



<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <ul style="list-style-type: none"><li>- Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,</li><li>- Having regard to the proposal of the European Commission,</li></ul> <p>After transmission of the draft legislative act to the national Parliaments,</p> <ul style="list-style-type: none"><li>- Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,</li><li>- Having regard to the opinion of the European Data Protection Supervisor,</li></ul>			

<p>- Acting in accordance with the ordinary legislative procedure,</p> <p>Whereas:</p>			
<p>(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>.</p>			
<p>(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.</p>			
	<p><i>(2a) The deployment of an eCall service available in all vehicles and in all Member States has been one of the high Union priorities in the area of road safety since 2003. To achieve that objective, a series of initiatives have been launched, as part of a voluntary deployment approach, but have not achieved sufficient progress to date.</i></p>		
<p>(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</p>	<p>(3) In order to further improve road safety, the Commission Communication <b>of 21 August 2009 entitled:</b> 'eCall: Time for Deployment' proposes new measures to <b>deploy</b> an in-vehicle emergency call service in the Union. One of the suggested measures is to</p>	<p>(3) In order to further improve road safety, the Communication "eCall: Time for Deployment"<sup>4</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</p>	<p>++</p> <p>ACEA supports the precisions brought by both EP and Council.</p> <p><b>Suggestion:</b></p>

2 OJ L 263, 9.10.2007, p.1.

3 COM (2009) 434 final.

<p>all new vehicles starting with M1 and N1 vehicle categories as defined in Annex II to Directive 2007/46/EC.</p>	<p>make mandatory the fitting of <b>112-based</b> eCall in-vehicle systems in all new vehicles starting with M1 and N1 vehicle categories as defined in Annex II to Directive 2007/46/EC.</p>	<p>fitting of eCall in-vehicle systems in all new <b>types of</b> vehicles starting with M1 and N1 vehicle categories as defined in Annex II to Directive 2007/46/EC.</p> <p>_____</p> <p><sup>4</sup> COM (2009) 434 final.</p>	<p>(3) In order to further improve road safety, the Commission Communication <b>of 21 August 2009 entitled:</b> ‘eCall: Time for Deployment’ proposes new measures to <b>deploy</b> an in-vehicle emergency call service in the Union. One of the suggested measures is to make mandatory the fitting of <b>112-based</b> eCall in-vehicle systems in all new <b>types of</b> vehicles starting with M1 and N1 vehicle categories as defined in Annex II to Directive 2007/46/EC.</p>
<p>(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.</p>			
	<p><b><i>(4a) It is still necessary to improve the operation of the 112 service throughout the Union, so that it provides assistance swiftly and effectively in emergencies.</i></b></p>		
<p>(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.</p>	<p>(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, <b><i>thanks to the early alert of the emergency services.</i></b> The mandatory introduction of the <b><i>112-based</i></b> eCall in-vehicle system, <b><i>together with the necessary and coordinated infrastructure upgrade in electronic communication networks for conveying eCalls and Public Safety Answering Points (PSAPs) for receiving eCalls,</i></b> would make the service available to all citizens and thus contribute to <b><i>the</i></b></p>		<p>++</p> <p>ACEA agrees with the EP proposal</p>



			<p>In short the Proposal does not take into account the need to validate the behaviour of the system (including receivers) in all situations (requiring complex validating plan in an industrial context). The fact that Galileo partly functions does not mean that it can be declared available and reliable for commercial applications, and the fact that specifications are available does not mean that the real system will behave as foreseen by the specification.</p> <p>Compatibility can only be required for operational and validated systems.</p> <p><b>Suggestion:</b></p> <p>‘(6) The provision of accurate and reliable positioning information <b>in emergencies</b> is an essential element of the effective operation of the <b>112-based</b> eCall in-vehicle system. Therefore, it is appropriate to require its compatibility with the services provided by satellite navigation programmes, <b>in particular the operational and validated</b> systems established under the Galileo and EGNOS programmes <b>as</b> set out in Regulation (EC) No 683/2008 of the European Parliament and of the Council<sup>8</sup></p> <hr/> <p><sup>8</sup> <b>Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further</b></p>
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			<i>implementation of the European satellite navigation programmes (EGNOS and Galileo) (OJ L 196, 24.7.2008, p.1.)'</i>
(7) The mandatory equipping of vehicles with the eCall in-vehicle system should initially apply only to new passenger cars and light commercial vehicles (categories M1 and N1) for which an appropriate triggering mechanism already exists.	(7) The mandatory equipping of vehicles with the <b>112-based</b> eCall in-vehicle system should initially apply only to new <b>types of</b> passenger cars and light commercial vehicles (categories M1 and N1) for which an appropriate triggering mechanism already exists. <b>The possibility of extending the application of the 112-based eCall in-vehicle system requirement in the near future to include other vehicle categories, such as heavy goods vehicles (HGVs), buses and coaches, powered two-wheelers (PTW) and agricultural tractors, should be further assessed by the Commission with a view to presenting, if appropriate, a legislative proposal.</b>	(7) The mandatory equipping of vehicles with the eCall in-vehicle system should initially apply only to new <b>types of</b> passenger cars and light commercial vehicles (categories M1 and N1) for which an appropriate triggering mechanism already exists.	++ ACEA agrees with the Council proposal
	<b>(7a) The equipping of vehicles of existing types to be manufactured after October 2015 with the 112-based eCall in-vehicle system should be promoted in order to increase penetration. In respect of types of vehicles type-approved before 1 October 2015, an eCall system may be retrofitted on a voluntary basis.</b>		-- <b>Existing types</b> ACEA does not support the fitting of an eCall in-vehicle system within existing types of vehicle as proposed here. The eCall system deeply interfere with the vehicle's IT architecture. Some current or older vehicle electronic architectures could hardly support the system and installing an eCall system would entail a very complex process.  <b>Retrofitting</b> This Regulation concerns type-approval. Retrofitting is not part of the type-approval process and should therefore no

			<p>be handled here.</p> <p><b>Suggestion:</b> delete paragraph</p>
	<p><i>(7b) The public interoperable Union-wide eCall service based on the single European emergency call number 112 ("emergency number 112") and private eCall services (third party service supported eCall systems) can coexist provided that the measures necessary to ensure continuity in the provision of the service to the consumer are adopted. In order to ensure continuity of the public 112-based eCall service in all Member States throughout the lifetime of the vehicle and guarantee that the public 112-based eCall service is always automatically available, all vehicles should be equipped with the public 112-based eCall service, regardless of whether or not a vehicle buyer opts for a private eCall service.</i></p>		<p>+/-</p> <p>ACEA can support the spirit of the text proposed by the EP but its language is redundant.</p> <p><b>Suggestion:</b></p> <p><i>(7b) The public interoperable Union-wide eCall service based on the single European emergency call number 112 ("emergency number 112") and private eCall services (third party service supported eCall systems) can coexist provided that the measures necessary to ensure continuity in the provision of the service to the consumer are adopted. In order to ensure continuity of the public 112-based eCall service in all Member States throughout the lifetime of the vehicle and guarantee that the public 112-based eCall service is always automatically available, all vehicles should be equipped with the public 112-based eCall service, <del>regardless of, whether or not a vehicle buyer opts for a private eCall service.</del></i></p>
	<p><i>(7c) Consumers should be provided with a realistic overview of the 112-based eCall in-vehicle system and of the private eCall system, if the vehicle is equipped with one, as well as comprehensive and reliable information regarding any additional functionalities or services linked to the</i></p>		

	<p><i>private emergency service, in-vehicle emergency or assistance-call applications on offer, and regarding the level of service to be expected with the purchase of third party services and the associated cost. The 112-based eCall is a public service of general interest and should therefore be accessible free of charge to all consumers.</i></p>		
	<p>(8) The mandatory equipping of vehicles with the <b>112-based</b> 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, <b>any</b> additional services should be designed not to increase driver distraction <b>or affect the functioning of the 112-based eCall in-vehicle system and the efficient work of emergency call centres. The 112-based eCall in-vehicle system and the system providing private or added-value services should be designed in such a way that no exchange of personal data between them is possible. Where provided, those services should comply with the applicable safety, security and data protection legislation and should always remain optional for consumers.</b></p>		<p>--</p> <p><b>Additional services</b></p> <p>References made to additional services should be removed. eCall is a safety system and should remain limited to this function. The text at hand deals with type-approval requirements for eCall, not added-value services!</p> <p><b>Design</b></p> <p>ACEA cannot support the design requirement imposed. A legislative proposal is not the place to decide on technical and/or engineering specifications. Such specifications are supposed to be defined at a later stage. Moreover, no personal data is stored by the eCall system.</p> <p><b>Suggestion:</b></p> <p>"(8) The mandatory equipping of vehicles with the <b>112-based</b> 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 <del>and/or added value</del> services, in parallel with <del>or</del></p>

