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► **B** REGULATION (EU) 2015/758 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 29 April 2015

concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC

(OJ L 123, 19.5.2015, p. 77)

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**REGULATION (EU) 2015/758 OF THE EUROPEAN
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**concerning type-approval requirements for the deployment of the
eCall in-vehicle system based on the 112 service and amending
Directive 2007/46/EC**

Article 1

Subject matter

This Regulation establishes the general requirements for the EC type-approval of vehicles in respect of the 112-based eCall in-vehicle systems, and of 112-based eCall in-vehicle systems, components and separate technical units.

Article 2

Scope

1. This Regulation shall apply to vehicles of categories M₁ and N₁ as defined in points 1.1.1 and 1.2.1 of Part A of Annex II to Directive 2007/46/EC and to 112-based eCall in-vehicle systems, components and separate technical units designed and constructed for such vehicles.

It shall not apply to the following vehicles:

- (a) vehicles produced in small series approved pursuant to Articles 22 and 23 of Directive 2007/46/EC;
- (b) vehicles approved pursuant to Article 24 of Directive 2007/46/EC;
- (c) vehicles which cannot for technical reasons be equipped with an appropriate eCall triggering mechanism, as determined in accordance with paragraph 2.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 8 to identify classes of vehicles of categories M₁ and N₁ which cannot be equipped with an appropriate eCall triggering mechanism for technical reasons, on the basis of a study assessing the costs and benefits which is carried out or mandated by the Commission and taking into account all relevant safety and technical aspects.

The first such delegated acts shall be adopted by 9 June 2016.

Article 3

Definitions

For the purposes of this Regulation and in addition to the definitions laid down in Article 3 of Directive 2007/46/EC, the following definitions apply:

- (1) ‘112-based eCall in-vehicle system’ means an emergency system, comprising in-vehicle equipment and the means to trigger, manage and enact the eCall transmission, that is activated either automatically via in-vehicle sensors or manually, which carries, by

▼B

means of public mobile wireless communications networks, a minimum set of data and establishes a 112-based audio channel between the occupants of the vehicle and an eCall PSAP;

- (2) ‘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;
- (3) ‘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 State;
- (4) ‘most appropriate PSAP’ means a PSAP determined beforehand by the responsible authorities to cover emergency calls from a certain area or for emergency calls of a certain type;
- (5) ‘eCall PSAP’ means the most appropriate PSAP determined beforehand by the authorities to first receive and handle eCalls;
- (6) ‘minimum set of data’ or ‘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;
- (7) ‘in-vehicle equipment’ means equipment permanently installed 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;
- (8) ‘eCall transaction’ means the establishment of a mobile wireless communications session across a public wireless communications network and the transmission of the MSD from a vehicle to an eCall PSAP and the establishment of an audio channel between the vehicle and the same eCall PSAP;
- (9) ‘public mobile wireless communications network’ means a mobile wireless communications network available to the public in accordance with Directives 2002/21/EC ⁽¹⁾ and 2002/22/EC ⁽²⁾ of the European Parliament and of the Council;
- (10) ‘third party services supported eCall’ or ‘TPS eCall’ means an in-vehicle emergency call to a third party service provider, made either automatically by means of the activation of in-vehicle sensors or manually, which carries, by means of public mobile wireless communications networks, the MSD and establishes an audio channel between the vehicle and the third party service provider;

⁽¹⁾ 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).

⁽²⁾ Directive 2002/22/EC of the 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).

▼B

- (11) ‘third party service provider’ means an organisation recognised by national authorities as being allowed to receive a TPS eCall and to forward the MSD to the eCall PSAP;
- (12) ‘third party services eCall in-vehicle system’ or ‘TPS 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 MSD and establishes an audio channel between the vehicle and the third party service provider.

*Article 4***General obligations of the manufacturers**

Manufacturers shall demonstrate that all new types of vehicles referred to in Article 2 are equipped with a permanently installed 112-based eCall in-vehicle system, in accordance with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation.

