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Technical Report

## **Emergency Communications (EMTEL); Collection of European Regulatory Texts and orientations**

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## Foreword

This Technical Report (TR) has been produced by ETSI Special Committee Emergency Communications (EMTEL).

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## Introduction

The rapid evolution of the market in Europe, the important multiple technical developments, the new decentralized structures for the management of Communications Networks and Services are associated to a revision of the regulatory conditions applicable in the Communications sector in the EU.

This created a number of new difficulties, some of them related to the need of ensuring a high level of support from Communications systems in Emergency conditions and a permanent increase of the effectiveness of the responsible bodies in such situations. In fact, if in a single network an Emergency situation is already a delicate case to consider, when two or more Telecommunications Networks are interconnected and the corresponding operators have different and sometimes opposite interests, the solution for each problem may be more complex and difficult to find.

In this context the standardization may be the only solution to promote freely and widely accepted solutions fulfilling the needs of the population, particularly those identified in regulatory documents.

The goal of the present document is to facilitate a stronger standardization in this area by bringing together the most important easily identified rules in EU. In order to enable also to take into account trends that might result in future regulatory rules, the document includes a list of main sites where these orientations can be found (Communication, working documents, statements from official groups, etc.).

The present version is actualised from the previous one produced in 2008. The intention is to collect more information focused in the relationship between standardization work and EMTEL needs expressed in regulatory documents and update the document in future versions, when appropriate with more and more updated details. A new update is necessary at least at the time when the ongoing reform of the EU regulatory framework for electronic communications is finalized.

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# 1 Scope

The present document identifies:

- the regulatory documents applicable for the emergency communications. The documents are listed in clause 2.1 and the significant extracts are given in clause 3; and
- other information or references which are considered to be useful in relation to Emergency Communications (EMTEL), generally applicable regulatory principles, or main orientations which are still under consideration at the date of revision.

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# 2 References

References are either specific (identified by date of publication and/or edition number or version number) or non-specific. For specific references, only the cited version applies. For non-specific references, the latest version of the reference document (including any amendments) applies.

Referenced documents which are not found to be publicly available in the expected location might be found at <http://docbox.etsi.org/Reference>.

NOTE: While any hyperlinks included in this clause were valid at the time of publication, ETSI cannot guarantee their long term validity.

## 2.1 Normative references

The following referenced documents are necessary for the application of the present document.

Not applicable.

## 2.2 Informative references

The following referenced documents are not necessary for the application of the present document but they assist the user with regard to a particular subject area.

- [i.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).
- [i.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).
- [i.3] 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).
- [i.4] Directive 2002/19/EC of the European Parliament and of the council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive).
- [i.5] Directive 2002/20/EC of the European Parliament and of the council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive).
- [i.6] Commission Recommendation 2003/558/EC of 25 July 2003 on the processing of caller location information in electronic communication networks for the purpose of location-enhanced emergency call services.