			<p><del>building on</del> the 112-based eCall in-vehicle system. However, <del>any those</del> additional services should be designed not to increase driver distraction <del>or affect the functioning of the 112-based eCall in-vehicle system and the efficient work of emergency call centres. The 112-based eCall in-vehicle system and the system providing private or added value services should be designed in such a way that no exchange of personal data between them is possible.</del> Where provided, those services should comply with the applicable safety, security and data protection legislation and should always remain optional for consumers.”</p>
<p>(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.</p>	<p>(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 <b>112-based</b> eCall in-vehicle system should be based on an interoperable, open-access, <b>secured and standardised</b> platform for possible future in-vehicle applications or services. <b>As this requires technical and legal back-up, the Commission should assess without delay, on the basis of consultations with all stakeholders involved, including vehicle manufacturers and independent operators, all possibilities to promote and ensure such an open-access platform and, if appropriate, put forward a legislative proposal to that effect. Further clarifications should be provided on the conditions under which third parties providing added value services can have access to data stored in the 112-based in-vehicle system. Furthermore, the 112-based eCall in-</b></p>	<p>(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 <del>free of charge</del> and without discrimination to all independent operators and based on an interoperable and open-access platform for possible future in-vehicle applications or services.</p>	<p>--</p> <p><b>RMI</b></p> <p>ACEA supports the Council proposal, which is in line with current RMI provisions</p> <p><b>Open platform</b></p> <p>Our industry cannot accept that the 112-based eCall in-vehicle system should be based on an open platform, <b>a concept for which there is currently no definition</b>. eCall is a safety system, which does not require an ‘open platform’ to function. The concept of open platform raises a number of issues (different safety liability, data protection challenges, etc.) which need to be addressed before it becomes the basis for any vehicle system</p> <p>Moreover the standards and technical requirements of a possible future open</p>

	<p><i>vehicle system should be accessible free of charge and without discrimination to all independent operators for repair and maintenance purposes.</i></p>		<p>platform legislation would change the 112-based eCall system technically and could imply a complete revision of the eCall Regulation. 112-based eCall should remain focused on safety and separated from a possible future open telematic platform. In this respect ISO work on the Vehicle Station Gateway, where AFCAE participates, should be taken into account starting with the settled distinction between RMI over the air, remote driver behaviour services (e.g. insurance) and eCall.</p> <p><b>A possible open telematic platform should be discussed separately, as foreseen in the ITS Action Plan.</b></p> <p><b>Suggestion:</b> (based on the Council text)</p> <p>(9) In order to ensure open choice for customers and fair competition, as well as to 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 <del>free of charge</del> and without discrimination to all independent operators <b>and based on an interoperable and open access platform for possible future in-vehicle applications or services.</b></p>
	<p><i>(9a) The introduction of any additional in-vehicle application or service should not delay the entry into force and the application of this Regulation.</i></p>		<p>--</p> <p>The wording is unclear and inappropriate in any case as the object of this Regulation should be focused on the 112-based eCall in-vehicle system only</p>

<p>(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.</p>			<p><b>Suggestion:</b> delete paragraph</p> <p>+/-</p> <p>The test procedures for the purpose of type-approving the eCall in-vehicle system have not been devised yet. The term ‘fully’ is not defined and could create confusion</p> <p><b>Suggestion:</b> delete ‘fully’</p> <p>“(10) In order to maintain the integrity of the type-approval system, only those eCall in-vehicle systems which can be <b>fully</b> tested should be accepted for the purposes of this Regulation.”</p>
	<p><i>(10a) The 112-based eCall in-vehicle system, as an emergency system, requires the highest possible level of reliability. The accuracy of the minimum set of data and of the voice transmission and quality should be ensured, and a uniform testing regime should be developed to ensure the longevity and durability of the 112-based eCall in-vehicle system. Periodic technical inspections should therefore be carried out regularly in accordance with Regulation (EU) No .../...of the European Parliament and of the Council <sup>1a*</sup>. Detailed provisions for the testing should be included in the relevant Annex thereof.</i></p> <hr/> <p><del><sup>1a*</sup> Regulation (EU) No. .../... of the European Parliament and of the Council of ... on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L ...).</del></p>		<p>--</p> <p><b>PTI</b></p> <p>ACEA proposes to specify the PTI requirements in this text.</p> <p><b>Voice quality</b></p> <p>ACEA cannot support the request to guarantee the quality of the voice transmission as it is not only dependent on the vehicle, but also on other parties such as PSAP and MNO. In addition, there is no available or relevant technical framework for the verification of the voice quality.</p> <p><b>Suggestion:</b></p> <p><i>‘(10a) The 112-based eCall in-vehicle system, as an emergency system, requires the highest possible level of reliability. The accuracy of the minimum set of data and of the voice transmission <b>and quality</b> should be</i></p>

	<p><del>*OJ: Please insert the number of the Regulation contained in doc. 2012/0184(COD) and complete the footnote with its number, date and publication reference.</del></p>		<p><del>ensured, and a uniform testing regime should be developed to ensure the longevity and durability of the 112-based eCall in-vehicle system. Periodic technical inspections should therefore be carried out regularly in accordance with Regulation (EU) No .../... of the European Parliament and of the Council<sup>1a*</sup>. Detailed provisions for the testing should be included in the relevant Annex thereof. as for safety relevant electronic system. The 112-based eCall in-vehicle system should be tested independently of available networks or similar (no try-out call). This can be done by visual inspection (warning lamp/text y/n) or via vehicle interface (only fitment/status, no reading/interpretation of DTCs nor system activation) following a power-on</del></p>
<p>(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.</p>	<p>(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 <b>set out in this Regulation.</b></p>	<p>(11) Small series vehicles <b>and vehicles approved pursuant to Article 24 of Directive 2007/46/EC</b> 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 <del>small series</del> vehicles should be excluded from the obligation to comply with the eCall requirements. <b>Moreover, some M1 and N1 vehicles cannot be equipped with an appropriate eCall triggering mechanism.</b></p>	<p>+/- <b>Exemptions</b> ACEA supports the <b>Council proposal</b>, which is the clearest. Our industry would however welcome an additional exemption, namely for special purpose vehicles.  Although such vehicles may be equipped with an appropriate triggering mechanism, fitting eCall in such vehicles could go against their very purpose. In the case of an armoured vehicle, the triggering of eCall would allow the localisation of the vehicle after an accident, when it might be more vulnerable and access to the persons/ goods it transports and protects facilitated.</p>

			<p><b>Suggestion:</b></p> <p>(11) Small series vehicles, <del>and vehicles approved pursuant to Article 24 of Directive 2007/46/EC</del> <b>and special purpose vehicles (including armoured vehicles)</b> 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 <del>small series</del> vehicles should be excluded from the obligation to comply with the eCall requirements. <b>Moreover, some M1 and N1 vehicles cannot be equipped with an appropriate eCall triggering mechanism.</b></p>
(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.	<del>deleted</del>	(12) Special purpose vehicles should be subject to compliance with the eCall requirements set out in this Regulation, <b>where the base/incomplete vehicle is equipped with the necessary triggering mechanism</b> <del>unless type-approval authorities consider, on a case by case basis, that the vehicle cannot meet those requirements due to its special purpose.</del>	ACEA would suggest to deal with special purpose vehicles in recital 11 (see above) and therefore supports the deletion proposed by the EP.
(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>7</sup> , 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	(13) Directive 95/46/EC of the European Parliament and of the Council <sup>10</sup> , Directive 2002/58/EC of the European Parliament and of the Council <sup>11</sup> <b>and Articles 7 and 8 of the Charter of Fundamental Rights of the European Union<sup>11a</sup> govern the processing of personal data carried out in the context of this Regulation. Any processing of data through the 112-based eCall in-vehicle system should therefore be carried out in accordance with these Directives and under the supervision of the Member States' competent</b>	(13) <del>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>7</sup></del> 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	++ ACEA agrees with the Council proposal

<p>the free movement of such data<sup>8</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>9</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.</p>	<p><b>authorities, in particular the independent public authorities designated by the Member States pursuant to those Directives</b>, in particular to guarantee that vehicles equipped with <b>112-based</b> 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 <b>only</b> the minimum information required for the handling of emergency calls <b>by PSAPs, and that no personal data is stored after that. Given the consent of the data subject or a contract between both parties, other conditions may apply in case another emergency call system is installed in the vehicle in addition to the 112-based eCall in-vehicle system, but it should nevertheless comply with those Directives.</b></p> <hr/> <p><sup>10</sup> <b>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</b> (OJ L 281, 23.11.1995, p. 31).</p> <p><sup>11</sup> <b>Directive 2002/58/EC of the European Parliament and of the</b></p>	<p>the free movement of such data<sup>8</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>9</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. <b>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>10</sup>,</b></p> <hr/> <p><del>7 1609/06/EN – WP 125.</del>  <sup>8</sup> OJ L 281, 23.11.1995, p. 31.  <sup>9</sup> OJ L 201, 31.7.2002, p. 37.  <sup>10</sup> 1609/06/EN – WP 125.</p>
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<sup>8</sup> OJ L 281, 23.11.1995, p. 31.

