

ETNO-GSMA feedback on the draft Delegated Act on Specifications for the provision of cooperative intelligent transport systems (C-ITS)

February 2019

[Disclaimer: This reply is partly based on a common text with the 5GAA association, representing both telecommunication and OEM service providers.]

ETNO and the GSMA underline the regulatory importance of the Delegated Act. It is a crucial piece of legislation, not only to make Europe's roads safer and smarter, a goal that the telecom industry fully supports, but it will also have an effect on the roll-out of 5G.

ETNO and the GSMA advocate full compliance with the principles of transparency and impartiality when adopting rules for future C-ITS deployment in Europe. Legislation should enable a forward-looking regulatory framework, which endorses all solutions supporting technical evolution. In particular, the legislation should guarantee suitable safety and security and related security management tools during the lifetime of vehicles and infrastructures. Most importantly, the future regulatory framework must abide in all its dimensions by the principle of technology neutrality to prevent unfair distortions on the market and on the technological development, thus maximizing C-ITS safety and efficiency for the benefit of EU citizens.

If the Act impedes innovation and limits the scope of the most visible and appealing use-case of 5G, meaning connected and automated mobility, this may also very well harm the 5G investment climate in Europe going forward.

In its current form, we believe the draft Act contradicts the commitment to an open and future-proof approach within Standards and Legislation, by exclusively embracing ITS-G5 Wi-Fi-based communications. In addition, it is questionable whether it adequately address the challenges of deploying C-ITS in Europe. ETNO and the GSMA therefore call upon the Commission to:

- **Amend the current draft to include in its scope specifications and profiles enabling the deployment of LTE-V2X technology both short and long-range, on an equal foot with ITS-G5 from the outset.**
- **Strengthen the "fast-track" update process of this Delegated Act in order to define a clearer process and legal certainty as regards the timeline (6-month maximum before a decision is taken) and conditions for the inclusion of future technologies or services under the delegated act e.g. 5G-V2X.**

The Delegated Act (hereafter DA) should not pick technology winners, but should allow for creating a marked situation with equal conditions for all stakeholders aiming to support C-ITS deployment. The current specifications exclude all technologies other than ITS-G5, such as LTE-V2X (both direct short-range or long-range modes); despite this technology platform being widely regarded as offering a clear evolutionary roadmap towards 5G for connected vehicles and road infrastructure. It should be further noted that such services are already deployed using LTE long-range (traffic jams, weather conditions, road works, etc.), however the text still only foresees their deployment over ITS-G5.

It should be noted that all requirements of the “update process” of the draft DA for the inclusion of C-V2X (specification maturity and commercial readiness) are already met for both short and long-range modes. All required profiles/technical specifications for LTE-V2X have been adopted by European SDOs; and are therefore available as additional references to ITS-G5 within the DA. Furthermore, multiple vendors have already announced the commercialization of LTE-V2X short-range hardware and software by Q1/Q2 2019 (hence significantly before the expected entry into force of the Regulation); while LTE-V2X long-range solutions are readily available and commercially deployed. We call upon the Commission to include these specifications and profiles and thus allow for the deployment of LTE-V2X in Europe.

C-V2X offers unique benefits as a single technology platform, combining both direct short-range and long-range modes. C-V2X represents a comprehensive road safety and traffic efficiency solution that will enable the development of a European ecosystem related to C-ITS combining new services scenarios and allowing both the reduction of road fatalities, harmful emissions, traffic congestion and economic benefits for the entire EU.

Moreover, in a changing technological environment, the cost of maintaining compatibility and interoperability should not be incurred only by new technologies. This would equate to great technological lock-in, hindering innovation by drastically reducing market competitiveness of forthcoming solutions. Previously deployed devices should also be required to perform certain software/hardware upgrades in order to maintain the continuity of the C-ITS priority services. Article 33 should set specific criteria to assess objectively when and how such a “suitable migration path” must be specified.

The fast-track update procedure should be conducted under a fair and transparent process, with an explicit deadline to avoid deadlock. The Commission should issue a public and motivated decision as regards the amendment to the DA at the latest 6 months after the first Expert Group discussion. The involvement of all relevant stakeholders must be ensured within the Expert Group, including representatives of technology segments not within the Delegated Act scope today.

Annex I – Proposal for amendments ([Blue marking](#): ETNO and GSMA proposal)

Recital 6:

- The recital should explicitly stipulate that this delegated act **does not** regulate access to 5.9 GHz band as it is outside its scope.

(6) *[This Regulation should apply without prejudice to](#) Decision 2008/671/EC [which](#) harmonises the conditions for the availability and efficient use of the 5 875-5 905 MHz frequency band for safety-related applications of ITS in the Union.*

Recital 28:

- The recital should acknowledge that 3G/4G and LTE-V2X are ready and mature technologies with many OEMs having already deployed some Day 1 C-ITS services using existing networks and already announced LTE-V2X deployments (e.g. [Ford's by 2022](#))

(28) *In order to take account of the rapid development of new markets, technologies and services, it is expected that this Regulation will be amended before the review of the implementation of this Regulation, which should be conducted three years following after its entry into force.*

Prime candidate for such an amendment is the inclusion of existing 3G/4G networks to deliver the C-ITS priority services. In addition, specifications for LTE-V2X technologies have been finalised in 3GPP and [prototype implementations commercial deployments](#) are currently being [validated planned, also leveraging current LTE coverage](#). These technologies are currently being integrated into European norms and technical specifications, both for C-ITS priority services and for new emerging services. Finally, rapidly evolving new technologies such as 5G could also underpin C-ITS services [and its early deployment should be promoted in major urban areas and along major transport paths as per the objectives of the 5G Action Plan \(COM\(2016\)588\)](#).

