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NOTE

From: General Secretariat of the Council
To: Council

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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
- General approach¹

I. INTRODUCTION

1. On 13 June 2013 the Commission transmitted the above mentioned proposal for a Regulation, together with the proposal for a respective Decision², to the Council and the European Parliament. The two proposals aim at ensuring the deployment of the 112-based emergency call (eCall) service throughout the Union.

¹ When adopting a General Approach after the European Parliament has adopted its position at first reading, the Council is not acting within the meaning of Article 294(4) and (5) TFEU.

² Proposal for a Decision of the European Parliament and of the Council on the deployment of the interoperable EU-wide eCall (doc. 11159/13 TRANS 338 CODEC 1516).

2. The proposal for a Regulation lays down the provisions concerning the type-approval requirements for the deployment of the eCall in-vehicle system. It requires new types of passenger cars and light commercial vehicles to be constructed as to ensure that in the event of a severe accident an emergency call to the 112 emergency number is triggered automatically or manually. Due to the nature of the information being provided by this service, the proposal also lays down rules for privacy and data protection.
3. The European Economic and Social Committee issued its opinion on 19 September 2013.
4. The European Data Protection Supervisor submitted its opinion to the Council and to the European Parliament on 29 October 2013.
5. The European Parliament (rapporteur Ms Olga SEHNALOVA, S&D, CZ) adopted its position at first reading on 26 February 2014.
6. The Decision on the deployment of the interoperable EU-wide eCall was adopted by the Council on 8 May 2014 (doc. 8493/14 TRANS 197 CODEC 995 PE 237).
7. The Working Party on Technical Harmonisation (Motor Vehicles) examined the proposal at six meetings, five of them during the current Presidency.
8. The Permanent Representatives Committee examined on 14 May 2014 the text submitted by the Working Party, resolved the outstanding issues and decided to forward the amended text of the Commission proposal to the Council for agreement on a general approach. This text is reflected in the Annex to this Note.

9. The European Commission still holds reservations as regards the limited duration of delegated powers (Article 9) and with regard to the time frame of application which it considers as too long (Article 12).
10. The United Kingdom holds a general reservation on the whole proposal, as it prefers to leave the installation of eCall systems in new vehicles to the discretion of the manufacturer.
11. Slovenia holds a reservation on the word "constant" in Article 6(1).

II. MAIN CHANGES TO THE TEXT

12. With regard to the Commission's original proposal, the text submitted for agreement on a general approach has been amended as follows:
 - A. Clarification of the subject matter (Article 1)

To better describe the subject matter of this Regulation it was added that it concerns also eCall systems, components and separate technical units.
 - B. Clarification of exemptions (Article 2 and Annex)

It has been specified that vehicles produced in small series, individually approved vehicles and vehicles which for technical reasons cannot be equipped with an eCall system are exempted from the scope of the Regulation.

C. Addition of new definitions (Article 3)

Several new definitions were added in the text to cover and clarify terms either used in the Regulation or to be used possibly in future delegated or implementing acts. Also definitions concerning third party services have been included.

D. Possibility of third party services (Article 5)

In this Article, which concerns the obligations of manufacturers, a specific provision was added stipulating the possibility of vehicle owners to use a third party service in addition to the 112-based eCall system.

E. Compatibility with satellite navigation systems (Article 5)

It has been clarified that manufacturers, in addition to the Galileo and EGNOS systems, can also choose that the receivers of their eCall systems can be compatible as well with other satellite navigation systems.

F. Access of independent operators (Article 5)

It has been specified that both the 112-based eCall system and the third party service system should be accessible for repair and maintenance to independent operators in accordance with the provisions of Regulation (EC) 715/2007.

G. Rules on data processing (Article 6)

A specific provision has been added as to the non-retention of data beyond what is strictly necessary for the operation of the eCall system. It has also been specified that such data should not be used for any other purposes.