<sup>9</sup> OJ L 201, 31.7.2002, p. 37.

	<p><b><i>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).</i></b></p> <p><b><i>11<sup>a</sup> OJ C 303, 14.12.2007, p. 1.</i></b></p>		
	<p><b><i>(13a) This Regulation takes into account the recommendations made by the Article 29 Working Party established by Directive 95/46/EC in its 'Working document on data protection and privacy implications in eCall initiative', of 26 September 2006<sup>1</sup>.</i></b></p> <p><b><i>1 1609/06/EN -WP 125.</i></b></p>	<p><b><i>(13a) Manufacturers should implement all the necessary measures in order to comply with the rules on privacy and data protection set out in this Regulation.</i></b></p>	<p>--</p> <p>EP recital (13a) is redundant as it is already included in the Council proposal for recital (13)</p> <p><b>Suggestion:</b> delete</p> <p>++</p> <p>ACEA agrees with Council recital (13a).</p>
	<p><b><i>(13b) When complying with technical requirements, vehicle manufacturers should integrate technical forms of data protection into in-vehicle systems and should comply with the principle of 'privacy by design'.</i></b></p>		<p>--</p> <p>EP's recital (13b) is more detailed than Council's 13(a). All vehicle manufacturers have to comply with the current data protection framework of the country in which the vehicle will be sold.</p> <p><b>Suggestion:</b> delete</p>
<p>(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</p>			

<p>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.</p>			
<p>(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 detailed 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.</p>	<p>(15) In order to ensure the application of common technical requirements regarding the <b>112-based</b> 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 detailed 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, <b>consulting in particular the European Data Protection Supervisor, the Article 29 Working Party and consumer protection organisations.</b> 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</p>	<p>(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 <b>exemption of certain vehicles or classes of vehicles of categories M1 and N1 from the obligation to install eCall in-vehicle systems and the establishment of detailed technical requirements and tests for the EC type-approval of vehicles in respect to their eCall in-vehicle systems and the EC type-approval of systems, components and separate technical units designed and constructed for such vehicles.</b> <del>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.</del> 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.</p>	<p>+/-</p> <p>ACEA supports the Council proposal but with the additional precision ‘112-based’ adopted by the EP</p> <p><b>Suggestion:</b></p> <p>“(15) In order to ensure the application of common technical requirements regarding the <b>112-based</b> 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 <b>exemption of certain vehicles or classes of vehicles of categories M1 and N1 from the obligation to install eCall in-vehicle systems and the establishment of detailed technical requirements and tests for the EC type-approval of vehicles in respect to their eCall in-vehicle systems and the EC type-approval of systems, components and separate technical units designed and constructed for such vehicles.</b> <del>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.</del> It is of particular importance that the Commission carry out appropriate consultations during its preparatory work including at expert level. The</p>

			<p>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.</p>
		<p><b><i>(15a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers relating to the establishment of detailed rules on privacy protection, the procedure for the EC type-approval, the numbering system of the type-approval certificates, the template for the information documents, the template of the EC type-approval certificates and the model for the EC type-approval mark, 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>11</sup>.</i></b></p> <hr/> <p><sup>11</sup> OJ L 55, 28.2.2011, p. 13.</p>	<p>Vehicle manufacturers have to comply with the privacy protection rules in force in the country in which the vehicle is sold. Compliance is verified in practice by providing the accredited technical centres, which approve the vehicle, with the relevant technical document.</p> <p>An intrusion test – requiring special equipment to access the eCall in-vehicle system – can also be performed by the technical if necessary.</p> <p>As a result, ACEA proposes to delete the wording "<b><i>the establishment of detailed rules on privacy protection</i></b>".</p> <p><b>Suggestion</b></p> <p><b><i>"(15a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers relating to the establishment of detailed rules on privacy protection, the procedure for the EC type-approval, the numbering system of the type-approval certificates, the template for the information documents, the template of the EC type-approval certificates and the model for the EC type-approval mark, 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</i></b></p>

			<p><b>control by Member States of the Commission's exercise of implementing powers<sup>11</sup>.</b></p> <hr/> <p><sup>11</sup> OJ L 55, 28.2.2011, p. 13."</p>
<p>(16) Vehicle manufacturers should be allowed sufficient time to adapt to the technical requirements of this Regulation.</p>	<p>(16) Vehicle manufacturers should be allowed sufficient time to adapt to the technical requirements of this Regulation <b>and the delegated acts adopted pursuant to this Regulation in order to be able to carry out the necessary studies and tests under various conditions, as required, and thus ensure that the 112-based eCall in-vehicle system is fully reliable.</b></p>		<p>++</p> <p>ACEA agrees with the EP proposal</p>
<p>(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.</p>		<p>(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, <del>IX</del> and XI to that Directive should be amended accordingly.</p>	<p>++</p> <p>ACEA agrees with the Council proposal</p>

<p>(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,</p> <p>HAVE ADOPTED THIS REGULATION:</p>			
<p><i>Article 1</i> <i>Subject matter</i></p> <p>This Regulation establishes the technical requirements for the EC type-approval of vehicles regarding the eCall in-vehicle system.</p>		<p><i>Article 1</i> <i>Subject matter</i></p> <p>This Regulation establishes the <del>technical</del> <b>general</b> requirements for the EC type-approval of vehicles <b>in respect of the eCall in-vehicle systems, components and separate technical units</b> regarding the eCall in-vehicle system.</p>	<p>++</p> <p>ACEA agrees with the Council proposal</p>
<p><i>Article 2</i> <i>Scope</i></p> <p>This Regulation shall apply to vehicles of categories M1 and N1 as defined in points 1.1.1. and 1.2.1. of Annex II to Directive 2007/46/EC.</p>		<p><i>Article 2</i> <i>Scope</i></p> <p><b>1.</b> This Regulation shall apply to vehicles of categories M1 and N1 as defined in points 1.1.1. and 1.2.1. <b>of Part A</b> of Annex II to Directive 2007/46/EC <b>and to eCall in-vehicle systems, components and separate technical units designed and</b></p>	<p>++</p> <p>ACEA agrees with the Council proposal</p>

	<p><b>1a. This Regulation shall not apply to small series vehicles.</b></p>	<p><i>constructed for such vehicles.</i></p> <p><b>It shall not apply to the following vehicles:</b></p> <p><i>(a) vehicles produced in small series approved pursuant to Articles 22 and 23 of Directive 2007/46/EC;</i></p> <p><i>(b) vehicles approved pursuant to Article 24 of Directive 2007/46/EC;</i></p> <p><i>(c) vehicles which cannot for technical reasons be equipped with an appropriate eCall triggering mechanism, as determined in accordance with paragraph 2.</i></p>	<p>+/-</p> <p><b>Exemptions</b></p> <p>In line with the comments made to recital 11 (see above), ACEA would welcome the addition of special purpose vehicles to the proposed exemption from the scope of this regulation</p> <p><b>Suggestion:</b></p> <p><i>it shall not apply to the following vehicles:</i></p> <p><i>(a) vehicles produced in small series approved pursuant to Articles 22 and 23 of Directive 2007/46/EC;</i></p> <p><i>(b) vehicles approved pursuant to Article 24 of Directive 2007/46/EC;</i></p> <p><b><i>(ba) new special purpose vehicles according to Annex XI, Directive 2007/46/EC;</i></b></p> <p><i>(c) vehicles which cannot for technical reasons be equipped with an appropriate eCall triggering mechanism, as determined in accordance with paragraph 2.</i></p>
		<p><b>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 to identify vehicles or classes of vehicles of categories M1 and N1 which for technical reasons cannot be equipped with an appropriate eCall triggering mechanism, on the basis of a cost/benefit analysis carried out or mandated by the Commission and</b></p>	<p>++</p> <p>ACEA agrees with the Council proposal</p>

