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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading with view to the adoption of 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
– Draft Statement of the Council's reasons

I. INTRODUCTION

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

The Decision¹ was adopted by the Council on 8 May 2014.

2. The European Economic and Social Committee issued its opinion on 19 September 2013.
3. The European Data Protection Supervisor submitted his opinion to the Council and to the European Parliament on 29 October 2013.
4. The European Parliament (rapporteur Ms Olga Sehnalová, IMCO Committee) adopted its position at first reading on 26 February 2014. Ms Sehnalová was re-appointed as rapporteur after the May 2014 elections.
5. The Council adopted a general approach on 26 May 2014 (doc. 9879/14). A mandate to open negotiations with the European Parliament was given to the Presidency.
6. Three trilogues took place on 8 October, 11 November and 1 December 2014. At the third trilogue the co-legislators reached agreement on a compromise text. Consequently, by letter of 8 December 2014 the European Parliament informed the Council that, if the Council adopted its position at first reading on the basis of the agreed compromise text, the European Parliament would vote in favour of the Council's adopted text without further amendments.

¹ Decision No 585/2014/EU of the European Parliament and of the Council of 15 May 2014 on the deployment of the interoperable EU-wide eCall service (L 164, 3.6.2014, p. 6)

II. OBJECTIVE

7. This 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.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

A. General

8. The Council has introduced several amendments to the original proposal. In parallel, the European Parliament also voted a number of amendments which in essence were quite close to those discussed in the Council. An agreement between the two Institutions was quickly achieved, only delayed by the European Parliament elections in May 2014.

The Council's position at first reading, therefore, amends the original Commission proposal by partially redrafting it on the basis of the agreement reached with the European Parliament.

B. Key policy issues

9. 112-based eCall

The reference to eCall was clarified throughout the text, including in the title, by adding that it specifically concerns the 112-based eCall.

10. Extension of the scope to systems, components and separate technical units

The Council provided for an extension of the scope of the Regulation to cover also systems, components and separate technical units.

11. Exemptions

The Council added a provision making it clear which categories of vehicles are exempted.

12. Addition of new definitions

A number of new definitions were added clarifying certain notions used in the text and also to be used in the future in delegated acts.

13. eCall systems "permanently installed"

A clarification was added in the text that the eCall system should be permanently installed in the vehicle when this is presented for type-approval.

14. Third party services (TPS)

The Council added in the text the possibility of vehicle owners to use TPS in addition to the 112-based eCall system, while avoiding to impose any obligations on TPS.

15. Compatibility with satellite navigation systems

The Council provided for the compulsory compatibility of the eCall system with the Galileo and EGNOS navigation systems while giving the possibility to manufacturers to ensure compatibility with other navigation systems as well.

16. Access of independent operators

It has been provided in the text that the 112-based eCall should be accessible for repair and maintenance to independent operators at a reasonable fee in accordance with Regulation (EC) 715/2007 which lays down provisions on access to vehicle repair and maintenance information.

17. Rules on privacy and data protection

The Council amended the original Commission proposal by providing a clear reference to the personal data protection rules applicable, by stipulating that eCall data can only be used for the purpose of handling emergency situations and that they shall automatically be deleted, that there can be no exchange of data between the 112-based eCall system and any third party system and that the owner's manual shall provide information to the owner on the processing of data by either system.

18. Implementing acts

The Council also added in the text a provision that certain practical arrangements in the area of data protection shall be specified by implementing acts rather than delegated acts. This entailed the addition of the corresponding enacting provisions.

19. Empowerment of the Commission

The Council text stipulates that the empowerment of the Commission to adopt delegated acts shall be limited to a 5-year period, tacitly extended, and that the Commission shall draw up a report on the delegation of power nine months before the end of the 5-year period.

20. Reporting and review

A provision was added requesting the Commission to submit by 2021 an evaluation report on the achievements of eCall and its penetration rate, and to investigate the possible extension of this Regulation to other categories of vehicles and to assess the need for an open-access platform.

21. Date of application

The date of application was fixed in relation to what is provided for in Decision 585/2014/EC for the deployment of the interoperable EU-wide eCall service. The date of application was set at 31 March 2018.

22. Amendment of the Annex

The Annex has been modified by the Council to better reflect the provisions in the Articles.

23. Recitals

The recitals have been amended by the Council to correlate with the modified operational parts of the Regulation and to reflect certain concerns expressed by the European Parliament.

IV. CONCLUSION

In establishing its Position, the Council has taken full account of the proposal of the Commission and of the European Parliament's position at first reading.

With respect to the amendments proposed by the European Parliament, the Council notes that a large number of amendments have – in spirit, partially or fully – been included in its Position.
