



## EENA Operations Document

# 112 and the EU Legislative Framework

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## 1 Introduction

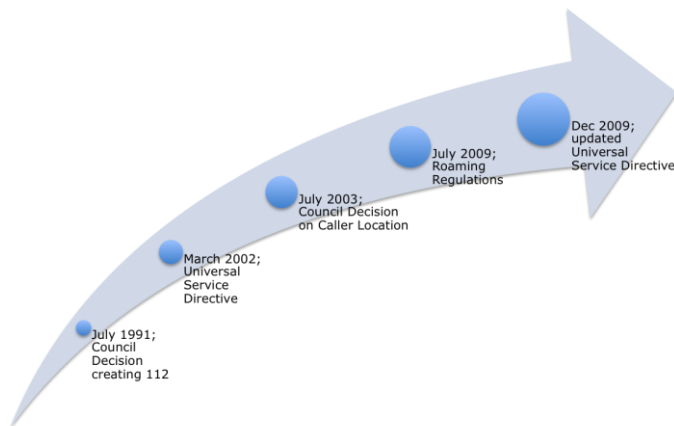
The purpose of this document is to outline the European legislation that relates to the provision of 112 and other related topics regarding the emergency services and to provide reference material for further review. It is important to stress that EENA does not intend to provide any interpretation of the legislation, as this should be carried out with a legal expert.

The process of drafting and passing EU legislation, such as the Framework Package, is time consuming and as one would expect, is a complicated process involving many stakeholders. However it is also important to note that the legislation that is published is transposed into national law by each Member State and therefore is open somewhat to differing interpretations and therefore different implementation across the EU. Thus, in effect, the national legislation in one country may differ from another even though both countries are adopting the same EU Directive. Decisions that are taken at Member State level often reflect the national conditions that prevail and are influenced by political, financial and operational reasons.

For the ease of interpreting this document, all directly quoted text such as recitals and legislative references are illustrated using italics.

## 2 Chronological overview

Outlined below is the timeline for the publication of the **main** relevant legislation and policy declarations relating to the emergency services. Below is a simple schematic, which summarises some of the main milestones.



### 2.1 July 1991: Council Decision

In July 1991, the Council of the European Union adopted a decision on 112. Member States were requested to introduce the single European emergency number 112 in order to make emergency services more accessible, especially for travellers. It was foreseen that the single European emergency number 112 would operate alongside the existing national emergency numbers in most countries and would not directly replace those existing national emergency numbers. At this time, 112 is now accessible in every EU country and in some countries exists as the sole emergency number.

[More information: 91/396/EEC: Council Decision of 29 July 1991 on the introduction of a single European emergency call number](#)



## 2.2 Directive 98/10/EC on the application of Open Network Provision (ONP)

Below are the main references to 112 from the ONP Directive:

### Recital - (9)

*Whereas Council Decision 91/396/EEC of 29 July 1991 on the introduction of a single European emergency call number (13) called for Member States to ensure that no later than 31 December 1996 the number '112' is introduced in public telephone networks as the single European emergency call number; whereas it is important that users are able to call emergency telephone numbers and, in particular, the single European emergency call number '112' free of charge from any telephone, including public pay-telephones, without the use of coins or cards;*

### Article 3 (b):

*Member States shall ensure that it is possible to make emergency calls from public pay telephones using the single European emergency call number '112' referred to in Decision 91/396/EEC and other national emergency numbers, all free of charge and without having to use coins or cards.*

### Article 9 (c): Connection of terminal equipment and use of the network

*Member States shall ensure that all users provided with a connection to the fixed public telephone network can:*

*access Emergency Services at no charge, using the dialling code '112' and any other dialling codes specified by national regulatory authorities for use at a national level.*

More information: [Directive 98/10/EC on the application of Open Network Provision \(ONP\)](#)

## 2.3 March 2002: Universal Service Directive

**In March 2002**, the Universal Service Directive was adopted. The Directive outlined specific requirements concerning 112 such as:

- **Free of charge:** Member States must ensure that users of fixed and mobile telephones, including payphones, are able to call 112 free of charge.
- **No discrimination:** 112 calls must be appropriately answered and handled, irrespective of whether 112 or other national emergency numbers are dialled. Some Member States (Sweden, Denmark and The Netherlands) have introduced 112 as their main emergency number, while in most Member States 112 operates alongside existing national emergency numbers.
- **Caller location:** Member States must also ensure that emergency services are able to establish the location of the person calling 112. The ability to locate the caller in case of an emergency may be of great significance in a situation where the person is unable to state his or her location, which can happen particularly when calling from mobile phones or while travelling abroad.
- **Raising awareness:** all EU countries must inform citizens (nationals and visitors) of the existence of 112 and in which circumstances they should call it.