		<i>taking into account all relevant safety and technical aspects. These delegated acts shall be adopted by [12 months after the date of entry into force].</i>	
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<p style="text-align: center;"><i>Article 3 Definitions</i></p> <p>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>11</sup>, the following definitions shall apply:</p>	<p style="text-align: center;"><i>Article 3 Definitions</i></p> <p>For the purpose of this Regulation and in addition to the definitions laid down in Article 3 of Directive 2007/46/EC, the following definitions shall apply:</p>	<p style="text-align: center;"><i>Article 3 Definitions</i></p> <p>For the purpose of this Regulation and in addition to the definitions laid down in Article 3 of Directive 2007/46/EC <del>and in Article 2 of Commission Delegated Regulation (EU) No 305/2013<sup>11</sup></del>, the following definitions shall apply:</p>	<p style="text-align: right;">++</p> <p>ACEA agrees with the Council proposal</p>
		<p><i>(-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 carries a minimum set of data and establishes an audio channel between the vehicle and the eCall PSAP via public mobile wireless communications networks;</i></p>	<p style="text-align: right;">++</p> <p>ACEA agrees with the Council proposal</p>
		<p><i>(-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;</i></p>	<p style="text-align: right;">++</p> <p>ACEA agrees with the Council proposal</p>
		<p><i>(-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;</i></p>	<p style="text-align: right;">++</p> <p>ACEA agrees with the Council proposal</p>
		<p><i>(0) ‘eCall PSAP’ means a most appropriate PSAP defined beforehand by the authorities to first receive and handle eCalls;</i></p>	<p style="text-align: right;">++</p> <p>ACEA agrees with the Council proposal</p>
<p>1. ‘e-Call in-vehicle system’ means a system activated either automatically via in-vehicle sensors or manually, which carries, by means of mobile wireless communications networks, a standardised minimum set of data and establishes a 112-based audio</p>	<p>(1) ‘112-based eCall in-vehicle system’ means <b>an emergency system, comprising in-vehicle equipment and the means to trigger, manage and enact the eCall transmission, that is</b> activated either automatically via in-vehicle sensors or manually, which <b>emits signals</b> by means of <b>a public</b> mobile</p>	<p>(1) ‘e-Call in-vehicle system’ means a system activated either automatically via in-vehicle sensors or manually, which carries, by means of <b>public</b> mobile wireless communications networks, a <del>standardised</del> minimum set of data and establishes a 112-based</p>	<p style="text-align: right;">+/-</p> <p>ACEA supports the Council proposal with the addition of ‘112-based’ as proposed by the EP for further clarity.</p>

<p>channel between the occupants of the vehicle and a public safety answering point;</p>	<p>wireless communications networks, <b>to enable the transmission of</b> a standardised minimum set of data and <b>the establishment of</b> a 112-based audio channel between the occupants of the vehicle and <b>the appropriate</b> public safety answering point;</p> <p><i>(Horizontal amendment: if adopted, the references to "eCall in-vehicle system" will be replaced with "112-based eCall in-vehicle system" throughout the text)</i></p>	<p>audio channel between the occupants of the vehicle and <b>an eCall PSAP</b> public safety answering point;</p>	<p><b>Suggestion:</b></p> <p>(1) '<b>112-based</b> e-Call in-vehicle system' means a system activated either automatically via in-vehicle sensors or manually, which carries, by means of <b>public</b> mobile wireless communications networks, a <del>standardised</del> minimum set of data and establishes a 112-based audio channel between the occupants of the vehicle and <b>an eCall PSAP</b> public safety answering point;</p>
<p>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.</p>	<p><b>deleted</b></p>	<p><del>(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.</del></p>	<p>++</p> <p>ACEA agrees with the EP and Council proposal</p>
	<p><b>(2a) 'eCall' means an in-vehicle emergency call to 112, made via the 112-based eCall in-vehicle system;</b></p>	<p><b>(2a) 'in-vehicle equipment' means equipment 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;</b></p>	<p>+/-</p> <p>Agree with Council proposal with the additional wording "112-based".</p> <p><b>Suggestion</b></p> <p><b>'(2a) 'in-vehicle equipment' means equipment within the vehicle that provides or has access to the in-vehicle data required to perform the 112-based eCall transaction via a public mobile wireless communications network;'</b></p>
	<p><b>(2b) 'public safety answering point' or '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</b></p>	<p><b>(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</b></p>	<p>--</p> <p>EP's paragraph (2b) is unnecessary as it is covered by Council's paragraph (-2).</p>

	<i>State concerned;</i>	<i>an eCall PSAP and the establishment of an audio channel between the vehicle and the same eCall PSAP;</i>	++ ACEA agrees with Council's paragraph (2b)
	<i>(2c) 'minimum set of data' or '(MSD' means the information defined by the standard 'Road transport and traffic telematics — eSafety — eCall minimum set of data (MSD)' (EN 15722) which is sent to the eCall PSAP;</i>	<i>(2c) 'minimum set of data' (MSD) means the information defined by the standard 'Intelligent transport systems — eSafety — eCall minimum set of data (MSD)' (EN 15722:2011) which is sent to the eCall PSAP;</i>	++ ACEA agrees with the Council proposal; the Council text is preferred to that of the EP as it specifies the standard date
	<i>(2d) 'in-vehicle equipment' means equipment permanently installed within the vehicle that provides or has access to the in-vehicle data required for the minimum set of data (MSD) to perform the eCall transaction via a public mobile wireless communications network;</i>	<i>(2d) 'public mobile wireless communications network' means mobile wireless communications network available to the public in accordance with Directive 2002/21/EC<sup>13</sup> and with Directive 2002/22/EC<sup>14</sup> of the European Parliament and of the Council;</i>  <i><sup>13</sup> OJ L 108, 24.4.2002, p. 33.</i> <i><sup>14</sup> OJ L 108, 24.4.2002, p. 51.</i>	-- EP's paragraph (2d) is unnecessary as it is covered by Council's paragraph (2a)  <b>Council's paragraph (2a) is preferred as it respects the principle of technological neutrality</b>
	<i>(2e) 'public mobile wireless communications network' means mobile wireless communications network available to the public in accordance with Directives 2002/21/EC<sup>1a</sup> and 2002/22/EC<sup>1b</sup> of the European Parliament and of the Council;</i>  <i><sup>1a</sup> Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).</i> <i><sup>1b</sup> Directive 2002/22/EC of the</i>	<i>(2e) 'Third party services<sup>15</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, minimum set of data (MSD) and establishes an audio channel between the vehicle and the TPSP;</i>	++ ACEA agrees with the Council proposal

	<i>European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51).</i>		
		<i>(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 (MSD) to the eCall PSAP;</i>	++ ACEA agrees with the Council proposal
		<i>(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, the minimum set of data (MSD) and establishes a audio channel between the vehicle and the TPSP.</i>	++ ACEA agrees with the Council proposal
<p><i>Article 4</i> <i>General obligations of the Manufacturers</i></p> <p>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.</p>	<p><i>Article 4</i> <i>General obligations of the Manufacturers</i></p> <p>Manufacturers shall demonstrate that all new types of vehicles referred to in Article 2 are equipped with an <b>embedded 112-based</b> eCall in-vehicle system, in accordance with this Regulation and the delegated acts adopted pursuant to this Regulation.</p>	<p><i>Article 4</i> <i>General obligations of the Manufacturers</i></p> <p>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 <del>delegated</del> acts adopted pursuant to this Regulation.</p>	+/- ACEA supports the Council proposal with the addition of '112-based' as proposed by the EP  <b>Suggestion:</b> 'Manufacturers shall demonstrate that all new types of vehicles referred to in Article 2 are equipped with an <b>112-based</b> eCall in-vehicle system, in accordance with this Regulation and the <del>delegated</del> acts adopted pursuant to this Regulation.'
<p><i>Article 5</i> <i>Specific obligations of manufacturers</i></p>			
1. Manufacturers shall ensure that all their new types of vehicle are manufactured and approved in accordance with the requirements set out in this Regulation and the		1. Manufacturers shall ensure that all their new types of vehicle <b>and eCall in-vehicle systems, components and separate technical units designed and</b>	++ ACEA agrees with the Council proposal

