

Guidelines for a harmonised Compliance Assessment

The following guidelines contain jointly developed recommendations from NAPCORE WG5 and should be followed when a Compliance Assessment is carried out.

Introduction

The following document describes the Compliance Assessment process as specified in the Delegated Regulations (EU) No 885/2013 (SSTP), (EU) No 886/2013 (SRTI), (EU) 2022/670 (RTTI) and (EU) 2017/1926 (MMTIS) supplementing Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. The document intends to support the National Bodies/Competent Authorities in carrying out a Compliance Assessment. It follows the work documented in *Milestone Report 5.3 Synchronised compliance assessment processes and self-declaration forms*, which was finalised in November 2022, and adds new insights.

In the NAPCORE project year of 2023, pilot trials were carried out in WG5 in order to optimise the Compliance Assessment process and gather experiences on practicability of the forms. Therefore, a friendly Compliance Assessment with selected stakeholders from Austria, Belgium, Croatia, Czechia, Finland, Norway, Spain and Sweden was carried out. The pilot trials took place from March until August 2023 and their results and experiences were discussed in two following workshops taking place in September and October 2023.

After carrying out the pilot trials, the respective forms had been adapted in consultation with NAPCORE WG5 and a uniform process description has been developed. This report depicts the harmonisation of the process, the development of common templates and guidelines for a harmonised Compliance Assessment.

National Body/Competent Authority

In order to carry out a Compliance Assessment, the Member State shall appoint a National Body/Competent Authority¹ which is properly authorised, according to national regulations, to carry out a Compliance Assessment. If such an authority does not yet exist, it has to be legally established.

Certain criteria and competences are furthermore needed in order to qualify as a National Body/Competent Authority. Firstly, there must be no conflict of interest or direct involvement with the organisations assessed. Secondly, sufficient knowledge and continuous training on relevant topics/legislation/frameworks – in particular regarding the Delegated Regulations – is necessary. Furthermore, the technical knowledge needed to carry out a Compliance Assessment has to be available. Comprehensive knowledge of the mobility landscape in the respective country and good communication skills are further necessary in order to act as a National Body/Competent Authority.

The National Body/Competent Authority shall identify and organise its resources and organisational structure for conducting a Compliance Assessment. An internal process for receiving and processing self-declarations, carrying out random inspections and the Compliance Assessment itself needs to be developed. In order to ensure the implementation of a harmonised Compliance Assessment process

¹ The term “National Body” is used in the Delegated Regulations (EU) 885/2013 and (EU) 886/2013 while the term “Competent Authority” is used in the Delegated Regulations (EU) 2022/670 / (EU) 2022/670 and (EU) 2017/1926. The terms can be used synonymously.

at the European level, the business model of newly established or modernised National Bodies/Competent Authorities shall fulfil the minimum requirements defined in the NAPCORE WG5 [Milestone Report 5.9 “Development of NB/CA reference architecture”](#).

After the National Body/Competent Authority or any other institution that has been nationally assigned to carry out the following tasks² has been nominated and necessary preparations have been made, it will provide information to potential data/service providers³ on their obligation to submit a self-declaration and register on the National Access Point. In order to identify data/service providers covered by the Delegated Regulation, the National Body/Competent Authority may collaborate with other transport authorities. Instructions for data/service providers affected by the Delegated Regulation on how to fill in and submit a self-declaration and related accompanying documents as well as information regarding the registration on the National Access Point have to be provided. Furthermore, the National Body/Competent Authority or nationally assigned institution has to prepare national templates for self-declarations and accompanying documents and a repository for storing the submitted documents and the contact information in a GDPR conform way needs to be established.