H. Implementing acts (Articles 9a and 9b)

As it was decided that detailed requirements concerning data protection should be adopted by the Commission by implementing acts instead of delegated acts, Articles 9a and 9b were added to clarify the scope of the implementing acts and the relevant committee procedure.

I. Date of application (Article 12)

The date application was fixed at 36 months after the date of entry into force of the Regulation.

J. Amendment of the Annex

The Annex was amended in order to provide for the exemption of certain categories of vehicles.

III. CONCLUSION

13. The Council is, therefore, invited:

- to agree on a general approach on the proposal on the basis of the text set out in the Annex to this Note, and
 - to mandate the Council's working bodies to enter into negotiations with the European Parliament with a view to reaching an agreement.
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2013/0165 (COD)

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)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal of the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee³,

Having regard to the opinion of the European Data Protection Supervisor,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) A comprehensive Union type-approval system for motor vehicles has been established by Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 on establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)⁴.

³ OJ C [...], [...], p. [...].

⁴ OJ L 263, 9.10.2007, p.1.

- (2) The technical requirements for the type-approval of motor vehicles with regard to numerous safety and environmental elements have been harmonised at Union level in order to ensure a high level of road safety throughout the Union.
- (3) In order to further improve road safety, the Communication "eCall: Time for Deployment"⁵ 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 types of vehicles starting with M1 and N1 vehicle categories as defined in Annex II to Directive 2007/46/EC.
- (4) On 3 July 2012, the European Parliament approved the Report on eCall: a new 112 service for citizens⁶ urging 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.
- (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.
- (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)⁷.
- (7) The mandatory equipping of vehicles with the 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.
- (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 eCall in-vehicle system. However, these additional services should be designed not to increase driver distraction.

⁵ COM (2009) 434 final.

⁶ 2012/2056(INI).

⁷ OJ L 196, 24.7.2008, p.1.

- (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 without discrimination to all independent operators and based on an interoperable and open-access platform for possible future in-vehicle applications or services.
- (10) In order to maintain the integrity of the type-approval system, only those eCall in-vehicle systems which can be fully tested should be accepted for the purposes of this Regulation.
- (11) Small series vehicles and vehicles approved pursuant to Article 24 of Directive 2007/46/EC 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 vehicles should be excluded from the obligation to comply with the eCall requirements. Moreover, some M1 and N1 vehicles cannot be equipped with an appropriate eCall triggering mechanism.
- (12) Special purpose vehicles should be subject to compliance with the eCall requirements set out in this Regulation, where the base/incomplete vehicle is equipped with the necessary triggering mechanism.
- (13) 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 the processing of personal data and on the free movement of such data⁸ 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)⁹, 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. This is in line with 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 2006¹⁰.

⁸ OJ L 281, 23.11.1995, p. 31.

⁹ OJ L 201, 31.7.2002, p. 37.

¹⁰ 1609/06/EN – WP 125.

- (13a) Manufacturers should implement all the necessary measures in order to comply with the rules on privacy and data protection set out in this Regulation.
- (14) The European Standardisation Organisations, ETSI and CEN, have developed common standards for the deployment of a pan-European eCall service, which should apply for the purposes of this Regulation, as this will facilitate the technological evolution of the in-vehicle 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.
- (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 exemption of certain vehicles or classes of vehicles of categories M1 nad N1 from the obligation to install eCall in-vehicle systems and the establishment of detailed technical requirements and tests for the EC type-approval of vehicles in respect to their eCall in-vehicle systems and the EC type-approval of systems, components and separate technical units designed and constructed for such vehicles. 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.
- (15a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers relating to the establishment of detailed rules on privacy protection, the procedure for the EC type-approval, the numbering system of the type-approval certificates, the template for the information documents, the template of the EC type-approval certificates and the model for the EC type-approval mark, should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹¹.

¹¹ OJ L 55, 28.2.2011, p. 13.

