



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 27 March 2014**

**6836/14**

---

---

**Interinstitutional File:  
2013/0165 (COD)**

---

---

**CODEC 535  
ENT 60  
MI 204  
PE 119**

#### **INFORMATION NOTE**

---

from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC - Outcome of the European Parliament's first reading (Strasbourg, 24 to 27 February 2014)

---

#### **I. INTRODUCTION**

The Rapporteur, Mrs Olga SEHNALOVA (S&D- CZ), presented a report consisting of 68 amendments (amendments 1-68) to the proposal for a Regulation, on behalf of the Committee on Internal Market and Consumer Affairs. In addition, the ALDE political group tabled three further amendments (amendments 69-71), the EUL/NGL political group tabled sixteen amendments (amendments 72-88). Furthermore, the Committee on Civil Liberties, Justice and Home Affairs tabled three amendments (amendments 89-91).

#### **II. DEBATE**

The debate, which took place on 25 February 2014, was a joint debate, which is summarised in document 6737/14.

### **III. VOTE**

When it voted on 26 February 2014, the Parliament adopted the 68 amendments of the report (amendments 1-68). No other amendments were adopted.

The Commission's proposal as thus amended and the legislative resolution constitute the Parliament's position at first-reading. The text of the amendments adopted and the European Parliament's legislative resolution are set out in the Annex to this note.

---

## **Deployment of the eCall in-vehicle system \*\*\*I**

**European Parliament legislative resolution of 26 February 2014 on the proposal for a regulation of the European Parliament and of the Council concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC (COM(2013)0316 – C7-0174/2013 – 2013/0165(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0316),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0174/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 19 September 2013<sup>1</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Industry, Research and Energy and the Committee on Transport and Tourism (A7-0106/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

---

<sup>1</sup> OJ C 341, 21.11.2013, p. 47.

## Amendment 1

### Proposal for a regulation Title 1

*Text proposed by the Commission*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
concerning type-approval requirements for  
the deployment of the eCall in-vehicle  
system and amending Directive  
2007/46/EC  
(Text with EEA relevance)

*Amendment*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
concerning type-approval requirements for  
the deployment of the eCall in-vehicle  
system **based on the 112 service** and  
amending Directive 2007/46/EC  
(Text with EEA relevance)

## Amendment 2

### Proposal for a regulation Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) The deployment of an eCall service available in all vehicles and in all Member States has been one of the high Union priorities in the area of road safety since 2003. To achieve that objective, a series of initiatives have been launched, as part of a voluntary deployment approach, but have not achieved sufficient progress to date.***

## Amendment 3

### Proposal for a regulation Recital 3

*Text proposed by the Commission*

(3) In order to further improve road safety, the Communication ‘eCall: Time for Deployment’<sup>6</sup> proposes new measures to **accelerate the deployment of** an in-vehicle emergency call service in the Union. One of the suggested measures is to make mandatory the fitting of eCall in-vehicle systems in all new vehicles starting with M1 and N1 vehicle categories as defined in

*Amendment*

(3) In order to further improve road safety, the Commission Communication **of 21 August 2009 entitled:** ‘eCall: Time for Deployment’ proposes new measures to **deploy** an in-vehicle emergency call service in the Union. One of the suggested measures is to make mandatory the fitting of **112-based** eCall in-vehicle systems in all new vehicles starting with M1 and N1

---

<sup>6</sup> COM (2009) 434 final.

#### Amendment 4

##### Proposal for a regulation

##### Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) It is still necessary to improve the operation of the 112 service throughout the Union, so that it provides assistance swiftly and effectively in emergencies.***

#### Amendment 5

##### Proposal for a regulation

##### Recital 5

*Text proposed by the Commission*

*Amendment*

(5) The Union eCall system is expected to reduce the number of fatalities in the Union as well as the severity of injuries caused by road accidents. The mandatory introduction of the eCall system would make the service available to all citizens and thus contribute to ***reduce human suffering and*** healthcare and other costs.

(5) The Union eCall system is expected to reduce the number of fatalities in the Union as well as the severity of injuries caused by road accidents, ***thanks to the early alert of the emergency services.*** The mandatory introduction of the ***112-based*** eCall in-vehicle system, ***together with the necessary and coordinated infrastructure upgrade in electronic communication networks for conveying eCalls and Public Safety Answering Points (PSAPs) for receiving eCalls,*** would make the service available to all citizens and thus contribute to ***the reduction of fatalities and severe injuries, of costs relating to*** healthcare, ***of congestion caused by accidents*** and of other costs.