More information: [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 \(universal service directive\)](#)

## 2.4 The Commission Recommendation on Caller Location

**In July 2003**, the Commission Recommendation on caller location was adopted. The European Commission recommended that Member States should implement the "push" method rather than the "pull" for the provision of caller location information. This would have the effect of providing the location information to the emergency services as soon as the call is presented rather than having the emergency services to pull the information, often on a request basis.

More information: [European Commission Recommendation of 25 July 2003 on the processing of caller location information in electronic communication networks for the purpose of location-enhanced emergency call services](#)



## 2.5 Written Declaration on the European Emergency Number 112

The Written Declaration 0044/2007 on the European emergency number 112 was adopted by the European Parliament in 2007 and is listed in full below. It still holds the record for the most number of signatures of support (530).

*WRITTEN DECLARATION pursuant to Rule 116 of the Rules of Procedure by Diana Wallis, Gérard Onesta, Marc Tarabella, Alejo Vidal-Quadras and Dimitrios Papadimoulis on the European emergency call number 112*

*The European Parliament, - having regard to Rule 116 of its Rules of Procedure,*

*A. Acknowledging the importance of an efficient 112 for all citizens moving freely in the EU, B. aware that the 112 was established in 1991 while new obligations were introduced in 2002, C. having regard to the poor quality of services provided to citizens through the 112, D. considering that proper implementation of the 112 concerns several EU policies (telecommunications, health, internal security and civil protection), while affecting others (transport, tourism), E. considering that the EU needs to establish high quality, interoperable emergency telecommunications between citizens and emergency services in view of reducing suffering and the loss of human life during everyday accidents and major disasters, ed in 2003;*

*1. Member States and the Commission to engage the necessary processes and resources for ensuring an efficient 112 service all over the EU; 2. Calls upon the Commission to evaluate by independent bodies the real state of implementation of the 112 throughout the EU, using the methodology developed in 2003; 3. Calls upon the Commission to deal with emergency telecommunications by involving all policies concerned and by building upon the example of countries who deal with this issue in new and innovative ways; 4. Instructs its President to forward this declaration, together with the names of the signatories, to the Council and the Commission.*

[The list of signatories can be found here.](#)

## 2.6 Written Declaration on early warning for citizens in major emergencies

The Written Declaration on early warning for citizens in major emergencies was adopted by the European Parliament in 2008 and the text is listed below. It was signed by 432 Members of the European Parliament.

*WRITTEN DECLARATION pursuant to Rule 116 of the Rules of Procedure by Gabriele Albertini, Kader Arif, Caroline Lucas, Elizabeth Lynne and Dimitrios Papadimoulis on early warning for citizens in major emergencies*

*The European Parliament, - having regard to Rule 116 of its Rules of Procedure,*

*A. Acknowledging the importance of efficient early warning (EW) for citizens in case of imminent or developing major emergencies, with a view to reducing suffering and the loss of human life, B. aware that the establishment of EW and alert systems has been repeatedly requested by Parliament and is provided for in several existing and upcoming legislative acts, C. whereas EW systems involve warning authorities through risk-dependent (natural, technological, social) regional networks and alerting citizens via telecommunications networks (radio, TV, sirens, mobile phones, etc.), D. whereas the EU lacks a general, multilingual, simplified and efficient system for alerting citizens about imminent or developing emergencies and whereas the implementation of such a system is directly relevant to several EU policies (telecommunications, environment, health, internal security and civil protection) and also affects others (transport, energy and tourism),*

*1. Calls on the Member States and the Commission to implement the necessary processes and resources for developing an efficient EW system for citizens in case of imminent or developing major emergencies throughout the EU; 2. Calls on the Commission to present appropriate legislative proposals in this field, taking into account all the risks and policies involved; 3. Instructs its President to forward this declaration, together with the names of the signatories, to the Council and the Commission.*

[The list of signatories is available here](#)



## 2.7 July 2009: The Roaming Regulation

In July 2009, the new Roaming Regulation, which entered into force in July 2009, provides that citizens using their mobile phone when travelling to another EU Member State will automatically receive an SMS with information about the European emergency number 112. In practice, this is provided by the "home" mobile phone network operator and sent to the citizen directly. Also included in this SMS is tariff information and other roaming specific information.

