COUNCIL OF THE EUROPEAN UNION

Brussels, 4 December 2012

17213/12

TRANS 444
DELACT 54

COVER NOTE

from:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	26 November 2012
to:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No Cion doc.:	C(2012) 8509 final
Subject:	COMMISSION DELEGATED REGULATION (EU) No…/.. of 26.11.2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regards to the harmonised provision for an interoperable EU-wide eCall

Delegations will find attached Commission document C(2012) 8509 final.

Encl.: C(2012) 8509 final

EUROPEAN
COMMISSION

Brussels, 26.11.2012
C(2012) 8509 final

COMMISSION DELEGATED REGULATION (EU) No …/..

of 26.11.2012

supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

This delegated act constitutes the part related to the Public Safety Answering Points (PSAPs) infrastructure of the Commission strategy on eCall, based on a 3-prong regulatory approach addressing the in-vehicle system, the telecommunications networks and the PSAPs.

1.1. eCall Background

Road safety is one of the major policy issues of Transport Policy in the European Union. In 2009 around 35,000 people were killed and more than 1.5 million injured in about 1.15 million traffic accidents on EU roads. In addition to the tragedy of loss of life and injury, this also carries an economic burden representing approximately EUR 130 billion of cost for society[1].

The EU is fully committed to reducing the number of road accidents (accident prevention or active safety), as well as to mitigating the consequences of accidents when they occur (passive safety), and by improving the efficiency of the emergency services and the effectiveness of post-accident medical care (tertiary safety).

At the end of 2002, the Working Group of experts on Road Safety identified the deployment of a pan-European eCall service available in all new vehicles and in all countries as one of the high priority technologies/services for reducing road fatalities. The deployment of a harmonised pan-European eCall service was subsequently included in the priorities of the eSafety initiative, and the Commission supported the creation of an eCall Driving Group, involving the participation of representatives all stakeholders, in order to define the requirements of such a service. The Commission has also funded research projects to prove the concept of a pan-European eCall services, as well as studies to analyse the possible impact of its introduction.

The eCall Driving Group produced a Memorandum of Understanding as a blueprint for putting in place a pan-European interoperable eCall service in Europe (eCall MoU)[2] in 2004, and proposed a roadmap for the voluntary introduction of eCall as a standard option in all new vehicles in Europe by the end of 2009. The eCall MoU is a non-binding document which expresses the commitment of the signatory stakeholder to work towards the achievement of a pan-European eCall service based on 112. It has been signed by 26 European countries, including 22 member States, and more than 100 organisations representing all the stakeholders in the value chain[3].

The Commission also requested and provided support to the European Standardisation Organisations (ETSI, CEN) to draw up the requisite common European standards. The Commission also held consultations with representatives of all stakeholders associations involved in the eCall value chain and with the Member States, by organising technical and high level meetings.

---

1 SEC(2011) 1019 final

2 http://ec.europa.eu/information_society/activities/esafety/doc/library/mou/mou.pdf

3 http://ec.europa.eu/information_society/activities/esafety/doc/library/mou/list_of_signatures.pdf

As part of this voluntary deployment approach, the Commission in its 2005 Communication – entitled 'Bringing eCall to Citizens'[4] - strongly urged the national and regional governments to act and to invest in the necessary emergency care infrastructure for eCall, with a view to launching the full pan-European service in 2009. The European Parliament also expressed its support on various occasions for the introduction of a pan-European eCall service, asking Member States to sign the Memorandum of Understanding and the Commission to adopt regulatory measures.

On 21 August 2009 the Communication 'eCall: Time for Deployment'[5] reported on the progress and achievements in introducing eCall. Progress had been considered too slow, and the roll out of the pan-European eCall was seriously delayed. The Communication concluded that the voluntary approach adopted in previous communications and the Commission's efforts to standardise eCall and work with all stakeholders had not been sufficient. The Commission proposed a series of measures to support the voluntary introduction of eCall in Europe and indicated that unless significant progress was made by the end of 2009, the Commission would plan to take regulatory measures, in order to ensure that eCall standard equipment was installed in all new vehicles in Europe, starting with certain categories (passenger cars and light commercial vehicles).