*Article 5***Specific obligations of manufacturers**

1. Manufacturers shall ensure that all of their new types of vehicle and 112-based eCall in-vehicle systems, components and separate technical units designed and constructed for such vehicles are manufactured and approved in accordance with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation.
2. Manufacturers shall demonstrate that all new types of vehicles are constructed in such a way as to ensure that, in the event of a severe accident, detected by activation of one or more sensors or processors within the vehicle, which occurs in the territory of the Union, an eCall to the single European emergency number 112 is triggered automatically.

Manufacturers shall demonstrate that new types of vehicles are constructed in such a way as to ensure that an eCall to the single European emergency number 112 can also be triggered manually.

Manufacturers shall ensure that the manual trigger control of the 112-based eCall in-vehicle system is designed in such a way as to avoid mishandling.

3. 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:
 - (a) the TPS eCall in-vehicle system shall comply with the standard EN 16102:2011 ‘Intelligent transport systems — eCall — Operating requirements for third party support’;
 - (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 system does not function;

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- (c) the vehicle owner shall have the right to choose to use the 112-based eCall in-vehicle system rather than a TPS eCall in-vehicle system at all times;
- (d) manufacturers shall include information on the right referred to in point (c) in the owner's manual.

4. Manufacturers shall ensure that the receivers in the 112-based eCall in-vehicle systems are compatible with the positioning services provided by the Galileo and the EGNOS systems. Manufacturers may also choose, in addition, compatibility with other satellite navigation systems.

5. Only those 112-based eCall in-vehicle systems, either permanently installed within the vehicle or type-approved separately, which can be tested shall be accepted for the purposes of EC type-approval.

6. Manufacturers shall demonstrate that, in the event of a critical system failure which would result in an inability to execute a 112-based eCall, a warning will be given to the occupants of the vehicle.

7. The 112-based eCall in-vehicle system shall be accessible to all independent operators for a reasonable fee not exceeding a nominal amount and without discrimination for repair and maintenance purposes in accordance with Regulation (EC) No 715/2007.

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 8 establishing the detailed technical requirements and tests for the EC type-approval of vehicles in respect of their 112-based eCall in-vehicle systems and the EC type-approval of 112-based eCall in-vehicle systems, components and separate technical units.

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The technical requirements and tests referred to in the first subparagraph shall be based on the requirements set out in paragraphs 2 to 7 and on the available standards relating to eCall, where applicable, including:

- (a) EN 16072:2015 'Intelligent transport systems — eSafety — Pan-European eCall operating requirements';
- (b) EN 16062:2015 'Intelligent transport systems — eSafety — eCall high level application requirements (HLAR)';
- (c) EN 16454:2015 'Intelligent transport systems — eSafety — Ecall end to end conformance testing';
- (d) EN 15722:2015 'Intelligent transport systems — eSafety — eCall minimum set of data (MSD)';
- (e) EN 16102:2011 'Intelligent transport systems — eCall — Operating requirements for third party support';

▼ M1

- (f) any additional European standards relating to the eCall system adopted in conformity with the procedures laid down in Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁽¹⁾, or Regulations of the United Nations Economic Commission for Europe (UNECE Regulations) relating to eCall systems to which the Union has acceded.

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The first such delegated acts shall be adopted by 9 June 2016.

9. The Commission shall be empowered to adopt delegated acts in accordance with Article 8 to update the versions of the standards referred to in paragraph 8 of this Article when a new version is adopted.

*Article 6***Rules on privacy and data protection**

1. This Regulation is without prejudice to Directives 95/46/EC and 2002/58/EC. 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.

2. The personal data processed pursuant to this Regulation shall only be used for the purpose of handling the emergency situations referred to in the first subparagraph of Article 5(2).

3. The personal data processed pursuant to this Regulation shall not be retained longer than necessary for the purpose of handling the emergency situations referred to in the first subparagraph of Article 5(2). Those data shall be fully deleted as soon as they are no longer necessary for that purpose.

