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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 6.2.2024 amending Delegated Regulation (EU) No 305/2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall

Delegations will find attached document C(2024) 655 final.

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Brussels, 6.2.2024
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COMMISSION DELEGATED REGULATION (EU) .../...

of 6.2.2024

amending Delegated Regulation (EU) No 305/2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Commission Delegated Regulation (EU) No 305/2013, which supplements Intelligent Transport Systems Directive¹, establishes the specifications for upgrading the public safety answering point (PSAP) infrastructure. This is needed for the proper receipt and handling of eCalls to ensure compatibility, interoperability and continuity of the harmonised EU-wide eCall service.

These specifications are based on the standards developed by the European standardisation organisations that make use of circuit-switched (2G/3G) electronic communications networks for the communication and transmission of data between vehicles and PSAPs, which is based on the single European emergency number 112.

With the wide deployment of packet-switched (4G/5G) electronic communications networks in the EU, most mobile network operators have announced plans to switch off circuit-switched networks in the Member States.

According to the study launched to support this initiative, circuit-switched electronic communications networks should be switched off between 2025 and 2030 across the EU. The European standardisation organisations have finalised the technical specifications for eCall using packet-switched electronic communications networks.

There is therefore a need to revise the eCall specifications for PSAPs so that this evolution of electronic communications networks can be taken into account, and eCalls from new vehicles equipped with eCall systems using packet-switched communications can then be received and handled. New technical specifications for packet-switched communications need to be added to the specifications for PSAPs, while keeping the ability to receive and handle circuit-switched eCalls as long as there are circuit-switched public mobile wireless communications networks in operation on the territory of the Member States.

The revision was announced in the Sustainable and Smart Mobility Strategy², published in December 2020, as action 75 under flagship 10 ('Enhancing transport safety and security'), as well as in the working programme of the Intelligent Transport Systems Directive for 2022-2027³.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

To prepare for the revision of Delegated Regulation (EU) No 305/2013, a supporting study, completed in 2023, looked in particular at the assessment of the eCall short-term evolution for the inclusion of packet-switched communications and at recommendations in terms of the costs and benefits for the public and stakeholders. Stakeholders were consulted through online questionnaires and interviews. Specific questions about costs were used as inputs for the cost-benefit analysis. In total, 74 questionnaires and 19 interviews were conducted during this part of the study.

¹ OJ L 207, 6.8.2010, p.1.

² COM/2020/789 final.

³ C(2022) 9140 final.

Member States, the European Economic Area countries and Switzerland were invited to appoint experts to attend a series of meetings with the Commission to help revise the Delegated Regulation. Three meetings took place between 26 May and 30 June 2023⁴.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Delegated Regulation (EU) No 305/2013 supplements Directive 2010/40/EU, by establishing specifications as regards priority action (d) set out in Article 3 of that Directive. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Article 12 of the same Directive.

eCall automatically dials 112, the single European emergency number, in the event of a serious road accident and communicates the vehicle's location and other relevant data to the public safety answering points.

The main purpose of the revision of Delegated Regulation (EU) No 305/2013 is to adapt the specifications of the PSAPs that receive and handle the eCalls to packet-switched (4G/5G) electronic communications networks. This revision also adapts these specifications to relevant EU legislation that entered into force after Delegated Regulation (EU) No 305/2013 was adopted, such as the General Data Protection Regulation⁵ and the European Electronic Communications Code⁶, and updates the version of existing eCall standards.

Due to the limited changes to Delegated Regulation (EU) No 305/2013, the Commission considers that it is most suitable to proceed with a revision instead of a repeal of this Regulation.

⁴ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=1941>

⁵ OJ L 119, 4.5.2016, p. 1.

⁶ OJ L 321, 17.12.2018, p. 36.

COMMISSION DELEGATED REGULATION (EU) .../...

of 6.2.2024

amending Delegated Regulation (EU) No 305/2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport⁷, and in particular Article 6(8) thereof,

After consulting the European Data Protection Supervisor,

Whereas:

- (1) Commission Delegated Regulation (EU) No 305/2013⁸ establishes the specifications for the upgrading of the Public Safety Answering Point (PSAP) infrastructure required for the proper receipt and handling of eCalls, in order to ensure the compatibility, interoperability and continuity of the harmonised EU-wide eCall service.
- (2) The Commission's Communication on a Sustainable and Smart Mobility Strategy⁹ identifies the need to adapt the eCall legal framework to new electronic communications technologies.
- (3) Since the entry into force of Delegated Regulation (EU) No 305/2013, the European Committee for Standardisation (CEN) adopted new versions of standard EN 15722 'Intelligent transport systems — eSafety — eCall minimum set of data (MSD)' and standard EN 16072 'Intelligent transport systems — eSafety — Pan-European eCall operating requirements'. In particular, standard EN 15722:2020 'Intelligent transport systems — eSafety — eCall minimum set of data (MSD)' requires the provision of the two most recent locations of the vehicle before the incident location. That information is necessary for PSAPs to provide the appropriate emergency service(s) or service partner(s) with accurate and reliable information on the locations and direction of the vehicle before the incident related to the eCall. Such information is important to help reduce the response time of the emergency services, especially on motorways or bridges. The reference to those standards should therefore be updated.

