



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 March 2014

6837/14

**Interinstitutional File:
2013/0166 (COD)**

**CODEC 536
TRANS 87
PE 120**

INFORMATION NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee/Council

Subject: Proposal for a Decision of the European Parliament and of the Council on the deployment of the interoperable EU-wide eCall
- Outcome of the European Parliament's proceedings
(Strasbourg, 24 to 27 February 2014)

I. INTRODUCTION

The rapporteur, Mr Philippe DE BACKER (ALDE, BE), presented a report on the abovementioned proposal, on behalf of the Committee on Transport and Tourism (TRAN). The report contained 15 amendments (amendments 1 - 15). No other amendments were tabled.

II. DEBATE

The debate was a joint debate on two proposals: the proposal on type approval requirements for the deployment of the eCall in-vehicle system (handled by the Committee on the Internal Market and Consumer Protection, IMCO) and the proposal on the deployment of the interoperable EU-wide eCall (handled by the Committee on Transport and Tourism, TRAN)¹.

¹ See also doc. 6836/14.

The rapporteur on the **type approval requirements for the deployment of the eCall in-vehicle system**, Olga SEHNALOVÁ (S&D, CZ), opened the debate and:

- noted that there was broad support for making the eCall service mandatory and recalled that the Parliament had called for this system for a long time. In its resolution from 2012, the Parliament pointed out the delays in the introduction of the system on a voluntary basis. It called for making eCall a public service, free of charge, based on the 112 number. It further concluded that a mandatory system was the only way of achieving the main goal of reducing fatalities and mitigating injuries because eCall would enable rescue services to reach the scene of an accident faster;
- found that the Commission proposals, whereby, as from October 2015, all new vehicles should be equipped with the eCall system and an infrastructure be in place to receive and handle calls, were consistent with the requirements put forward by the Parliament. The key elements of the proposal could therefore be supported;
- however, stated that some aspects of the proposal on in-vehicle systems should be strengthened, e.g. as concerns scope, exceptions and tests of the units;
- underlined the importance of data protection. Vehicles should not be traceable and there should be no continuous recording of their position, because data had to be handled in accordance with the current legislation. Transmission of data should be kept to the minimum and limited to information needed for the purpose of rescue services. While the development of additional services for the benefits of consumers should be encouraged, they should be voluntary;
- concluded by stating that she was convinced that the draft was balanced and responded to some of the fears expressed in the debate and urged all in their vote to consider that the system could help save up to 2.500 lives per year.

The rapporteur on the **deployment of the interoperable EU-wide eCall**, Mr Philippe DE BACKER (ALDE, BE):

- fully supported the key elements of the two Commission proposals, i.e. that Member States would be obliged to put in place the infrastructure necessary to receive the 112 eCalls and that all new vehicles should be equipped with the eCall system from 1 October 2015. The fact that less than 1 % of vehicles today were equipped with the system demonstrated that the voluntary approach had not been a success;
- highlighted some important elements in the reports on the two proposals:
 - as the 112 services were already in place in the Member States, the Member States were only required to make the adjustments necessary to receive also the 112 eCalls. Member States would have the possibility to filter urgent calls and thereby enhancing the efficiency of the system. In this context, it was important to make citizens aware of the advantages of the system;
 - the eCall system in vehicles was not new and some cars were currently equipped with the system. The Parliament had found a good compromise between the existing voluntary system and the new system. The 112 eCall system was a public and basic system, accessible to all, whereas drivers should have the opportunity to choose additional applications for the eCall system;
- in relation to data protection and privacy, recalled that the eCall system was a dormant system that only transmitted a signal when an accident had happened, and then only the information necessary to locate the place of the accident. In addition, the system fell under the European rules on data protection. He understood the concerns on this and agreed that a careful balancing had to be done each time, but in this case he believed the right balance had been struck;
- finally, called for broad support to the proposals in order to send a strong signal to the Council and to the citizens that the Parliament wanted to introduce the system as quickly as possible, and that road safety was an absolute priority;

Commissioner KALLAS:

