Commission Implementing Regulation (EU) 2017/78 of 15 July 2016 establishing administrative provisions for the EC type-approval of motor vehicles with respect to their 112-based eCall in-vehicle systems and uniform conditions for the implementation of Regulation (EU) 2015/758 of the European Parliament and of the Council with regard to the privacy and data protection of users of such systems (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/78

of 15 July 2016

establishing administrative provisions for the EC type-approval of motor vehicles with respect to their 112-based eCall in-vehicle systems and uniform conditions for the implementation of Regulation (EU) 2015/758 of the European Parliament and of the Council with regard to the privacy and data protection of users of such systems

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 6(13) and Article 9 thereof,

Whereas:

(1) Regulation (EU) 2015/758 lays down a general obligation for new types of vehicles of categories M_1 and N_1 to be equipped with 112-based eCall in-vehicle systems as of 31 March 2018.

(2) Commission Delegated Regulation (EU) 2017/79[(2)] lays down the specific technical requirements and test procedures for the EC type-approval of motor vehicles with regard to their 112-based eCall in-vehicle systems, as well as for EC type-approval of the 112-based eCall in-vehicle Separate Technical Units ('STUs') and 112-based eCall in-vehicle system components.

(3) Directive 2007/46/EC of the European Parliament and of the Council[(3)] establishes the general framework for EC type-approval of motor vehicles and defines the roles and responsibilities of all the actors involved at different stages of the approval process. In addition, it is necessary to set out the specific administrative provisions for the EC type-approval of motor vehicles fitted with 112-based eCall in-vehicle systems, 112-based in-vehicle STUs and components.

(4) To ensure uniform conditions for the implementation of the test procedures for EC type-approval and to simplify the application for that approval, a standardised set of information documents, templates for EC type-approval certificates and models for the EC type-approval mark should be established.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/78. (See end of Document for details)*

(5) Manufacturers should ensure that the 112-based eCall in-vehicle systems are not traceable and not subject to any constant tracking. For that purpose, it should be ensured that the 112-based eCall in-vehicle systems are not available for communication in their normal operational status and that the data in their internal memory is not available outside the systems to any entities before the eCall is triggered. Manufacturers should also implement adequate safeguards to protect the security of the data in the internal memory of the system from unauthorized access or misuse.

(6) Any data processed through the 112-based eCall in-vehicle system must be adequate, relevant and proportionate to the purposes for which those data are collected and processed.

(7) Consumers should be provided with comprehensive and reliable information regarding the functioning of the 112-based eCall in-vehicle system and in particular on the way data is processed through that system and how that data is protected. Consumers should be also informed about the characteristics and features of any private emergency service or other added value services, if fitted in the motor vehicle.

(8) A consistent approach on the information to be provided to the consumers on the functioning of the 112-based eCall in-vehicle system requires that a user information template is established which contains the minimum information to be provided together with the vehicle's technical documentation.

(9) Vehicle manufacturers should be given sufficient time to adapt to the technical requirements for the approval of 112-based eCall in-vehicle systems. The Member States should also be given sufficient time to deploy on their territory the Public Safety Answering Point (‘PSAP’) infrastructure required for the proper receipt and handling of eCalls. For that reason, the date of application of this Regulation should be the same as the date of compulsory application of the 112-based eCall in-vehicle systems in accordance with Regulation (EU) 2015/758.

(10) The measures provided for in this Regulation are consulted with the European Data Protection Supervisor in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council[(4)].

(11) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes administrative provisions for the approval of new types of vehicles with respect to the 112-based eCall in-vehicle systems, as well as of 112-based eCall in-vehicle Separate Technical Units (‘STUs’) and 112-based eCall in-vehicle system components designed and constructed for such vehicles.

It also lays down uniform conditions for implementation of the provisions of Regulation (EU) 2015/758 with regard to the privacy and data protection of users of the 112-based eCall in-vehicle systems.

Article 2

EC type-approval of vehicles with regard to their 112-based eCall in-vehicle systems

1 The manufacturer shall submit to the approval authority, as defined in Article 3(29) of Directive 2007/46/EC, an application for the EC type-approval of a vehicle with regard to its 112-based eCall in-vehicle system.

2 The application referred to in paragraph 1 shall be drawn up on the basis of the template set out in Part 1 of Annex I.