On 20 July 2010, in the Communication 'Towards a European road safety area: policy orientations on road safety 2011-2020'[6] , the Commission set itself the target of halving the overall number of road deaths in the European Union by 2020 starting from 2010 and presented seven strategic objectives to that end, which included the objective "Promote the use of modern technology to increase road safety". One practical action under this objective is to accelerate the deployment of eCall.

In August 2010, Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems entered into force with the "harmonised provision for an interoperable EU-wide eCall" as one of the six priority actions identified for the adoption of specifications.

The White Paper on transport policy that was adopted by the Commission on 28 March 2011 includes eCall in the list of road safety technologies to be harmonised and deployed in the context of a 'zero-vision' on road safety.

On 3 July 2012, the European Parliament adopted the own-initiative "report on eCall: a new 112 service for citizens" [7], which included the following statements:

– "Considers that eCall should be a public EU-wide emergency call system, embedded in the vehicle and based on 112 and on common pan-European standards",

– "Recalls that the Commission's impact assessment shows that the adoption of regulatory measures to enforce the mandatory introduction of eCall is at present the only option to achieve all positive effects",

– "Urges the Commission to submit a proposal within the framework of Directive 2007/46/EC in order to ensure the mandatory deployment of a public, 112-based eCall system by 2015 in all new type-approved cars and in all Member States",

4 COM(2005) 431 final
5 COM(2009) 434
6 COM(2010) 389 final
7 2012/2056(INI)

– "Welcomes the Commission's recommendation of 8 September 2011, and urges the Member States and the Mobile Network Operators (MNOs) to implement its required measures and upgrades at the latest by the end of 2014; regrets, however, that only 18 Member States responded in time; calls on the remaining Member States to do so as soon as possible",

– "Urges the Commission to adopt the common specifications for PSAPs within the framework of the ITS Directive by the end of 2012, and to propose a directive on the implementation of eCall".

1.2. Commission Strategy on eCall

Given the absence of any significant progress in the voluntary deployment of eCall achieved by the end of 2009, and the lack of clear commitments from the various eCall stakeholders, the Commission decided to conduct an Impact Assessment in order to assess the most appropriate policy option to implement the EU-wide eCall service in Europe.

As explained in the Impact Assessment[8], eCall requires three types of measures: the fitting of a specific system in the vehicles, the ability of mobile network operators to transmit messages with a certain format and, lastly, the capacity of the emergency call responses centres (also known as PSAPs – Public Safety Answering Points) to handle these messages. The system can only be operational if all three parts are in operation simultaneously.

The Impact Assessment concluded that the best option to implement eCall effectively is the "regulatory" approach. This would mean that eCall would be based on the Single European Emergency Number 112 standard factory equipment installed in all vehicles in Europe, starting with certain categories of vehicles as well as setting up the framework for handling eCalls in the telecommunication networks and PSAPs. This approach would make eCall available to all citizens in Europe as an EU-wide service, accelerate the take-up and encompass the full potential of eCall to save lives, as well as mitigating the severity of injuries.

As a result, the Commission unveiled on 8 September 2011 its strategy on regulatory measures for eCall, together with the adoption of the first part of this strategy, which consisted of a Commission Recommendation[9] on support for an EU-wide eCall service in electronic communication networks for the transmission of in-vehicle emergency calls based on 112 ('eCalls').

In order to ensure timely and parallel implementation of the eCall service based on 112 by the three stakeholder groups involved (mobile network operators, public emergency services and automotive industry) by 2015, the Commission is planning to introduce the following measures as part of its eCall strategy:

– In-vehicle devices: the Commission is currently preparing a proposal within the framework of Directive 2007/46/EC to mandate eCall in all M1 and N1 new types of vehicles (passenger cars and light duty vehicles).

– Mobile communication networks: the above-mentioned eCall Commission Recommendation. If necessary, further and more stringent legislation will be

[8] SEC(2011) 1019 final

[9] 2011/750/EU

proposed in order to ensure that the mobile network will be fully operational for eCall by 2015.