#### Amendment 6

##### Proposal for a regulation

##### Recital 5 a (new)

***(5a) The eCall system will represent an important structure composed of multiple actors dealing with the safety of lives. Therefore it is essential that the liability aspect is covered by this Regulation in order to enable users to have full confidence and the eCall system to run smoothly.***

## Amendment 7

### Proposal for a regulation

#### Recital 6

Text proposed by the Commission

(6) The provision of accurate and reliable positioning information is an essential element of the effective operation of the eCall in-vehicle system. Therefore, it is appropriate to require its compatibility with the services provided by satellite navigation programmes, ***including*** the systems established under the Galileo and EGNOS programmes set out in Regulation ***(EC) No 683/2008*** of the European Parliament and of the Council ***of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo)***<sup>8</sup>.

---

<sup>8</sup> ***OJ L 196, 24.7.2008, p.1.***

Amendment

(6) The provision of accurate and reliable positioning information ***in emergencies*** is an essential element of the effective operation of the ***112-based*** eCall in-vehicle system. Therefore, it is appropriate to require its compatibility with the services provided by satellite navigation programmes, ***in particular*** the systems established under the Galileo and EGNOS programmes ***as*** set out in Regulation ***(EU) No 1285/2013*** of the European Parliament and of the Council<sup>8</sup>.

---

<sup>8</sup> ***Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council (OJ L 347, 20.12.2013, p.1).***

## Amendment 8

### Proposal for a regulation

## Recital 7

*Text proposed by the Commission*

(7) The mandatory equipping of vehicles with the eCall in-vehicle system should initially apply only to new passenger cars and light commercial vehicles (categories M1 and N1) for which an appropriate triggering mechanism already exists.

*Amendment*

(7) The mandatory equipping of vehicles with the **112-based** eCall in-vehicle system should initially apply only to new **types of** passenger cars and light commercial vehicles (categories M1 and N1) for which an appropriate triggering mechanism already exists. ***The possibility of extending the application of the 112-based eCall in-vehicle system requirement in the near future to include other vehicle categories, such as heavy goods vehicles (HGVs), buses and coaches, powered two-wheelers (PTW) and agricultural tractors, should be further assessed by the Commission with a view to presenting, if appropriate, a legislative proposal.***

## Amendment 9

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) The equipping of vehicles of existing types to be manufactured after 1 October 2015 with the 112-based eCall in-vehicle system should be promoted in order to increase penetration. In respect of types of vehicles type-approved before 1 October 2015, an eCall system may be retrofitted on a voluntary basis.***

## Amendment 10

**Proposal for a regulation**  
**Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***(7b) The public interoperable Union-wide eCall service based on the single European emergency call number 112 ("emergency number 112") and private eCall services (third party service supported eCall systems) can coexist provided that the measures necessary to***

*ensure continuity in the provision of the service to the consumer are adopted. In order to ensure continuity of the public 112-based eCall service in all Member States throughout the lifetime of the vehicle and guarantee that the public 112-based eCall service is always automatically available, all vehicles should be equipped with the public 112-based eCall service, regardless of whether or not a vehicle buyer opts for a private eCall service.*

## Amendment 11

### Proposal for a regulation Recital 7 c (new)

*Text proposed by the Commission*

*Amendment*

*(7c) Consumers should be provided with a realistic overview of the 112-based eCall in-vehicle system and of the private eCall system, if the vehicle is equipped with one, as well as comprehensive and reliable information regarding any additional functionalities or services linked to the private emergency service, in-vehicle emergency or assistance-call applications on offer, and regarding the level of service to be expected with the purchase of third party services and the associated cost. The 112-based eCall is a public service of general interest and should therefore be accessible free of charge to all consumers.*

## Amendment 12

### Proposal for a regulation Recital 8

*Text proposed by the Commission*

*Amendment*

(8) The mandatory equipping of vehicles with the eCall in-vehicle system should be without prejudice to the right of all stakeholders such as car manufacturers and independent operators to offer additional emergency and/or added value services, in parallel with or building on the 112-based

(8) The mandatory equipping of vehicles with the **112-based** eCall in-vehicle system should be without prejudice to the right of all stakeholders such as car manufacturers and independent operators to offer additional emergency and/or added value services, in parallel with or building on the



eCall in-vehicle system. However, *these* additional services should be designed not to increase driver distraction.

112-based eCall in-vehicle system. However, *any* additional services should be designed not to increase driver distraction *or affect the functioning of the 112-based eCall in-vehicle system and the efficient work of emergency call centres. The 112-based eCall in-vehicle system and the system providing private or added-value services should be designed in such a way that no exchange of personal data between them is possible. Where provided, those services should comply with the applicable safety, security and data protection legislation and should always remain optional for consumers.*

### Amendment 13

#### Proposal for a regulation Recital 9

##### *Text proposed by the Commission*

(9) In order to ensure open choice for customers and fair competition, as well as encourage innovation and boost the competitiveness of the Union's information technology industry on the global market, the eCall in-vehicle system should be ***accessible free of charge and without discrimination to all independent operators and*** based on an interoperable ***and*** open-access platform for possible future in-vehicle applications or services.