- (16) Vehicle manufacturers should be allowed sufficient time to adapt to the technical requirements of this Regulation.
- (17) This Regulation is a new separate Regulation in the context of the EC type-approval procedure provided for by Directive 2007/46/EC and therefore, Annexes I, III, IV, VI and XI to that Directive should be amended accordingly.
- (18) Since the objectives of this Regulation, namely the achievement of the internal market through the introduction of common technical requirements for new type approved vehicles equipped with the eCall in vehicle system, cannot be sufficiently achieved by the Member States and can, therefore, by reason of its scale, be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

Article 1
Subject matter

This Regulation establishes the general requirements for the EC type-approval of vehicles in respect of the eCall in-vehicle systems, and of eCall in-vehicle systems, components and separate technical units.

Article 2
Scope

1. This Regulation shall apply to vehicles of categories M1 and N1 as defined in points 1.1.1. and 1.2.1. of Part A of Annex II to Directive 2007/46/EC and to eCall in-vehicle systems, components and separate technical units designed and constructed for such vehicles.

It shall not apply to the following vehicles:

- (a) vehicles produced in small series approved pursuant to Articles 22 and 23 of Directive 2007/46/EC;
 - (b) vehicles approved pursuant to Article 24 of Directive 2007/46/EC;
 - (c) vehicles which cannot for technical reasons be equipped with an appropriate eCall triggering mechanism, as determined in accordance with paragraph 2.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 to identify vehicles or classes of vehicles of categories M1 and N1 which for technical reasons cannot be equipped with an appropriate eCall triggering mechanism, on the basis of a cost/benefit analysis carried out or mandated by the Commission and taking into account all relevant safety and technical aspects.

These delegated acts shall be adopted by [12 months after the date of entry into force].

Article 3
Definitions

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:

- (-3) ‘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 minimum set of data and establishes an audio channel between the vehicle and the eCall PSAP via public mobile wireless communications networks;
- (-2) ‘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;
- (-1) ‘most appropriate PSAP’ means a PSAP defined beforehand by the authorities to cover emergency calls from a certain area or for emergency calls of a certain type;
- (0) ‘eCall PSAP’ means a most appropriate PSAP defined beforehand by the authorities to first receive and handle eCalls;
- (1) ‘e-Call in-vehicle system’ means a system activated either automatically via in-vehicle sensors or manually, which carries, by means of public mobile wireless communications networks, a minimum set of data and establishes a 112-based audio channel between the occupants of the vehicle and an eCall PSAP;
- (2) ‘[deleted]’
- (2a) ‘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;

- (2b) ‘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;
- (2c) ‘minimum set of data’ (MSD) means the information defined by the standard ‘Intelligent transport systems — eSafety — eCall minimum set of data (MSD)’ (EN 15722:2011) which is sent to the eCall PSAP;
- (2d) ‘public mobile wireless communications network’ means mobile wireless communications network available to the public in accordance with Directive 2002/21/EC¹² and with Directive 2002/22/EC¹³ of the European Parliament and of the Council;
- (2e) ‘Third party services supported eCall’ (TPS eCall) means an in-vehicle emergency call to a third party service provider (TPSP), made either automatically by means of the activation of in-vehicle sensors or manually, which carries, by means of public mobile wireless communications networks, the minimum set of data (MSD) and establishes an audio channel between the vehicle and the TPSP;
- (2f) ‘Third party service provider’ (TPSP) means an organisation recognised by national authorities as being allowed to receive a TPS eCall and to forward the minimum set of data (MSD) to the eCall PSAP;
- (2g) ‘Third party services eCall in-vehicle system’ means a system activated either automatically via in-vehicle sensors or manually, which carries, by means of public mobile wireless communications networks, the minimum set of data (MSD) and establishes a audio channel between the vehicle and the TPSP.

¹² OJ L 108, 24.4.2002, p. 33.

¹³ OJ L 108, 24.4.2002, p. 51.