– Public Safety Answering Points: the adoption of a delegated act under Directive 2010/40/EU in order to address the specifications for the PSAPs. If deemed necessary, the Commission will present a proposal, at the latest 12 months after the adoption of these specifications and in order to ensure the PSAPs upgrade by 2015, on the deployment of eCall for the Public Safety Answering Points, as provided for by Directive 2010/40/EU.

1.3. Delegated act under Directive 2010/40/EU

The purpose of Directive 2010/40/EU is to speed up the coordinated deployment and use of intelligent transport systems in road transport (and interfaces with other modes) across Europe. The "harmonised provision for an interoperable EU-wide eCall" is one of the six priority actions defined in article 3 of Directive 2010/40/EU, for which the Commission undertook in its Decision of 15 February 2011 concerning the adoption of the Working Programme on the implementation of Directive 2010/40/EU[10] to adopt specifications by the end of 2012.

Article 7 of Directive 2010/40/EU empowers the Commission to adopt delegated acts in accordance with Article 290 of the TFEU as regards specifications for the priority actions.

This delegated act constitutes the "PSAP" part of the Commission strategy on eCall.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

This delegated act is the result of extensive consultations with major stakeholders.

Four meetings with Member States, EEA countries and Switzerland experts were held to discuss the specifications for the PSAPs, on 13 October 2011, 29 May, 19 June and 03 July 2012 respectively, which were also attended by representatives from the European Parliament and from the European Data Protection Supervisor[11].

This delegated act also takes into consideration the opinion on the draft specifications of the 25 members of the European ITS Advisory Group, composed of high level representatives from ITS service providers, associations of users, transport and facilities operators, manufacturing industry, social partners, professional associations, local authorities and other relevant fora[12].

This delegated act also takes into consideration all the consultations in the eCall Impact Assessment. These consultations include, in particular, extensive contributions from stakeholders involved in several fora such as the European eCall Implementation Platform (EeIP), the eCall PSAPs expert Group and the eCall Driving Group within the eSafety/i-Mobility Forum, and a public consultation on the implementation of eCall that was open from 19 July to 19 September 2010.

3. IMPACT AND COST-BENEFIT ANALYSIS

[10] C(2011) 289 final

[11] See agenda and summary record http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1941

[12] http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2736

An extensive cost-benefit analysis was conducted as part of the eCall Impact Assessment for the three proposed options, including the preferred option on regulatory measures.

As far as the cost-benefit analysis of the chosen option (option 3) is concerned, each of the three planned eCall regulatory measures (in-vehicle, telecommunication, PSAP) is inseparable from the other two. While costs for the PSAPs can be estimated separately from the in-vehicle and telecommunication parts of eCall, the benefits can only be estimated for the whole eCall initiative.

Analysis of main costs for PSAPs

The marginal costs for each of those PSAPs duly equipped to handle 112 calls enhanced with location capabilities -E112- calls (obligation under the Universal Service Directive[13]) cover the following:

– In-band modem server (from €3,000 to €20,000, depending on the number of eCalls)

– Software to decode the MSD and integration into the PSAP software

– Training

Annual operational costs should be added to these costs. In case where the eCalls will be received in the same PSAP that is receiving other emergency calls, the majority of these costs will be subsumed within the normal operational costs; otherwise the costs will depend on the number of operators needed to handle the estimated number of eCalls[14].

The estimated costs for the upgrading of PSAPs average around EUR 1.1 million per Member State[15]. This estimate derives from a cluster analysis, which is based on the density of population of the country, accidents typologies, road and emergency response infrastructures, and other general statistics. The cost in each country varies considerably depending on the number of PSAPs, but also on the technical solution chosen for upgrading the PSAPs.

Additional information has also been provided by the HeERO pre-deployment pilot[16] (Jan. 2011 – Jan. 2013) which involved the authorities of nine Member and associated States, as well as forty partners. The objective of the project is to prepare for the deployment of the necessary infrastructure, including the starting-up of an interoperable and harmonised 112-based in-vehicle emergency call system. The HeERO2 pilot will be launched in early 2013. It will run for 24-months, and will involve an additional nine Member States and associated States.

The HeERO pilot has helped to demonstrate that innovative solutions can reduce costs in comparison to the rather conservative approach followed in the eCall impact assessment, especially for those Member States where there are a large number of PSAPs. It also confirmed that the estimated costs and real costs for implementation were within the expected ranges.