- [i.7] Directive 1999/5/EC of the European Parliament and of the council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity.
- [i.8] Council Decision 2001/792/EC of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions.
- [i.9] Official texts relating to Community co-operation on Civil Protection.
- [i.10] Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision).
- [i.11] Commission decision 2001/148/EC of 21 February 2001 on the application of Article 3(3)(e) of Directive 1999/5/EC to avalanche beacons (notified under document number C(2001) 194) (Text with EEA relevance).
- [i.12] Commission decision 2000/637/EC of 22 September 2000 on the application of Article 3(3)(e) of Directive 1999/5/EC to radio equipment covered by the regional arrangement concerning the radiotelephone service on inland waterways (notified under document number C(2000) 2718) (Text with EEA relevance).
- [i.13] Commission decision 2003/213/EC of 25 March 2003 on the application of Article 3(3)(e) of Directive 1999/5/EC of the European Parliament and of the Council to radio equipment intended to be used on non-SOLAS vessels and which is intended to participate in the Automatic Identification System (AIS) (notified under document number C(2003) 808) (Text with EEA relevance).
- [i.14] Commission Decision 2004/71/EC of 4 September 2003 on essential requirements relating to marine radio communication equipment which is intended to be used on non-SOLAS vessels and to participate in the Global Maritime Distress and Safety System (GMDSS).
- [i.15] Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations on information society services.
- [i.16] Commission Decision C(2006)/6364/ of 11th December 2006, updating the list of standards (application of Article 17 of the framework Directive). Chapter V addresses localisation.
- [i.17] Commission staff working document of June 14 2004 on "The treatment of Voice over Internet Protocol (VoIP) under the EU Regulatory Framework" (Doc 406-V2).
- [i.18] ERG (European Regulators group) document of December 2005: ERG (05) 12 "ERG Common Statement for VoIP regulatory approaches".
- [i.19] COM(2003) 542 final, Communication from the Commission to the Council and the European Parliament: "Information and Communications Technologies for Safe and Intelligent Vehicles" (SEC(2003) 963) Brussels, 15.9.2003.
- [i.20] COM(2005) 431 final: Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions : "The 2nd eSafety Communication, bringing eCall to citizens" Brussels, 14.9.2005.
- [i.21] Directive 2006/24/EC of the European Parliament and the Council (15 March 2006) on the retention of data generated and processed in connexion with the provision of publicly available electronic communications services or public communications networks and amending Directive 2002/58/EC.
- [i.22] COM(2006) 723 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; "Bringing eCall back on track - Action Plan"; (3rd eSafety Communication) Brussels, 23.11.2006.

- [i.23] COM(2007) 541 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: "Towards Europe-wide Safer, Cleaner and Efficient Mobility: The First Intelligent Car Report" Brussels, 17.9.2007.
- [i.24] 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 relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.
- [i.25] Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services.
- [i.26] Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office.

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### 3 Abbreviations

For the purposes of the present document, the following abbreviations apply:

|         |   |
|---------|---|
| AIS     | Automatic Identification System                           |
| CEC     | Commission of the European Communities                    |
| CEN     | European Committee for Standardisation                    |
| CENELEC | European Committee for Electrotechnical Standardization   |
| COI     | Common Open Interface                                     |
| EMTEL   | Emergency Telecommunications                              |
| ETSI    | European Telecommunications Standards Institute           |
| EU      | European Union  |
| GMDSS   | Global Maritime Distress and Safety System                |
| IEC     | International Electrotechnical Commission                 |
| ISO     | International Standardization Organization                |
| R&TTE   | Radio equipment and Telecommunications Terminal Equipment |

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### 4 General

The present document tries to identify the most relevant regulatory principles applicable to EMTEL. A careful study of the EU and national regulation is required for a complete understanding of all the implications of the presently applicable legal measures.

To facilitate the access to the source texts and minimize the risk of misunderstandings and false interpretations, the majority of the text was literally copied from the official documents. This text is printed in *italics* to allow a clear identification. In some cases, more important words or statements are printed in **bold** to call the attention of the reader.

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## 5 Documents relevance for EMTEL activities

The documents produced within the frame of the Commission should be considered on the basis of their relevance towards emergency telecommunications. Three classes are proposed to sort them adequately:

- regulatory documents having relevance for EMTEL;
- other regulatory documents with less direct impact on EMTEL; and
- documents giving orientations for future regulations.

### 5.1 Regulatory documents in application, having relevance with EMTEL

The documents in this category are in application and should be well known or addressed in the course of any activity in emergency telecommunications.

References [i.1], [i.2], [i.3], [i.4], [i.5], [i.6], [i.7], [i.16], [i.24], [i.25] and [i.26] fall in this category.

NOTE: The directives [i.1], [i.2], [i.3], [i.4], [i.5] are amended by the directives [i.24] and [i.25] and in order to have the official version of the directive the reader should have both the basic directive and the amending directive. In order to ease the reader the present document contains emergency telecommunications related "whereas" texts both from the basic directive and the amending directive but concerning the articles in the directives only the texts in force are included.

### 5.2 Other documents with less direct impact in EMTEL

These documents are also regulatory and in application but they should be considered as elements of the framework of communications services and precisising the overall context; but they have no direct impact on emergency telecommunications.

References [i.8], [i.9], [i.10], [i.11], [i.12], [i.13],[i.14] , [i.15] and [i.21] fall in this category.

