EU Regulation

"eCALL" TRAFFIC EMERGENCY CALL SYSTEM

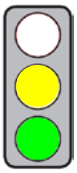
cep**PolicyBrief** No. 2014-09

Centrum für Europäische Politik

KEY ISSUES

Objective of the Communication: An automatic emergency call system, which is to be built in to new vehicles, will reduce the number of deaths and serious injuries on the road.

Affected parties: Car drivers and passengers, car manufacturers, emergency response centres



Pro: (1) The eCall service increases road safety.

(2) The data protection measures, to prevent misuse of the transmitted data, fulfil the requirements of EU data protection law.

Contra: There is no objective reason why buses should be exempt from the Regulation.

CONTENT

Title

Proposal COM(2013) 316 of 13 June 2013 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

Proposal COM(2013) 315 for a **Decision** of the European Parliament and of the Council on the **deployment of the interoperable EU-wide eCall**

Brief Summary

Note: In the absence of any indication to the contrary, page and article numbers refer to the Proposal for a Regulation COM(2013) 316.

- **Context and objectives**
  - In 2011, there were 1.1 million road traffic accidents in the EU resulting in a total of 30,000 people killed and more than 1.5 million injured.
  - In order to speed up the arrival of emergency services, in the event of an accident, by 40-50%, the Commission wants to introduce an EU-wide, standard emergency system for road traffic ("eCall").
  - An emergency call is sent from an in-vehicle eCall device, via the mobile telephone network, to an emergency response centre (Art. 3 (1)),
    - either automatically in the case of a "severe accident" or
    - manually by the occupants of the vehicle.
  - The aim is to reduce (Recital 5)
    - the number of traffic fatalities and
    - the severity of injuries caused by road accidents.
  - The introduction of the eCall service requires rules for the following stakeholders:
    - Vehicle manufacturers: The proposal for a Regulation COM(2013) 316 stipulates the installation of eCall devices in cars and light-duty vehicles.
    - Mobile network operators: Under the Commission's recommendation on support for the eCall service (2011/750/EU), the Member States will ensure that mobile network operators implement the EU-wide standardised "mechanism", used for emergency calls made by eCall, into their networks by the end of 2014.
    - Emergency response centres:
      - The Member States must equip the emergency response centres with receivers capable of the "proper receipt and handling of all eCalls" [Proposal for a Decision COM(2013) 315, Art. 1].
      - The specifications for upgrading the emergency response centres with receivers have already been established by the Commission in the delegated Regulation (No. 305/2013) defining the Directive on the introduction of intelligent transport systems [ITS-Directive (2010/40/EU); see cep**PolicyBrief**].
- **Area of application**
  - The Regulation applies to all four-wheeled vehicles [Art. 2 in conjunction with the Framework Directive on type approval (2007/46/EC), Annex II]
    - for the carriage of passengers with a maximum of nine seats including the driver's seat, and
    - for the carriage of goods with a total mass not exceeding 3.5 tonnes.

Authors: Nima Nader and Dr. Götz Reichert, LL.M. | nader@cep.eu
cep | Kaiser-Joseph-Strasse 266 | 79098 Freiburg | Germany | Telephone +49 (0)761 38693-105 | www.cep.eu

– The Commission can exempt, by way of delegated acts, certain vehicles or vehicle types from the scope of application if, taking account of all relevant safety aspects, the use of eCall devices for these vehicles proves "not to be appropriate" (Art. 8).

- **Mandatory installation of eCall devices in vehicles**
  – From October 2015, new types of vehicle will only be approved if they are equipped with an eCall device (Art. 4, Art. 5 (1) and (2), Art. 7). Type-approval is the recognition that a type of vehicle satisfies the requirements; it is issued by the Member States (Directive 2007/46/EC, Art. 3 (3)).
  – The eCall device must
    - in the event of a "severe" accident within the EU, automatically trigger an emergency call (Art. 3 (1) and Art. 5 (2)),
    - also be able to be triggered manually (Art. 3 (1) and Art. 5 (2)),
    - establish an audio channel, via the EU emergency number 112, between the occupants of the vehicle and an emergency response centre ("eCall", Art. 3 (1)),
    - transmit a "minimum set of data" to the emergency response centre (Art. 3 (1)) and
    - be compatible with the positioning services provided by satellite navigation systems (Art. 5 (3)).
  – The Commission may, by way of delegated acts (Art. 290 TFEU), establish the "detailed technical requirements and tests" for eCall devices which must be fulfilled for the purposes of type-approval for new vehicles (Art. 5 (7), Art. 9).
  – The eCall device "shall" be freely accessible to any vehicle repair workshop for repair and maintenance purposes (Art. 5 (6)).

- **Data Protection**
  – The eCall device is only permitted to transmit the "minimum information" - e.g. position of the vehicle - required for the appropriate handling of emergency calls (Art. 6 (2)).
  – The vehicle manufacturer must ensure that (Art. 6 (1) and (3))
    - vehicles with eCall devices are not traceable during their normal operation,
    - eCall devices have security systems to prevent surveillance and misuse,
    - eCall users receive comprehensive information about the transmission and processing of data; this includes, in particular, information about
      - the legal basis for the data processing,
      - the fact that the eCall device is activated automatically,
      - the types of data collected and processed,
      - the recipients of that data and
      - the fact that no electronic tracking of the vehicle takes place.