⁷ OJ L 207, 6.8.2010, p. 1.

⁸ Commission Delegated Regulation (EU) No 305/2013 of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall (OJ L 91, 3.4.2013, p. 1).

⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Sustainable and Smart Mobility Strategy – putting European transport on track for the future', COM(2020) 789 final of 9.12.2020.

- (4) European standards EN 16062 ‘Intelligent transport systems — eSafety — eCall high level application requirements (HLAR)’ and EN 16454 ‘Intelligent transport systems — eSafety — Ecall end to end conformance testing’ are based on eCall working over circuit-switched cellular networks (2G/3G). Since mobile network operators plan a gradual phasing out of 2G/3G networks between 2025 and 2030 in all Member States, it is necessary to adapt PSAPs to the newest packet-switched communication networks, while still supporting circuit-switched cellular networks as long as there are circuit-switched public mobile wireless communications networks in operation on their territory.
- (5) Two new eCall-related technical specifications based on packet-switched networks have been recently adopted by CEN in accordance with the procedures laid down in Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹⁰. Those technical specifications should be added to the PSAPs requirements to support the reception and handling of eCalls.
- (6) Article 109 of Directive (EU) 2018/1972 of the European Parliament and of the Council¹¹ requires that Member States ensure that providers of publicly available number-based interpersonal communications services, where those services allow end-users to originate calls to a number in a national or international numbering plan, provide access to emergency services through emergency communications to the most appropriate PSAP. To ensure consistency with that Directive, it is thus necessary to align some of the definitions of this Regulation.
- (7) Article 5 of Commission Delegated Regulation (EU) 2023/444¹² requires that Member States ensure that emergency communications and caller location information are routed without delay to the most appropriate PSAP that is technically capable to convey the contextual information to the emergency services when alerting those services.
- (8) Member States should ensure that the processing of personal data in the context of the handling of the eCalls by the PSAPs, the emergency services and service partners is carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council¹³ and Directive 2002/58/EC of the European Parliament and of the Council¹⁴. In accordance with storage limitation principle laid down in Article 5 of Regulation (EU) 2016/679, personal data should not be kept for longer than necessary

¹⁰ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

¹¹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).

¹² Commission Delegated Regulation (EU) 2023/444 of 16 December 2022 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council with measures to ensure effective access to emergency services through emergency communications to the single European emergency number ‘112’ (OJ L 65, 2.3.2023, p. 1).

¹³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.

¹⁴ 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.

for the purposes of processing and time limits should be established to ensure compliance with this principle. Since the PSAPs are liable for the conformance requirements of the eCall standards, retention of raw MSD received with the eCall and the MSD contents presented is necessary after the call has been handled. The Member States should establish adequate retention periods for these data in line with national liability rules. Where Member States law does not provide a retention period, these data should not be kept longer than the period for which the competent authorities can request the PSAPs to demonstrate conformance and in any event no longer than for 10 years.

- (9) Delegated Regulation (EU) No 305/2013 should therefore be amended accordingly.
- (10) In order to allow existing PSAPs infrastructures the necessary time to adapt, the provisions of this Regulation should apply from 1 January 2026 as regards infrastructures already deployed at the date of entry into force of this Regulation.
- (11) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹⁵ and delivered an opinion on 13 November 2023,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) No 305/2013

Delegated Regulation (EU) No 305/2013 is amended as follows:

- (1) Article 2 is amended as follows:
 - (a) point (b) is replaced by the following:

‘(b) “public safety answering point” (PSAP) means public safety answering point or PSAP as defined in point 36 of Article 2 of Directive (EU) 2018/1972*’
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- * Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).’;
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- (b) point (c) is replaced by the following:

‘(c) “most appropriate PSAP” means most appropriate PSAP as defined in point 37 of Article 2 of Directive (EU) 2018/1972’;
 - (c) point (j) is replaced by the following:

‘(j) “minimum set of data” (MSD) means the contextual information defined by the standard ‘Intelligent transport systems – Esafety - ECall minimum set of data (MSD)’ (EN 15722:2020) which is sent to the eCall PSAP’;
 - (d) point (m) is replaced by the following:

¹⁵ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p.39).

‘(m) “public mobile wireless communications network” means mobile electronic communications network available to the public in accordance with Directive (EU) 2018/1972 of the European Parliament and of the Council’;

(e) point (n) is replaced by the following:

‘(n) “emergency control centre” means a facility used by one or more emergency services to handle contextual information derived from emergency calls or MSD’;

(2) Article 3 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Member States shall ensure that any eCall PSAP is equipped to handle eCalls and receive the MSD originating from the in-vehicle equipment in accordance with the standard ‘Intelligent transport system - ESafety - PanEuropean eCall operating requirements’ (EN 16072:2022). If subsequent versions of that standard EN 16072 become applicable under Article 5(8) of Regulation (EU) 2015/758*, those subsequent versions shall apply instead of EN 16072:2022.