Templates

The following documents, developed for each Delegated Regulation, are necessary to carry out a Compliance Assessment⁴:

SSTP (EU) No 885/2013	SRTI (EU) No 886/2013	RTTI (EU) 2022/670	MMTIS (EU) 2017/1926
Self-declaration – for public or private parking operators and service providers	Self-declaration – for public road operators, service providers and broadcasters dedicated to traffic information	Self-declaration – for road authorities and road operators	Self-declaration – for data holders
		Self-declaration – for digital map producers	Self-declaration – for travel information service providers
		Self-declaration – for service providers	
		Self-declaration – for tolling operators	
		Self-declaration – for holders of in-vehicle generated data	
		Self-declaration – for recharging and refuelling-related stakeholders	
Accompanying Documents	Accompanying Documents	Accompanying Documents	Accompanying Documents
Compliance Assessment Form	Compliance Assessment Form	Compliance Assessment Form	Compliance Assessment Form
Compliance Assessment Results	Compliance Assessment Results	Compliance Assessment Results	Compliance Assessment Results

² The tasks described in this section of the text have to be carried out in order for the National Body/Competent Authority to fulfil its role. However, they do not necessarily need to be carried out by the National Body/Competent Authority, but can also be taken over by any other institution that has been nationally assigned to do so, e.g. NAP Operators.

³ In the following, digital map producers and broadcasters are included in the term data/service providers.

⁴ The following links refer to the current forms on SharePoint.

The **self-declaration** is the first document, which needs to be submitted to the National Body/Competent Authority of the respective Member State. As indicated in the timeline (see page 8), every data/service provider affected by the Delegated Regulation is obliged and requested to submit a self-declaration. The aim of the self-declaration is that organisations declare to be compliant with the requirements from the respective Delegated Regulation. Moreover, first relevant information from data/service providers which facilitates the Compliance Assessment process are provided through the self-declaration. Furthermore, the self-declaration ensures that data/service providers familiarise themselves with the Delegated Regulations and their obligations in this regard. In addition to the self-declaration, the data/service provider need to register their data/services and provide corresponding metadata descriptions on the National Access Point (NAP). The process of creating and submitting a self-declaration may be integrated in the NAP, e.g. as a part of registering a new service or data set. After submitting the self-declaration and correctly registering on the NAP, the National Body/Competent Authority formally registers the self-declaration as received and processed and informs the organisation about the possible upcoming random inspections.

The **accompanying documents** provide information supplementing the self-declaration as requested in the Delegated Regulations and allow the National Body/Competent Authority additional insights. The accompanying documents therefore support the National Body/Competent Authority in carrying out the Compliance Assessment. If selected for random inspection, the accompanying documents have to be submitted by the data/service provider concerned. In the accompanying documents, the data/service providers must list data sets and data formats and provide the respective license terms, process descriptions, service descriptions and data descriptions. This can help data/service providers to identify already in advance of the Compliance Assessment, where further action might be needed in order to fully comply with the Delegated Regulations. The accompanying documents can be submitted either together with the self-declaration (optional) or at latest when the self-declaration is selected for a random inspection. In any case, the accompanying documents shall be available when a random inspection is performed for a self-declaration. The accompanying documents should be up-to-date in case of a Compliance Assessment, and a new version should be submitted upon another random inspection, if there have been any changes. Sample accompanying documents have been developed within NAPCORE and are available on [SharePoint](#).

The **Compliance Assessment form** serves as a framework for the National Body/Competent Authority to carry out a Compliance Assessment. The goal of this document is to provide a universal, harmonised template and establish consistency within the European Union regarding the Compliance Assessment process. Each article of the respective Delegated Regulation can be found in the Compliance Assessment form and key questions were formulated regarding the core statement of the respective article in order to assess compliance. A detailed description of each column in the Compliance Assessment form can be found in the *Milestone Report 5.3 Synchronised Compliance Assessment processes and self-declaration forms* (p. 13-15).

The **Compliance Assessment results form** is the form being filled out while carrying out the Compliance Assessment. It is used in combination with the aforementioned Compliance Assessment form in order to assess compliance. The columns of the Compliance Assessment results form are titled as follows:

1	2	3	4
Article	Compliant/Compliant with exception/Non-compliant/ N/A (not applicable)	Comments on the degree of Compliance	Information has been obtained from (e.g. SD-form, AD-form, ...)