### 5.3 Non regulatory documents related to orientations for future regulations

Rapid progress in technology makes it worthwhile to quote different topics that are addressed within the Commission or related groups. These orientations have not yet resulted in regulations, but are linked to the standardization activities in the field of Emergency Telecommunications, or can have an influence on them:

- NGN and Internet based telephony services.

References [i.17] and [i.18] fall in this category.

In [i.17], clauses 5.2. "Emergency Services", 5.3. "Routing Emergency Calls" and 5.4. "Enhanced Emergency Service - Caller location", and in [i.18] clause 4 "Specific Statement on Access to Emergency Services" have a specific interest:

- Road Safety related services.

In 2005, the Commission launched the eCall project with an objective to deploy a service of automatic call in case of road accident.

References [i.19], [i.20], [i.22] and [i.23] fall in this category.

## 6 Framework Directive

Directive 2002/21/EC [i.1] 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) as amended by the Directive 2009/140/EC [i.25].

### 6.1 Executive Summary of EMTEL relevant text

The list of standards published by the Commission in the Official Journal of the European Communities may contain standards and/or specifications relevant to EMTEL.

### 6.2 Chapter IV, general provisions

#### 6.2.1 Article 17, Standardisation

The text of the amending directive contains some changes to the text of the Directive 2002/21/EC [i.1].

*1. The Commission, acting in accordance with the procedure referred to in Article 22(2), shall draw up and publish in the Official Journal of the European Communities a list of non-compulsory standards and/or specifications to serve as a basis for encouraging the harmonised provision of electronic communication networks, electronic communications services and associated facilities and services. Where necessary, the Commission may, acting in accordance with the procedure referred to in Article 22(2) and following consultation of the Committee established by Directive 98/34/EC, request that standards be drawn up by the European standards organisations (European Committee for Standardisation (CEN), European Committee for Electrotechnical Standardisation (CENELEC), and European Telecommunications Standards Institute (ETSI)).*

*2. Member States shall encourage the use of the standards and/or specifications referred to in paragraph 1, for the provision of services, technical interfaces and/or network functions, to the extent strictly necessary to ensure interoperability of services and to improve freedom of choice for users.*

*As long as standards and/or specifications have not been published in accordance with paragraph 1, Member States shall encourage the implementation of standards and/or specifications adopted by the European standards organisations.*

*In the absence of such standards and/or specifications, Member States shall encourage the implementation of international standards or recommendations adopted by the International Telecommunication Union (ITU), the European Conference of Postal and Telecommunications Administrations (CEPT), the International Organisation for Standardisation (ISO) and the International Electrotechnical Commission (IEC).*

*Where international standards exist, Member States shall encourage the European standards organisations to use them, or the relevant parts of them, as a basis for the standards they develop, except where such international standards or relevant parts would be ineffective.*

*3. If the standards and/or specifications referred to in paragraph 1 have not been adequately implemented so that interoperability of services in one or more Member States cannot be ensured, the implementation of such standards and/or specifications may be made compulsory under the procedure laid down in paragraph 4, to the extent strictly necessary to ensure such interoperability and to improve freedom of choice for users.*

*4. Where the Commission intends to make the implementation of certain standards and/or specifications compulsory, it shall publish a notice in the Official Journal of the European Union and invite public comment by all parties concerned. The Commission shall take appropriate implementing measures and make implementation of the relevant standards compulsory by making reference to them as compulsory standards in the list of standards and/or specifications published in the Official Journal of the European Union.*

*5. Where the Commission considers that standards and/or specifications referred to in paragraph 1 no longer contribute to the provision of harmonised electronic communications services, or that they no longer meet consumers' needs or are hampering technological development, it shall, acting in accordance with the advisory procedure referred to in Article 22(2), remove them from the list of standards and/or specifications referred to in paragraph 1.*

6. Where the Commission considers that standards and/or specifications referred to in paragraph 4 no longer contribute to the provision of harmonised electronic communications services, or that they no longer meet consumers' needs or are hampering technological development, it shall, take the appropriate implementing measures and remove those standards and/or specifications from the list of standards and/or specifications referred to in paragraph 1.

6a. The implementing measures designed to amend nonessential elements of this Directive by supplementing it, referred to in paragraphs 4 and 6, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3).