[More information: Regulation \(EC\) No 544/2009 of the European Parliament and the Council of 18 June 2009 amending Regulation \(EC\) No 717/2007 on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC.](#)

## 2.8 December 2009: Universal Service Directive

In December 2009, the new Universal Service Directive was published which ensures that European citizens gain better access to emergency services by extending the 112 access requirements from traditional telephony to new technologies (such as VoIP), strengthening operators' obligation to provide information about caller location to emergency authorities and improving access to 112 for people with disabilities. The obligations regarding the setting of accuracy and reliability requirements for caller location information were also provided for by mandating the competent national authorities to lay down such requirements.

The following are the elements pertaining to 112 and emergency services in the Directive 2009/136/EC (Universal Service Directive):

### Article 20

#### *Contracts*

1. *Member States shall ensure that, when subscribing to services providing connection to a public communications network and/or publicly available electronic communications services, consumers, and other end-users so requesting, have a right to a contract with an undertaking or undertakings providing such connection and/or services. The contract shall specify in a clear, comprehensive and easily accessible form at least:*
  - (b) *the services provided, including in particular,*
    - *whether or not access to emergency services and caller location information is being provided, and any limitations on the provision of emergency services under Article 26,*

### Article 21

#### *Transparency and publication of information*

3. *Member States shall ensure that national regulatory authorities are able to oblige undertakings providing public electronic communications networks and/or publicly available electronic communications services to inter alia:*
  - (b) *inform subscribers of any change to access to emergency services or caller location information in the service to which they have subscribed;*

### Article 23

#### *Availability of services*

*Member States shall take all necessary measures to ensure the fullest possible availability of publicly available telephone services provided over public communications networks in the event of catastrophic network breakdown or in cases of force majeure. Member States shall ensure that undertakings providing publicly available telephone services take all necessary measures to ensure uninterrupted access to emergency services*



## Article 26

### *Emergency services and the single European emergency call number*

1. *Member States shall ensure that all end-users of the service referred to in paragraph 2, including users of public pay telephones, are able to call the emergency services free of charge and without having to use any means of payment, by using the single European emergency call number "112" and any national emergency call number specified by Member States.*
2. *Member States, in consultation with national regulatory authorities, emergency services and providers, shall ensure that undertakings providing end-users with an electronic communications service for originating national calls to a number or numbers in a national telephone numbering plan provide access to emergency services.*
3. *Member States shall ensure that calls to the single European emergency call number "112" are appropriately answered and handled in the manner best suited to the national organisation of emergency systems. Such calls shall be answered and handled at least as expeditiously and effectively as calls to the national emergency number or numbers, where these continue to be in use.*
4. *Member States shall ensure that access for disabled end-users to emergency services is equivalent to that enjoyed by other end-users. Measures taken to ensure that disabled end-users are able to access emergency services whilst travelling in other Member States shall be based to the greatest extent possible on European standards or specifications published in accordance with the provisions of Article 17 of Directive 2002/21/EC (Framework Directive), and they shall not prevent Member States from adopting additional requirements in order to pursue the objectives set out in this Article.*
5. *Member States shall ensure that undertakings concerned make caller location information available free of charge to the authority handling emergency calls as soon as the call reaches that authority. This shall apply to all calls to the single European emergency call number "112". Member States may extend this obligation to cover calls to national emergency numbers. Competent regulatory authorities shall lay down criteria for the accuracy and reliability of the location information provided.*
6. *Member States shall ensure that citizens are adequately informed about the existence and use of the single European emergency call number "112", in particular through initiatives specifically targeting persons travelling between Member States.*
7. *In order to ensure the effective access to "112" services in the Member States, the Commission, having consulted BEREC, may adopt technical implementing measures. However, these technical implementing measures shall be adopted without prejudice to, and shall have no impact on, the organisation of emergency services, which remains of the exclusive competence of Member States.*

Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2).

