



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 10 April 2014  
(OR. en)**

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**Interinstitutional File:  
2013/0165 (COD)**

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**8214/1/14  
REV 1**

**LIMITE**

**ENT 95  
MI 312  
CODEC 912**

**NOTE**

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From:	Presidency
To:	Working Party on Technical Harmonisation (Motor Vehicles)
No. prev. doc.:	7182/14 ENT 71 MI 226 CODEC 625
No. Cion doc.:	11124/13 ENT 194 MI 558 CODEC 1506
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

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Delegations will find attached a document based on the discussions of the Working Party on 13 March 2014. This document also contains drafting proposals from the Presidency.

Delegations are informed that new text compared to the Commission's proposal is indicated by **bold/underlining** and deletions are marked with ~~strike through~~. Text in square brackets [ ] indicates areas where uncertainties remain or where alternative drafting is suggested. Highlighted text shows changes compared to the previous document.

Delegations are also informed that the Decision on the deployment of the interoperable EU-wide eCall was approved by Coreper on 19 March 2014 (see doc. 7630/14).

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 Committee<sup>1</sup>,

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)<sup>2</sup>.

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> 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"<sup>3</sup> 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 citizens<sup>4</sup> 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)<sup>5</sup>.
- (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.

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<sup>3</sup> COM (2009) 434 final.

<sup>4</sup> 2012/2056(INI).

<sup>5</sup> 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 ~~free of charge and~~ 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 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 small series vehicles should be excluded from the obligation to comply with the eCall requirements.
- (12) Special purpose vehicles should be subject to compliance with the eCall requirements set out in this Regulation, unless type-approval authorities consider, on a case by case basis, that the vehicle cannot meet those requirements due to its special purpose.
- (13) ~~According to 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 2006<sup>6</sup>, a~~ 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 data<sup>7</sup> 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)<sup>8</sup>, 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 2006<sup>9</sup>.**

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<sup>6</sup> ~~1609/06/EN – WP 125.~~

<sup>7</sup> OJ L 281, 23.11.1995, p. 31.

<sup>8</sup> OJ L 201, 31.7.2002, p. 37.

<sup>9</sup> 1609/06/EN – WP 125.

- (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 **establishment of detailed technical requirements and tests for the EC type-approval of eCall in-vehicle systems.** ~~rules on the application of the relevant standards, on testing, on personal data and privacy protection and on exemptions for certain vehicles or classes of vehicles of categories M1 and N1.~~ 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 establishing of detailed rules on the application of the relevant standards, on testing, and privacy protection, the procedure for the eCall in-vehicle system EC type-approval, the template for the information document and the template of the EC type-approval certificate, 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 powers**<sup>10</sup>.

**(15b) In line with established practice, the committee set up by this Regulation can play a useful role in examining matters concerning the application of this Regulation raised either by its chair or by a representative of a Member State in accordance with its rules of procedure.**

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<sup>10</sup> **OJ L 55, 28.2.2011, p. 13.**

**(15c) When matters relating to this Regulation, other than its implementation or infringements, are being examined, i.e. in a Commission expert group, the European Parliament should in line with existing practice receive full information and documentation and, where appropriate, an invitation to attend such meetings.**

- (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, ~~IX~~ 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 ~~technical~~ **general** requirements for the EC type-approval of vehicles, **systems and components** regarding the eCall in-vehicle system.

*Article 2*  
*Scope*

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 systems and components type-approved as separate technical units designed and constructed for such vehicles.**<sup>11</sup>

**It shall not apply to the following vehicles:**<sup>12 13</sup>

**(a) vehicles produced in small series;**

**(b) vehicles which cannot be equipped with an appropriate eCall triggering mechanism.**

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<sup>11</sup> FR: add also a reference to the vehicles belonging to the scope of UNECE regulations 94 and 95 (MD eC 09/14). Add a second subparagraph as follows:  
"This Regulation shall not apply to vehicles approved under Article 22 of Directive 2007/46/EC."

<sup>12</sup> UK: exclude special purpose vehicles, vehicles approved individually and vehicles not equipped with the triggering mechanism.

<sup>13</sup> RO: replace by the following text:  
"1. The vehicles for which the EC type-approval of small series is applicable are exempted from the obligation to install eCall in-vehicle systems set out in Article 4.  
2. The type-approval authorities may exempt certain special purpose vehicles from the obligation to install eCall in-vehicle systems set out in Article 4, if these vehicles cannot meet the eCall requirements set out in this Regulation due to their special purpose."