7. This Article does not apply in respect of any of the essential requirements, interface specifications or harmonised standards to which the provisions of Directive 1999/5/EC apply.

## 6.2.2 Article 19, Harmonisation procedures

The text of the amending directive contains some changes to the text of the Directive 2002/21/EC [i.1].

1. Without prejudice to Article 9 of this Directive and Articles 6 and 8 of Directive 2002/20/EC (Authorisation Directive), where the Commission finds that divergences in the implementation by the national regulatory authorities of the regulatory tasks specified in this Directive and the Specific Directives may create a barrier to the internal market, the Commission may, taking the utmost account of the opinion of BEREC, issue a recommendation or a decision on the harmonised application of the provisions in this Directive and the Specific Directives in order to further the achievement of the objectives set out in Article 8.

2. Where the Commission issues a recommendation pursuant to paragraph 1, it shall act in accordance with the advisory procedure referred to in Article 22(2).

Member States shall ensure that national regulatory authorities take the utmost account of those recommendations in carrying out their tasks. Where a national regulatory authority chooses not to follow a recommendation, it shall inform the Commission, giving the reasons for its position.

3. The decisions adopted pursuant to paragraph 1 may include only the identification of a harmonised or coordinated approach for the purposes of addressing the following matters:

- (a) the inconsistent implementation of general regulatory approaches by national regulatory authorities on the regulation of electronic communication markets in the application of Articles 15 and 16, where it creates a barrier to the internal market. Such decisions shall not refer to specific notifications issued by the national regulatory authorities pursuant to Article 7a;

In such a case, the Commission shall propose a draft decision only:

- after at least two years following the adoption of a Commission Recommendation dealing with the same matter, and;
- taking utmost account of an opinion from BEREC on the case for adoption of such a decision, which shall be provided by BEREC within three months of the Commission's request;

- (b) numbering, including number ranges, portability of numbers and identifiers, number and address translation systems, and access to 112 emergency services.

4. The decision referred to in paragraph 1, 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 22(3).

5. BEREC may on its own initiative advise the Commission on whether a measure should be adopted pursuant to paragraph 1.

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## 7 Universal Service Directive

Directive 2002/22/EC [i.2] 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) as amended by the Directive 2009/136/EC [i.24].

## 7.1 Executive Summary of EMTEL relevant text

Emergency telecommunications is a part of the Universal Service for fixed switched telephone networks. This may include radio access parts, including commonly used mobile based technologies with the intention to supply basic services for fixed places. CEC has information on the national implementations.

## 7.2 Whereas

### a) Directive 2002/22/EC [i.2]

...

- (12) *For the citizen, it is important for there to be adequate provision of public pay telephones, and for users to be 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 any means of payment. Insufficient information about the existence of "112" deprives citizens of the additional safety ensured by the existence of this number at European level especially during their travel in other Member States.*
- (13) *Member States should take suitable measures in order to guarantee access to and affordability of all publicly available telephone services at a fixed location for disabled users and users with special social needs. Specific measures for disabled users could include, as appropriate, making available accessible public telephones, public text telephones or equivalent measures for deaf or speech-impaired people, providing services such as directory enquiry services or equivalent measures free of charge for blind or partially sighted people, and providing itemised bills in alternative format on request for blind or partially sighted people. Specific measures may also need to be taken to enable disabled users and users with special social needs to access emergency services "112" and to give them a similar possibility to choose between different operators or service providers as other consumers. Quality of service standards have been developed for a range of parameters to assess the quality of services received by subscribers and how well undertakings designated with universal service obligations perform in achieving these standards. Quality of service standards do not yet exist in respect of disabled users. Performance standards and relevant parameters should be developed for disabled users and are provided for in Article 11 of this Directive. Moreover, national regulatory authorities should be enabled to require publication of quality of service performance data if and when such standards and parameters are developed. The provider of universal service should not take measures to prevent users from benefiting fully from services offered by different operators or service providers, in combination with its own services offered as part of universal service.*

...