### **Recitals concerning 112 and emergency services**

- (23) *Providers of electronic communications services that allow calls should ensure that their customers are adequately informed as to whether or not access to emergency services is provided and of any limitation on service (such as a limitation on the provision of caller location information or the routing of emergency calls). Such providers should also provide their customers with clear and transparent information in the initial contract and in the event of any change in the access provision, for example in billing information. This information should include any limitations on territorial coverage, on the basis of the planned technical operating parameters of the service and the available infrastructure. Where the service is not provided over a switched telephony network, the information should also include the level of reliability of the access and of caller location information compared to a service that is provided over a switched telephony network, taking into account current technology and quality standards, as well as any quality of service parameters specified under Directive 2002/22/EC (Universal Service Directive).*





- (35) *In future IP networks, where provision of a service may be separated from provision of the network, Member States should determine the most appropriate steps to be taken to ensure the availability of publicly available telephone services provided using public communications networks and uninterrupted access to emergency services in the event of catastrophic network breakdown or in cases of force majeure, taking into account the priorities of different types of subscriber and technical limitations.*
- (39) *End-users should be able to call and access the emergency services using any telephone service capable of originating voice calls through a number or numbers in national telephone numbering plans. Member States that use national emergency numbers besides "112" may impose on undertakings similar obligations for access to those national emergency numbers. Emergency authorities should be able to handle and answer calls to the number "112" at least as expeditiously and effectively as calls to national emergency numbers. It is important to increase awareness of "112" in order to improve the level of protection and security of citizens travelling in the European Union. To this end, citizens should be made fully aware, when travelling in any Member State, in particular through information provided in international bus terminals, train stations, ports or airports and in telephone directories, payphone kiosks, subscriber and billing material, that "112" can be used as a single emergency number throughout the Community. This is primarily the responsibility of the Member States, but the Commission should continue both to support and to supplement initiatives of the Member States to heighten awareness of "112" and periodically to evaluate the public's awareness of it. The obligation to provide caller location information should be strengthened so as to increase the protection of citizens of the European Union. In particular, undertakings should make caller location information available to emergency services as soon as the call reaches that service independently of the technology used. In order to respond to technological developments, including those leading to increasingly precise accuracy of caller location information, the Commission should be empowered to adopt technical implementing measures to ensure effective access to "112" services in the Community for the benefit of citizens of the European Union. Such measures should be without prejudice to the organisation of emergency services of Member States.*
- (40) *Member States should ensure that undertakings providing end-users with an electronic communications service designed for originating calls through a number or numbers in a national telephone numbering plan provide reliable and accurate access to emergency services taking into account national specifications and criteria. Network-independent undertakings may not have control over networks and may not be able to ensure that emergency calls made through their service are routed with the same reliability as they may not be able to guarantee service availability, given that problems related to infrastructure are not under their control. For network-independent undertakings, caller location information may not always be technically feasible. Once internationally-recognised standards ensuring accurate and reliable routing and connection to the emergency services are in place, network-independent service providers should also fulfil the obligations related to caller location information at a level comparable to that required of other undertakings.*
- (41) *Member States should take specific measures to ensure that emergency services, including "112", are equally accessible to disabled end-users, in particular deaf, hearing-impaired, speech-impaired and deaf-blind users. This could involve the provision of special terminal devices for hearing-impaired users, text relay services, or other specific equipment.*
- (44) *Voice calls remain the most robust and reliable form of access to emergency services. Other means of contact, such as text messaging, may be less reliable and may suffer from lack of immediacy. Member States should, however, if they deem it appropriate, be free to promote the development and implementation of other means of access to emergency services which are capable of ensuring access equivalent to voice calls.*
- (73) *In particular, the Commission should be empowered to adopt implementing measures on effective access to "112" services, as well as amendments to adapt the Annexes to technical progress or changes in market demand. It should also be empowered to adopt implementing measures concerning information and notification requirements. Since those measures are of general scope and are designed to amend non-essential elements of Directives 2002/22/EC (Universal Service Directive) and 2002/58/EC (Directive on privacy and electronic communications) by supplementing*



them with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC. Given that the conduct of the regulatory procedure with scrutiny within the normal time limits could, in certain exceptional situations, impede the timely adoption of implementing measures, the European Parliament, the Council and the Commission should act speedily in order to ensure the timely adoption of those measures.