##### *Amendment*

(9) In order to ensure open choice for customers and fair competition, as well as encourage innovation and boost the competitiveness of the Union's information technology industry on the global market, the ***112-based*** eCall in-vehicle system should be based on an interoperable, open-access, ***secured and standardised*** platform for possible future in-vehicle applications or services. ***As this requires technical and legal back-up, the Commission should assess without delay, on the basis of consultations with all stakeholders involved, including vehicle manufacturers and independent operators, all possibilities to promote and ensure such an open-access platform and, if appropriate, put forward a legislative proposal to that effect. Further clarifications should be provided on the conditions under which third parties providing added value services can have access to data stored in the 112-based in-vehicle system. Furthermore, the 112-based eCall in-vehicle system should be accessible free of charge and without discrimination to all independent operators for repair and maintenance***

*purposes.*

## **Amendment 14**

### **Proposal for a regulation Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) The introduction of any additional in-vehicle application or service should not delay the entry into force and the application of this Regulation.***

## **Amendment 15**

### **Proposal for a regulation Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) The 112-based eCall in-vehicle system, as an emergency system, requires the highest possible level of reliability. The accuracy of the minimum set of data and of the voice transmission and quality should be ensured, and a uniform testing regime should be developed to ensure the longevity and durability of the 112-based eCall in-vehicle system. Periodic technical inspections should therefore be carried out regularly in accordance with Regulation (EU) No .../... of the European Parliament and of the Council <sup>1a</sup>. Detailed provisions for the testing should be included in the relevant Annex thereof.***

---

***<sup>1a</sup> Regulation (EU) No. .../... of the European Parliament and of the Council of ... on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L ...).***

***\* OJ: Please insert the number of the Regulation contained in doc. 2012/0184(COD) and complete the footnote with its number, date and publication reference.***

## Amendment 16

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

(11) Small series vehicles are excluded under Directive 2007/46/EC from the requirements on the protection of occupants in the case of frontal impact and side impact. Therefore, those small series vehicles should be excluded from the obligation to comply with the eCall requirements.

*Amendment*

(11) Small series vehicles are excluded under Directive 2007/46/EC from the requirements on the protection of occupants in the case of frontal impact and side impact. Therefore, those small series vehicles should be excluded from the obligation to comply with the eCall requirements ***set out in this Regulation.***

## Amendment 17

### Proposal for a regulation

#### Recital 12

*Text proposed by the Commission*

***(12) Special purpose vehicles should be subject to compliance with the eCall requirements set out in this Regulation, unless type-approval authorities consider, on a case by case basis, that the vehicle cannot meet those requirements due to its special purpose.***

*Amendment*

***deleted***

## Amendment 18

### Proposal for a regulation

#### Recital 13

*Text proposed by the Commission*

***(13) According to 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<sup>9</sup>, any processing of personal data through the eCall in-vehicle system should comply with the personal data protection rules provided for in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to***

*Amendment*

***(13) Directive 95/46/EC of the European Parliament and of the Council<sup>10</sup>, Directive 2002/58/EC of the European Parliament and of the Council<sup>11</sup> and Articles 7 and 8 of the Charter of Fundamental Rights of the European Union<sup>11a</sup> govern the processing of personal data carried out in the context of this Regulation. Any processing of data through the 112-based eCall in-vehicle system should therefore be carried out in accordance with these Directives and under the supervision of the Member States' competent authorities,***

*the processing of personal data and on the free movement of such data*<sup>10</sup> and in 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 (*Directive on privacy and electronic communications*)<sup>11</sup>, in particular to guarantee that vehicles equipped with eCall in-vehicle systems, in their normal operational status related to 112 eCall, are not traceable and are not subject to any constant tracking and that the minimum set of data sent by the in-vehicle eCall system includes the minimum information required for the *appropriate* handling of emergency calls.

---

<sup>9</sup> 1609/06/EN – WP 125.

<sup>10</sup> OJ L 281, 23.11.1995, p.31.

<sup>11</sup> OJ L 201, 31.7.2002, p.37.