- (36) *It is important that users should be able to call the single European emergency number "112", and any other national emergency telephone numbers, free of charge, from any telephone, including public pay telephones, without the use of any means of payment. Member States should have already made the necessary organisational arrangements best suited to the national organisation of the emergency systems, in order to ensure that calls to this number are adequately answered and handled. Caller location information, to be made available to the emergency services, will improve the level of protection and the security of users of "112" services and assist the emergency services, to the extent technically feasible, in the discharge of their duties, provided that the transfer of calls and associated data to the emergency services concerned is guaranteed. The reception and use of such information should comply with relevant Community law on the processing of personal data. Steady information technology improvements will progressively support the simultaneous handling of several languages over the networks at a reasonable cost. This in turn will ensure additional safety for European citizens using the "112" emergency call number.*

...

**b) Directive 2009/136/EC [i.24]**

...

(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).*

...

(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 such 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. 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 accurate 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. 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 undertakings 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 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 and security of processing. 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.*

## 7.3 Chapter I, scope, aims and definitions

### 7.3.1 Article 2, Definitions

The definition of PATS has been changed in the amending directive. Access to emergency services is not any more included in the definition.

...

(c) *"publicly available telephone service" means a service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan;*

## 7.4 Chapter II, Universal service obligations including social obligations

NOTE: A first overview on Universal Service provision is offered on:

- article 3, Availability of universal Service;
- article 4, Provision of access at a fixed location and provision of telephone service.

### 7.4.1 Article 6, Public pay telephones

*3. Member States shall ensure that it is possible to **make emergency calls from public pay telephones** using the single European emergency call number "112" and other national emergency numbers, all free of charge and without having to use any means of payment.*

NOTE: Further references to article 6 can be found on:

- article 8, Designation of undertakings, paragraph 1;
- article 9, Affordability of tariffs, paragraphs 1 and 4;
- article 10, Control of expenditure, paragraphs 1 and 2;
- article 11, Quality of service of designated undertakings, paragraph 1 (Annex III);
- article 12, Costing of universal service obligations, paragraph 1;
- article 13, Financing of universal service obligations, paragraph 2 (...*"Only the net cost, as determined in accordance with Article 12, of the obligations laid down in Articles 3 to 10 may be financed"*).

## 7.5 Chapter IV, end-user interests and rights

### 7.5.1 Article 23, Integrity of the network

This article has been amended in Directive 2009/136/EC [i.24].

*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.*

### 7.5.2 Article 26, Single European emergency call number

This article has been amended in Directive 2009/136/EC [i.24].

*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 caller 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 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).*

### 7.5.3 Article 28, Non-geographic numbers

*Member States shall ensure that **end-users** from other Member States **are able to access non-geographic numbers within their territory** where technically and economically feasible, except where a called subscriber has chosen for commercial reasons to limit access by calling parties located in specific geographical areas.*

NOTE: See definitions of geographical and non-geographical numbers in:

- Article 1, paragraphs d and f.

## 7.6 Chapter V, general and final provisions

### 7.6.1 Article 38, Transposition

#### a) Directive 2002/22/EC [i.2]

*1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 24 July 2003 at the latest. They shall forthwith inform the Commission thereof.*

*They shall apply those measures from 25 July 2003.*

*2. When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.*

*3. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field governed by this Directive and of any subsequent modifications to those provisions.*

#### b) Directive 2009/136/EC [i.24]

*1. Member States shall adopt and publish by 25 May 2011 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those measures.*

*When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.*

*2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.*

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## 8 Directive on privacy and electronic communications

Directive 2002/58/EC [i.3] 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) as amended by the Directive 2009/136/EC [i.24].

### 8.1 Executive Summary of EMTEL relevant text

EMTEL is one justified exception for the privacy rules.

NOTE: There are no changes in EMTEL related parts of the amended directive.

## 8.2 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.*

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## 9 Directive on Access and Interconnection

Directive 2002/19/EC [i.4] of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive) as amended by the Directive 2009/140/EC [i.25].

### 9.1 Executive Summary of EMTEL relevant text

No EMTEL specific references to emergency found.

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## 10 Authorisation Directive

Directive 2002/20/EC [i.5] of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) as amended by the Directive 2009/140/EC [i.25].