Analysis of main benefits

---

13 Directive 2002/22/EC, Art. 26

14 SEC(2011) 1019 final, Annex III

15 SEC(2011) 1019 final, Annex XIV

16 http://ec.europa.eu/information_society/apps/projects/factsheet/index.cfm?project_ref=270906

The benefits identified through the impact assessment and several studies, including national ones include:

– Reduction of fatalities (with all vehicles eCall-equipped, between 1% and 10% depending on country population density, road and emergency response infrastructure)[17]

– Reduction of seriousness of the injuries (between 2% and 15%)[18]

– Reduction of congestion costs caused by traffic accidents. This is due to the improvement of accident management, as the accident is immediately notified to the PSAPs and can therefore be transferred to the appropriate Traffic Management Control, which can immediately inform other road users, and help reduce secondary accidents.

– Facilitation of rescue services and increased security of rescue team (e.g. fire-fighters) when extracting trapped occupants, as the MSD will, among others, provide information on the fuel type.

– Reduced SOS roadside infrastructure, as each road user would be able to trigger an emergency call from their vehicle.

Cost–benefit ratio

Benefits have also been monetised[19] and a cost-benefit analysis drawn for the different options as well for types of affected categories. The estimations are calculated up to year 2033 as this is the expected year of full penetration of the eCall service in case of preferred policy option.

	Policy option 1 No EU action	Policy Option 2 Voluntary approach	Policy Option 3 Regulatory measures
Benefit-Cost Ratio	0.29	0.68	1.74

4. LEGAL ELEMENTS OF THE DELEGATED ACT

4.1. Legal basis

This delegated act supplements Directive 2010/40/EU.

[17] SEiSS, E-MERGE, eIMPACT, AINO studies. For a more detailed analysis on the calculation, please see Annex IV of the eCall Impact Assessment.

[18] SEiSS, E-MERGE, eIMPACT, AINO studies. For a more detailed analysis on the calculation, please see Annex IV of the eCall Impact Assessment.

[19] SEC(2011) 1019 final, Annexes IV and XIV

4.2. Subsidiarity and proportionality

According to the principle of subsidiarity (Article 5.3 Treaty on the European Union), action at Union level should be taken only when the aims envisaged cannot be achieved sufficiently by Member States alone and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Union.

Road safety is an issue of major concern across the entire European Union and for all of its inhabitants: 500 million citizens in the 27 Member States use more than 230 million vehicles on over 5 million km of roads. The purpose of the interoperable EU-wide eCall initiative is to introduce in all vehicles in Europe the minimum functionalities needed to ensure adequate handling of the emergency calls by the emergency response services. Currently, road journeys exceed 100 million annually across the various Member States and they are increasing due to further consolidation of the European Union (through the free movement of goods, people and services). Action is needed at EU level in order to guarantee interoperability and continuity of the service throughout Europe, which cannot be satisfactorily achieved by individual Member States alone. Moreover, taking action at EU level using common European eCall standards approved by the European Standardisation Organisations (CEN and ETSI) will ensure the efficient provision of the emergency response service across Europe, for example in the case of vehicles travelling abroad, and also help to avoid market fragmentation (which may occur as a result of the proliferation of national and/or proprietary private solutions that are implemented in differing ways).

The EU-wide eCall, in line with the 112 and E112 deployment, has been designed in such a way as to minimise the impact on all the stakeholders in the value chain (automotive industry, mobile network operators, Member States - PSAPs), and to distribute this impact fairly. The current proposal seeks to define specifications for the upgrading of the Public Safety Answering Point (PSAP) infrastructure that is required for the proper receipt and handling of eCalls. The plan is to keep the financial and administrative costs for national/regional authorities to a minimum, commensurate with the objectives to be achieved. A substantial part of the implementation (organisation of the PSAPs) is left to national decision-making bodies. The PSAPs infrastructure will be upgraded by the Member States in the manner best suited to their national/local architecture, thereby respecting the specific issues and circumstances that apply in each Member State.