3 Where the technical requirements referred to in Article 5 of Delegated Regulation (EU) 2017/79 are met, the approval authority shall grant an EC type-approval and issue an EC type-approval certificate numbered in accordance with the system set out in Annex VII to Directive 2007/46/EC.

A Member State shall not assign the same number to another vehicle type.

4 The EC type-approval certificate shall be drawn up on the basis of the template set out in Part 2 of Annex I.

5 The manufacturer shall provide in the owner's manual information on the processing of data carried out through the 112-based eCall in-vehicle system by following the template set out in Part 3 of Annex I to this Regulation.

Article 3

EC type-approval of 112-based eCall in-vehicle STUs or 112-based eCall in-vehicle system components

1 The manufacturer shall submit to the approval authority, as defined in Article 3(29) of Directive 2007/46/EC, the application for the EC type-approval for a type of 112-based eCall in-vehicle STU or a type of 112-based eCall in-vehicle system component.

2 The application referred to in paragraph 1 shall be drawn up on the basis of the template set out in Part 1 of Annex II to this Regulation.

3 Where the technical requirements referred to in respectively Article 6 of Delegated Regulation (EU) 2017/79 as regards components and Article 7 thereof as regards STUs are met, the approval authority shall grant an EC type-approval and issue EC type-approval certificate and a type-approval number, which shall follow the numbering system set out in Annex VII to Directive 2007/46/EC.

A Member State shall not assign the same number to another type of STU or component.

4 The EC type-approval certificate shall be drawn up on the basis of the template set out in Part 2 of Annex II.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/78. (See end of Document for details)*

Article 4

EC type-approval mark

Each component or STU conforming to a type in respect of which an EC component or STU-approval has been granted pursuant to this Regulation shall bear an EC type-approval mark in accordance with the model set out in Part 3 of Annex II.

Article 5

Privacy and data protection

1 The manufacturer shall take the necessary measures to ensure that the 112-based eCall in-vehicle system or the 112-based eCall in-vehicle STU is not traceable and is not subject to any constant tracking in its normal operational status. The manufacturer shall further ensure that data in the internal memory of that system or STU is automatically and continuously removed and is not available outside the in-vehicle system or STU to any entities before the eCall is triggered.

2 The manufacturer shall inform the owner of the vehicle of the measures taken in accordance with Article 6(9) of Regulation (EU) 2015/758 by using the template set out in Part 3 of Annex I to this Regulation.

3 The manufacturer shall take appropriate safeguard measures (such as use of encryption technologies) to protect the security of personal data in the internal memory of the 112-based eCall in-vehicle system or 112-based eCall in-vehicle STU and to prevent surveillance and misuse. Such measures shall be appropriate, strictly proportionate to and necessary for the intended purpose.

Article 6

Entry into force and application

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

It shall apply from 31 March 2018.

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

Done at Brussels, 15 July 2016.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/78. (See end of Document for details)*

ANNEX I

Administrative documents for EC type-approval of motor vehicles with regard to the installation of 112-based eCall in-vehicle systems

PART 1

Information document

MODEL

Information document No … relating to the EC type-approval of a motor vehicle with regard to its 112-based eCall in-vehicle system.

The following information shall be supplied in triplicate and include a list of contents. Any drawings shall be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, shall show sufficient detail.

If the system, components or separate technical units referred to in this information document have electronic controls, information concerning their performance shall be supplied.

0. GENERAL

0.1. Make (trade name of manufacturer): …

0.2. Type: …

0.2.1. Commercial name(s) (if available): …

0.3. Means of identification of type, if marked on the vehicle ([1]): …

0.3.1. Location of that marking: …

0.4. Category of vehicle ([2]): …

0.5. Company name and address of manufacturer: …

0.8. Name(s) and address(es) of the assembly plant(s): …

0.9. Name and address of the manufacturer's representative (if any): …

1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE

1.1. Photographs and/or drawings of a representative vehicle: …

9. BODYWORK

9.1. Type of bodywork ([4]): …

9.10. Interior arrangements

9.10.2. Arrangement and identification of controls, tell-tales and indicators

9.10.2.1. Photographs and/or drawings of the arrangement of symbols and controls, tell-tales and indicators, in particular showing the symbol and position of the tell-tale/indicator (if any) or a description of other means used for warning the occupants of the vehicles in the event of critical failure that would result in an inability of the system to execute a 112-based eCall: …

9.12.2. Nature and position of supplementary restraint systems (indicate yes/no/optional)