The first column “Article” mirrors the respective article of the Delegated Regulation in question, such as in the Compliance Assessment form. The second column reflects the degree of compliance. The category “compliant with exception” is applicable if some aspects of the article cannot be assessed and can therefore not be considered compliant, but are also not non-compliant. The category “N/A (not applicable)” becomes relevant when the assessed organisation is not affected by every article of the Delegated Regulation. The Compliance Assessment results form documents the results of the Compliance Assessment and its content and is therefore an important part of the reporting to the Member State.

In the NAPCORE project year of 2024, further attention will be given to the topics of non-compliance and the processing of the results. In addition to that, forms to evaluate the Compliance Assessment process have been developed.

Process description

Key tasks of the National Body/Competent Authority during a Compliance Assessment

- Formally review the submitted self-declarations and verify their completeness
- Make a selection of self-declarations and carry out random inspections
- Contact the concerned organisation
- Accompanying documents have to be submitted (within four weeks)
- Carry out theoretical assessment (according to compliance assessment form)
 - i. Check self-declaration and accompanying documents for formal criteria
 - ii. Check National Access Point for data description
- Carry out content assessment (according to compliance assessment form)
 - i. Check the content of the provided information (self-declaration and accompanying documents)
 - ii. Check data access on the National Access Point
 - iii. Check data sets regarding the requirements
- If necessary, conduct a survey of the organisation to address open issues that could not have been clarified during the assessment
- Document the results of the compliance assessment (compliance assessment results form)
- Communicate results to assessed organisations
- National and European reporting

Once the organisational framework of the National Body/Competent Authority has been clarified, the Compliance Assessment process shall be carried out every year. After the data/service providers have been informed about their obligation to submit a self-declaration in order to comply with the Delegated Regulations, they shall hand in the requested document(s). After a self-declaration has been received, the National Body/Competent Authority formally reviews the document and verifies its completeness. The data/service provider is informed that, if drawn for a random inspection, further steps will be necessary. The National Body/Competent Authority compiles a list of all submitted self-declarations in preparation for the random inspection, which shall be carried out periodically.

Figure 1 depicts the receiving and processing of a self-declaration.