*in particular the independent public authorities designated by the Member States pursuant to those Directives*, in particular to guarantee that vehicles equipped with 112-based eCall in-vehicle systems, in their normal operational status related to 112 eCall, are not traceable and are not subject to any constant tracking and that the minimum set of data sent by the in-vehicle eCall system includes *only* the minimum information required for the handling of emergency calls *by PSAPs, and that no personal data is stored after that. Given the consent of the data subject or a contract between both parties, other conditions may apply in case another emergency call system is installed in the vehicle in addition to the 112-based eCall in-vehicle system, but it should nevertheless comply with those Directives.*

---

<sup>10</sup> *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* (OJ L 281, 23.11.1995, p. 31).

<sup>11</sup> *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 (Directive on privacy and electronic communications)* (OJ L 201, 31.7.2002, p. 37).

<sup>11a</sup> OJ C 303, 14.12.2007, p. 1.

## Amendments 19 and 90

### Proposal for a regulation Recital 13 a (new)

*Text proposed by the Commission*

*Amendment*

*(13a) This Regulation takes into account the recommendations made by the Article 29 Working Party established by Directive*

## **Amendment 20**

### **Proposal for a regulation Recital 13 b (new)**

*Text proposed by the Commission*

*Amendment*

***(13b) When complying with technical requirements, vehicle manufacturers should integrate technical forms of data protection into in-vehicle systems and should comply with the principle of 'privacy by design'.***

## **Amendment 21**

### **Proposal for a regulation Recital 15**

*Text proposed by the Commission*

*Amendment*

(15) In order to ensure the application of common technical requirements regarding the eCall in-vehicle system, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the detailed rules on the application of the relevant standards, on testing, on personal data and privacy protection and on exemptions for certain vehicles or classes of vehicles of categories M1 and N1. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council

(15) In order to ensure the application of common technical requirements regarding the ***112-based*** eCall in-vehicle system, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the detailed rules on the application of the relevant standards, on testing, on personal data and privacy protection and on exemptions for certain vehicles or classes of vehicles of categories M1 and N1. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, ***consulting in particular the European Data Protection Supervisor, the Article 29 Working Party and consumer protection organisations.*** The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the

## Amendment 22

### Proposal for a regulation Recital 16

*Text proposed by the Commission*

(16) Vehicle manufacturers should be allowed sufficient time to adapt to the technical requirements of this Regulation.

*Amendment*

(16) Vehicle manufacturers should be allowed sufficient time to adapt to the technical requirements of this Regulation ***and the delegated acts adopted pursuant to this Regulation in order to be able to carry out the necessary studies and tests under various conditions, as required, and thus ensure that the 112-based eCall in-vehicle system is fully reliable.***

## Amendment 23

### Proposal for a regulation Article 2 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***This Regulation shall not apply to small series vehicles.***

*(Alignment with Recital 11 and point (3)(b) of the Annex.)*

## Amendment 24

### Proposal for a regulation Article 3 – introductory part

*Text proposed by the Commission*

*Amendment*

For the purpose of this Regulation and in addition to the definitions laid down in Article 3 of Directive 2007/46/EC ***and in Article 2 of Commission Delegated Regulation (EU) No 305/2013<sup>12</sup>***, the following definitions shall apply:

For the purpose of this Regulation and in addition to the definitions laid down in Article 3 of Directive 2007/46/EC, the following definitions shall apply:

---

<sup>12</sup> *OJ L 91, 03.04.2013, p. 1.*

## Amendment 25

### Proposal for a regulation

## Article 3 – point 1

*Text proposed by the Commission*

(1) ‘*e-Call in-vehicle system*’ means *a* system activated either automatically via in-vehicle sensors or manually, which *carries*, by means of mobile wireless communications networks, a standardised minimum set of data and *establishes* a 112-based audio channel between the occupants of the vehicle and *a* public safety answering point;

*Amendment*

(1) ‘*112-based eCall in-vehicle system*’ means *an emergency system, comprising in-vehicle equipment and the means to trigger, manage and enact the eCall transmission, that is* activated either automatically via in-vehicle sensors or manually, which *emits signals* by means of *a public* mobile wireless communications networks, *to enable the transmission of* a standardised minimum set of data and *the establishment of* a 112-based audio channel between the occupants of the vehicle and *the appropriate* public safety answering point;

*(Horizontal amendment: if adopted, the references to "eCall in-vehicle system" will be replaced with "112-based eCall in-vehicle system" throughout the text)*

## Amendments 26 and 80

### Proposal for a regulation Article 3 – point 2

*Text proposed by the Commission*

(2) ‘*in-vehicle system*’ means *the in-vehicle equipment together with the means to trigger, manage and effect the eCall transmission via a public mobile wireless communications network providing a link between the vehicle and a means of enacting the eCall service via a public mobile wireless communications network.*