<p>delegated acts adopted pursuant to this Regulation.</p>		<p><i>constructed for such vehicles</i> are manufactured and approved in accordance with the requirements set out in this Regulation and the <del>delegated</del> acts adopted pursuant to this Regulation.</p>	
<p>2. Manufacturers shall demonstrate that all their new types of vehicle are constructed to ensure that in the event of a severe accident which occurs in the territory of the Union, an eCall to the single European emergency number 112 is triggered automatically.</p> <p>Manufacturers shall demonstrate that new vehicles are constructed as to ensure that an eCall to the single European emergency number 112 can also be triggered manually.</p>	<p>2. Manufacturers shall demonstrate that new <b>vehicle</b> types are constructed to ensure that in the event of a severe accident, <b>detected by activation of one or more sensors and/or processors within the vehicle</b>, which occurs in the territory of the Union, an eCall to the emergency number 112 is triggered automatically.</p> <p>Manufacturers shall demonstrate that new <b>vehicle types</b> are constructed <b>in such a way</b> as to ensure that an eCall to the emergency number 112 can also be triggered manually.</p>	<p>2. Manufacturers shall demonstrate that all their new types of vehicle are constructed to ensure that in the event of a severe accident, <b>detected by activation of one or more sensors or processors within the vehicle</b>, which occurs in the territory of the Union, an eCall to the single European emergency number 112 is triggered automatically.</p> <p>Manufacturers shall demonstrate that new <b>types of</b> vehicles are constructed as to ensure that an eCall to the single European emergency number 112 can also be triggered manually.</p> <p><b>Manufacturers shall ensure that the manual trigger control of eCall is designed to avoid mishandling.</b></p>	<p>--</p> <p><b>Mishandling</b> Manufacturers can design the trigger mechanism is such a way as to prevent unintended activation but design cannot prevent mishandling if a person deliberately sets to use the trigger wrongly.</p> <p><b>Suggestion:</b> 2. Manufacturers shall demonstrate that all their new types of vehicle are constructed to ensure that in the event of a severe accident, <b>detected by activation of one or more sensors or processors within the vehicle</b>, which occurs in the territory of the Union, an eCall to the single European emergency number 112 is triggered automatically.</p> <p>Manufacturers shall demonstrate that new <b>types of</b> vehicles are constructed as to ensure that an eCall to the single European emergency number 112 can also be triggered manually.</p> <p><del>Manufacturers shall ensure that the manual trigger control of eCall is designed to avoid mishandling.</del></p>
	<p><b>2a. Paragraph 2 is without prejudice to the right of the vehicle owner to use another emergency call system installed in the vehicle and providing a similar service, in addition to the 112-based eCall in-vehicle system. In that case, that other emergency call system shall be compliant with the standard EN 16102 'Intelligent transport systems</b></p>	<p><b>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, provided that all the following conditions are met :</b> <b>(a) the TPS eCall in-vehicle system</b></p>	<p>--</p> <p><b>Cancellation policy</b> The Council's proposal in paragraph (c) – in particular the wording 'at any time' – is misleading. While the owner of the vehicle is indeed free to cancel a private system he might have opted for</p>

	<p>– <i>eCall – Operating requirements for third party support</i>', and <i>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 other emergency call system does not function.</i></p>	<p><i>shall comply with the standard EN 16102:2011 'Intelligent transport systems – eCall – Operating requirements for third party support';</i></p> <p><i>(b) manufacturers shall ensure that there is only one system active at a time and that the 112-based eCall in-vehicle system is triggered automatically in the event that the TPS eCall in-vehicle call system does not function;</i></p> <p><i>(c) manufacturers shall include in the owner's manual that the owner may at any time choose to use the 112-based eCall in-vehicle system instead of a TPS in-vehicle system.</i></p>	<p>previously, such decision is subject to standard commercial contract conditions.</p> <p><b>Suggestion:</b></p> <p><del><i>(c) manufacturers shall include in the owner's manual that the owner may at any time choose to use the 112-based eCall in-vehicle system instead of a TPS in-vehicle system.</i></del></p> <p>Alternative:</p> <p><i>(c) manufacturers shall include in the owner's manual that the owner may at any time choose to use the 112-based eCall in-vehicle system instead of a TPS in-vehicle system.</i></p>
<p>3. Manufacturers shall ensure that the receivers in the in-vehicle systems are compatible with the positioning services provided by satellite navigation systems including the Galileo and the EGNOS systems.</p>	<p>3. Manufacturers shall ensure that the receivers in the <b>112-based eCall</b> in-vehicle systems are compatible with the positioning services provided by satellite navigation systems, <b>in particular</b> the Galileo and the EGNOS systems.</p>	<p>3. Manufacturers shall ensure that the receivers in the <b>eCall</b> in-vehicle systems are compatible with the positioning services provided by <del>satellite navigation systems including</del> the Galileo and the EGNOS systems. <b>Manufacturers may also choose, in addition, compatibility with other satellite navigation systems.</b></p>	<p>--</p> <p><b>Galileo</b></p> <p>The compatibility with a satellite navigation system should not be required before the system is fully operational and validated as requesting compatibility before that will raise a number of issues (see comments above on recital 6)</p> <p><b>Suggestion:</b> (based on the Council proposal)</p> <p>“3. Manufacturers shall ensure that the receivers in the <b>112-based eCall</b> in-vehicle systems are compatible with the <b>operational and validated</b> positioning services <b>in particular</b> provided by <del>satellite navigation systems including the</del></p>

			Galileo and the EGNOS systems. <b>Manufacturers may also choose, in addition, compatibility with other satellite navigation systems.”</b>
4. Only those eCall in-vehicle systems which can be tested shall be accepted for the purposes of type-approval.	4. Only those <b>embedded 112-based</b> eCall in-vehicle systems which can be tested shall be accepted for the purposes of type-approval.	4. Only those eCall in-vehicle systems which can be tested shall be accepted for the purposes of <b>EC</b> type-approval.	+/- <b>Suggestion:</b> "4. Only those <b>112-based</b> eCall in-vehicle systems which can be tested shall be accepted for the purposes of <b>EC</b> type-approval."
5. eCall in-vehicle systems shall comply with the requirements of Directive 1999/5/EC 12 and UNECE Regulation No 1013.		<del>5. eCall in-vehicle systems shall comply with the requirements of Directive 1999/5/EC 17 and UNECE Regulation No 10<sup>18</sup>.</del>	++ ACEA agrees with Council proposal because the vehicle manufacturer has in any case to respect the UNECE Regulation No. 10 and also the R&TTE Directive in case of an introduction of component using a frequency band
	<b>5a. Manufacturers shall demonstrate that, in the event of a critical system failure which would result in an inability to execute an eCall detected during or following the self-test, a warning shall be given to the occupants of the vehicle.</b>	<b>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.</b>	++ ACEA agrees with the Council proposal
6. The eCall in-vehicle system shall be accessible to all independent operators free of charge and without discrimination at least for repair and maintenance purposes.	6. The <b>112-based</b> eCall in-vehicle system shall be accessible to all independent operators free of charge and without discrimination for repair and maintenance purposes.	6. The eCall in-vehicle system <b>and the TPS eCall in-vehicle system</b> shall be accessible to all independent operators <del>free of charge and</del> without discrimination <del>at least</del> for repair and maintenance <b>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</b>	++ <b>RMI</b> ACEA supports the Council proposal as it correctly refers to Regulation (EC) No 715/2007, which regulates adequately access to vehicle repair and maintenance information.  It is worth noting that this piece of legislation concerns primarily the 112-based eCall in vehicle system. The

12 OJ L 91, 7.4.1999, p.10.

13 OJ L 254, 20.9.2012, p.1.

		<p><i>information</i><sup>19</sup>.</p> <hr/> <p><sup>19</sup> <i>OJ L 171, 29.6.2007, p. 1.</i></p>	<p>reference to TPS systems is unnecessary, especially as the latter would be covered by RMI provisions anyway.</p> <p><b>Suggestion:</b></p> <p>"6. The <b>112-based</b> eCall in-vehicle system and the TPS eCall in-vehicle system shall be accessible to all independent operators <del>free of charge and</del> without discrimination <del>at least</del> for repair and maintenance purposes <i>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</i><sup>19</sup>.</p> <hr/> <p><sup>19</sup> <i>OJ L 171, 29.6.2007, p. 1.</i>"</p>
<p>7. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 establishing the detailed technical requirements and tests for the type-approval of eCall in-vehicle systems and amending Directive 2007/46/EC accordingly.</p> <p>The technical requirements and tests referred to in the first subparagraph shall be based on the requirements set out in paragraphs 3, 4 and 6 and on the</p>	<p>7. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 establishing the detailed technical requirements and tests for the type-approval of <b>112-based</b> eCall in-vehicle systems.</p>	<p>7. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 establishing the detailed technical requirements and tests for the <i>EC</i> type-approval of <b>vehicles in respect to their</b> eCall in-vehicle systems <b>and the EC type-approval of eCall systems, components and separate technical units</b> <del>amending Directive 2007/46/EC accordingly.</del></p> <p>The technical requirements and tests referred to in the first subparagraph shall be based on the requirements set out in paragraphs 2, <b>2a</b>, 3, 4, <b>5a</b> and 6</p>	<p>+/-</p> <p>ACEA supports the Council proposal, completed by the EP's reference to 112</p> <p><b>Suggestion:</b></p> <p>7. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 establishing the detailed technical requirements and tests for the <i>EC</i> type-approval of <b>vehicles in respect to their</b> <b>112-based</b> eCall in-vehicle systems <b>and the EC type-approval of 112-based eCall systems, components and separate technical units</b> <del>amending Directive 2007/46/EC accordingly.</del></p>