4.3. Detailed explanation of the proposal

Article 1 defines the subject matter and scope of the delegated act.

Article 2 introduces definitions specific to this Regulation.

Article 3 defines the requirements for the eCall PSAPs.

Article 4 defines the requirements related to the conformity assessment.

Article 5 defines the obligations linked to the deployment of the eCall PSAPs infrastructure.

Article 6 defines the rules on privacy and data protection.

Article 7 defines the rules on liability.

Article 8 requires the Member States to report to the Commission on the state of implementation of this Regulation six months after its entry into force.

Article 9 provides that the Regulation shall enter into force on the 20th day following that of its publication in the Official Journal. It shall apply to infrastructures deployed from the date of entry into force of the Regulation and shall apply 12 months after entry into force to infrastructures already deployed at the date of entry into force of the Regulation.

5. BUDGETARY IMPLICATIONS

There are no budgetary implications for the EU budget.

COMMISSION DELEGATED REGULATION (EU) No …/..

of 26.11.2012

supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[20], and in particular Article 7 thereof,

After consulting the European Data Protection Supervisor,

Whereas:

(1) Directive 2010/40/EU requires the Commission to adopt delegated acts as regards specifications necessary to ensure the compatibility, interoperability and continuity for the deployment and operational use of intelligent transport systems (ITS).

(2) According to Article 3(d) of Directive 2010/40/EU, the harmonised provision for an interoperable EU-wide eCall service shall constitute a priority action. The Commission should, therefore, adopt the necessary specifications in this field.

(3) Article 26 of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services[21] requires that calls to the single European emergency call number 112 are answered appropriately and handled in a manner that is best suited to the national organisation of emergency systems, including the emergency call response centres (public safety answering points).

(4) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "eCall: Time for deployment"[22], envisages new regulatory measures to speed up the deployment of an in-vehicle emergency call service in the Union. One of the proposed measures is to make the necessary upgrading of the public safety answering point (PSAP) infrastructure required for proper receipt and handling of eCalls mandatory.

---

20 OJ L 207, 6.8.2010, p. 1.

21 OJ L 108, 24.4.2002, p. 51.

22 COM(2009) 434 final

(5) Commission Recommendation 2011/750/EU[23] on support for an EU-wide eCall service in electronic communication networks for the transmission of in-vehicle emergency calls based on 112 ('eCalls') advises Member States to indicate the eCall PSAP to route eCalls and to ensure that mobile network operators handle eCalls properly.

(6) It is expected that, by reducing the response time of the emergency services, the interoperable EU-wide eCall will reduce the number of fatalities in the Union as well as the severity of injuries caused by road accidents.

(7) The interoperable EU-wide eCall is also expected to bring savings to society by improving incident management and by reducing road congestion and secondary accidents.

(8) The processing of personal data in the context of the handling of eCalls by the PSAPs, the emergency services and service partners is performed in accordance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data[24] and Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector[25]. Member States shall ensure that this compliance is demonstrated, with national data protection authorities, either during a priori control procedures, such as prior notifications or a posteriori checks, such as in the course of complaints and investigations.

(9) The interoperable EU-wide eCall service follows the recommendations made by the Article 29 Data Protection Working Party and contained in the 'Working document on data protection and privacy implications in eCall initiative', adopted on 26 September 2006 (1609/06/EN – WP 125). Vehicles equipped with eCall in-vehicle equipment shall not be traceable in their normal operational status. The minimum set of data sent by the eCall in-vehicle equipment (i.e. when triggered) shall include the minimum information required for the appropriate handling of emergency calls.

(10) Without prejudice to Directive 95/46/EC, Member States shall take into account, when deploying the eCall PSAPs infrastructure, the 'Working document on data protection and privacy implications in eCall initiative' adopted by the Article 29 Working Party on 26 September 2006 (1609/06/EN – WP 125).

(11) It is important that all Member States should develop common technical solutions and practices for the provision of emergency call services. The development of common technical solutions should be pursued in particular through the European standardisation organisations, in order to facilitate the introduction of the eCall service, ensure the interoperability and continuity of the service throughout the Union, and reduce the costs of implementation for the Union as a whole.