*Amendment*

*deleted*

## Amendment 27

### Proposal for a regulation Article 3 – point 2 a (new)

*Text proposed by the Commission*

*Amendment*

(2a) ‘*eCall*’ means *an in-vehicle emergency call to 112, made via the 112-based eCall in-vehicle system;*

## Amendment 28

### Proposal for a regulation Article 3 – point 2 b (new)

*Text proposed by the Commission*

*Amendment*

***(2b) 'public safety answering point' or '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 concerned;***

## Amendment 29

### Proposal for a regulation Article 3 – point 2 c (new)

*Text proposed by the Commission*

*Amendment*

***(2c) 'minimum set of data' or '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;***

## Amendment 30

### Proposal for a regulation Article 3 – point 2 d (new)

*Text proposed by the Commission*

*Amendment*

***(2d) 'in-vehicle equipment' means equipment permanently installed within the vehicle that provides or has access to the in-vehicle data required for the minimum set of data (MSD) to perform the eCall transaction via a public mobile wireless communications network;***

## Amendment 31

### Proposal for a regulation Article 3 – point 2 e (new)



**(2e) 'public mobile wireless communications network' means mobile wireless communications network available to the public in accordance with Directives 2002/21/EC<sup>1a</sup> and 2002/22/EC<sup>1b</sup> of the European Parliament and of the Council;**

---

<sup>1a</sup> **Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).**

<sup>1b</sup> **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 (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51).**

## Amendment 32

### Proposal for a regulation Article 4

Text proposed by the Commission

Manufacturers shall demonstrate that all new types of vehicles referred to in Article 2 are equipped with an eCall in-vehicle system, in accordance with this Regulation and the delegated acts adopted pursuant to this Regulation.

Amendment

Manufacturers shall demonstrate that all new types of vehicles referred to in Article 2 are equipped with an **embedded 112-based** eCall in-vehicle system, in accordance with this Regulation and the delegated acts adopted pursuant to this Regulation.

## Amendment 33

### Proposal for a regulation Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Manufacturers shall demonstrate that **all their** new types **of vehicle** are constructed

Amendment

Manufacturers shall demonstrate that new **vehicle** types are constructed to ensure that

to ensure that in the event of a severe accident which occurs in the territory of the Union, an eCall to the **single European** emergency number 112 is triggered automatically.

in the event of a severe accident, **detected by activation of one or more sensors and/or processors within the vehicle**, which occurs in the territory of the Union, an eCall to the emergency number 112 is triggered automatically.

#### Amendment 34

##### Proposal for a regulation

##### Article 5 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

Manufacturers shall demonstrate that new **vehicles** are constructed as to ensure that an eCall to the **single European** emergency number 112 can also be triggered manually.

*Amendment*

Manufacturers shall demonstrate that new **vehicle types** are constructed **in such a way** as to ensure that an eCall to the emergency number 112 can also be triggered manually.

#### Amendment 35

##### Proposal for a regulation

##### Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Paragraph 2 is without prejudice to the right of the vehicle owner to use another emergency call system installed in the vehicle and providing a similar service, in addition to the 112-based eCall in-vehicle system. In that case, that other emergency call system shall be compliant with the standard EN 16102 'Intelligent transport systems – eCall – Operating requirements for third party support', and manufacturers shall ensure that there is only one system active at a time and that 112-based eCall in-vehicle system is triggered automatically in the event that the other emergency call system does not function.**

#### Amendment 36

##### Proposal for a regulation

### Article 5 – paragraph 3

*Text proposed by the Commission*

3. Manufacturers shall ensure that the receivers in the in-vehicle systems are compatible with the positioning services provided by satellite navigation systems **including** the Galileo and the EGNOS systems.

*Amendment*

3. Manufacturers shall ensure that the receivers in the **112-based eCall** in-vehicle systems are compatible with the positioning services provided by satellite navigation systems, **in particular** the Galileo and the EGNOS systems.

### Amendment 37

#### Proposal for a regulation

##### Article 5 – paragraph 4

*Text proposed by the Commission*

4. Only those eCall in-vehicle systems which can be tested shall be accepted for the purposes of type-approval.

*Amendment*

4. Only those **embedded 112-based** eCall in-vehicle systems which can be tested shall be accepted for the purposes of type-approval.

### Amendment 38

#### Proposal for a regulation

##### Article 5 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a. Manufacturers shall demonstrate that, in the event of a critical system failure which would result in an inability to execute an eCall detected during or following the self-test, a warning shall be given to the occupants of the vehicle.**

### Amendment 39

#### Proposal for a regulation

##### Article 5 – paragraph 6

*Text proposed by the Commission*

6. The eCall in-vehicle system shall be accessible to all independent operators free of charge and without discrimination **at least** for repair and maintenance purposes.