Article 4

General obligations of the Manufacturers

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 acts adopted pursuant to this Regulation.

Article 5

Specific obligations of manufacturers

1. Manufacturers shall ensure that all their new types of vehicle and eCall in-vehicle systems, components and separate technical units designed and constructed for such vehicles are manufactured and approved in accordance with the requirements set out in this Regulation and the acts adopted pursuant to this Regulation.
2. Manufacturers shall demonstrate that all their new types of vehicle are constructed to ensure that in the event of a severe accident, detected by activation of one or more sensors or processors within the vehicle, which occurs in the territory of the Union, an eCall to the single European emergency number 112 is triggered automatically.

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

Manufacturers shall ensure that the manual trigger control of eCall is designed to avoid mishandling.

- 2a. Paragraph 2 is without prejudice to the right of the vehicle owner to use a TPS eCall in-vehicle system providing a similar service, in addition to the 112-based eCall in-vehicle system, provided that all the following conditions are met :
 - (a) the TPS eCall in-vehicle system shall comply with the standard EN 16102:2011 'Intelligent transport systems – eCall – Operating requirements for third party support';
 - (b) manufacturers shall ensure that there is only one system active at a time and that the 112-based eCall in-vehicle system is triggered automatically in the event that the TPS eCall in-vehicle call system does not function;
 - (c) manufacturers shall include in the owner's manual that the owner may at any time choose to use the 112-based eCall in-vehicle system instead of a TPS in-vehicle system.

3. Manufacturers shall ensure that the receivers in the eCall in-vehicle systems are compatible with the positioning services provided by the Galileo and the EGNOS systems. Manufacturers may also choose, in addition, compatibility with other satellite navigation systems.
4. Only those eCall in-vehicle systems which can be tested shall be accepted for the purposes of EC type-approval.
5. [deleted]
- 5a. Manufacturers shall demonstrate that, in the event of a critical system failure which would result in an inability to execute a 112-based eCall or a TPS eCall, a warning shall be given to the occupants of the vehicle.
6. The eCall in-vehicle system and the TPS eCall in-vehicle system shall be accessible to all independent operators without discrimination for repair and maintenance purposes in accordance with the Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information¹⁴.

¹⁴ OJ L 171, 29.6.2007, p. 1.

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 establishing the detailed technical requirements and tests for the EC type-approval of vehicles in respect to their eCall in-vehicle systems and the EC type-approval of eCall systems, components and separate technical units.

The technical requirements and tests referred to in the first subparagraph shall be based on the requirements set out in paragraphs 2, 2a, 3, 4, 5a and 6 and on the following standards, where applicable:

- (-a) EN 15722:2011 ‘Intelligent transport systems - eSafety - eCall minimum set of data’;
- (a) EN 16072:2011 ‘Intelligent transport system-ESafety-PanEuropean eCall-Operating requirements’;
- (b) EN 16062:2011 ‘Intelligent transport systems-ESafety-ECall high level application requirements (HLAP)’;
- (c) EN 16454:2013 ‘Intelligent transport systems - eSafety - eCall end to end conformance testing’, as regards the eCall in-vehicle system conformance to the pan-European eCall;
- (ca) EN 16102:2011 ‘Intelligent transport systems - eCall - Operating requirements for third party support’;
- (d) any additional European standards relating to the eCall system adopted in conformity with the procedures laid down in Regulation (EU) No 1025/2012 or UNECE Regulations relating to eCall systems binding upon the Union .

These delegated acts shall be adopted by [12 months after the entry into force].

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 to update the versions of the standards referred to in paragraph 7 when a new version is adopted.