*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 and in ~~Article 2 of Commission Delegated Regulation (EU) No 305/2013<sup>14</sup>~~, 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<sup>15</sup> carries a standardised 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<sup>16</sup>, which carries, by<sup>17</sup> means of **public** mobile wireless communications networks, a ~~standardised~~ minimum set of data and establishes a 112-based audio channel between the occupants of the vehicle and a public safety answering point;

~~(2) ‘in vehicle system’ means the in vehicle equipment together with the means to trigger, manage and effect the eCall transmission via a public mobile wireless communications network providing a link between the vehicle and a means of enacting the eCall service via a public mobile wireless communications network.~~

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<sup>14</sup> OJ L 91, 03.04.2013, p. 1.

<sup>15</sup> RO: amend the second part of this definition as follows:

"... which is used to transmit a standardised minimum set of data and to facilitate the voice communication between the vehicle and the eCall PSAP via public mobile communications networks."

<sup>16</sup> BE: the 112-based eCall should be restricted to the automatically activated eCall (MD eC 03/14).

<sup>17</sup> RO: amend the second part of this definition as follows:

"... by means of public mobile communications networks, a standardised minimum set of data and establishes a 112-based audio channel between the vehicle and the eCall PSAP."

- (2a) ‘in-vehicle equipment’ means equipment<sup>18</sup> 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 ‘Road transport and traffic telematics Intelligent transport systems — eSafety — eCall minimum set of data (MSD)’ (EN 15722) 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/EC<sup>19</sup> and with Directive 2002/22/EC<sup>20</sup> of the European Parliament and of the Council;**
- (2e) ‘Third party services<sup>21</sup> 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, a minimum set of data 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 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, a minimum set of data and establishes a audio channel between the vehicle and the TPSP.**

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<sup>18</sup> RO: add "installed in permanent manner". UK: against this proposal.

<sup>19</sup> OJ L 108, 24.4.2002, p. 33.

<sup>20</sup> OJ L 108, 24.4.2002, p. 51.

<sup>21</sup> NL, SE, UK: against regulating third party services in this Regulation.

<sup>22</sup> SI: add definition for "activation of the eCall system".

<sup>23</sup> DE: add a new definition "‘additional emergency services and/or added value services’ are services which can be offered in addition to eCall and send the minimum set of data and additional information, if necessary." (MD eC 08/14).

## 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 ~~delegated~~ acts adopted pursuant to this Regulation.

## Article 5

### Specific obligations of manufacturers

1. Manufacturers shall ensure that all their new types of vehicle **and the systems and components type-approved as 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 ~~delegated~~ acts adopted pursuant to this Regulation.
2. Manufacturers shall demonstrate that all their new types of vehicle **and the systems and components type-approved as separate technical units designed and constructed for such vehicles** 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 and the systems and components type-approved as separate technical units designed and constructed for such vehicles** are constructed as to ensure that an eCall to the single European emergency number 112 can also be triggered manually.<sup>24 25</sup>

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**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, providing that all the following conditions are met :**

**(a) the TPS eCall in-vehicle system shall comply with the standard EN 16102 'Intelligent transport systems – eCall – Operating requirements for third party support';**

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<sup>24</sup> AT: against manual triggering of the eCall system. (MD eC 07/14)

<sup>25</sup> FR: add new sentence: "Manufacturers shall ensure that the control manual trigger of eCall is designed to avoid mishandling." (MD eC 09/14).

<sup>26</sup> DE: add new subparagraph: "Manufacturers shall demonstrate that for vehicles in the delivery state the eCall in-vehicle system is activated with priority." (MD eC 08/14)

**(b) manufacturers shall ensure that there is only one system active at a time and that 112-based eCall in-vehicle system is triggered automatically in the event that the TPS eCall in-vehicle call system does not function;**<sup>27</sup>

**(c) the contract with the TPS provider may be cancelled at any time and the 112-based eCall in-vehicle system be used.**

3. Manufacturers shall ensure that the receivers in the **eCall** in-vehicle systems are compatible with the positioning services provided by satellite navigation systems including the Galileo and the EGNOS systems<sup>28 29</sup>.
4. Only those eCall in-vehicle systems which can be tested shall be accepted for the purposes of **EC** type-approval.
5. ~~eCall in-vehicle systems shall comply with the requirements of Directive 1999/5/EC<sup>30</sup> and UNECE Regulation No 10<sup>31</sup>.~~

**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<sup>32</sup> ~~free of charge~~ and without discrimination ~~at least~~ 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 information**<sup>33</sup>.