*Amendment*

6. The **112-based** eCall in-vehicle system shall be accessible to all independent operators free of charge and without discrimination for repair and maintenance purposes.

## Amendment 40

### Proposal for a regulation

#### Article 5 – paragraph 7 – subparagraph 1

*Text proposed by the Commission*

The Commission shall be empowered to adopt delegated acts in accordance with Article 9 establishing the detailed technical requirements and tests for the type-approval of eCall in-vehicle systems **and amending Directive 2007/46/EC accordingly**.

*Amendment*

The Commission shall be empowered to adopt delegated acts in accordance with Article 9 establishing the detailed technical requirements and tests for the type-approval of **112-based** eCall in-vehicle systems.

## Amendment 41

### Proposal for a regulation

#### Article 5 – paragraph 7 – subparagraph 2 – introductory part

*Text proposed by the Commission*

The technical requirements and tests referred to in the first subparagraph shall be based on the requirements set out in paragraphs 3, 4 and 6 and on the following standards, where applicable:

*Amendment*

The technical requirements and tests referred to in the first subparagraph shall be **adopted after consultation of relevant stakeholders and shall be** based on the requirements set out in paragraphs **2, 2a**, 3, 4 and 6 and on the **available** standards **relating to eCall and, UNECE Regulations**, where applicable, **including**:

## Amendment 42

### Proposal for a regulation

#### Article 5 – paragraph 7 – subparagraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) EN 15722 'Intelligent transport systems - eSafety - eCall minimum set of data (MSD)';**

## Amendment 43

### Proposal for a regulation

#### Article 5 – paragraph 7 – subparagraph 2 – point d

*Text proposed by the Commission*

*Amendment*

**(d) any additional European standards or UNECE Regulations relating to eCall**

**deleted**

systems.

#### Amendment 44

##### Proposal for a regulation

##### Article 6 – paragraph -1 a (new)

*Text proposed by the Commission*

*Amendment*

***-1a. This Regulation is without prejudice to Directives 95/46/EC and 2002/58/EC. Any processing of personal data through the 112-based eCall in-vehicle system shall comply with the personal data protection rules provided for in those Directives.***

#### Amendment 45

##### Proposal for a regulation

##### Article 6 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***In accordance with Directive 95/46/EC and Directive 2002/58/EC, manufacturers shall ensure that vehicles equipped with eCall in-vehicle system are not traceable and are not subject to any constant tracking in their *normal* operational status related to the eCall.***

Manufacturers shall ensure that vehicles equipped with ***112-based*** eCall in-vehicle system are not traceable and are not subject to any constant tracking in their ***pre-emergency*** operational status related to the eCall.

#### Amendment 46

##### Proposal for a regulation

##### Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The ***minimum set of data*** sent by the eCall in-vehicle system shall ***include only*** the ***minimum*** information required for the appropriate handling of emergency calls.

2. The ***MSD*** sent by the ***112-based*** eCall in-vehicle system shall ***as a maximum consist of*** the information ***required by the standard referred to in point 2c of Article 3.*** ***The MSD shall not be processed for longer than necessary for the purpose for which they have been processed, and shall not be stored for longer than is required for the appropriate handling of emergency calls. The MSD shall be stored in such a way as to make possible its full deletion.***

## Amendment 47

### Proposal for a regulation

#### Article 6 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. Manufacturers shall ensure that eCall users are provided with clear and comprehensive information about the processing of data carried out through the eCall in-vehicle system, in particular about:

*Amendment*

3. Manufacturers shall ensure that eCall users are provided with clear and comprehensive information about ***the existence of a free public eCall system, based on 112, and*** the processing of data carried out through the ***112-based*** eCall in-vehicle system, in particular about:

## Amendment 48

### Proposal for a regulation

#### Article 6 – paragraph 3 – point d

*Text proposed by the Commission*

(d) the purpose of the eCall processing;

*Amendment*

(d) the ***specific*** purpose of the eCall processing ***which shall be limited to the emergency situations referred to in the first subparagraph of Article 5(2);***

## Amendment 49

### Proposal for a regulation

#### Article 6 – paragraph 3 – point f

*Text proposed by the Commission*

(f) the time limit for the retention of data in the in-vehicle system;

*Amendment*

(f) the time limit for the retention of data in the ***112-based eCall*** in-vehicle system;

## Amendment 50

### Proposal for a regulation

#### Article 6 – paragraph 3 – point g

*Text proposed by the Commission*

(g) the fact that there is no ***constant*** tracking of the vehicle;

*Amendment*

(g) the fact that there is no tracking of the vehicle ***beyond the collection of the minimum amount of data necessary for the 112-based eCall in-vehicle system to determine and transmit the location and the direction of travel of the vehicle when reporting an incident, as well as the fact***