following standards, where applicable:	The technical requirements and tests referred to in the first subparagraph shall be <b>adopted after consultation of relevant stakeholders and shall be</b> based on the requirements set out in paragraphs 2, <b>2a</b> , 3, 4 and 6 and on the <b>available</b> standards <b>relating to eCall and, UNECE Regulations</b> , where applicable, <b>including</b> :	and on the following standards, where applicable:	The technical requirements and tests referred to in the first subparagraph shall be based on the requirements set out in paragraphs 2, <b>2a</b> , 3, 4, <b>5a</b> and 6 and on the following standards, where applicable:
		<b>(-a) EN 15722:2011 'Intelligent transport systems - eSafety - eCall minimum set of data';</b>	++ ACEA agrees with the Council proposal and welcomes the reference to the year to increase clarity
(a) EN 16072 'Intelligent transport system-ESafety-PanEuropean eCall-Operating requirements';		(a) EN 16072: <b>2011</b> 'Intelligent transport system-ESafety-PanEuropean eCall-Operating requirements';	++ ACEA agrees with the Council proposal and welcomes the reference to the year to increase clarity
(b) EN 16062 'Intelligent transport systems-ESafety-ECall high level application requirements (HLAP)';		(b) EN 16062: <b>2011</b> 'Intelligent transport systems-ESafety-ECall high level application requirements (HLAP)';	++ ACEA agrees with the Council proposal and welcomes the reference to the year to increase clarity
(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;		(c) EN 16454: <b>2013</b> 'Intelligent transport systems - eSafety - eCall end to end conformance testing', as regards the eCall in-vehicle system conformance to the pan-European eCall;	++ ACEA agrees with the Council proposal and welcomes the reference to the year to increase clarity
	<b>(ca) EN 15722 'Intelligent transport systems - eSafety - eCall minimum set of data (MSD)';</b>	<b>(ca) EN 16102:2011 'Intelligent transport systems - eCall - Operating requirements for third party support';</b>	++ ACEA agrees with the Council proposal and welcomes the reference to the year to increase clarity
(d) any additional European standards or UNECE Regulations relating to eCall systems.	<b>deleted</b>	(d) any additional European standards <b>relating to the eCall system adopted in conformity with the procedures laid down in Regulation (EU) No 1025/2012</b> or UNECE Regulations	-- <b>Standards</b> ACEA cannot accept the Council proposal <b>but support the deletion</b>

		relating to eCall systems <b>binding upon the Union</b> .	<p><b>proposed by the EP:</b></p> <p>Reference to “any” additional standards creates uncertainty about the specifications according to which manufacturers will have to develop and test the eCall systems. If the standard, including a specific version reference, is not known at the moment of adoption of this legislative act it should not be required.</p> <p>For any new standards subsequently added, industry should be given sufficient time to review and comment on such standards before they are adopted or referenced in the eCall Regulation.</p>
		<b>These delegated acts shall be adopted by [12 months after the entry into force].</b>	++ ACEA agrees with the Council proposal
		<b>8. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 to update the versions of the standards referred to in paragraph 7 when a new version is adopted.</b>	++ ACEA agrees with the Council proposal
Article 6 Rules on privacy and data protection			
	<b>-1a. This Regulation is without prejudice to Directive 95/46/EC and to Directive 2002/58/EC of the European Parliament and of the Council<sup>14a</sup>. Any processing of personal data through the 112-based eCall in-vehicle system shall comply with the personal data protection rules provided for in those Directives.</b>	<b>-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.</b>	+/- <b>Suggestion:</b> "-1. This Regulation is without prejudice to Directives 95/46/EC and 2002/58/EC. Any processing of personal data through the <b>112-based</b> eCall in-vehicle system shall comply with the personal data protection rules provided for in those

	<p><sup>14a</sup><b>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).</b></p>		<p><i>Directives."</i></p>
<p>1 In accordance with Directive 95/46/EC and Directive 2002/58/EC, manufacturers shall ensure that vehicles equipped with eCall in-vehicle system are not traceable and are not subject to any constant tracking in their normal operational status related to the eCall.</p> <p>Privacy enhancing technologies shall be embedded in the in-vehicle eCall system in order to provide eCall users with the desired level of privacy protection, as well as the necessary safeguards to prevent surveillance and misuse.</p>	<p>Manufacturers shall ensure that vehicles equipped with <b>112-based</b> eCall in-vehicle system are not traceable and are not subject to any constant tracking in their <b>pre-emergency</b> operational status related to the eCall.</p> <p>Privacy enhancing technologies shall be</p>	<p><del>1. In accordance with Directive 95/46/EC and Directive 2002/58/EC, m</del> Manufacturers shall ensure that <del>vehicles equipped with the</del> eCall in-vehicle system <del>are is</del> not traceable and <del>are is</del> not subject to any constant tracking <del>in their normal operational status related to the eCall before the eCall is triggered. In the internal memory of the eCall in-vehicle system, retention of previous locations of the vehicle is permitted, but that data must be continuously removed to ensure that only data strictly necessary to specify the current location and the direction of travel are retained. This data must not be available outside the in-vehicle system to any entities before the eCall is triggered.</del></p> <p>Privacy enhancing technologies shall be embedded in the in-vehicle eCall system in order to provide eCall users with the <del>desired</del> <b>appropriate</b> level of privacy protection, as well as the necessary safeguards to prevent surveillance and misuse.</p>	<p>+/-</p> <p>ACEA supports the Council proposal completed with the reference to 112</p> <p><b>Suggestion:</b></p> <p><del>"1. In accordance with Directive 95/46/EC and Directive 2002/58/EC, m</del> Manufacturers shall ensure that <del>vehicles equipped with the</del> <b>112-based</b> eCall in-vehicle system <del>are is</del> not traceable and <del>are is</del> not subject to any constant tracking <del>in their normal operational status related to the eCall before the eCall is triggered. In the internal memory of the 112-based eCall in-vehicle system, retention of previous locations of the vehicle is permitted, but that data must be continuously removed to ensure that only data strictly necessary to specify the current location and the direction of travel are retained. This data must not be available outside the in-vehicle system to any entities before the eCall is triggered.</del></p> <p>Privacy enhancing technologies shall be embedded in the <b>112-based</b> in-</p>

	embedded in the in-vehicle eCall system in order to provide eCall users with the desired level of privacy protection, as well as the necessary safeguards to prevent surveillance and misuse.		vehicle eCall system in order to provide eCall users with the <del>desired</del> <b>appropriate</b> 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.	2. The <b>MSD</b> sent by the <b>112-based</b> eCall in-vehicle system shall <b>as a maximum consist of</b> the information <b>required by the standard referred to in point 2c of Article 3. The MSD shall not be processed for longer than necessary for the purpose for which they have been processed, and shall not be stored for longer than is</b> required for the appropriate handling of emergency calls. <b>The MSD shall be stored in such a way as to make possible its full deletion.</b>	2. The minimum set of data sent by the eCall in-vehicle system shall include only the minimum information <del>required for the appropriate handling of emergency calls as referred to in the standard EN 15722:2011 "Intelligent transport systems - eSafety - eCall minimum set of data (MSD)"</del> .	+/- <b>Suggestion:</b> “2. The minimum set of data sent by the <b>112-based</b> eCall in-vehicle system shall include only the minimum information <del>required for the appropriate handling of emergency calls as referred to in the standard EN 15722:2011 "Intelligent transport systems - eSafety - eCall minimum set of data (MSD)"</del> .”
		<b>2a. The personal data included in the eCall in-vehicle system shall not be retained longer than necessary for their transmission to the appropriate PSAP. Data submitted shall only be used for the purpose for which they were submitted.</b>  <b>They shall be deleted as soon as they are no longer necessary for the purpose for which they were collected.</b>	+/- <b>Data retention</b> While ACEA understands the concern around data retention and the efforts made to protect personal data, it is important to note that <b>anonymised road accident data</b> is an essential tool for advanced accident research and to improve real-world vehicle passive safety.  Forbidding the use of data for purposes other than the one for which they were collected deprives researchers and engineers from valuable input ( <b>in an anonymised form</b> ).  <b>Suggestion:</b> “2a. The personal data included in the

			<p><b>112-based eCall in-vehicle system shall not be retained longer than necessary for their transmission to the appropriate PSAP. Data submitted shall only be used for the purpose for which they were submitted.</b></p> <p><b>They shall be deleted as soon as they are no longer necessary for the purpose for which they were collected."</b></p>
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:	3. Manufacturers shall ensure that eCall users are provided with clear and comprehensive information about <b>the existence of a free public eCall system, based on 112, and</b> the processing of data carried out through the <b>112-based</b> eCall in-vehicle system, in particular about:	3. Manufacturers shall <del>ensure that eCall users are provided</del> <b>in the owner's manual</b> with clear and comprehensive information about the processing of data carried out through the eCall in-vehicle system, in particular about:	<p>+/-</p> <p><b>Suggestion:</b></p> <p>"3. Manufacturers shall ensure that eCall users are provided <b>in the owner's manual</b> with clear and comprehensive information about the processing of data carried out through the <b>112-based</b> eCall in-vehicle system, in particular about:"</p>
(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;	(d) the <b>specific</b> purpose of the eCall processing <b>which shall be limited to the emergency situations referred to in the first subparagraph of Article 5(2);</b>		<p>--</p> <p>ACEA prefers the Commission's original text. The changes proposed by the EP could hinder accident research</p>
(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 in-vehicle system;	(f) the time limit for the retention of data in the <b>112-based eCall</b> in-vehicle system;	(f) the time limit for the retention of data in the <b>eCall</b> in-vehicle system;	<p>+/-</p> <p><b>Suggestion:</b></p> <p>"(f) the time limit for the retention of data in the <b>112-based eCall</b> in-vehicle system;"</p>