Member States shall ensure that any eCall PSAP is equipped to handle eCalls and receive the MSD originating from the in-vehicle equipment in accordance with the standard ‘Intelligent transport systems – Esafety - ECall High Level Application Requirements (HLAP)’ (EN 16062:2023), as long as there are circuit-switched public mobile wireless communications networks in operation on their territory.

Member States shall ensure that any eCall PSAP is equipped to handle eCalls and receive the MSD originating from the in-vehicle equipment in accordance with the technical specification ‘Intelligent transport systems - eSafety - eCall High level application Protocols (HLAP) using IMS packet switched networks’ (CEN/TS 17184:2022). Where subsequent versions of that technical specification CEN/TS 17184 or a new equivalent standard EN 17184 become applicable under Article 5(8) of Regulation (EU) 2015/758, those subsequent versions or that new standard EN 17184, whichever is applicable, shall apply instead of CEN/TS 17184:2022.’;

* Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC (OJ L 123, 19.5.2015, p. 77).’

(b) paragraph 3 is replaced by the following:

‘3. The eCall PSAP shall be able to receive the data contents of the MSD and present them to the eCall PSAP operator clearly and understandably.

When the MSD contains optional additional data as defined in EN 15722:2020, the eCall PSAP shall be able to receive such optional additional data contents and present them to the eCall PSAP operator provided that such optional additional data is specified in accordance with published CEN eCall standards or technical specifications referred to in Regulation (EU) 2015/758.

When optional additional data referred to in the second subparagraph is specified in accordance with published CEN eCall standards or technical specifications not referred to in Regulation (EU) 2015/758, the eCall PSAP is encouraged to be able to receive these optional additional data contents and present them to the eCall PSAP operator in accordance with those standards or technical specifications.’;

(c) in paragraph 4 ‘EN 15722’ is replaced by ‘EN 15722:2020’;

(3) Article 4 is replaced by the following:

‘Article 4

Conformity assessment

1. Member States shall designate the authorities that are competent for assessing the conformity of the operations of the eCall PSAPs with the requirements listed in Article 3 and shall notify them to the Commission.

2. Conformity assessment shall be based on the part of the standard ‘Intelligent transport systems - eSafety - eCall end to end conformance testing’ (EN 16454:2023) that relates to PSAPs conformance to pan-European eCall, provided there are circuit-switched public mobile wireless communications networks in operation on their territory, and on the part of the technical specification ‘Intelligent transport systems - ESafety - ECall end to end conformance testing for IMS packet switched based systems’ (CEN/TS 17240:2018) that relates to PSAPs conformance to pan-European eCall. Where subsequent versions of that technical specification CEN/TS 17240 or a new equivalent standard EN 17240 become applicable under Article 5(8) of Regulation (EU) 2015/758, those subsequent versions or that new standard EN 17240, whichever is applicable, shall apply instead of CEN/TS 17240:2018.’;

(4) Article 5 is replaced by the following:

‘Article 5

Obligations linked to the deployment of the eCall PSAPs infrastructure

Member States shall ensure that this Regulation is applied when its eCall PSAPs infrastructure is deployed in accordance with Decision No 585/2014/EU of the European Parliament and of the Council* and in accordance with the principles for specifications and deployment laid down in Annex II to Directive 2010/40/EU.’;

* 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 (OJ L 164, 3.6.2014, p. 6).’;

(5) Article 6 is replaced by the following:

‘Article 6

Rules on privacy and data protection

1. The PSAPs, including eCall PSAPs, shall be regarded as controllers within the meaning of Article 4(7) of Regulation (EU) 2016/679 of the European Parliament and of the Council*. Where the eCall data is to be sent to other emergency control centres or service partners pursuant to Article 3(5) of this Regulation, the latter shall also be considered as data controllers.

* Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).’;

2. Member States shall ensure that protocols concerning personal data processing, including retention periods defined in accordance with Article 7(2), are established at the appropriate level and properly observed.’;

(6) in Article 7, paragraph 2 is replaced by the following:

‘2. To that end, and in addition to other existing measures related to the handling of emergency communications to 112, both the raw MSD received with the eCall and the MSD contents presented to the eCall operator shall be retained for a determined period of time, in accordance with national regulations or, in the absence of national regulations, for no longer than 10 years.’;

(7) Article 8 is replaced by the following:

‘Article 8

Reporting

Member States shall report to the Commission by 1 April 2026 on the state of implementation of this Regulation. The report shall include at least the list of competent authorities for assessing the conformity of the operations of the eCall PSAPs, the list and geographical coverage of the eCall PSAPs, the description of the conformance tests and the description of the privacy and data protection protocols.’.

Article 2

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 to new infrastructures deployed from the date of entry into force of this Regulation. It shall apply from 1 January 2026 as regards infrastructures already deployed at the date of entry into force of this Regulation.

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

Done at Brussels, 6.2.2024

For the Commission
The President
Ursula VON DER LEYEN