

Explanatory terms and definitions

Definitions of *Data Suppliers* and *Information Service Providers*

The service provision in the context of the COMMISSION DELEGATED REGULATION (EU) No 886/2013 (Priority Action C) stemming from the European ITS Directive 2010/40/EU, involves two kinds of entities: Data Suppliers and Information Service Providers.

Data Suppliers¹

Those entities private or public that are holders and collectors of data that fall within the scope of the Delegated Regulation No 886/2013 (Priority Action C) are Data Suppliers according to the law. These entities have direct access to at least one of the eight categories of Safety-Related Traffic Information (SRTI). By direct access is meant, the direct detection of events or identification of conditions, and collection of this data (characterized by the location of the event/condition; the appropriate SRTI category of the event/condition with a short description; and, where appropriate, driving behaviour advice) by the entity's own means. The police is, in many Member States, a Data Supplier. The same applies to automobile clubs and road authorities.

Note: An entity which may have direct access to the GPS probe data but not to the nature of the event (being one the 8 categories of SRTI), is not considered a Data Supplier for the purposes of the Delegated Regulation. Those entities who use crowd sourcing or driver's feedback in order to enhance the quality of their traffic information and therefore have direct access to at least one of the eight categories of SRTI are characterised as Data Suppliers according to the law.

Information Service Providers²

Those entities private or public that deliver this safety-related traffic information to end users through any delivery channel, or broadcasters dedicated to traffic information are Information Service Providers. These entities do not have direct access to data of the eight categories of SRTI. By direct access is meant, the direct detection and collection of this data by the entity's own means. These entities may have indirect access to SRTI however, by sourcing from Data Suppliers directly or via third parties (other Information Service Providers).

An entity may fulfil both roles (Data Supplier and Information Service Provider). Both Data Suppliers and Information Service Providers have to submit a Declaration of Compliance with the National Body designated for the assessment of compliance. In addition, Data Suppliers must register with the national access point as well.

Those entities who source safety-related traffic information content from an Information Service Provider, and then merely pass this content on as-is (i.e. wholly unmodified) to end-

¹ Text based on the Dutch *ITS Policy Guideline* (point 1.4) in Government Gazette 2015 No. 17410 (26 June 2015), The Netherlands.

² Text based on the Dutch *ITS Policy Guideline* (point 1.5) in Government Gazette 2015 No. 17410 (26 June 2015), The Netherlands.

users via a (possibly proprietary) distribution channel, are not considered themselves to be an Information Service Provider. Rather they act as a dissemination ‘channel’ towards the end-user, e.g. as does a radio station which provides air-time to a service provider to announce traffic reports. Such entities need not submit a Declaration of Compliance themselves. Instead, the originating Information Service Provider is responsible to describe, in its Declaration of Compliance, this dissemination channel by which the information reaches the end user³.

Position of Data Suppliers and Information Service Providers in the SRTI value chain

In Figure 1, a simplified Intelligent Transport Systems (ITS) value chain is depicted (source TISA⁴) for which only the highest aggregation level is provided. This ITS value chain in its simplified form is also applicable for SRTI. Table 1 provides the terms and definitions of this value chain.

Along this simplified value chain, Data Suppliers take a role in detecting and processing SRTI events or conditions (the *Content* segment in Figure 1), whereas Information Service Providers cover the Service provision part (traffic-enabled navigation systems or car radios cover the Service Presentation segment, for example).

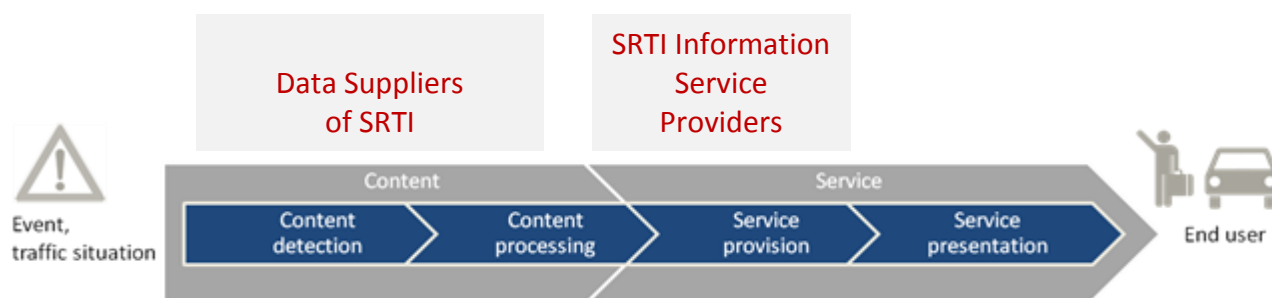


Figure 1: Simplified ITS value chain (source TISA) as applicable to SRTI.

Note that the different parts of the value chain reflect a logical, or functional, segmentation. In some cases, a stakeholder may in fact cover several stages of this value chain, and e.g. be both a Data Supplier and an Information Service Provider.