4. Manufacturers shall ensure that the 112-based eCall in-vehicle system is not traceable and is not subject to any constant tracking.

5. Manufacturers shall ensure that, in the internal memory of the 112-based eCall in-vehicle system, data are automatically and continuously removed. Only the retention of the last three locations of the vehicle shall be permitted in so far as it is strictly necessary to specify the current location and the direction of travel at the time of the event.

6. Those data shall not be available outside the 112-based eCall in-vehicle system to any entities before the eCall is triggered.

7. Privacy enhancing technologies shall be embedded in the 112-based eCall in-vehicle system in order to provide eCall users with the appropriate level of privacy protection, as well as the necessary safeguards to prevent surveillance and misuse.

⁽¹⁾ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

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8. The MSD sent by the 112-based eCall in-vehicle system shall include only the minimum information as referred to in the standard EN 15722:2011 'Intelligent transport systems — eSafety — eCall minimum set of data (MSD)'. No additional data shall be transmitted by the 112-based eCall in-vehicle system. That MSD shall be stored in such a way as to make its full and permanent deletion possible.

9. Manufacturers shall provide clear and comprehensive information in the owner's manual about the processing of data carried out through the 112-based eCall in-vehicle system. That information shall consist of:

- (a) the reference to the legal basis for the processing;
- (b) the fact that the 112-based eCall in-vehicle system is activated by default;
- (c) the arrangements for data processing that the 112-based eCall in-vehicle system performs;
- (d) the specific purpose of the eCall processing, which shall be limited to the emergency situations referred to in the first subparagraph of Article 5(2);
- (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 112-based eCall in-vehicle system;
- (g) the fact that there is no constant tracking of the vehicle;
- (h) the arrangements for exercising data subjects' rights as well as the contact service responsible for handling access requests;
- (i) any necessary additional information regarding traceability, tracking and processing of personal data in relation to the provision of a TPS eCall and/or other added value services, which shall be subject to explicit consent by the owner 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 TPS eCall in-vehicle systems or other added value services.

10. In order to avoid confusion as to the purposes pursued and the added value of the processing, the information referred to in paragraph 9 shall be provided in the owner's manual separately for the 112-based eCall in-vehicle system and the TPS eCall systems prior to the use of the system.

11. Manufacturers shall ensure that the 112-based eCall in-vehicle system and any additional system providing TPS eCall or an added-value service are designed in such a way that no exchange of personal data between them is possible. The non-use of a system providing TPS eCall or an added-value service or the refusal of the data subject to give

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consent to the processing of his or her personal data for a TPS eCall service or an added value service shall not create any adverse effects on the use of the 112-based eCall in-vehicle system.

12. The Commission shall be empowered to adopt delegated acts in accordance with Article 8 in order to establish:

- (a) the detailed technical requirements and test procedures for the application of the rules on personal data processing referred to in paragraphs 2 and 3;
- (b) the detailed technical requirements and test procedures for ensuring that there is no exchange of personal data between the 112-based eCall in-vehicle system and third party systems as referred to in paragraph 11.

The first such delegated acts shall be adopted by 9 June 2016.

13. The Commission shall, by means of implementing acts, lay down:

- (a) the practical arrangements for assessing the absence of traceability and tracking referred to in paragraphs 4, 5 and 6;
- (b) the template for the user information referred to in paragraph 9.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).

The first such implementing acts shall be adopted by 9 June 2016.

*Article 7***Obligations of the Member States**

With effect from 31 March 2018, national authorities shall only grant EC type-approval in respect of the 112-based eCall in-vehicle system to new types of vehicles and to new types of 112-based eCall in-vehicle systems, components and separate technical units designed and constructed for such vehicles which comply with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation.

*Article 8***Exercise of the delegation**

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 2(2), Article 5(8) and (9) and Article 6(12) shall be conferred on the Commission for a period of five years from 8 June 2015. 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.