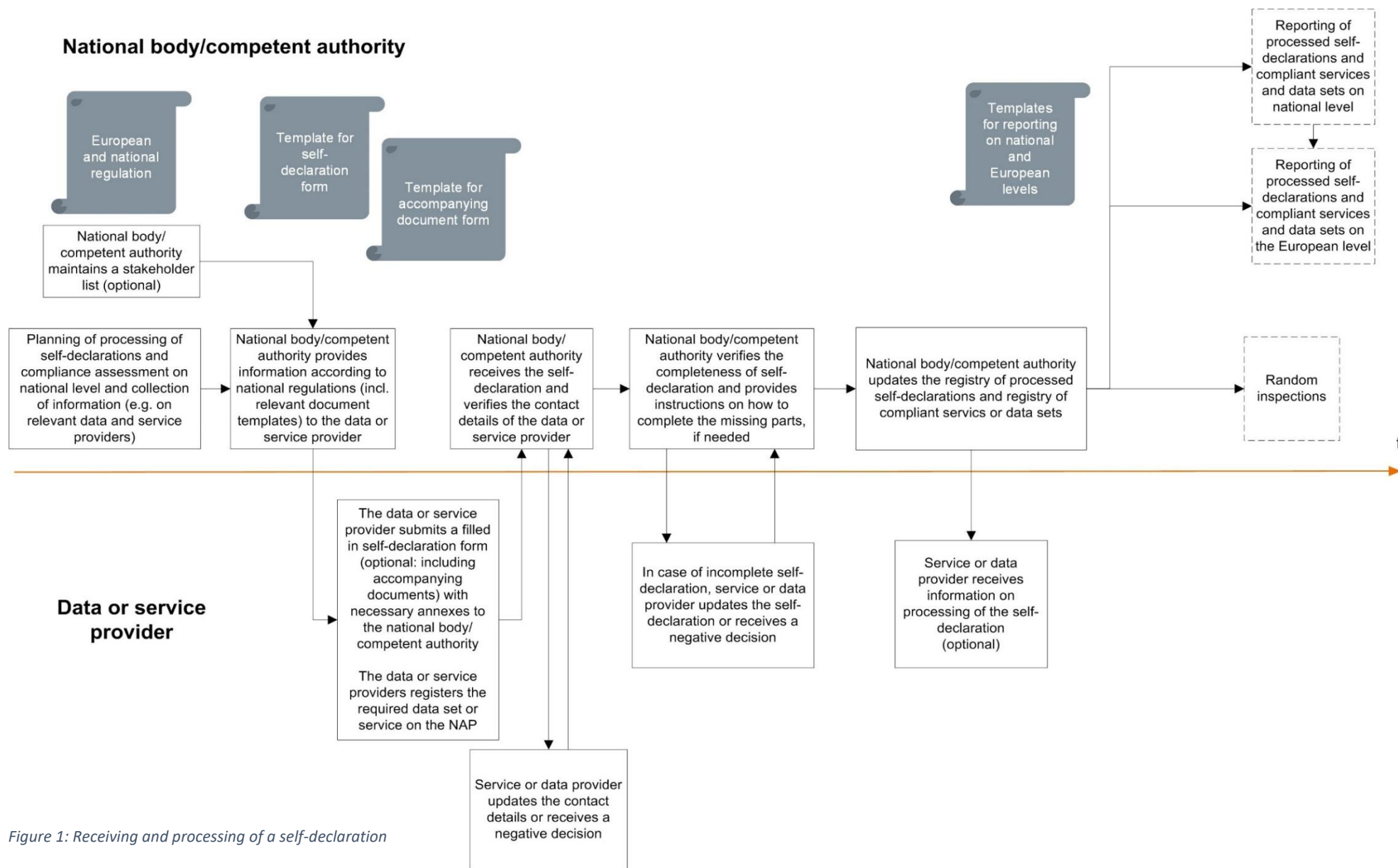


Figure 1: Receiving and processing of a self-declaration

A pre-determined number of self-declarations is randomly selected for inspection. After a provider is selected for random inspection, the National Body/Competent Authority contacts them and explains the further procedure. Moreover, the accompanying documents – if they had not been submitted already with the self-declaration – are requested in order to carry out the Compliance Assessment. The data/service provider has two weeks to submit the requested documents. When the National Body/Competent Authority has received the self-declaration as well as the accompanying documents, the theoretical and the content assessment can start. The Compliance Assessment form and the Compliance Assessment results form are used for this. The key questions (second column in the Compliance Assessment form), which indicate what the National Body/Competent Authority needs to assess per article in the Delegated Regulations, are central for this step.

The self-declaration serves as a starting point for the following Compliance Assessment in the sense that it indicates the reference to the relevant articles. As the accompanying documents supplement the self-declaration, they provide detailed information regarding the relevant articles. When carrying out the Compliance Assessment, the National Body/Competent Authority only needs to assess the relevant articles as indicated in the self-declaration and the accompanying documents.

The theoretical assessment deals with the question of whether formal criteria have been met. These requirements can be fulfilled by indications in the self-declarations, by descriptions in the accompanying documents, by (meta)data entries on the NAP or by provided terms and conditions of the respective entity.

The content assessment examines the actual content of the information previously provided to the National Body/Competent Authority. The most important part of this content assessment is to check if a data set is actually accessible and retrievable from the NAP. Transmitted information must comply with the requirements of the article of the Delegated Regulation in the form of content verification. Not only the metadata description on the NAP is reviewed, but the required format is verified for a data set by specific content review. A representative sample of data sets and/or the services need to be retrieved in order to be able to carry out content assessment.