(12) The European Standardisation Organisations, ETSI and CEN, have developed common standards for the deployment of a pan-European eCall service, which the present Regulation makes the reference to.

---

23 OJ L 303, 22.11.2011, p. 46.

24 OJ L 281, 23.11.1995, p. 31.

25 OJ L 201, 31.7.2002, p. 7.

(13) Infrastructures already deployed should be granted sufficient time to upgrade, therefore the Regulation should apply to them 12 months after entry into force.

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter and scope

This Regulation establishes the specifications for the upgrading of the Public Safety Answering Point (PSAP) infrastructure required for the proper receipt and handling of eCalls, in order to ensure the compatibility, interoperability and continuity of the harmonised EU-wide eCall service.

Article 2
Definitions

The following definitions shall apply for the purposes of this Regulation:

(a) 'emergency service' means a service, recognised as such by the Member State, that provides immediate and rapid assistance in situations where there is, in particular, a direct risk to life or limb, to individual or public health or safety, to private or public property, or to the environment, in accordance with national legislation;

(b) 'public safety answering point' (PSAP) means a physical location where emergency calls are first received under the responsibility of a public authority or a private organisation recognised by the Member State;

(c) 'most appropriate PSAP' means a PSAP defined beforehand by responsible authorities to cover emergency calls from a certain area or for emergency calls of a certain type;

(d) 'eCall PSAP' means a most appropriate PSAP defined beforehand by the authorities to first receive and handle the eCalls;

(e) 'eCall PSAP operator' means a person in the eCall PSAP receiving and/or handling the emergency calls;

(f) 'service partner' means a public or private organisation recognised by national authorities, that has a role in the handling of incidents related to an eCall (e.g. road operator, assistance service);

(g) 'in-vehicle equipment' means equipment within the vehicle that provides or has access to the in-vehicle data required to perform the eCall transaction via a public mobile wireless communications network;

(h) 'eCall' (referred to in Directive 2010/40/EU as 'interoperable EU-wide eCall') means an in-vehicle emergency call to 112, made either automatically by means of the activation of in-vehicle sensors or manually, which carries a standardised minimum set of data and establishes an audio channel between the vehicle and the eCall PSAP via public mobile wireless communications networks;

(i) ‘eCall transaction’ means the establishment of a mobile wireless communications session across a public wireless communications network and the transmission of a minimum set of data from a vehicle to an eCall PSAP and the establishment of an audio channel between the vehicle and the same eCall PSAP;

(j) ‘minimum set of data’ (MSD) means the information defined by the standard ‘Road transport and traffic telematics – Esafety - ECall minimum set of data (MSD)’ (EN 15722) which is sent to the eCall PSAP;

(k) ‘Vehicle Identification Number (VIN)’ means the alphanumeric code assigned to a vehicle by the manufacturer in order to ensure proper identification of every vehicle, as described in ISO standard 3779;

(l) ‘mobile wireless communications network’ means wireless communications network with homogeneous handover between network access points;

(m) ‘public mobile wireless communications network’ means mobile wireless communications network available to the public in accordance with Directive 2002/22/EC and with Directive 2002/21/EC[26];

(n) ‘emergency control centre’ means a facility used by one or more emergency services to handle emergency calls;

(o) ‘raw MSD’ means a representation of the transmitted minimum set of data before being presented in an intelligible way to the eCall PSAP operator.

Article 3
eCall PSAP requirements

1. Member States shall ensure that any eCall PSAP is equipped to handle eCalls and receive the MSD originating from the in-vehicle equipment according to the standards ‘Intelligent transport system - ESafety - PanEuropean eCall-Operating requirements’ (EN 16072) and ‘Intelligent transport systems – Esafety - ECall High Level Application Requirements (HLAP)’ (EN 16062).

2. The eCall PSAP shall handle eCalls as expeditiously and effectively as any other call made to the single European emergency number 112. The eCall PSAP shall process eCalls in line with the requirements of national regulations for emergency call processing.

3. The eCall PSAP shall be able to receive the data contents of the MSD and present them to the eCall PSAP operator clearly and understandably.