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3. The delegation of power referred to in Article 2(2), Article 5(8) and (9) and Article 6(12) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 2(2), Article 5(8) and (9) and Article 6(12) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 9***Implementing acts**

The Commission shall adopt implementing acts laying down the administrative provisions for the EC type-approval of vehicles with regard to the 112-based eCall in-vehicle system and of 112-based eCall in-vehicle systems, components and separate technical units designed and constructed for such vehicles as required by Article 5(1) regarding:

- (a) the templates for the information documents to be provided by manufacturers for the purposes of the type-approval;
- (b) the templates for the EC type-approval certificates;
- (c) the model(s) for the EC type-approval mark.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).

The first such implementing acts shall be adopted by 9 June 2016.

*Article 10***Committee procedure**

1. The Commission shall be assisted by the ‘Technical Committee — Motor Vehicles’ (TCMV) established by Article 40(1) of Directive 2007/46/EC. That committee is a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

▼B*Article 11***Penalties**

1. Member States shall lay down the rules on penalties applicable to non-compliance by manufacturers with the provisions of this Regulation and the delegated and implementing acts adopted pursuant to this Regulation. They shall take all measures necessary to ensure that the penalties 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 to be subject to a penalty shall include at least the following:
 - (a) making a false declaration during an approval procedure or a procedure leading to a recall;
 - (b) falsifying test results for type-approval;
 - (c) withholding data or technical specifications which could lead to recall, refusal or withdrawal of type-approval;
 - (d) breaching provisions laid down in Article 6;
 - (e) acting in breach of the provisions of Article 5(7).

*Article 12***Reporting and review**

1. By 31 March 2021, 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 this Regulation should be extended to other categories of vehicles, such as heavy goods vehicles, buses and coaches, powered two-wheelers, and agricultural tractors. If appropriate, the Commission shall present a legislative proposal to that effect.
2. Following a broad consultation with all relevant stakeholders and a study assessing the costs and benefits, the Commission shall assess the need of requirements for an interoperable, standardised, secure and open-access platform. If appropriate, and no later than 9 June 2017, the Commission shall adopt a legislative initiative based on those requirements.

*Article 13***Amendments to Directive 2007/46/EC**

Annexes I, III, IV and XI to Directive 2007/46/EC are hereby amended in accordance with the Annex to this Regulation.

*Article 14***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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Article 2(2), Article 5(8) and (9), Article 6(12) and (13) and Articles 8, 9, 10 and 12 shall apply from 8 June 2015.

Articles other than those referred to in the second paragraph of this Article shall apply from 31 March 2018.

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



ANNEX

Amendments to Directive 2007/46/EC

Directive 2007/46/EC is amended as follows:

(1) in Annex I, the following points are added:

‘12.8. eCall system

12.8.1.

Presence: yes/no ⁽¹⁾

12.8.2.

technical description or drawings of the device: ...’;

(2) in Annex III, Part I, section A, the following points are added:

‘12.8. eCall system

12.8.1.

Presence: yes/no ⁽¹⁾’;

(3) in Annex IV, Part I is amended as follows:

(a) the following item is added to the table:

Item	Subject	Regulatory act	Applicability										
			M ₁	M ₂	M ₃	N ₁	N ₂	N ₃	O ₁	O ₂	O ₃	O ₄	
‘72	eCall system	Regulation (EU) 2015/758	X			X’;							

(b) Appendix 1 is amended as follows:

(i) the following item is added to Table 1:

Item	Subject	Regulatory act	Specific issues	Applicability and specific requirements
‘72	eCall system	Regulation (EU) 2015/758		N/A’;

(ii) the following item is added to Table 2:

Item	Subject	Regulatory act	Specific issues	Applicability and specific requirements
‘72	eCall system	Regulation (EU) 2015/758		N/A’;

(c) in Appendix 2, Section ‘4. Technical Requirements’ is amended as follows:

(i) the following item is added to Part I: Vehicles belonging to category M₁:

Item	Regulatory act reference	Alternative requirements
‘72	Regulation (EU) 2015/758 (eCall systems)	The requirements of that Regulation shall not apply.’;

