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#### COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	10 March 2015
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 126 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on 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 and amending Directive 2007/46/EC

Delegations will find attached document COM(2015) 126 final.

Encl.: COM(2015) 126 final



EUROPEAN  
COMMISSION

Brussels, 10.3.2015  
COM(2015) 126 final

2013/0165 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to Article 294(6) of the Treaty on the Functioning of the European Union**

**concerning the**

**position of the Council on 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 and amending Directive 2007/46/EC**

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**1. BACKGROUND**

Date of transmission of the proposal to the European Parliament and 13 June 2013  
to the Council (document COM(2013)316 final –2013/0165 (COD):

Date of the opinion of the European Economic and Social 19 September 2013  
Committee:

Date of the opinion of the European Data Protection Supervisor 29 October 2013

Date of the opinion of the European Parliament, first reading: 26 February 2014

Date of adoption of the position of the Council: 2 March 2015

**2. OBJECTIVE OF THE COMMISSION PROPOSAL**

The aim of the Commission proposal is to mandate the eCall in-vehicle system for new types of cars and vans in the framework of the motor vehicle type approval, requiring these vehicles to be constructed as to ensure that in the event of serious road accidents an emergency call to the common European emergency call number 112 is triggered automatically. This will contribute significantly to reducing the number of casualties and fatalities in such accidents.

**3. COMMENTS ON THE POSITION OF THE COUNCIL**

**3.1. General comments**

The Commission welcomes the political agreement on a compromise text reached on 1 December 2014 by the Council and the IMCO committee of the Parliament. The adoption of the 1<sup>st</sup> reading Council position and the plenary vote in Parliament in April or May 2015 should lead to the final adoption of the text. From the perspective of the Commission, the compromise that was reached is reasonable and can be supported.

**3.2. Comments on the amendments adopted by the European Parliament**

*3.2.1. European Parliament amendments included in full, in part or in principle in*

### *Council's position at first reading*

The Council's position in first reading encompasses a vast majority of the amendments introduced by the European Parliament, in particular, most of the proposed additional recitals, the explicit reference to the 112-based eCall in-vehicle system, the requirement for the eCall system to be permanently installed within the vehicle and to provide a warning to the occupants of the vehicle in the event of a critical system failure.

The Council also introduced additional requirements in the area of privacy and data protection regarding the non-use of personal data for any other purposes and the non-retention of data beyond what is strictly necessary for the operation of the eCall system. The provisions became even more detailed after the incorporation of large part of the amendments of the European Parliament in this respect (e.g. automatic and continuous removal of data, no transmission of the data outside the vehicle before the eCall is triggered, no exchange of data between the in-vehicle systems, etc.). Furthermore, on the basis of an assessment of each individual requirement, a reasonable compromise for a coherent use of both, delegated and implementing acts, was found. This can be supported by the Commission.

In addition, the Council limited the period of delegation to 5 years from the entry into force of the Regulation without the possibility for tacit renewal. Subsequently, as a compromise, it accepted to provide for such tacit extension. Although, the Commission would prefer an unlimited delegation period, this solution can be supported as part of the package.

On the accessibility of the eCall system to independent operators for repair and maintenance purposes, the Council introduced a link to the provisions of Regulation (EC) No 715/2007 and the possibility for the manufacturers to charge a fee, while at the same time, it also agreed on the additional clarification, proposed by the European Parliament, that such a fee should be reasonable and not exceed a nominal amount. Given that this solution does not deviate from the applicable EU rules on access to independent operators, the Commission can support it as part of the package.

The Council accepted the amendment of the European Parliament that calls on the Commission to assess, following a study of the costs and benefits and broad consultation with stakeholders, the need of requirements for an interoperable, standardised, secure and open-access platform and, if appropriate, to adopt a legislative initiative based on those requirements. This issue was not part of the initial Commission proposal, but can be supported as part of the package.

The Council also endorsed the amendment of the European Parliament requiring the Commission to explore the possibilities to extend the scope of the Regulation to other categories of vehicles, such as powered two-wheelers, heavy goods vehicles, busses and coaches, and agricultural tractors, and if appropriate, to present a proposal to that effect. This can be supported by the Commission.

The clarifications brought to the drafting of the Commission text by the Council and the Parliament can also be supported.

#### *3.2.2. European Parliament amendments not included in Council position at first reading*

The Council felt that the amendments of the European Parliament requiring Member States to report on the readiness of the eCall infrastructure and the Commission to take appropriate actions to ensure this infrastructure will be deployed on time were not appropriate in an article

of a Regulation dealing with the type-approval requirements. However, the Council recognised that it is essential to have ready in advance the coordinated upgrade in the public mobile wireless communications networks for conveying eCalls and PSAPs for receiving and handling eCalls and included appropriate text in the recitals. This is supported by the Commission. The same approach was implemented as regards the amendment of the European Parliament requiring the 112-based eCall system to be subject to periodical technical inspection.

### **3.3. New provisions introduced by the Council and the Commission's position**

The Council introduced a number of technical amendments, in particular to clarify the exemption from the scope of vehicles produced in small series, individually approved vehicles and vehicles which for technical reasons cannot be equipped with an eCall system. It also provided empowerment for the Commission to adopt delegated acts in order to identify the vehicles to be exempted. This can be supported.

Furthermore, the Council added specific provisions addressing the co-existence of third party eCall services (TPS eCall) with the 112-based eCall system. These provisions ensure that all vehicles are equipped with the 112-based eCall system on mandatory basis and that this system will be automatically activated should the TPS eCall fail. The solution proposed by the Council can herefore be supported by the Commission.

In addition, the Council introduced provisions on the use of implementing acts and on the respective committee procedures for their adoption. As the application of these provisions is fairly limited and in the light of the compromise reached in the context of privacy and data protection rules, this can also be supported by the Commission. As to the committee provisions, the Commission regrets the recourse to the 'no opinion clause', given that the inclusion of such a provision constitutes an exception to Regulation 182/2011, but in the spirit of compromise will not oppose it.

Finally, the Council requested more lead time for industry to comply with the new requirements. The European Parliament, although not modifying the date of application in the Commission's proposal, showed openness towards a postponement and finally accepted that the Regulation will start to apply from 31 March 2018. The Commission agrees that sufficient lead time is required and can support the compromise date of application given that it is in compliance with the timeline for the deployment of the overall eCall infrastructure as provided in Decision No 585/2014/EU.

## **4. CONCLUSION**

Although the Commission regrets for practical reasons the decision of the Council restricting the delegation to the Commission to a fixed period of five years and the inclusion of the 'no opinion clause' in the committee procedure for the adoption of implementing acts, the Commission will refrain from opposing.

The Council acted by a qualified majority.

In conclusion, the Commission supports, in a spirit of compromise, the position adopted by the Council.