The Member State, taking into consideration the NAPCORE recommendations, decides to which extent the types of assessment (theoretical and content assessment) are carried out by the National Body/Competent Authority. While carrying out the assessments, the Compliance Assessment results form needs to be filled out and the degree of compliance is determined and commented. If there are any ambiguities or open issues, the National Body contacts the provider concerned and conducts a survey of the organisation. After compiling all available information, the National Body/competent Authority finalises the results of the Compliance Assessment.

After carrying out the Compliance Assessment, the data/service provider concerned is informed about the outcome of the assessment. An appropriate form was developed in 2024. Furthermore, the results of the random inspections are updated by the National Body/Competent Authority to the registry of random inspections carried out (e.g., a database). The registry of random inspections carried out can be used for national reporting and reporting on the European level regarding the processed self-declarations, the random inspections and the compliance of services/data sets. A template for national reporting was developed by NAPCORE in 2024. Moreover, the National Body is encouraged to evaluate the compliance assessment process using the process evaluation form developed by NAPCORE WG5.

The process of random inspections, including Compliance Assessment, is depicted in Figure 2.

Figure 3 depicts the estimated time necessary for a Compliance Assessment. According to the timeline, the Compliance Assessment should approximately take six months.

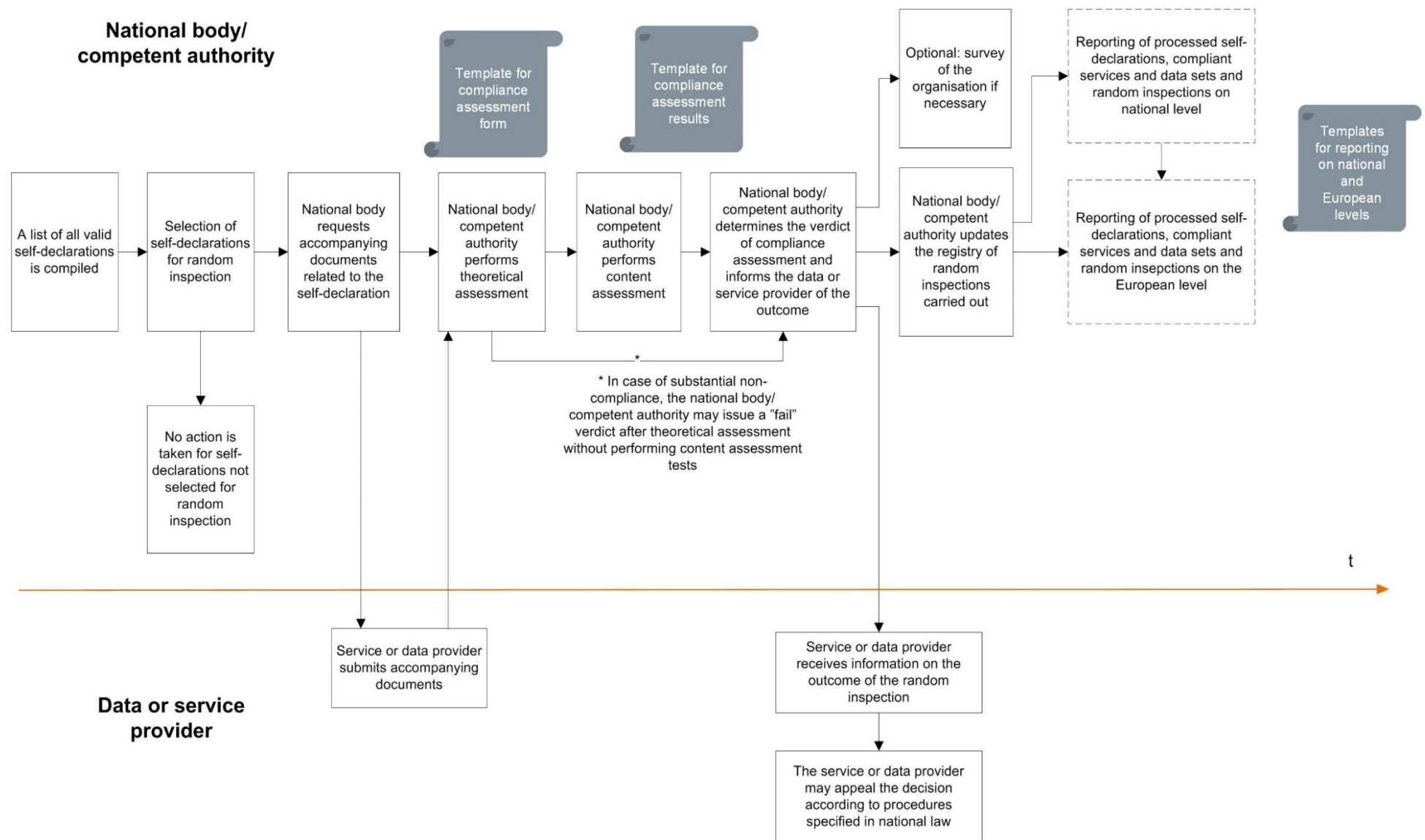


Figure 2: Random inspection and Compliance Assessment

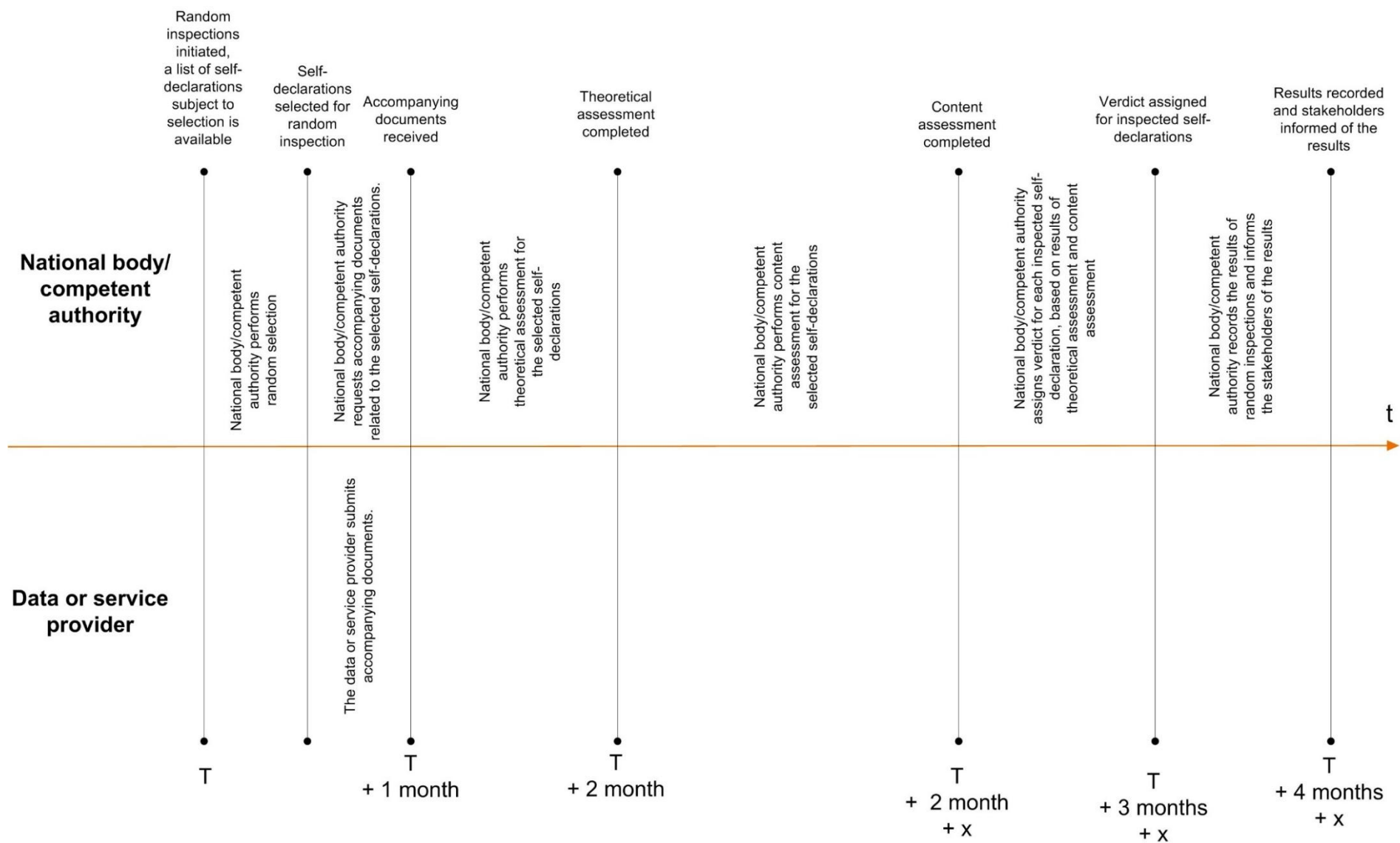


Figure 3: Timeline for carrying out a Compliance Assessment

Follow-up process in case of non-compliance

In Milestone Report 5.8 “NAPCORE Strategies and actions for non-compliance defined”, the general framework for the identification and treatment of non-compliance and basic recommendations that can serve as guidelines for the actions taken by each National Body are provided. Solutions and enforcement measures might differ among Member States, but the process up to the point of handover to the competent enforcement authority could be harmonised.

In general, NAPCORE supports a positive approach to non-compliance treatment based on a “soft process” that eliminates penalties and sanctions for the amendment/improvement process which precedes the actual enforcement (depending on national law). The way that non-compliance will be approached, however, depends strongly on the national legislation and the set-up of the National Body (i.e. authority to act, operational aspects such as communication between users and providers etc.).

The process that will be followed after the identification of non-compliance may differ in the Member States depending on national legislation, the set-up of competent authorities, duties and possibilities as well as on the general approach followed (positive versus stricter approach). The following steps are recommended concerning the follow-up process:

- Report non-compliance to the assessed organisation
- Provide help/support in terms of better understanding of the Delegated Regulations requirements and technical assistance
- Set a deadline for amendments/improvement within a reasonable amount of time based on the extent and the severity of non-compliance as well as restrictions imposed by local legislation
- If needed, extend the deadline once (depending on the estimated time needed for the amendments)
- After this deadline, check whether the necessary amendments/improvements have been achieved
- Handover to the competent enforcement authority to, if necessary, define and impose consequences

As long as the follow-up process is not completed, no new self-declaration for the same data set shall be submitted unless the self-declaration is to be corrected in the process.