- **Sanctions**
  – Member States must establish "effective, proportionate and dissuasive" sanctions for breaches of the Regulation by vehicle manufacturers.
  – The breaches to be punished include (Art. 10 (2))
    - making a false declaration during the type-approval procedure,
    - falsifying test results for the approval of a vehicle type ("type-approval") and
    - withholding data or technical specifications leading to withdrawal of type-approval.

Main Changes to the Status Quo

There have not yet been any rules on the introduction of an eCall service.

Statement on Subsidiarity by the Commission

According to the Commission, action at EU level is necessary in order to guarantee the interoperability and comprehensive availability of the e-Call service throughout Europe. In addition, a uniform EU-wide eCall service is the only way to prevent fragmentation of the internal market for cars and light-duty vehicles. (P. 3-4)

Policy Context

In 2005, in its Communication on the deployment of eCall [COM(2005) 431], the Commission called for the voluntary introduction of an eCall service. In 2009, in a further Communication on eCall [COM(2009) 434], it found that a voluntary approach was not sufficient for deployment and indicated that there would be legislation. The ITS Directive [(2010/40/EU); see cep**PolicyBrief**] designated the deployment of an EU-wide eCall service as a priority action for which technical specifications would have to be issued. eCall deployment is also a component of the CARS 2020 Action Plan [Communication COM(2012) 636].

Legislative Procedure

13 June 2013 Adoption by the Commission
Open Adoption by the European Parliament and the Council, publication in the Official Journal of the European Union, entry into force

Options for Influencing the Political Process

Leading Directorate General	DG Mobility and Transport
Committees of the European Parliament:	COM(2013) 316: Internal Market (leading), Rapporteur Olga Sehnalova (S&D Group, CZ); COM(2013) 315: Transport and Tourism (leading), Rapporteur Philippe de Bakker (ALDE Group, BE)
Federal Ministries:	Transport (leading)
Committees of the German Bundestag:	TBA
Decision mode in the Council:	Qualified majority (Adoption by a majority of the Member States and with 260 of 352 votes; Germany: 29 votes)

Formalities:

Legislative competence:	Art. 114 TFEU (Internal Market)
Form of legislative competence:	Shared competence (Art. 4 (2) TFEU) Legislative procedure:
Procedure:	Art. 294 TFEU (Ordinary legislative procedure)

ASSESSMENT

Economic Impact Assessment

Ordoliberal Assessment

Due to the faster arrival of emergency services, **the eCall service can help** to minimise the results particularly of serious accidents and thus **to increase traffic safety** without reducing the mobility or comfort of car occupants. The increased safety is a benefit for both vehicle occupants as well as everyone else involved in the accident. With this in mind, **there is, however, no objective reason why buses should be exempt from the Regulation.** Since buses ordinarily have more occupants than cars, the gain in safety per eCall device installed is thus even greater for buses than for cars.

The obligation to install eCall devices into vehicles, and to install the corresponding receivers for receiving and processing eCall emergency calls in the emergency response centres, guarantees the shortest possible rescue chain because emergency calls will no longer have to be forwarded via a call-centre to the emergency response centre, as currently in the case of private automatic emergency call services, but arrive there directly via the 112 emergency number.

The requirement that breaches by vehicle manufacturers – particularly false declarations made during approval proceedings – have to be subject to penalties, helps to ensure that all vehicle manufacturers install eCall systems in accordance with the rules.

Impact on Efficiency and Individual Freedom of Choice

The mandatory installation of eCall devices into new vehicles will result in an increase in the price of vehicles because, insofar as the market will allow it, vehicle manufacturers will pass on the additional costs in this regard to their customers. This is offset by the aforesaid safety benefits.

Impact on Growth and Employment

Higher vehicle prices tend to have a negative impact on growth and employment.

Impact on Europe as a Business Location

The Regulation has a neutral impact on Europe as a business location. Since all new vehicles approved in the EU, in the classes affected, must comply, it also applies to imported vehicles from non-EU countries. On the other hand, it does not apply to vehicles from the EU which are exported to non-EU countries.

Legal Assessment

Legislative Competency

Unproblematic. The EU can take measures, as part of a community transport policy, to improve transport safety (Art. 91 (1) c TFEU). In addition, it can adopt measures which have as their object the establishment and functioning of the internal market (Art. 114 TFEU). This includes EU-wide standard product specifications for the mandatory installation of eCall devices into vehicles.

Subsidiarity

Unproblematic. An EU-wide standard, interoperable and comprehensively available eCall service cannot be deployed by individual Member States but only at EU level.

Proportionality

Unproblematic. In view of the advantages of an EU-wide eCall service to protect life and limb in the event of road accidents, the proposed measures are proportional. In particular, the requirement that, for reasons of data

protection, only the "minimum information" should be used for the appropriate processing of emergency calls, constitutes the most moderate of measures.

Compatibility with EU Law in other Respects

With regard to the transmission and processing, by eCall, of data relating to vehicles and individuals, there is a risk of the misuse of data. **The data protection measures** – restricting data to that necessary for eCall, prohibiting traceability of vehicles during normal operations, additional systems to protect against surveillance and misuse – **are**, in principle, **suitable to comply with the requirements of EU data protection law** (Directive 95/46/EC; Directive 2002/58/EG).

Conclusion

The eCall service can help to increase road safety. There is, however, no objective reason why buses should be exempt from the Regulation. The data protection measures are suitable to comply with the requirements of EU data protection law.