- recalled the background for the Commission's proposals:
 - eCall had the potential to greatly improve the effectiveness and speed of rescue services: 112 eCall could speed up emergency response times by 40% in urban areas and 50% in the countryside. It could lead to an estimated average reduction in fatalities of between 2% and 10% and in severe injury of between 2% and 15%;
 - using the free 112 number would secure total geographical coverage and a seamless service across the 28 Member States;
 - positive effects on the competitiveness of Europe's automotive and information and communications technology (ICT) industries were expected. Galileo would play a central role: Europe's high-precision satellite navigation system would bring improved accuracy and availability of positioning data to eCall;
- considered that as regards data protection, the 112 eCall system was safe because it was based on technology that did not allow for any constant tracking. 112 eCall was a dormant system with information only leaving the car in the event of a severe accident;
- welcomed the reports by the IMCO and TRAN committees and expressed support for most of the amendments, but cautioned that the proposal to allow to opt for a private emergency call system required that the vehicle should also be equipped with the 112 eCall service to ensure continuity and seamless service across the EU. Private eCall also needed to be subject to the rules on privacy and data protection. Accepting the co-existence of the two systems was therefore only possible if these issues were correctly handled, and if such a solution was technically feasible and would not delay deployment. In this context, he also recalled that while there were common rules regarding the reception of 112 Calls, these did not cover the handling of private emergency calls;
- concluded by speaking against the calls for making eCall voluntary in the Member States, arguing that the device itself was not very expensive, whereas the investment in developing the back up system, uniting emergency centres and all the necessary services, was so substantial that nobody would develop this, if it was not clear whether or how it would be used.

The rapporteur for the opinion from the Committee on Civil Liberties, Justice and Home Affairs, Mr Axel VOSS (EPP, DE) welcomed that only a minimum of data would be transmitted and only stored for a period strictly necessary for the purpose of emergency situations. The difficulties in terms of regulation started when going beyond that scope, e.g. when the owner of a car volunteered extra data such as his/her blood type. He believed that there were many practical questions that should be taken into account and required further regulation.

Speaking on behalf of the EPP group, Mr Dieter-Lebrecht KOCH (DE):

- recalled that he had been speaking out for having an eCall system for 10 years. It was a system that could save lives and, as concerns the data protection issue, the eCall would only send out information in case of an accident and the information transmitted would be limited to the minimum;
- supported a mandatory eCall system in cars to be extended at a later stage to motorcycles and smaller utility vehicles. No type approval without the eCall system;
- stated that the case was different for the so called private eCall. There would be no limits on the services that could be offered in that context. This would offer new possibilities for the consumer and manufacturers and should therefore neither be prohibited nor restricted. The transmission and use of data should be regulated according to private contract law.

Speaking on behalf of the S&D group, Ms Evelyne GEBHARDT (DE):

- stated that first experiments with eCall were made 30 years ago and still only 1 % of the vehicles were equipped with the system. Therefore, this legislation was very important;
- emphasised two key aspects: firstly, that the system would be based on the 112 number and secondly, it only transmitted signals when necessary (the dormant system). She acknowledged inter alia the concerns on the issue of general tracking of cars, and the data protection questions were therefore important. She, however, believed that a good solution had been found on the issue;
- noted that the decision on voluntary additional systems would be left to the individual citizen and the use of those services could not be regulated. However, it was important to have data protection also here.

Speaking on behalf of the ALDE group, Ms Sophia in 't VELD (NL):

- acknowledged that the eCall system could contribute to saving lives. Nevertheless, she had concerns on two aspects:
 - firstly, eCall was not a miracle tool. There were other factors that caused delays in assistance. Often the problem was not that rescue services did not receive a call, but that there simply weren't ambulances available. In Belgium for example, the situation was that there were plenty of calls, but the ambulances did not arrive very fast at the scene of an accident because they were too far away or there was too much traffic. If one really wanted to solve road safety issues, perhaps one should take a tougher stance on the issue of driving under influence for example;
 - secondly, the issue concerned sensitive personal data. She was not convinced about the argument that data would only be used for limited purposes. In practice, abuse always occurred and gradually data would be used for new purposes. Insurance companies, personal injury lawyers, police, intelligence services would no doubt find the data very useful;
- stated that for these reasons her group had proposed to have a switch on and switch off button so that citizens themselves could choose to use the system. If the system really was so fantastic, then it would sell itself and it would not be necessary to force citizens. She called for support to these amendments which for her group represented a red line without which they could not support the proposals.

Speaking on behalf of the Greens/EFA group, Ms Heide RÜHLE (DE):

- commended the efforts of the rapporteur on the type approval proposal to take into account data protection. The report was a clear improvement on the Commission proposal. Nevertheless her group could not support the proposal to have a mandatory eCall system;
- underlined that her group also wanted to save lives. However, the question was whether a mandatory eCall system was proportionate and appropriate and whether it would really achieve its aims. Her group had serious doubts about that due to such issues as the lack of infrastructure, the error rate and foremost data protection. On the latter, some issues had been solved, but the important question of the deletion of tracking data remained;

- clarified that her group would not support the amendments on the on-off button, as that would create legal problems that could not be solved in the present regulation. However, that did not mean that they would then support the mandatory introduction of what they considered to be a controversial project.