Article 6
Rules on privacy and data protection

- 1. This Regulation is without prejudice to Directives 95/46/EC and 2002/58/EC. Any processing of personal data through the eCall in-vehicle system shall comply with the personal data protection rules provided for in those Directives.
1. Manufacturers shall ensure that the eCall in-vehicle system is not traceable and is not subject to any constant tracking before the eCall is triggered. In the internal memory of the eCall in-vehicle system, retention of previous locations of the vehicle is permitted, but that data must be continuously removed to ensure that only data strictly necessary to specify the current location and the direction of travel are retained. This data must not be available outside the in-vehicle system to any entities before the eCall is triggered.

Privacy enhancing technologies shall be embedded in the in-vehicle eCall system in order to provide eCall users with the appropriate level of privacy protection, as well as the necessary safeguards to prevent surveillance and misuse.

2. The minimum set of data sent by the eCall in-vehicle system shall include only the minimum information as referred to in the standard EN 15722:2011 "Intelligent transport systems - eSafety - eCall minimum set of data (MSD)".
- 2a. The personal data included in the eCall in-vehicle system shall not be retained longer than necessary for their transmission to the appropriate PSAP. Data submitted shall only be used for the purpose for which they were submitted.

They shall be deleted as soon as they are no longer necessary for the purpose for which they were collected.

3. Manufacturers shall provide in the owner's manual clear and comprehensive information about the processing of data carried out through the eCall in-vehicle system, in particular about:
- (a) the reference to the legal basis for the processing;
 - (b) the fact that the eCall in-vehicle system is activated by default;
 - (c) the modalities of data processing that the eCall in-vehicle system performs;
 - (d) the purpose of the eCall processing;
 - (e) the types of data collected and processed and the recipients of that data,
 - (f) the time limit for the retention of data in the eCall in-vehicle system;
 - (g) the fact that there is no constant tracking of the vehicle before the eCall is triggered;
 - (h) the modalities for exercising data subjects' rights as well as the contact service responsible for handling access requests;
 - (i) any necessary additional information regarding the processing of personal data in relation to the provision of a TPS eCall service and/or other added value services.
4. The Commission shall adopt implementing acts which shall define in detail 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 personal data processing and of the user information referred to in paragraph 3. These acts shall be adopted in accordance with the examination procedure referred to in Article 9b(2). They shall be adopted by [12 months after the entry into force].

Where possible, the Commission shall provide in the implementing acts a standard text to be used by the manufacturers as regards the information they have to provide in accordance with paragraph 3.

Article 7
Obligations of the Member States

With effect from [36 months after the entry into force], national authorities shall only grant EC type-approval in respect of the eCall in-vehicle system to new types of vehicles and to new types of eCall systems, components and separate technical units designed and constructed for such vehicles, which comply with this Regulation and the acts adopted pursuant to this Regulation.

Article 8
[deleted]

Article 9
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 2(2) and Article 5 (7) shall be conferred on the Commission for a 5 year period from [...] [Publications Office, please insert the exact date of entry into force].
3. The delegation of powers referred to in Article 2(2) and Article 5(7) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 2(2) and Article 5(7) 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.

Article 9a
Implementing acts

The Commission shall, in accordance with the examination procedure referred to in Article 9b(2), adopt implementing acts laying down the following implementing measures:

- (a) the procedure for the EC type-approval;
- (b) the numbering system of the type-approval certificates;
- (c) the template for the information documents;
- (d) the template of the EC type-approval certificates;
- (e) the model for the EC type-approval mark.

These implementing acts shall be adopted by [12 months after the entry into force].

Article 9b
Committee procedure

1. The Commission shall be assisted by the "Technical Committee – Motor Vehicles" (TCMV) established by Article 40(1) of Directive 2007/46/EC. That committee is a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 10
Penalties for non-compliance

1. Member States shall lay down the rules on penalties applicable to non-compliance by manufacturers with the provisions of this Regulation and the acts adopted pursuant to this Regulation. They shall take all measures to ensure that the penalties are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Members States shall notify those provisions to the Commission, and shall notify it without delay of any subsequent amendment affecting them.
2. The type of non-compliance which is subject to a penalty shall include at least the following:
 - (a) making a false declaration during an approval procedure or a procedure leading to a recall;
 - (b) falsifying test results for type-approval;
 - (c) withholding data or technical specifications which could lead to recall, refusal or withdrawal of type-approval;
 - (d) acting in conflict with the provisions of Article 5(6).

