the digital age and in order to reduce the administrative burden, whereas, at the same time URGES to avoid over-regulation that might hinder innovative services;
24. CALLS on the Commission to steer towards the cross-border interoperability of digital services and solutions for transport based on mobile, terrestrial and satellite-based information and communications technologies and STRESSES the importance of safeguarding the use of radio spectrum, in particular for safety-critical services;
25. RECOGNIZES that Satellite based navigation is essential for successful implementation of digitalisation in all transport modes and CALLS for further support to GALILEO and EGNOS programmes;

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<sup>20</sup> Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) concerning the electronic consignment Note, 27 May 2008, Geneva; in force since 5 June 2011.

<sup>21</sup> As defined in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU eGovernment Action Plan 2016-2020 - Accelerating the digital transformation of government (doc. 8097/16 + COR 1 + ADD 1 + ADD 2).



26. URGES the Commission, relevant Member States and stakeholders to fully use digital means, including River Information Services, to improve the integration of inland waterway transport into logistic chains and UNDERLINES the importance of digital solutions for the short sea shipping sector with a view to stimulating intra-EU transport by sea;
27. ENCOURAGES the railway and logistics sector to share pertinent data among relevant parties within the logistic chain, including terminals, such as a reliable Expected Time of Arrival, to better integrate railways into transport chains and enhance the competitiveness of international rail freight transport;
28. ENCOURAGES Member States and all involved stakeholders, with the support of the Commission, to further deploy the European Rail Traffic Management System which is at the core of the digitalisation of railways and bring significant benefits in terms of safety, interoperability, efficiency and quality of service;
29. CALLS on the Commission to accelerate the evaluation of the ITS Directive<sup>22</sup> and its revision with a view to supporting technical innovation and multimodal transport, building on the existing regulatory framework;
30. CALLS on the Commission to assess the possibility to use more digital means aimed at facilitating and verifying compliance with transport legislation, and therefore UNDERLINES the importance of digital data for the purpose of enforcement of applicable regulations in road transport and CALLS in particular for the development and deployment as early as feasible of digital based technologies such as smart tachographs which would facilitate the tasks of the enforcement authorities;
31. CALLS on the Member States to work together in the UN Global Forum for Road Traffic Safety to develop guidance for the Vienna and Geneva Conventions on Road Traffic to enable further innovation and allow for the safe deployment and use of connected and automated vehicles on public roads;

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<sup>22</sup> Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

32. CALLS on the Member States and the Commission, as appropriate, to pursue efforts in the framework of the International Maritime Organization to promote that the international regulatory framework facilitates the uptake of new technologies and digitalisation on board ships, including the development of autonomous vessels, and in this context WELCOME the regulatory scoping exercise for a safe, secure and environmentally sound use of Maritime Autonomous Surface Ships and ENCOURAGES the Member States and Commission to promote the acceptance of digital certificates for ships and seafarers;
  33. ENCOURAGES the Commission to promote the interoperability of the digital services for the maritime and the inland waterway transport to facilitate the information exchange between both modes;
  34. URGES the European coordinators of the multimodal Core Network Corridors of the Trans-European Transport Network in consultation with the Member States to include more actions in work plans to stimulate innovative transport projects and facilitate the development of digital services and solutions for transport and their coordinated and synchronised deployment;
  35. CALLS for, without prejudice to the outcome of the MFF negotiations, sources of funding to inter alia support the swift development and deployment of digital systems, services and solutions for transport in the future;
  36. ACKNOWLEDGES that the importance of digital developments in the transport sector was clearly recognised by the participants of the Digital Transport Days conference in Tallinn from 8 to 10 November 2017, and ENCOURAGES all involved parties to pursue a continued dialogue on the digitalisation of transport.
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