<p>(g) the fact that there is no constant tracking of the vehicle;</p>	<p>(g) the fact that there is no tracking of the vehicle <b><i>beyond the collection of the minimum amount of data necessary for the 112-based eCall in-vehicle system to determine and transmit the location and the direction of travel of the vehicle when reporting an incident, as well as the fact that any tracking data are only stored on the device for as long as strictly necessary for that purpose;</i></b></p>	<p>(g) the fact that there is no constant tracking of the vehicle <b><i>before the eCall is triggered;</i></b></p>	<p>+/-</p> <p>The Council proposal is sufficient. The point made by the EP is already covered by the Council proposal for article 6 paragraph 1</p> <p><b>Suggestion:</b></p> <p>"(g) the fact that there is no constant tracking of the vehicle <b><i>before the 112-based eCall is triggered;</i></b>"</p>
<p>(h) the modalities for exercising data subjects' rights;</p>		<p>(h) the modalities for exercising data subjects' rights <b><i>as well as the contact service responsible for handling access requests;</i></b></p>	<p>Agree with Council proposal</p>
	<p><b><i>(ha) the fact that data gathered by the PSAPs through the 112-based eCall in-vehicle system must not be transferred to third parties without active prior consent from the data subject;</i></b></p>		<p>Agree with EP proposal</p>
<p>(i) any necessary additional information regarding the processing of personal data in relation to the provision of a private eCall service and/or other added value services.</p>	<p>(i) any necessary additional information regarding <b><i>traceability, tracking and</i></b> processing of personal data in relation to the provision of a private eCall service and/or other added value services, <b><i>which shall be subject to explicit consent by the user and in compliance with Directive 95/46/EC. Particular account shall be taken of the fact that differences may exist between the data processing carried out through the 112-based eCall in-vehicle system and the private eCall systems or other added value services.</i></b></p>	<p>(i) any necessary additional information regarding the processing of personal data in relation to the provision of a <del>private-TPS</del> eCall service and/or other added value services.</p>	<p>--</p> <p><b>Added-value services</b></p> <p>ACEA agrees with most of the Council proposal but cannot support the reference to added-value services.</p> <p>eCall is a safety system and should remain limited to this function. The text at hand deals with type-approval requirements for eCall, not added-value services!</p> <p><b>Suggestion:</b></p> <p>"(i) any necessary additional information regarding the processing of personal data in relation to the provision of a <del>private-TPS</del> eCall service <b><i>and/or other added-value services.</i></b>"</p>

	<p><b>3a. Manufacturers shall provide the information set out in paragraph 3 as part of the technical documentation handed over together with vehicle.</b></p>		<p>--</p> <p>EP proposal is not necessary as it is already adequately covered by the Council proposal for paragraph 3, which is more precise</p> <p><b>Suggestion:</b> delete</p>
	<p><b>3b. In order to avoid confusion as to the purposes pursued and the added value of the processing, the information referred to in paragraph 3 shall be provided to the user separately for the 112-based eCall in-vehicle system and other eCall Systems prior to the use of the system.</b></p>		<p>--</p> <p>EP proposal is not necessary as it is already adequately covered by Council proposal for paragraph 3</p> <p><b>Suggestion:</b> delete</p>
	<p><b>3c. Manufactures shall ensure that the 112-based eCall in-vehicle system and another installed emergency call system and a system providing added-value services are designed in such a way that no exchange of personal data between them is possible. The non-use of another system or an added-value service or the refusal of the data subject to give consent to the processing of his or her personal data for a private service shall not create any adverse effects on the use of the 112-based eCall in-vehicle system and/or the eCall user.</b></p>		<p>--</p> <p><b>Additional services:</b> References made to additional services should be removed. eCall is a safety system and should remain limited to this function. The legislative proposal is about type-approval requirements for a safety system, not added-value services</p> <p><b>Data subject:</b> It is difficult to see how the ‘data subject’ can be consulted if he/she is not the person who purchased the vehicle. If needed reference should be made to the buyer of the vehicle (the only person the manufacturer will have a contact with).</p> <p><b>Suggestion:</b></p> <p><b>“3c. Manufactures shall ensure that the 112-based eCall in-vehicle system and another installed emergency call system</b></p>

			<p>and a system providing added-value services are designed in such a way that no exchange of personal data between them is possible without consent or a contract. The non-use of another system or an added-value service or the refusal of the data subject to give consent to the processing of his or her personal data for a private service or to sign a contract for such purpose shall not create any adverse effects on the use of the 112-based eCall in-vehicle system and/or the eCall user.”</p>
<p>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 which shall define 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.</p>	<p>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 9, <b>defining</b> further the requirement of the absence of traceability and tracking and the privacy enhancing technologies referred to in paragraph 1 <b>with respect to eCall, in particular the security measures that providers of eCall services are to adopt in order to ensure lawful data processing and prevent unauthorised access, disclosure, alteration or loss of personal data processed</b>, as well as the modalities of the <b>personal</b> data processing and of the user information referred to in paragraph 3.</p>	<p>4. The Commission shall <del>be empowered to adopt delegated</del> <b>implementing</b> acts <del>in accordance with Article 9</del> which shall define <b>in detail</b> 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 <del>private</del> <b>personal</b> data processing and of the user information referred to in paragraph 3. <b>These acts shall be adopted in accordance with the examination procedure referred to in Article 9b(2). They shall be adopted by [12 months after the entry into force].</b></p> <p><i>Where possible, the Commission shall provide in the implementing acts a standard text to be used by the manufacturers as regards the information they have to provide in accordance with paragraph 3.</i></p>	<p>++</p> <p>ACEA agrees with the Council proposal but underlines the necessity to avoid red tape in the provisions foreseen in the 3<sup>rd</sup> subparagraph</p>
<p><i>Article 7</i> <i>Obligations of the Member States</i></p> <p>With effect from 1 October 2015, national authorities shall only grant EC</p>	<p><i>Article 7</i> <i>Obligations of the Member States</i></p> <p>With effect from ...*, national authorities shall only grant EC type-</p>	<p><i>Article 7</i> <i>Obligations of the Member States</i></p> <p>With effect from 1 October 2015 <del>[36 months after the entry into force],</del></p>	<p>+/-</p> <p><b>Lead-time</b></p> <p>ACEA strongly supports the Council</p>

<p>type-approval in respect of the eCall in-vehicle system to new types of vehicles which comply with this Regulation and the delegated acts adopted pursuant to this Regulation.</p>	<p>approval in respect of the <b>112-based</b> eCall in-vehicle system to new types of vehicles which comply with this Regulation and the delegated acts adopted pursuant to this Regulation.</p> <hr/> <p><b>* OJ: please insert the date of application of this Regulation.</b></p>	<p>national authorities shall only grant EC type-approval in respect of the eCall in-vehicle system to new types of vehicles <b>and to new types of eCall systems, components and separate technical units designed and constructed for such vehicles</b>, which comply with this Regulation and the delegated acts adopted pursuant to this Regulation.</p>	<p>proposal completed with the reference to 112. The industry will need sufficient lead-time once the delegated acts (and/or implementing acts) specifying the technical requirements and precise test procedures are published. 36 months is the standard lead-time requested by the industry to develop and test safety systems</p> <p><b>Suggestion:</b></p> <p>“With effect from <del>1 October 2015</del> <b>[36 months after the entry into force]</b>, national authorities shall only grant EC type-approval in respect of the <b>112-based</b> eCall in-vehicle system to new types of vehicles <b>and to new types of 112-based eCall systems, components and separate technical units designed and constructed for such vehicles</b>, which comply with this Regulation and the <del>delegated</del> acts adopted pursuant to this Regulation.”</p>
	<p style="text-align: center;"><b>Article 7a</b></p> <p style="text-align: center;"><b>Periodic technical inspections</b></p> <p><i>The requirements for periodic technical inspections concerning the 112-based eCall in-vehicle system shall be regulated by Regulation (EU) No ... of the European Parliament and of the Council.</i></p> <p><b>* OJ: Please insert the number of the Regulation contained in doc. 2012/0184(COD).</b></p>		<p>--</p> <p><b>PTI</b></p> <p>ACEA proposes to specify the PTI requirements in this text.</p> <p><b>Suggestion:</b></p> <p style="text-align: center;"><b>Article 7a</b></p> <p style="text-align: center;"><b>Periodic technical inspections</b></p> <p><b>The 112-based eCall in-vehicle system should be subjected to periodic technical inspections. The test should be performed independently of available networks or similar (no try-out call) as follows:</b></p>