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<sup>27</sup> SE: against this amendment.

<sup>28</sup> UK: delete words "including the Galileo and EGNOS systems".

<sup>29</sup> ES, IT: add at the end of the sentence: "once these are fully operational".

RO: add at the end of the sentence: "once these are fully operational and these are available on the market."

<sup>30</sup> OJ L 91, 7.4.1999, p.10.

<sup>31</sup> OJ L 254, 20.9.2012, p.1.

<sup>32</sup> RO: clarify who are the independent operators.

<sup>33</sup> **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 eCall in-vehicle systems ~~and amending Directive 2007/46/EC accordingly.~~

The technical requirements and tests referred to in the first subparagraph shall be based on the requirements set out in paragraphs 2, 3, 4 and 6 and on the following standards, where applicable.<sup>34</sup>

**(-a) EN 15722 ‘Road transport and traffic telematics Intelligent transport systems - eSafety - eCall minimum set of data’;**

- (a) EN 16072 ‘Intelligent transport system-ESafety-PanEuropean eCall-Operating requirements’;
- (b) EN 16062 ‘Intelligent transport systems-ESafety-ECall high level application requirements (HLAP)’;
- (c) EN 16454 ‘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 16012 ‘Intelligent transport systems - eCall operating requirements for third party support’;**

- (d) any additional European standards or UNECE Regulations relating to eCall systems.

*Article 6*  
*Rules on privacy and data protection*<sup>35</sup>

**-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.**

<sup>34</sup> UK: throughout the text, add dates to the standards.

<sup>35</sup> *This Article has been amended on the basis of the opinion of the European Data Protection Supervisor and following legal advice.*

1. ~~In accordance with Directive 95/46/EC and Directive 2002/58/EC, m~~ **M**anufacturers shall ensure that vehicles equipped with eCall in-vehicle system are not traceable and are not subject to any constant tracking<sup>36</sup> ~~in their normal operational status related to the eCall 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 ~~desired~~ **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 ~~required for the appropriate handling of emergency calls~~ **as referred to in the standard EN 15722 "Road transport and traffic telematics 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 its transmission to the appropriate PSAP. Data submitted shall only be used for the purpose for which the data 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 ensure that eCall users are provided with 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;

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<sup>36</sup> UK: define how often is constant tracking. AT, DE: suggest deleting word "constant" (MD eC 07/14). DE: delete "constant tracking" also from paragraph 3, point g.

- (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 **private TPS** eCall service and/or other added value services.

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- 4. The Commission shall ~~be empowered to adopt delegated~~ **implementing** acts ~~in accordance with Article 9~~ which shall define **in detail** ~~further~~ 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 private data processing and of the user information referred to in paragraph 3. **Those acts shall be adopted in accordance with the examination procedure referred to in Article 9b(2).**

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*Article 7*  
*Obligations of the Member States*

With effect from ~~1 October 2015~~ **[date of application referred to in Article 12]**, national authorities shall only grant EC type-approval in respect of the eCall in-vehicle system to new types of vehicles **and to systems and components type-approved as separate technical units designed and constructed for such vehicles**, which comply with this Regulation and the ~~delegated~~ acts adopted pursuant to this Regulation.

~~Article 8~~  
~~Exemptions~~

- ~~1. The Commission may exempt certain vehicles or classes of vehicles of categories M1 and N1 from the obligation to install eCall in vehicle systems set out in Article 4, if following a cost/benefit analysis, carried out or mandated by the Commission, and taking into account all relevant safety aspects, the application of those systems proves not to be appropriate to the vehicle or class of vehicles concerned.~~
- ~~2. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 setting out the exemptions referred to in paragraph 1. Those exemptions shall cover vehicles such as special purpose vehicles and vehicles **manufactured in small series** without airbags and be limited in number.~~

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<sup>37</sup> RO: add a new paragraph as follows: (MD eC 01/14)

"3a. The producers shall implement all the necessary measures in order to ensure the security and the confidentiality of personal data processed through the eCall system incorporated in the vehicle."