More information: [Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights.](#)

## 2.9 European Parliament resolution on universal service and the 112 emergency number

The European Parliament resolution (5 July 2011) on universal service and the 112 emergency number<sup>1</sup> outlined several positions that supported the 112 emergency number. The list of such items is below:

17. *Stresses that the European 112 emergency number can be a life saving number and increases EU citizens' protection by serving as a major support system for citizens and consumers living within the Single Market; underlines the importance of ensuring the smooth operation of the 112 number throughout the Union; considers that the Commission should ensure that every segment of society has access to this service, including persons with disabilities (hearing impairments, speech impediments, etc.) and other vulnerable groups;*
18. *Regrets however that the European 112 emergency number is far from having reached its full potential; considers accordingly that basic steps still need to be taken with regard to its recognition by citizens, along with other issues relevant to technology and better coordination;*
19. *Points out that, according to the Eurobarometer survey published in February 2011, only 26% of EU citizens can spontaneously identify 112 as the number to call for emergency services in the EU and 58% of EU citizens still disagree with the statement that people in their country are adequately informed about the existence of the 112 emergency number;*
20. *Urges the European Commission and the Member States to jointly intensify their efforts to increase public awareness of the existence and use of the 112 number, namely through the development of a targeted and far-reaching communication strategy which addresses the preoccupations and queries that citizens have with regard to the mechanics of the system;*
21. *Calls on the Commission and the Member States to further step up their information work so that the emergency number 112 reaches all EU citizens and travellers through the media, particularly the print and audiovisual media, by means of information campaigns such as the 'EU-wide' emergency number, and to organise and support promotional activities to raise public awareness and events held each year on 11 February, which has been established as 'European 112 Day'; points out that special attention should be paid to practical information, such as stressing that 112 is the European emergency number, reachable from fixed and mobile phones free of charge everywhere in the EU;*
22. *Notes considerable disparities among the Member States as regards knowledge of the European emergency number 112 and calls on the Member States to share their experiences and exchange best practices in order to achieve by 2020 at least 80% spontaneous identification by EU citizens of the 112 emergency number as the number to use to call emergency services anywhere in the European Union;*
23. *Calls on Member States to make use of the best points for disseminating information on the 112 emergency number through which a great number of households can be easily informed, in particular doctors surgeries and pharmacies, hospitals and clinics, educational establishments such as schools and universities, and airports, ports and train stations, given that the 112 number is particularly useful to travellers, as well as the information portals of the national emergency services;*

<sup>1</sup> <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2010/2274%28INI%29>



24. *Calls on the Commission and the Member States also to promote 112 as the EU-wide emergency number online and on radio, two of the most common media for young people and people who travel often; highlights that only 16% of people aware of the 112 number heard of it via radio and only 11% via the Internet;*
25. *Calls on all Member States to ensure that the 112 number is displayed prominently on all emergency vehicles including police cars, ambulances, fire engines and vehicles belonging to other services;*
26. *Notes however that Member States have existing and longstanding emergency numbers and emphasises that, where they intend to maintain those national numbers, it is important not to compromise awareness or cause confusion over which number to dial;*
27. *Regrets that Member States do not yet ensure that timely, accurate and reliable location information is provided to the 112 services; calls accordingly on the Commission, in close cooperation with the Member States, to improve significantly and as soon as possible the accuracy and reliability of caller location information under the new EU telecoms rules and to upgrade technology with the ultimate goal of mandatory automatic localisation for all 112 calls, including those from roaming customers, within a few seconds in order to provide dispatchers and first responders with this crucial information, thereby proving invaluable to citizens; calls on the Commission to envisage taking action against Member States that do not fulfil their obligations in this respect;*
28. *Requests that the Member States and the Commission roll out measures improving access to finance to support research projects so as to ensure that the best possible technologies for identifying caller location, including via VOIP, are developed and supports accordingly the development of next generation standards and regulations; asks for the ICT-PSP funds indicated in the EU Budget 2009, 2010 and 2011 to be allocated to support the testing and implementation of innovative services (based on VoIP and IP-access to 112) that could be initiated through network-independent applications in anticipation of the establishment of a Next Generation 112 system in the EU; calls on the Commission to examine also the implementation of Next Generation 112 applications such as texting, video and social networks and how such applications, which are currently available to citizens, can be implemented in emergency communications to improve access to 112 as well as to enhance citizen-initiated emergency response;*
29. *Believes that, through regulation, eCall should be deployed as a mandatory service;*
30. *Highlights the importance of better coordination between emergency bodies both at national and cross-border/European Union level to achieve the highest level of effectiveness and, to this end, calls on the Commission to support and coordinate with Member State administrations to explore ways of improving interoperability between their systems;*
31. *Calls on the Commission, in close cooperation with the Member States, to set reliability and quality requirements as soon as possible for the whole 112 service chain, and to establish performance indicators and guidelines pertaining to the quality of the 112 service as experienced by citizens, taking into account the need for accessibility, for interoperability between emergency services, for multilingualism and for timely and qualitative interventions by emergency services;*
32. *Recommends, with a view to improving the efficiency of the 112 emergency service in the EU, the establishment of an action programme to support experience sharing and exchange of best practices between the NRAs, emergency services and civil society organisations in the Member States, extending this exchange to organisations in EU candidate and neighbouring countries; suggests that, to this end, a network of experts could be set up; recommends specifically the exchange of best practices between Member States as regards the handling of 112 calls, in particular on operator training, the use of a single operator to handle a call and the use of online and interpretation services that could help those who do not speak the language of the country in which they are using the emergency services;*
33. *Calls on the Member States to take the measures needed to reduce the number of unsuccessful emergency-call attempts, shorten call set-up and response times and reduce the number of hoax/false calls; calls on the Member States to exchange best practices regarding blocking of calls from SIM-less mobile phones;*