Some of these developments could trigger one or more amendments of this Regulation, once a file with technically mature specifications is transmitted to the Commission. Such amendments should ensure an open and future-proof approach in standards and legislation. To maintain the continuity of the C-ITS priority services, they should also ensure compatibility and [mutual](#) interoperability [at service level](#) with [existing](#) C-ITS stations, already put in service in accordance with this Regulation, or specify a suitable migration path taking into account also market and technology developments.

The Commission should analyse the file, and discuss it in the expert group without undue delay, in view of a possible amendment of this Regulation, examining whether a change to existing requirements is needed. Stakeholders that have already put C-ITS stations in service should cooperate in this process in good faith, in line with both Union and national competition laws, to ensure a level playing field between different technologies, and without hindering the development of new ones.

Article 2 – Definitions:

- “*Technology maturity*” should be objectively defined and based on availability of standards as well as the demonstration of a minimum technology readiness level (TRL) equivalent to TRL 8 (“system complete and qualified”) in accordance with OECD practice.

Article 2 – Definitions

(29) “mature technology” means a communication technology for C-ITS Stations for which technical specifications are available at a European Standardization Organization and demonstrating a technology readiness level corresponding to a system complete and qualified including test and evaluation of the system in its intended environment;

Article 29 – Implementation of the C-ITS network:

- The present formulation seems to imply that only stakeholders being part of the “C-ITS network” as defined in Article 2 (“*all operational C-ITS stations in the EU*”) will be allowed to join the expert group.
- The wording must be clarified to ensure that representatives of technologies not yet included in the scope of this regulation will also be allowed to join the expert group

Article 29 – Implementation of the C-ITS network

(2) In carrying out the tasks referred to in paragraph 1 the Commission shall be assisted by an expert group with representatives from public and private stakeholder groups of the C-ITS network as well as representatives of technologies or services candidate to the inclusion under this Regulation.

Article 33 – Review:

- The review clause still omits critical elements to provide sufficient legal certainty as regards to maintaining a level playing field between technologies:
 - Decision should be taken and made publicly available by a binding deadline to avoid delay tactics within the expert group discussions
 - “*Maturity*” should be clearly defined as per proposal above
 - Interoperability should be addressed at service level and requirements should be applicable in a mutual and non-discriminatory way between technologies
- In a changing technology environment, the cost of maintaining compatibility and interoperability should not be incurred only onto the new technologies, otherwise no innovative solution would ever be able to be competitive on the market.
- No conditions or criteria are set to assess objectively when and how a “suitable migration path” must be specified.

- Previously deployed devices should also be required to perform certain software/hardware upgrades in order to maintain the continuity of the C-ITS priority services.

Article 33 – Review

- (1) By [OP: Insert the date: 3 years after the entry into force of this Regulation], the Commission shall review the implementation of this Regulation and, if appropriate, adopt new common specifications within the scope of this Regulation.
- (2) Where stakeholders intend to deploy a new or updated communication method or service, or other innovative solutions, in the C-ITS network, they shall first submit to the Commission a file containing the technical specifications and information on degree of maturity and compatibility of the innovative solution with this Regulation. Those technical specifications shall be developed in line with the principles of openness, consensus and transparency as defined in Annex II to Regulation (EU) No 1025/2012.
The Commission shall then analyse the file without undue delay and start discussing the file in the expert group as defined in article 29(2) within 2 months, in view of a possible amendment of this Regulation. If a consensus cannot be reached within [6] months, the Commission shall take a reasoned decision and make it publicly available on its website.
The submission of innovative solutions to the Commission and, where appropriate, the subsequent amendment of this Regulation may intervene at any time following the entry into force of this Regulation.
- (3) To maintain the continuity of the C-ITS priority services listed in Annex I, any future amendments shall ensure compatibility and mutual interoperability at service level with the largest possible number of existing C-ITS stations put in service in accordance with this Regulation, and/or specify a suitable migration path for the remaining, while ensuring a level playing field between different technologies, and without hindering the development of new ones.



About ETNO

ETNO has been the voice of Europe's telecommunication network operators since 1992 and has become the principal policy group for European electronic communications network operators. Its 39 members and observers from Europe and beyond are the backbone of Europe's digital progress. They are the main drivers of broadband and are committed to its continual growth in Europe.

ETNO members are pan-European operators that also hold new entrant positions outside their national markets. ETNO brings together the main investors in innovative and high-quality e-communications platforms and services, representing 70% of total sector investment.

About the GSMA

The GSMA represents the interests of mobile operators worldwide, uniting more than 750 operators with over 350 companies in the broader mobile ecosystem, including handset and device makers, software companies, equipment providers and internet companies, as well as organisations in adjacent industry sectors. The GSMA also produces industry-leading events such as Mobile World Congress, Mobile World Congress Shanghai, Mobile World Congress Americas and the Mobile 360 Series of conferences.

For more information, please visit the GSMA corporate website at www.gsma.com. Follow the GSMA on Twitter: @GSMA.

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