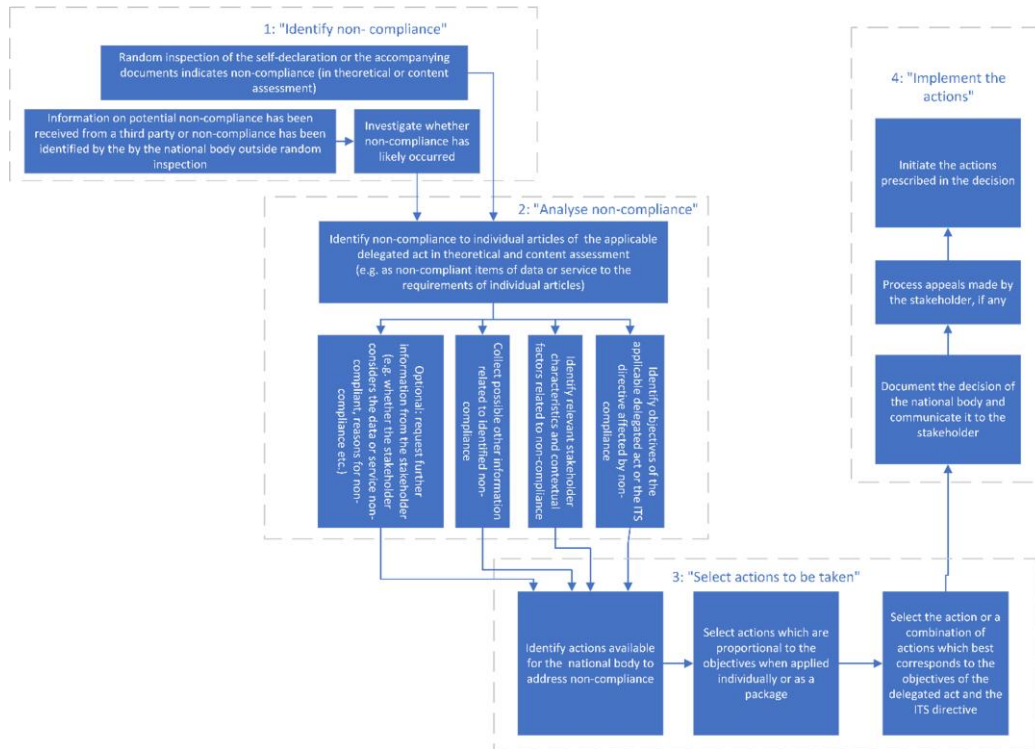


Figure 4: Proposed procedure for dealing with non-compliance

The proposed procedure for dealing with non-compliance is described in Figure 4. The first part of the procedure is to determine whether non-compliance of services or data has occurred. The National Body usually has a reason to suspect non-compliance e.g. when the results of the random inspection of the self-declaration or accompanying documents indicate non-compliance or when complaints about non-compliant services or data are received.

After a non-compliant service, data or stakeholder has been identified, the National Body will analyse the case of non-compliance. In practice, this means identifying what entity or entities are non-compliant (data set or service) and regarding which individual articles of the applicable Delegated Regulation the entity or entities suspected to be non-compliant do not meet the requirements of the Delegated Regulation. During this process, the National Body may also specify which specific items or components do not meet the requirements of the Delegated Regulation.

After the National Body has analysed the case of non-compliance, it has to decide on the actions to be taken to address non-compliance. In the current situation, the Delegated Regulations do not specify the consequences of non-compliance nor the administrative powers of the National Body to address non-compliance. Therefore, the actions available to the National Body can only be based on national law or be more or less informal nature which can be applied without a legislative act. The identification of actions available can be based e.g. on national law, experiences gathered in other EU countries and the expertise of the National Body.

After the actions available to the National Body in the specific case of non-compliance have been identified, the National Body will assess which of the actions available would be proportionate to the objectives of the applicable Delegated Regulation or the ITS Directive and the characteristics of the non-compliance identified in the case. For example, a wider scope of actions would likely be considered as proportionate if the identified non-compliance has a substantial impact on end-users or society (e.g. an obvious safety risk for the road user or a major adverse impact on the markets of ITS services). The National Body may consider the actions either individually or as packages of measures.

From the actions considered proportionate, the National Body will select the action or a package of actions which best corresponds to the objectives of the ITS Directive and the applicable Delegated Regulation. When selecting the actions, the National Body will utilise the information it has collected

on the previous phases of the process, for example on the identified non-compliance, the stakeholder which provided the self-declaration and information on the likely causes of non-compliance. For example, financial penalties may be ineffective or lead to discontinuation of the service or data publication if the stakeholder does not have the resources needed to achieve compliance. On the other hand, providing information and guidance may not be an effective strategy in cases of persistent or recurring non-compliance.

In the fourth and final phase, the National Body implements the actions it has chosen in earlier stages and documents its decision. First, the decision of the National Body is documented and communicated to the stakeholder. The requirements for documentation and formatting of the decision are based on national law or other national regulations, defined e.g. in the administrative law of the Member State and the national legislation related to the National Body in the Member State.