34. *Emphasises the need to guarantee the accessibility of the 112 number for people with different types of disability and vulnerable groups, and urges that accessibility be standardised for 112 for these groups in particular, possibly via the provision of special terminal devices for hearing- or visually-impaired users, text relay or sign language services, or other specific equipment; calls also on the Commission and the Member States to step up their efforts to heighten awareness among these people of the 112 number through the use of means of communication specially adapted to their needs;*
35. *Calls on the Commission to carry out a study on the 112 emergency number services' performances to date, on cooperation between the relevant bodies aimed at improving the service, and on the individual measures taken so far by the Member States; calls furthermore on the Commission to consider the possibility of extending the 112 service from voice calls to SMS so that texting '112' triggers an emergency response;*
36. *Calls on the Commission to evaluate, by independent bodies and by the end of 2012 at the latest, the real state of implementation of the 112 number throughout the EU as experienced by citizens, assessing notably accessibility, interoperability and intervention times. In this respect, the Commission is also invited to provide by the same date an overview of legally binding and practically implemented intervention times in the EU and to extend the impact study prepared in the framework of eCall to the human and financial consequences of the functioning of the 112 number;*
37. *Calls on the Member States and the Commission, given that the technology already exists, to promote the establishment of a 'reverse 112 system', i.e. an EU-wide, universal, multilingual, accessible, simplified and efficient interconnected system for warning and alerting citizens in case of imminent or developing natural and/or man-made major emergencies and disasters of any type; considers that such a system should be implemented without hindering privacy and in combination with appropriate information and training campaigns for citizens;*
38. *Calls on the Commission to examine the feasibility of a future 116 service similar to the 112 service for citizens in emotional distress, suffering from depression or other mental health problems;*

More information is available [here](#).

### **3 Data Protection and Privacy**

The Directive 2009/136/EC indicates that the applying provisions concerning privacy, data protection and location data are available in Directive 2002/58/EC. The following Recital relates to the emergency service chain:

- (56) *Technological progress allows the development of new applications based on devices for data collection and identification, which could be contactless devices using radio frequencies. For example, Radio Frequency Identification Devices (RFIDs) use radio frequencies to capture data from uniquely identified tags which can then be transferred over existing communications networks. The wide use of such technologies can bring considerable economic and social benefit and thus make a powerful contribution to the internal market, if their use is acceptable to citizens. To achieve this aim, it is necessary to ensure that all fundamental rights of individuals, including the right to privacy and data protection, are safeguarded. When such devices are connected to publicly available electronic communications networks or make use of electronic communications services as a basic infrastructure, the relevant provisions of Directive 2002/58/EC (Directive on privacy and electronic communications), including those on security, traffic and location data and on confidentiality, should apply.*

The Directive 2002/58/EC (Directive on privacy and electronic communications) indicates that:

- (36) *Member States may restrict the users' and subscribers' rights to privacy with regard to calling line identification where this is necessary to trace nuisance calls and with regard to calling line identification and location data where this is necessary to allow emergency services to carry out their tasks as effectively as possible. For these purposes, Member States may adopt specific provisions to entitle providers of electronic communications services to provide access to calling line identification and location data without the prior consent of the users or subscribers concerned.*



Contained within the Directive is a specific reference to how certain provisions can be exempted when the purpose of the communication relates to the emergency services.