### 10.1 Executive Summary of EMTEL relevant text

Emergency telecommunications conditions may be attached to a general authorization for networks or services.

### 10.2 Article 6, Conditions attached to the general authorisation and to the rights of use for radio frequencies and for numbers, and specific obligations

The text of the article 6 of the amending directive contains some changes to the text of the directive 2002/20/EC [i.5].

*1. The general authorisation for the provision of electronic communications networks or services and the rights of use for radio frequencies and rights of use for numbers may be subject only to the conditions listed in the Annex. Such conditions shall be non-discriminatory, proportionate and transparent and, in the case of rights of use for radio frequencies, shall be in accordance with Article 9 of Directive 2002/21/EC (Framework Directive).*

*2. Specific obligations which may be imposed on providers of electronic communications networks and services under Articles 5(1), 5(2), 6 and 8 of Directive 2002/19/EC (Access Directive) and Article 17 of Directive 2002/22/EC (Universal Service Directive) or on those designated to provide universal service under the said Directive shall be legally separate from the rights and obligations under the general authorisation. In order to achieve transparency for undertakings, the criteria and procedures for imposing such specific obligations on individual undertakings shall be referred to in the general authorisation.*

3. *The general authorisation shall only contain conditions which are specific for that sector and are set out in Part A of the Annex and shall not duplicate conditions which are applicable to undertakings by virtue of other national legislation.*

4. *Member States shall not duplicate the conditions of the general authorisation where they grant the right of use for radio frequencies or numbers.*

### 10.3 Article 11, Information required under the general authorisation, for rights of use and for the specific obligations

1. *Without prejudice to information and reporting obligations under national legislation other than the general authorisation, national regulatory authorities may only require undertakings to provide information under the general authorisation, for rights of use or the specific obligations referred to in Article 6(2) that is proportionate and objectively justified for:*

- (a) *systematic or case-by-case verification of compliance with conditions 1 and 2 of Part A, condition 6 of Part B and condition 7 of Part C of the Annex and of compliance with obligations as referred to in Article 6(2);*

...

### 10.4 Annex A. Conditions which may be attached to a general authorisation

Condition 11a has been added to the Annex in the amending directive.

...

- 11a. *Terms of use for communications from public authorities to the general public for warning the public of imminent threats and for mitigating the consequences of major catastrophes.*
- 12. *Terms of use during major disasters to ensure communications between emergency services and authorities and broadcasts to the general public.*

...

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## 11 Commission recommendation on processing of caller location information

Commission Recommendation 2003/558/EC [i.6] of 25 July 2003 on the processing of caller location information in electronic communication networks for the purpose of location-enhanced emergency call services.

NOTE: The numbering of the clauses in this chapter was introduced by ETSI for an easier understanding and member's consultation. Additionally, some introductory text of the official document was not copied.

### 11.1 Executive Summary of EMTEL relevant text

Caller location information to emergency services specification, clear extension to all calls to 112 (inclusion of mobile networks).

## 11.2 Scope, definitions, field of application

THE COMMISSION OF THE EUROPEAN COMMUNITIES, ...

...HEREBY RECOMMENDS THAT:

1. Member States should apply the following **harmonized conditions and principles** to the provision of **caller location information to emergency services** for all calls to the single European emergency call number **112**.

2. For the purposes of this Recommendation, the following **definitions** should apply:

- (a) "**emergency service**" means a service, recognised as such by the Member State, that provides immediate and rapid assistance in situations where there is a direct risk to life or limb, individual or public health or safety, to private or public property, or the environment but not necessarily limited to these situations.
- (b) "**location information**" means in a public mobile network the data processed indicating the geographic position of a user's mobile terminal and in a public fixed network the data about the physical address of the termination point.
- (c) "**E112**" means an emergency communications service using the single European emergency call number, 112, which is enhanced with location information of the calling user.
- (d) "**public safety answering point**" means a physical location where emergency calls are received under the responsibility of a public authority.

3. Member States should draw up detailed **rules for public network operators**, to include, inter alia, the provisions in points 4 to 9 below.