4. The eCall PSAP shall have access to an appropriate Geographical Information System (GIS) or an equivalent system allowing the eCall PSAP operator to identify the position and heading of the vehicle to a minimum degree of accuracy as defined in EN 15722 for the MSD coordinates.

[26] OJ L 108, 24.04.2002, p. 33. Directive as amended by Directive 2009/140/EC and Regulation 544/2009.

5. The above-mentioned requirements shall enable the eCall PSAP to provide location, type of eCall activation (manual or automatic) and other relevant data to the appropriate emergency service(s) or service partner(s).

6. The eCall PSAP (initially receiving the eCall) shall establish audio communication with the vehicle and handle the eCall data; if necessary, the eCall PSAP may reroute the call and MSD data to another PSAP, emergency control centre or service partner according to national procedures determined by the national authority. Rerouting may be done via data or audio connection, or, preferably, both.

7. When appropriate, and depending on national procedures and legislation, the eCall PSAP and appropriate emergency service(s) or service partner(s) may be granted access to the characteristics of the vehicle contained in national databases and/or other relevant resources, in order to obtain information that is necessary for dealing with an eCall, notably to allow the interpretation of the Vehicle Identification Number (VIN) and the presentation of additional relevant information, particularly vehicle type and model.

Article 4

Conformity assessment

Member States shall designate the authorities that are competent for assessing the conformity of the operations of the eCall PSAPs with the requirements listed in Article 3 and shall notify them to the Commission. Conformity assessment shall be based on the part of the standard 'Intelligent transport systems - eSafety - eCall end to end conformance testing' (EN 16454) that relates to PSAPs conformance to pan-European eCall.

Article 5

Obligations linked to the deployment of the eCall PSAPs infrastructure

Member States shall ensure that this Regulation is applied when the eCall PSAPs infrastructure for the handling of the interoperable EU-wide eCall is deployed, in accordance with the principles for specifications and deployment laid down in Annex II of Directive 2010/40/EU. This is without prejudice to the right of each Member State to decide on the deployment of the eCall PSAPs infrastructure for the handling of the interoperable EU-wide eCall on its territory. This right is without prejudice to any legislative act adopted under the second subparagraph of Article 6(2) of Directive 2010/40/EU.

Article 6

Rules on privacy and data protection

1. The PSAPs, including eCall PSAPs, shall be regarded as data controllers within the meaning of Article 2(d) of Directive 95/46/EC. Where the eCall data is to be sent to other emergency control centres or service partners pursuant to Article 3 (5), the latter shall also be considered as data controllers. Member States shall ensure that the processing of personal data in the context of the handling of the eCalls by the PSAPs, the emergency services and service partners is carried out in accordance with Directives 95/46/EC and 2002/58/EC, and that this compliance is demonstrated to the national data protection authorities.

2. In particular, Member States shall ensure that personal data are protected against misuse, including unlawful access, alteration or loss, and that protocols concerning personal data storage, retention duration, processing and protection are established at the appropriate level and properly observed.

Article 7
Rules on liability

1. The eCall PSAPs must be able to demonstrate to the competent authorities that they meet all specified conformance requirements of the eCall standards listed in Article 3 (1) in respect of the part(s) of the system under their design and/or control. They shall be liable only for that part of the eCalls for which they are responsible, which starts at the time the eCalls reach the eCall PSAP, in accordance with national procedures.

2. To that end, and in addition to other existing measures related to the handling of 112 calls in particular, both the raw MSD received with the eCall and the MSD contents presented to the eCall operator shall be retained for a determined period of time, in accordance with national regulations. Such data shall be stored in accordance with Articles 6, 13 and 17 of Directive 95/46/EC.

Article 8
Reporting

Member States shall report to the Commission by ...* on the state of implementation of this Regulation. This report shall include at least the list of competent authorities for assessing the conformity of the operations of the eCall PSAPs, the list and geographical coverage of the eCall PSAPs, a schedule of deployment during the ensuing two years, the description of the conformance tests and the description of the privacy and data protection protocols.

Article 9
Entry into force and application

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

It shall apply to infrastructures deployed from the date of entry into force of this Regulation. It shall apply from ……** to infrastructures already deployed at the date of entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26.11.2012

For the Commission
The President
José Manuel BARROSO