



**2017/2067(INI)**

29.1.2018

# **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Transport and Tourism

on a European strategy on Cooperative Intelligent Transport Systems  
(2017/2067(INI))

Rapporteur: Maria Grapini

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## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas the EU is bound to respect the Charter of Fundamental Rights of the European Union, notably Articles 7 and 8 on the right to privacy and the protection of personal data;
  - B. whereas the data broadcast by Cooperative Intelligent Transport Systems (C-ITS) is personal data relating to an identified or identifiable person, and whereas the C-ITS messages will be transmitted for a wide range of services and between an array of actors;
  - C. whereas C-ITS are based on the collection, processing and exchange of a wide variety of data from public and private sources, vehicles, users and infrastructure, and whereas it is essential to choose the most optimal list of C-ITS services for consideration in early consultations with Member States, local authorities, vehicle manufacturers and road operators;
  - D. whereas the implementation of the systems will be based on geolocation technologies, such as satellite positioning, and non-contact technologies that will facilitate the provision of a wide range of public and/or commercial services, and whereas they must comply with the EU acquis on privacy and data protection, have strict rules on confidentiality, and also work with the objectives and practices of the Space Strategy for Europe;
  - E. whereas cyber-security of the cooperative ITS is a key element of implementation, whereas fragmented security solutions would jeopardise the interoperability and safety of the end-users, and whereas there is therefore a clear need for an EU level action;
  - F. whereas algorithmic accountability and transparency means implementing technical and operational measures that ensure the transparency and non-discriminatory nature of automated decision-making and of the process of calculating the probability of individual behaviour; whereas transparency should give individuals meaningful information about the logic involved, the significance of the process and its consequences; whereas this should include information about the data used for training the analytics and enable individuals to understand and monitor the decisions affecting them;
1. Stresses that Union data protection legislation, namely the General Data Protection Regulation (GDPR), applicable as from 25 May 2018, and the ePrivacy Directive (2002/58/EC), is fully applicable in all aspects of processing of personal data for C-ITS, in particular as regards the principles of purpose limitation, data minimisation and the rights of data subjects, since C-ITS messages can lead indirectly to the identification of users;
  2. Stresses that in the case of smart cars, the data must by default only be processed in the car or cars themselves, and only insofar as this is technically strictly necessary for the

functioning of the C-ITS, and must be deleted immediately thereafter; underlines that any further processing or transmission to other data controllers must only be possible with the informed, freely given, clear and active consent of users and passengers to the collection and processing of their data; underlines, furthermore, the need to prevent ‘driving walls’, which would mean that users could not drive their own smart car if they refused to give consent; calls for an ‘offline mode’ option to be made available in smart cars, which would enable the user to turn off transfers of personal data to other devices without hampering their ability to drive the car;

3. Stresses that the protection of privacy and personal data is critical to ensuring acceptance of the new services by end-users; draws attention to the fact that if the service provided is based on location data, it must provide relevant information to the user, who must be able to withdraw their consent;
4. Emphasises the need for much greater transparency and algorithmic accountability with regard to data processing and analytics performed by businesses; recalls that the GDPR already foresees a right to be informed about the logic involved in data processing;
5. Stresses that data security issues should be taken into account not only during the C-ITS device operation itself, but also in the databases in which the data are processed and/or stored; stresses further that appropriate technical, administrative and organisational requirements, including mandatory end-to-end encryption, must be defined for all stages of the processing, ensuring an adequate level of security;
6. Reiterates that with respect to C-ITS, producers are the key starting point for tightening up liability regimes, which will lead to better quality products and a more secure environment in terms of external access and the possibility for updates;
7. Draws attention to the fact that data protection and confidentiality must be taken into account throughout the whole processing; stresses that the implementation of ‘privacy and data protection by design and default’ should be the starting point for the design of ITS applications and systems; recalls that anonymisation techniques may increase the trust of users in the services they are using;
8. Notes that the Commission will be setting up a legal framework on data protection through the adoption of delegated acts under the ITS Directive (2010/40/EU); asks the Commission, therefore, to ensure the highest level of protection in full compliance with the Charter of Fundamental Rights of the European Union and the EU acquis.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

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| <b>Date adopted</b>   | 25.1.2018   |
| <b>Result of final vote</b>                                     | +:            50<br>-:            3<br>0:            0  |
| <b>Members present for the final vote</b>                       | Asim Ademov, Jan Philipp Albrecht, Michał Boni, Caterina Chinnici, Daniel Dalton, Rachida Dati, Frank Engel, Cornelia Ernst, Tanja Fajon, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Péter Niedermüller, Ivari Padar, Birgit Sippel, Csaba Sógor, Sergei Stanishev, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Cecilia Wikström, Tomáš Zdechovský, Auke Zijlstra |
| <b>Substitutes present for the final vote</b>                   | Ignazio Corrao, Pál Csáky, Dennis de Jong, Maria Grapini, Anna Hedh, Lívia Járóka, Sylvia-Yvonne Kaufmann, Ska Keller, Gilles Lebreton, Jeroen Lenaers, Sander Loones, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, John Procter, Emil Radev, Barbara Spinelli, Jaromír Štětina, Axel Voss   |
| <b>Substitutes under Rule 200(2) present for the final vote</b> | Anna Záborská   |

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

| 50        | +   |
|-----------|---|
| ALDE      | Nathalie Griesbeck, Sophia in 't Veld, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Cecilia Wikström   |
| ECR       | Daniel Dalton, Jussi Halla-aho, Sander Loones, Monica Macovei, John Procter   |
| EFDD      | Ignazio Corrao  |
| ENF       | Gilles Lebreton   |
| GUE/NGL   | Dennis de Jong, Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat   |
| NI        | Udo Voigt   |
| PPE       | Asim Ademov, Michal Boni, Pál Csáky, Rachida Dati, Kinga Gál, Lívia Járóka, Barbara Kudrycka, Jeroen Lenaers, Roberta Metsola, Emil Radev, Csaba Sógor, Jaromír Štětina, Traian Ungureanu, Anna Záborská, Tomáš Zdechovský  |
| S&D       | Caterina Chinnici, Tanja Fajon, Ana Gomes, Maria Grapini, Sylvie Guillaume, Anna Hedh, Sylvia-Yvonne Kaufmann, Dietmar Köster, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Péter Niedermüller, Ivari Padar, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer |
| VERTS/ALE | Jan Philipp Albrecht, Ska Keller, Bodil Valero  |

| 3   | -                      |
|-----|------------------------|
| ENF | Auke Zijlstra          |
| PPE | Frank Engel, Axel Voss |

| 0 | 0 |
|---|---|
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Key to symbols:

+ : in favour

- : against

0 : abstention