Table 1: Terms and definitions related to Figure 1 (the event definition is adapted to the needs of the Commission Delegated Regulation)

Event	In the context of the Commission Delegated Regulation No 886/2013, either one of the traffic situations (e.g. short-term roadworks) or conditions (e.g. temporary slippery road) falling under one of the eight categories of SRTI as specified in Article 3 of the Commission Delegated Regulation No 886/2013.
Content detection	The observation of an event with the help of measurement equipment, or alternatively as being observed by humans (e.g. an accident as seen by a witness and reported to the police). Content detection also includes the gathering of information and events using communication equipment.

³ Article 9 (Assessment of compliance with requirements), *item d*, Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013.

⁴ TISA, Terms and Definitions for the Traffic and Travel Information Value Chain, EO12013, 2012, available for download at <http://tisa.org/newsroom/supplementar/>

Content processing	The accumulation of information or events in a content management system, where all information is processed and evaluated. This stage often involves plausibility checks and quality control.
Service provision	The processed content is enriched with content from other sources, reformatted and prepared for transmission to the end-user, then transmitted as a service to the end-user by means of wireless communication (e.g. radio, mobile cellular transmissions) or wired communication (e.g. internet via physical, cabled connections).
Service presentation	The Service is received with an appropriate device, such as radio, mobile phone, navigation device or a personal computer. After reception, relevant messages are extracted from the service and rendered into the form most appropriate for presentation to the end-user (e.g. icons on a navigation devices map display, or message lists on a mobile phone, or audio output).

Obligations of Data Suppliers⁵

Data Suppliers are obliged to make themselves known as Data Supplier to the National Access Point (NAP) and the National Body designated for the assessment of compliance (if different). They must register with the NAP and make available the SRTI data that falls within the scope of the Regulation, insofar as they have the said data available, via the NAP.

Further, an up-to-date Declaration of Compliance must be submitted to the National Body designated for the assessment of compliance, which proves that the data provision has taken place according to the requirements in the Regulations. If there are changes (in the data provision, for example) that are relevant to the Declaration of Compliance, an amended Declaration of Compliance must be submitted as soon as possible, but no later than 3 months after the occurrence of the change.

Note: this description above is a summary of the obligations and content in broad terms. For an exact description of obligations please enquire with the National Body designated for the assessment of compliance of the applicable Member State(s).

Obligations of Information Service Providers⁶

When Information Service Providers make safety-related traffic information available, they must comply with the requirements in the Regulations. One of these requirements for example is the timely provision and updating of safety-related traffic information

Further, an up-to-date Declaration of Compliance must be submitted to the National Body designated for the assessment of compliance, which states that the service provision has taken place according to the requirements in the Regulations. If there are changes (in the service provision, for example) which are also relevant to the Declaration of Compliance, an amended Declaration of Compliance must be submitted as soon as possible, but no later than 3 months after the occurrence of the change.

Note: this description above is a summary of the obligations and content in broad terms. For an exact description of obligations please enquire with the National Body designated for the assessment of compliance of the applicable Member State(s).

⁵ Text almost identical to that found in the Dutch *ITS Policy Guideline* (point 3) in Government Gazette 2015 No. 17410 (26 June 2015), The Netherlands.

⁶ Ibid.

Free of charge, where possible (Action C)

According to the Delegated Regulation on Priority Action C, (Delegated Regulation No 886/2013 (15 May 2013), ‘free of charge’ means “the provision of the road safety-related minimum universal traffic information service at no extra cost for the end users at the point of use”⁷.

The Delegated Regulation No 886/2013 also states that the provision of SRTI can be free of charge to users “where possible”. The legislator in this regulation was (and is) fully aware that these are private entities whose core business is to hold and collect data on the eight categories of SRTI. The intention⁸ of the legislator has not been to stop this business but to make sure that SRTI will reach the end user (the driver) at no extra cost.

The entities that will generally be able to publish their SRTI at no cost are generally public entities within the category of Data Suppliers who commonly operate under an ‘open data’ policy. These include public authorities, the police and the national bodies collecting data within the scope of the eight SRTI categories. Data Suppliers who invest in collecting (and selling) this kind of data, are not obliged to publish it for free (but shall make it available via the NAP on a non-discriminatory basis⁹).

Information Service Providers are under no obligation to publish SRTI in a separate feed but they are not allowed to charge extra fees for SRTI provided to the end-user either. If the SRTI forms part of the entire traffic information, then the fee of the ‘package’ of traffic information may apply only to the non-SRTI related part of this package (of traffic information).

As a result, the only entities affected within the value chain of content detection-content processing-service provision-service presentation of SRTI, are those of Public Authorities in their role of Data Suppliers, who generally will provide their data as ‘open data’ at no cost when publishing SRTI and those of Information Service Providers who cannot charge an extra fee when providing SRTI to the drivers (“end-users at the point of use” as stated in Article 2 of the delegated regulation).

Choice of language for providing and filling in the Declaration of Compliance

It is strongly recommended for National Bodies designated for the assessment of compliance to provide the Declaration of Compliance in at least the English language (to address internationally operating entities) next to, if they so wish, also the national language of the Member State. Respondents should be permitted to fill in the Declaration of Compliance in either language.

⁷ Article 2 (Definitions), Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013.

⁸ Preamble point 12, Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013.

⁹ Article 7 (Availability, exchange and re-use of data), Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013.