*that any tracking data are only stored on the device for as long as strictly necessary for that purpose;*

## Amendment 51

### Proposal for a regulation

#### Article 6 – paragraph 3 – point h a (new)

*Text proposed by the Commission*

*Amendment*

*(ha) the fact that data gathered by the PSAPs through the 112-based eCall in-vehicle system must not be transferred to third parties without active prior consent from the data subject;*

## Amendment 52

### Proposal for a regulation

#### Article 6 – paragraph 3 – point i

*Text proposed by the Commission*

*Amendment*

(i) any necessary additional information regarding *the* processing of personal data in relation to the provision of a private eCall service and/or other added value services.

(i) any necessary additional information regarding *traceability, tracking and* processing of personal data in relation to the provision of a private eCall service and/or other added value services, *which shall be subject to explicit consent by the user and in compliance with Directive 95/46/EC. Particular account shall be taken of the fact that differences may exist between the data processing carried out through the 112-based eCall in-vehicle system and the private eCall systems or other added value services.*

## Amendment 53

### Proposal for a regulation

#### Article 6 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*3a. Manufacturers shall provide the information set out in paragraph 3 as part of the technical documentation handed over together with vehicle.*

## Amendment 54

### Proposal for a regulation Article 6 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

***3b. In order to avoid confusion as to the purposes pursued and the added value of the processing, the information referred to in paragraph 3 shall be provided to the user separately for the 112-based eCall in-vehicle system and other eCall Systems prior to the use of the system.***

## Amendment 55

### Proposal for a regulation Article 6 – paragraph 3 c (new)

*Text proposed by the Commission*

*Amendment*

***3c. Manufactures shall ensure that the 112-based eCall in-vehicle system and another installed emergency call system and a system providing added-value services are designed in such a way that no exchange of personal data between them is possible. The non-use of another system or an added-value service or the refusal of the data subject to give consent to the processing of his or her personal data for a private service shall not create any adverse effects on the use of the 112-based eCall in-vehicle system and/or the eCall user.***

## Amendment 56

### Proposal for a regulation Article 6 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 ***which shall define*** further the requirement of the absence of traceability and tracking and the privacy enhancing technologies referred to in paragraph 1 as well as the modalities of the ***private*** data

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 9, ***defining*** further the requirement of the absence of traceability and tracking and the privacy enhancing technologies referred to in paragraph 1 ***with respect to eCall, in particular the security measures***



processing and of the user information referred to in paragraph 3.

*that providers of eCall services are to adopt in order to ensure lawful data processing and prevent unauthorised access, disclosure, alteration or loss of personal data processed*, as well as the modalities of the *personal* data processing and of the user information referred to in paragraph 3.

## **Amendment 57**

### **Proposal for a regulation Article 7**

#### *Text proposed by the Commission*

With effect from **1 October 2015**, national authorities shall only grant EC type-approval in respect of the eCall in-vehicle system to new types of vehicles which comply with this Regulation and the delegated acts adopted pursuant to this Regulation.

#### *Amendment*

With effect from ... \*, national authorities shall only grant EC type-approval in respect of the **112-based** eCall in-vehicle system to new types of vehicles which comply with this Regulation and the delegated acts adopted pursuant to this Regulation.

---

*\* OJ: please insert the date of application of this Regulation.*

## **Amendment 58**

### **Proposal for a regulation Article 7 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

##### *Article 7a*

##### ***Periodic technical inspections***

***The requirements for periodic technical inspections concerning the 112-based eCall in-vehicle system shall be regulated by Regulation (EU) No ... of the European Parliament and of the Council\*.***

---

*\* OJ: Please insert the number of the Regulation contained in doc. 2012/0184(COD).*

## Amendment 59

### Proposal for a regulation

#### Article 8 – paragraph 1

*Text proposed by the Commission*

1. The Commission may exempt certain **vehicles or** classes of vehicles of categories M1 and N1 from the obligation to install eCall in-vehicle **systems** set out in Article 4, if following a cost/benefit analysis, carried out or mandated by the Commission, and taking into account all relevant safety aspects, **the application of those systems** proves not to be **appropriate to the vehicle or** class of vehicles concerned.