## Article 10

### *Exceptions*

*Member States shall ensure that there are transparent procedures governing the way in which a provider of a public communications network and/or a publicly available electronic communications service may override:*

- (a) the elimination of the presentation of calling line identification, on a temporary basis, upon application of a subscriber requesting the tracing of malicious or nuisance calls. In this case, in accordance with national law, the data containing the identification of the calling subscriber will be stored and be made available by the provider of a public communications network and/or publicly available electronic communications service;*
- (b) the elimination of the presentation of calling line identification and the temporary denial or absence of consent of a subscriber or user for the processing of location data, on a per-line basis for organisations dealing with emergency calls and recognised as such by a Member State, including law enforcement agencies, ambulance services and fire brigades, for the purpose of responding to such calls.*

It should be noted that as mentioned previously, the transposition of this Directive and the implementation of the transposed legislation may differ from Member State to Member State.

[More information: 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 \(Directive on privacy and electronic communications\)](#)



#### 4 Legislation and related policy papers regarding eCall

eCall is an initiative from the European Commission which entails an electronic safety in-car system automatically calling emergency services in case of a serious accident. It is envisaged that the system will be deployed all over the European Union plus Iceland, Norway and Switzerland. As soon as the eCall device in a car senses a severe impact in an accident, it automatically initiates a 112 emergency call to the nearest emergency centre and transmits it the geographic location of the accident scene and other related data. With the same effect, eCalls can also be made manually, at the push of a button.

Outlined below is the legislation and related policy documents pertaining to the eCall system.

Proposal for a regulation of the European Parliament and of the Council concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC - COM(2013) 316 final - 2013/0165 (COD)	<a href="#">Link</a>
Proposal of the European Commission for a decision of the European Parliament and of the Council on the deployment of the interoperable EU-wide eCall (16 June 2013) - COM(2013) 315 final - 2013/0166 (COD)	<a href="#">Link</a>
EU Delegated Regulation No 305/2013 with regard to the harmonised provision for an interoperable EU-wide eCall (26 November 2012)	<a href="#">Link</a>
eCall Factsheet (October 2011)	<a href="#">Link</a>
European Commission eCall impact assessment (September 2011)	<a href="#">Link</a>
EU Directive 2010/40/EU - Framework for the deployment of Intelligent Transport Systems	<a href="#">Link</a>
4th eSafety Communication: 'eCall: Time for Deployment' (August 2009)	<a href="#">Link</a>
Commission Communication: Towards Europe-wide Safer, Cleaner and Efficient Mobility: The First Intelligent Car Report (September 2007)	<a href="#">Link</a>
3rd eSafety Communication: Bringing eCall back on track (November 2006)	<a href="#">Link</a>
2nd eSafety Communication - Bringing eCall to Citizens (September 2005)	<a href="#">Link</a>
Report on European Road Safety Action Programme (2004/2162(INI))	<a href="#">Link</a>
Information and Communications Technologies for Safe and Intelligent Vehicles (SEC(2003) 963)	<a href="#">Link</a>



## 5 EENA legislative recommendations for 112

Stakeholders	Actions
European Authorities	The European Authorities should take the appropriate action to ensure that the relevant Directives and Regulations have been correctly transposed in national legislation by each Member State and that the implementation of the legislation is in line with the EU policy intentions.
National Government	National Governments should satisfy themselves that the obligations and the spirit laid out in the Directives have been adequately transposed and implemented in full.
National / Regional Authorities	For those national or regional authorities that are obligated by their respective national legislation, they should ensure that they have fully discharged their responsibilities.
Emergency services	The emergency services should ensure that they are adequately informed about the relevant national legislation that exists to ensure it is correctly implemented. If there is any doubt as to the implementation, they should make the appropriate representation to the relevant National Government body.
National Telecommunication Regulators	National Telecommunication Regulators and/or the relevant competent authorities should ensure that their national legislation is fully implemented and is fit for the purpose of fulfilling the objectives of the relevant EU legislation.