Article 11
Amendments to Directive 2007/46/EC

Annexes I, III, IV, VI and XI to Directive 2007/46/EC are amended in accordance with the Annex to this Regulation.

Article 12
Entry into force

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

It shall apply from [36 months after the date of entry into force].

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Amendments to Directive 2007/46/EC

Directive 2007/46/EC is amended as follows:

- (1) In Annex I, the following points 12.8., 12.8.1. and 12.8.2. are added:

“12.8. eCall system

12.8.1. Presence: yes/no (1)

12.8. 2. technical description or drawings of the device:”;

- (2) In Annex III, In Part I, section A, the following points 12.8. and 12.8.1. are added:

“12.8. eCall system

12.8.1. Presence: yes/no (1)”;

- (3) Part I of Annex IV is amended as follows:

- (a) The following item 71 is added to the table:

Item	Subject	Regulatory act	Applicability										
			M ₁	M ₂	M ₃	N ₁	N ₂	N ₃	O ₁	O ₂	O ₃	O ₄	
71.	eCall system	Regulation (EU) No.....*	X			X							

* OJ: please insert the number of this Regulation

(b) Appendix 1 is amended as follows:

(i) the following item 71 is added to table 1:

Item	Subject	Regulatory act	Specific issues	Applicability and specific requirements
71.	eCall system	Regulation (EU) No.....*		N/A

(ii) the following item 71 is added to table 2:

Item	Subject	Regulatory act	Specific issues	Applicability and specific requirements
71.	eCall system	Regulation (EU) No.....*		N/A

* OJ: please insert the number of this Regulation.

(c) Appendix 2 is amended as follows:

(i) the following item 71 is added to paragraph 4, Part I: Vehicles belonging to category M₁:

Item	Regulatory act reference	Alternative requirements
71	Regulation (EU) No. (eCall systems)	The requirements of that Regulation shall not apply.

(ii) the following item 71 is added to paragraph 4, Part I: Vehicles belonging to category N₁:

Item	Regulatory act reference	Alternative requirements
71	Regulation (EU) No. (eCall systems)	The requirements of that Regulation shall not apply.

(4) In the Appendix to Model A in Annex VI, the following item 71 is added to the table:

Item	Subject	Regulatory act reference ⁽¹⁾	As amended by	Applicable to versions
71.	eCall system	Regulation (EU) No.....*		

(6) Annex XI is amended as follows:

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

Item	Subject	Regulatory act reference	$M_1 \leq$ 2 500 ⁽¹⁾ kg	$M_1 >$ 2 500 ⁽¹⁾ kg	M_2	M_3
71.	eCall system	Regulation (EU) No.....*	G	G	N/A	N/A

(b) In Appendix 2 to Annex XI, the following item 71 is added to the table:

Item	Subject	Regulatory act reference	M_1	M_2	M_3	N_1	N_2	N_3	O_1	O_2	O_3	O_4
71.	eCall system	Regulation (EU) No.....*	G	N/A	N/A	G	N/A	N/A	N/A	N/A	N/A	N/A

(c) In Appendix 3 to Annex XI, the following item 71 is added to the table:

Item	Subject	Regulatory act reference	M_1
71.	eCall system	Regulation (EU) No.....*	G

(d) In Appendix 4 to Annex XI, the following item 71 is added to the table:

Item	Subject	Regulatory act reference	M_2	M_3	N_1	N_2	N_3	O_1	O_2	O_3	O_4
71.	eCall system	Regulation (EU) No.....*	N/A	N/A	G	N/A	N/A	N/A	N/A	N/A	N/A

* OJ: please insert the number of this Regulation.