<sup>38</sup> DE: add new paragraph 5: "5. The requirements mentioned under nos. 1 and 3 shall also apply to additional emergency services and/or added value services." (MD eC 08/14)

## Article 9

### Exercise of the delegation <sup>39</sup>

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 5 (7), ~~Article 6(4) and in Article 8(2)~~ shall be conferred on the Commission for ~~an indeterminate period of time~~ **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 5(7), ~~in Article 6(4) and in Article 8(2)~~ 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 5(7), ~~Article 6(4) and Article 8(2)~~, 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.

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<sup>39</sup> PL: the acts provided for in this Article should be adopted by means of implementing acts and not delegated acts. BG: general reservation on this Article.

Article 9a

Implementing acts

For the purposes of achieving the objectives of this Regulation and in order to lay down uniform conditions for the implementation of this Regulation, t 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 eCall in-vehicle system EC type-approval;
- (b) the template for the information document;
- (c) the template of the EC type-approval certificate.

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.

- 2a. The committee may furthermore examine any other matter concerning the application of this Regulation raised either by its chair or by a representative of a Member State in accordance with its rules of procedure.

*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 delegated acts adopted pursuant to this Regulation. They** shall take all measures to ensure that **they 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.

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*Article 11*  
*Amendments to Directive 2007/46/EC*

Annexes I, III, IV, VI, ~~IX~~<sup>41</sup> and XI to Directive 2007/46/EC are amended in accordance with the Annex to this Regulation.

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<sup>40</sup> NL: include also penalties for non-compliance with the data protection provisions.

<sup>41</sup> BG: keep reference to Annex IX.

*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 ~~1 October 2015~~ **[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., ~~and 12.8.1.~~ **and 12.8.2** are added:

“12.8 eCall system

**12.8.1 Presence: yes/no (1)**

12.8.1 **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 1 of Annex IV is amended as follows:

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

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

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\* **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

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\* **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 M<sub>1</sub>:

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 N<sub>1</sub>:

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 <sup>(1)</sup>	As amended by	Applicable to versions
71.	eCall system	Regulation (EU) No.....*		

~~(5) Annex IX is amended as follows:~~

~~(a) In Part I, Model B is amended as follows:~~

~~(i) Side 2 “vehicle category M1” is amended as follows:~~

~~point 52 is replaced by the following:~~

~~“52. eCall presence yes/no”;~~

~~the following point 53 is added:~~

~~“53. Remarks <sup>(11 B)</sup>: .....”;~~

~~(ii) side 2 “vehicle category N1” is amended as follows:~~

~~point 52 is replaced by the following:~~

~~“52. eCall presence yes/no”;~~

~~the following point 53 is added:~~

~~“53. Remarks <sup>(11 B)</sup>: .....”;~~

~~(b) in Part II, model C2 is amended as follows:~~

~~(i) side 2 “vehicle category M1” is amended as follows:~~

~~point 52 is replaced by the following:~~

~~“52. eCall presence yes/no”;~~

~~the following point 53 is added:~~

~~“53. Remarks <sup>(11)</sup>: .....”;~~

~~(ii) side 2 “vehicle category N1” is amended as follows:~~

~~point 52 is replaced by the following:~~

~~“52. eCall presence yes/no”;~~

~~the following point 53 is added:~~

~~“53. Remarks (11): .....”;~~

(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 <sub>1</sub> ≤ 2 500 (¹) kg	M <sub>1</sub> > 2 500 (¹) kg	M <sub>2</sub>	M <sub>3</sub>
71.	eCall system	Regulation (EU) No.....*	A <sup>42</sup>	A	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 <sub>1</sub>	M <sub>2</sub>	M <sub>3</sub>	N <sub>1</sub>	N <sub>2</sub>	N <sub>3</sub>	O <sub>1</sub>	O <sub>2</sub>	O <sub>3</sub>	O <sub>4</sub>
71.	eCall system	Regulation (EU) No.....*	A	N/A	N/A	A	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 <sub>1</sub>
71.	eCall system	Regulation (EU) No.....*	A

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

Item	Subject	Regulatory act reference	M <sub>2</sub>	M <sub>3</sub>	N <sub>1</sub>	N <sub>2</sub>	N <sub>3</sub>	O <sub>1</sub>	O <sub>2</sub>	O <sub>3</sub>	O <sub>4</sub>
71.	eCall system	Regulation (EU) No.....*	N/A	N/A	A	N/A	N/A	N/A	N/A	N/A	N/A

\* **OJ: please insert the number of this Regulation.**

<sup>42</sup> **FR:** replace A by G in several parts in these tables (see MD eC 09/14).