

EENA's contribution to the definition of accuracy and reliability criteria for handset-based caller location

Article 109 (6) of the European Electronic Communications Code (EECC¹) places an obligation on EU Member States to "if necessary after consultation with BEREC, lay down criteria for the accuracy and reliability of emergency caller location information". Article 3 of the Delegated Regulation supplementing the EECC² sets out parameters that Member States should take into account when laying down such criteria. Article 8 of the Delegated Regulation requires Member States to report the criteria for the accuracy and reliability of caller location information to the Commission no later than one year after entry into force of the text.

Over the last months, EENA and several other organisations have advocated for the definition of these criteria to be coordinated at EU-level, either by BEREC or any other competent EU body. In its final version of the Delegated Regulation, the Commission added "Moreover, it is important to recall that pursuant to the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union, competent regulatory authorities are to cooperate among each other when laying down the criteria for the accuracy and reliability of the caller location information by consulting the Body of European Regulators for Electronic Communications (BEREC) or other relevant fora competent to provide guidance in this regard, in order to ensure the full effectiveness of Article 109(6) of Directive (EU) 2018/1972". Moreover, in the Commission staff working document³ accompanying the Delegated Regulation, it states that the "Commission services consider that the full effectiveness of Article 109(6) of EECC will only be ensured if the competent regulatory authorities cooperate among each other when laying down these criteria and consult BEREC or other relevant fora competent to provide guidance in this regard".

Unfortunately, at the time of drafting this paper, the coordination of the definition of accuracy and reliability criteria is not part of BEREC's Work Programme 2023⁴ and does not seem to be planned in the work of the Commission's Expert Group on 112 (EG112).

EENA considers that, in the absence - at the time of drafting this document - of a concrete work plan at BEREC or at the European Commission to coordinate the definition of these criteria, the risk that criteria will vary greatly between Member States is high. This could mean, for instance, very weak criteria in one Member State and very stringent criteria in another. The administrative burden would also be high as each Member State would have to work with technology providers, like handset OS providers, to define these criteria and there is a risk that the definition of these much-needed criteria could be delayed.

Therefore, EENA has decided to work on the drafting of a recommendation on accuracy and reliability criteria for handset-based caller location, under the following principles:

- Due to its limited resources, EENA will limit the scope of its recommendation to handset-based caller location only. This means that EENA will not draft a recommendation on accuracy and reliability criteria for fixed networks, for mobile network-based solutions or for network-independent Number-Based Interpersonal Communication Services (NB-ICS).
- EENA intends to publish its recommendation within 6 months after the entry into force of the regulation, so that Member States have at least 6 months to consider its recommendation.

¹ [Directive \(EU\) 2018/1972](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PI_COM%3AC%282022%299394&qid=1671442527749) of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)

² https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PI_COM%3AC%282022%299394&qid=1671442527749

³ <https://ec.europa.eu/info/law/better-regulation/>

⁴ <https://www.berec.europa.eu/en/document-categories/berec/berec-strategies-and-work-programmes/berec-work-programme-2023>



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- EENA will first look into what has been done in terms of accuracy and reliability requirements for caller location in other parts of the world. EENA will then consult its members (survey, etc) but will first work closely with its PSAP members and with Handset OS providers to draft the first version(s) of the recommendation.
- At the time of drafting this document, it is foreseen that the Commission and BEREC will not be participating in EENA's work as – per our communications with the Commission and the position set out in BEREC's Opinion⁵ on the Draft Delegated Regulation and in BEREC's Work Programme 2023 - the Commission and BEREC do not consider they have the competence to coordinate this work. In the case that the Commission and/or BEREC decide to take the responsibility for coordinating the definition of accuracy and reliability criteria during the course of EENA's work, EENA would be delighted to make its work available to them.
- EU and EEA Member States may or may not use our recommendation; in any case, our recommendation will be freely available, and we support a coordinated approach as much as possible.

⁵ <https://www.berec.europa.eu/en/document-categories/berec/opinions/berec-opinion-on-the-draft-commission-delegated-regulation-supplementing-directive-eu-20181972-of-the-european-parliament-and-of-the-council-with-measures-to-ensure-effective-access-to-emergency-services-through>