Speaking on behalf of the ECR group, Mr Malcolm HARBOUR (UK):

- pointed out that eCall was not a new technology and therefore the main issue had been the willingness of all the Member States to decide finally to make a move to adopt the technology, in terms of providing the network to receive the information, and also to make it a compulsory fitment in every vehicle;
- argued that the data signalled from eCall was in fact not personal data, but was actually linked to the vehicle and not to the driver. The data did not reveal who was driving the car. Rather the issue was a safety issue. Cars had become much more safe. Airbags had increased the survivability which was why time had become even more critical nowadays (whereas people might not previously have survived accidents). As with an airbag, it should not be possible to switch eCall off, because it was a part of the vehicle safety system.

Speaking on behalf of the EUL/NGL group, Mr Cornelis DE JONG (NL):

- stated that nobody could be against having a box in the car that automatically contacts 112 in case of an accident. Nevertheless, there was something not quite right about these proposals;
- in this context, pointed out that during IMCO discussions it had become clear that a vast majority of contact points in Member States were not ready for the system and would not be so for some time still. If practicability was the problem, why couldn't Member States be given the freedom to opt for the system? Because, in reality saving lives was not the issue, but rather the German car industry who was ahead of the competition in developing the technology and therefore was interested in a quick implementation of the system;
- added that also insurance companies had an interest in the information on accidents, and there were many other commercial applications in the making. For the police the "spy" box would also be of interest;
- had suggested, as the speaker from the ALDE group, to introduce a on-off button. That proposal had not made it and on the table was now a proposal that represented a direct attack on the privacy of drivers. The only response possible was to reject the proposal.

The comments of the subsequent speakers in general echoed views expressed by the speakers above, focusing on the issues of the effectiveness, the mandatory nature and practicability of the system, data protection and industry interests. The following speakers can be mentioned:

Ms Zita GURMAI (S&D, HU):

- insisted on an approach to the proposals that would ensure an EU-wide emergency system that was public, simple and affordable for all. For this system to be effective on time, it was crucial that Member States upgrade their Public Safety Answering Point (PSAP point) infrastructure required for the proper receipt and handling of eCalls. It was a priority that PSAP points and the eCall system were ready by October 2015. ECall could make a real difference and would be effectively accessible to all EU citizens throughout the EU and she therefore called on the Member States to swiftly act on the infrastructure issue;
- suggested that the Commission and Member States launch an EU-wide awareness-raising campaign to explain to citizens the functionalities of the new system. To make EU citizens more familiar with the service was an important factor for the effectiveness of eCall.

Mr Philip CLAEYS (Non Attached Members, BE) claimed that the eCall system would open the door for all kinds of abuses. Third parties could obtain all sorts of information on where people go, how often, how long they stay in one place, how fast they drive etc. Not only authorities would have access, but the system could be hacked by criminals for example for the purposes of stealing cars. He had heard no satisfactory answers to those concerns. Cars had always been a symbol of freedom. However, with the eCall system this would radically change in the future.

Mr Andreas SCHWAB (EPP, DE):

- recalled that the IMCO committee had consulted the European Data Protection Supervisor whether there was a problem with the proposal, i.e. that the release of the airbag would trigger the eCall. The answer had been a clear no;
- urged to keep in mind the aim of bringing down the number of 28.000 deaths in the EU per year instead of searching obsessively for problems in the proposals. The system would not be the big breakthrough, but it would be an important step and he found it difficult to find good arguments against the system;

- argued that the choice to use of the eCall system could not be left to the driver alone, but should for safety reasons be mandatory.

Mr Phil BENNION (ALDE, UK):

- stated that with the current system of voluntary installation only 0,4 % of cars (mainly luxury cars) were fitted with the device which spoke for making the installation mandatory. The question of whether the system should be turned on or not was a different matter;
- stressed two aspects of essence for him as a Liberal Democrat:
 - the privacy of individuals was to be guaranteed in every case and the GPS coordinates should strictly be used by the rescue teams for that rescue purpose;
 - Member States needed to ensure that the whole rescue chain would be eCall ready – from mobile phone coverage to emergency control centres – so that the consumer had full confidence in the system.

Ms Jacqueline FOSTER (ECR, UK) was not in a position to support the mandatory deployment of eCall on the grounds that there were still questions that needed to be answered regarding the cost of implementation and the technical infrastructure. In addition, there were serious issues relating to data protection that had been raised in the Parliament which had to be taken on board . She believed that the right way forward was the voluntary approach to eCall.

Mr Tadeusz ROSS (EPP, PL) believed that the implementation of eCall could help improve the 112 services as such, using his own country, Poland, as an example. The EU had a unique ability to pressure national governments to speed up their internal processes and he hoped that this would be the case in this matter.

III. VOTE

In accordance with Article 177 (4) of the Parliament's Rules of Procedure¹, the vote of the Parliament was postponed to a later session.

¹ Rule 177 (4) states:

"4. Before or during a vote, a political group or at least 40 Members may move that the vote be adjourned. Such a motion shall be put to the vote immediately."