			<ul style="list-style-type: none"><li>- visual observation (warning signal and/or text y/n) or</li><li>- via vehicle interface (only fitment status, no reading and or interpretation of DTCs nor system activation)</li></ul> following a power-on.
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<i>Article 8 Exemptions</i>		<del><i>Article 8 Exemptions</i></del>	
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.	1. The Commission may exempt certain classes of vehicles of categories M1 and N1 from the obligation to install <b>112-based</b> eCall in-vehicle <b>system</b> set out in Article 4, if following a cost/benefit analysis <b>and a technical analysis</b> , carried out or mandated by the Commission, and taking into account all relevant safety aspects, <b>the installation of the 112-based eCall in-vehicle system</b> proves not to be <b>indispensable for further improving road safety, due to the fact that the</b> class of vehicles concerned <b>is designed primarily for off-road use or does not have an appropriate triggering mechanism. Those exemptions shall be limited in number.</b>	<del>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.</del>	++ ACEA supports the Council proposal (i.e. exemptions are covered in Article 2 (Scope), paragraph 1 point c).
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 without airbags and be limited in number.	2. The Commission shall be empowered to adopt delegated acts in accordance with Article 9 setting out the exemptions referred to in paragraph 1.	<del>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 without airbags and be limited in number.</del>	++ ACEA supports the Council proposal (i.e. exemptions are covered in Article 2 (Scope), paragraph 1 point c).
<i>Article 9 Exercise of the delegation</i>			
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)	2. The power to adopt delegated acts referred to in Article 5 (7), Article 6(4)	2. The power to adopt delegated acts referred to in <b>Article 2(2)</b> and Article	

<p>and in Article 8(2) shall be conferred on the Commission for an indeterminate period of time from [...] [Publications Office, please insert the exact date of entry into force].</p>	<p>and in Article 8(2) shall be conferred on the Commission for <b>a period of five years from ...*</b>. <b>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</b></p> <hr/> <p><b>* OJ: please insert the date of entry into force of this Regulation.</b></p>	<p>5 (7), <del>Article 6(4) and in Article 8(2)</del> shall be conferred on the Commission for <del>an indeterminate period of time</del> <b>a 5 year period</b> from [...] [Publications Office, please insert the exact date of entry into force].</p>	
<p>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 <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>		<p>3. The delegation of powers referred to in <b>Article 2(2) and</b> Article 5(7), <del>in Article 6(4) and in Article 8(2)</del> 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 <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	
<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>			
<p>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</p>	<p>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 <b>three</b> months of</p>	<p>5. A delegated act adopted pursuant to <b>Article 2(2) and</b> Article 5(7), <del>Article 6(4) and Article 8(2)</del>, shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a</p>	

<p>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.</p>	<p>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.</p>	<p>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.</p>	
		<p style="text-align: center;"><b>Article 9a</b> <b>Implementing acts</b></p> <p><i>The Commission shall, in accordance with the examination procedure referred to in Article 9b(2), adopt implementing acts laying down the following implementing measures:</i></p> <ul style="list-style-type: none"> <li><i>(a) the procedure for the EC type-approval;</i></li> <li><i>(b) the numbering system of the type-approval certificates;</i></li> <li><i>(c) the template for the information documents;</i></li> <li><i>(d) the template of the EC type-approval certificates;</i></li> <li><i>(e) the model for the EC type-approval mark.</i></li> </ul> <p><i>These implementing acts shall be adopted by [12 months after the entry into force].</i></p>	
		<p style="text-align: center;"><b>Article 9b</b> <b>Committee procedure</b></p>	
		<p><b>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.</b></p>	
		<p><b>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</b></p>	

		<b>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.</b>	
<i>Article 10 Penalties for non-compliance</i>			
1. Member States shall lay down the rules on penalties applicable to non-compliance by manufacturers with the provisions of this Regulation and shall take all measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission, and shall notify it without delay of any subsequent amendment affecting them.	1. Member States shall lay down the rules on penalties applicable to non-compliance by manufacturers with the provisions of this Regulation and <b>the corresponding delegated acts and</b> shall take all measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive, <b>in particular where Article 6 of this Regulation is not complied with.</b> Member States shall notify those provisions to the Commission, and shall notify it without delay of any subsequent amendment affecting them.	1. Member States shall lay down the rules on penalties applicable to non-compliance by manufacturers with the provisions of this Regulation and <b>the acts adopted pursuant to this Regulation. They</b> shall take all measures to ensure that <del>they</del> <b>the penalties</b> are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member 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 or withdrawal of type-approval.		(c) withholding data or technical specifications which could lead to recall, <b>refusal</b> or withdrawal of type-approval;	
	<b>(ca) breaching provisions contained in Article 6.</b>		-- <b>Penalties</b> The type approval directive already provides for detailed penalties for non-compliance. This amendment is therefore unnecessary

			<b>Suggestion:</b> delete
		<i>(d) acting in conflict with the provisions of Article 5(6).</i>	-- <b>Penalties</b> The type approval directive already provides for detailed penalties for non-compliance. This amendment is therefore unnecessary  <b>Suggestion:</b> delete
	<b>Article 10a</b> <b>Reporting and review</b>		
	<b>1. The Commission shall report to the European Parliament and to the Council regarding the readiness of the telecommunications and PSAP infrastructure required for eCall in Member States. If it is clear from that report that the eCall infrastructure will not be operational before the date referred to in Article 12, the Commission shall take appropriate action.</b>		++ ACEA agrees with the EP proposal
	<b>2. By 1 October 2018, the Commission shall prepare an evaluation report to be presented to the European Parliament and to the Council on the achievements of the 112-based eCall in-vehicle system, including its penetration rate. The Commission shall investigate whether the scope of the Regulation should be extended to other categories of vehicles, such as powered two-wheelers, heavy goods vehicles, busses and coaches, and agricultural tractors. If appropriate, the Commission shall present a legislative proposal to that effect.</b>		

	<p><b>3. As soon as possible and in any event not later than by...*, the Commission shall report to the European Parliament and to the Council, following a broad consultation with all stakeholders, including vehicle manufacturers and independent operators, and an impact assessment, on the technical requirements for an interoperable, standardised, secure and open-access platform. The Commission shall accompany that report, if appropriate, with a legislative proposal to that effect. The 112-based eCall in-vehicle system shall be based on the standards for that platform as soon as they become available.</b></p> <hr/> <p><b>*OJ: please insert the date: one year after the entry into force of this Regulation.</b></p>		<p>--</p> <p><b>Open platform</b></p> <p>Our industry cannot accept that the 112-based eCall in-vehicle system should be based on an open platform, <b>a concept for which there is currently no definition</b>. eCall is a safety system, which does not require an 'open platform' to function. The concept of open platform raises a number of issues (different safety liability, data protection challenges, etc.) which need to be addressed before it becomes the basis for any vehicle system.</p> <p>Moreover the standards and technical requirements of a possible future open platform legislation would change the 112-based eCall system technically and could imply a complete revision of the eCall Regulation. 112-based eCall should remain focused on safety and separated from a possible future open telematic platform. In this respect ISO work on the Vehicle Station Gateway, where AFCAE participates, should be taken into account starting with the settled distinction between RMI over the air, remote driver behaviour services (e.g. insurance) and eCall.</p> <p><b>A possible open telematic platform should be discussed separately, as foreseen in the ITS Action Plan.</b></p> <p><b>Suggestion:</b> delete paragraph</p>
<p>Article 11 Amendments to Directive 2007/46/EC</p>		<p>Article 11 Amendments to Directive 2007/46/EC</p>	

Annexes I, III, IV, VI, IX and XI to Directive 2007/46/EC are amended in accordance with the Annex to this Regulation.		Annexes I, III, IV, VI, <del>IX</del> and XI to Directive 2007/46/EC are amended in accordance with the Annex to this Regulation.	
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<p align="center"><i>Article 12</i> <i>Entry into force</i></p>			
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</p>			
	<p><b>1a new. Article 5(7), Article 6(4), Article 8(2) and Articles 9 and 10a shall apply from ...*.</b></p> <hr/> <p><b>* OJ: please insert the date of entry into force of this Regulation.</b></p>		
<p>It shall apply from 1 October 2015.</p>	<p><b>2. Articles other than those referred to in paragraph -2a shall apply as from 1 October 2015.</b></p>	<p>It shall apply from <del>1 October 2015</del> <b>[36 months after the date of entry into force]</b>.</p>	<p align="right">++</p> <p><b>Lead time</b></p> <p>ACEA agrees with the Council proposal. The industry will need sufficient lead time once the delegated acts (and/or implementing acts) specifying the technical requirements and precise test procedures are published. 36 months is the standard lead-time requested by the industry to develop and test safety systems</p>
<p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>			