*Amendment*

1. The Commission may exempt certain classes of vehicles of categories M1 and N1 from the obligation to install **112-based** eCall in-vehicle **system** set out in Article 4, if following a cost/benefit analysis **and a technical analysis**, carried out or mandated by the Commission, and taking into account all relevant safety aspects, **the installation of the 112-based eCall in-vehicle system** proves not to be **indispensable for further improving road safety, due to the fact that the** class of vehicles concerned **is designed primarily for off-road use or does not have an appropriate triggering mechanism. Those exemptions shall be limited in number.**

## Amendment 60

### Proposal for a regulation

#### Article 8 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 setting out the exemptions referred to in paragraph 1. **Those exemptions shall cover vehicles such as special purpose vehicles and vehicles without airbags and be limited in number.**

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 setting out the exemptions referred to in paragraph 1.

## Amendment 61

### Proposal for a regulation

#### Article 9 – paragraph 2

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 5 (7), Article 6(4) and in Article 8(2) shall be conferred on the Commission for **an indeterminate period of time from [...]]Publications Office,**

*Amendment*

2. The power to adopt delegated acts referred to in Article 5 (7), Article 6(4) and in Article 8(2) shall be conferred on the Commission for **a period of five years from ... \* . The Commission shall draw up**

*please insert the exact date of entry into force].*

*a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

---

*\* OJ: please insert the date of entry into force of this Regulation.*

## **Amendment 62**

### **Proposal for a regulation Article 9 – paragraph 5**

*Text proposed by the Commission*

5. A delegated act adopted pursuant to Article 5(7), Article 6(4) and Article 8(2), shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Amendment*

5. A delegated act adopted pursuant to Article 5(7), Article 6(4) and Article 8(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

## **Amendment 63**

### **Proposal for a regulation Article 10 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall lay down the rules on penalties applicable to non-compliance by manufacturers with the provisions of this Regulation and shall take all measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. **Members** States shall notify those provisions to the

*Amendment*

1. Member States shall lay down the rules on penalties applicable to non-compliance by manufacturers with the provisions of this Regulation and **the corresponding delegated acts and** shall take all measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive, **in particular**

Commission, and shall notify it without delay of any subsequent amendment affecting them.

*where Article 6 of this Regulation is not complied with. Member States shall notify those provisions to the Commission, and shall notify it without delay of any subsequent amendment affecting them.*

#### **Amendment 64**

##### **Proposal for a regulation**

##### **Article 10 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) breaching provisions contained in Article 6.*

#### **Amendment 65**

##### **Proposal for a regulation**

##### **Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

##### *Article 10a*

##### *Reporting and review*

*1. The Commission shall report to the European Parliament and to the Council regarding the readiness of the telecommunications and PSAP infrastructure required for eCall in Member States. If it is clear from that report that the eCall infrastructure will not be operational before the date referred to in Article 12, the Commission shall take appropriate action.*

*2. By 1 October 2018, the Commission shall prepare an evaluation report to be presented to the European Parliament and to the Council on the achievements of the 112-based eCall in-vehicle system, including its penetration rate. The Commission shall investigate whether the scope of the Regulation should be extended to other categories of vehicles, such as powered two-wheelers, heavy goods vehicles, busses and coaches, and agricultural tractors. If appropriate, the Commission shall present a legislative proposal to that effect.*

*3. As soon as possible and in any event not later than by...\*, the Commission shall report to the European Parliament and to the Council, following a broad consultation with all stakeholders, including vehicle manufacturers and independent operators, and an impact assessment, on the technical requirements for an interoperable, standardised, secure and open-access platform. The Commission shall accompany that report, if appropriate, with a legislative proposal to that effect. The 112-based eCall in-vehicle system shall be based on the standards for that platform as soon as they become available.*

---

*\*OJ: please insert the date: one year after the entry into force of this Regulation.*

#### **Amendment 66**

##### **Proposal for a regulation Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 5(7), Article 6(4), Article 8(2) and Articles 9 and 10a shall apply from ...\*.*

---

*\* OJ: please insert the date of entry into force of this Regulation.*

#### **Amendment 67**

##### **Proposal for a regulation Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*It shall apply from 1 October 2015.*

*Articles other than those referred to in paragraph 1a shall apply as from 1 October 2015.*

#### **Amendment 68**

##### **Proposal for a regulation**

**Annex – point 6**

Directive 2007/46/EC

Annex XI – appendix 1 – item 71

*Text proposed by the Commission*

**(6) In Appendix 1 to Annex XI, the following item 71. is added to the table:**

<i>Item</i>	<i>Subject</i>	<i>Regulatory act reference</i>	$M_1 \leq 2\,500$ (l) kg	$M_1 > 2\,500$ (l) kg	$M_2$	$M_3$
71.	<i>eCall system</i>	<i>Regulation (EU) No.....</i>	<i>A</i>	<i>A</i>	<i>N/A</i>	<i>N/A</i>

*Amendment*

*deleted*

*(Alignment with Amendments to Recital 12 and Article 8)*