## 11.3 COI specification

4. For **every emergency call** made to the European emergency call number **112**, public telephone network operators should, initiated by the network, forward (push) to public safety answering points the best information available as to the **location of the caller**, to the extent technically feasible. For the intermediate period up to the conclusion of the review as referred to in point 13 below, it is acceptable that operators make available location information on request only (pull).

5. **Fixed public telephone network** operators should make available the installation **address of the line** from which the emergency call is made.

6. Public telephone network operators should provide location information in a non-discriminatory way, and in particular should **not discriminate** between the quality of information provided concerning their **own subscribers and other users**. In the case of the fixed networks, other users include users of **public pay phones**; in the case of mobile networks or mobility applications, other users include **roamers or visiting users**, or, where appropriate, users of mobile **terminals which can not be identified** by the subscriber or user number.

7. All **location information** provided should be accompanied by an **identification of the network** on which the call originates.

8. Public telephone network operators should **keep sources of location information**, including address information, accurate and up-to-date.

9. For each emergency call for which the subscriber or user number has been identified, public telephone network operators should provide the capability to public safety answering points and emergency services of **renewing the location information through a call back functionality (pulling)** for the purpose of handling the emergency.

## 11.4 COI harmonization

10. In order to facilitate data transfer between **operators and public safety answering points**, Member States should encourage the use of **a common open interface standard**, and in particular for a common data transfer protocol, adopted by the European Telecommunications Standards Institute (ETSI), where available. Such a standard should include the necessary flexibility to accommodate future requirements as they may arise, for instance from **in-vehicle telematics terminals**. Member States should ensure that the interface is best suited to the effective handling of emergencies.

## 11.5 User information

11. In the context of the obligation for E112 services prescribed by the Universal Service Directive, Member States should provide adequate information to their citizens about the existence, use and benefits of E112 services. Citizens should be informed that 112 connects them to emergency services all across the European Union and that their location will be forwarded. They should also be informed about the identity of the emergency services that will receive their location information and of other necessary details to guarantee fair processing of their personal data.

## 11.6 COI evolution

12. In the context of the continuous evolution of concepts and technologies, Member States are encouraged to foster and support the development of services for emergency assistance, for instance to tourists and travellers and for the transport of dangerous goods by road or rail, including handling procedures for forwarding location and other emergency or accident related information to public safety answering points; to support the development and implementation of common interface specifications in ensuring Europe-wide interoperability of such services; and to encourage the use of location technologies with high precision such as third generation cellular network location technologies and Global Navigation Satellite Systems.

13. Member States should require their national authorities to report to the Commission on the situation of E112 implementation by the end of 2004 so that the Commission can undertake a review taking into account the emerging requirements from public safety answering points and emergency services and the evolutions and availability of technological capabilities for location determination.

## 11.7 Final text (continuation of scope)

14. This Recommendation is addressed to the Member States.

# 12 R&TTE Directive

Directive 1999/5/EC [i.7] of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity.

## 12.1 Executive Summary of EMTEL relevant text

There is a (remote) possibility of ruling specific types of radio or terminal equipment. This has been used to ensure the access to some emergency services.

## 12.2 Article 3, Essential requirements

...

3. In accordance with the procedure laid down in Article 15, the Commission may decide that **apparatus within certain equipment classes or apparatus of particular types** shall be so constructed that:

- (a) it interworks via networks with other apparatus and that it can be connected to interfaces of the appropriate type throughout the Community; and/or that

- (b) *it does not harm the network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service; and/or that*
- (c) *it incorporates safeguards to ensure that the personal data and privacy of the user and of the subscriber are protected; and/or that*
- (d) *it supports certain features ensuring avoidance of fraud; and/or that*
- (e) ***it supports certain features ensuring access to emergency services; and/or that***
- (f) *it supports certain features in order to facilitate its use by users with a disability.*

## 12.3 Decisions based on the R&TTE relevant for EMTEL

The present clause refers to all the published decisions based on the article 3.3 (clause 11.3 above) up to the present. They refer exclusively to emergency related systems (article 3.3.e). There are Harmonized Standards associated with the CEC Decisions cited in this clause available from ETSI.

### 12.3.1 Avalanche beacons

The Decision [2001/148/EC](#) [i.11] applies to radio avalanche beacons.

### 12.3.2 Inland waterways

The Decision [2000/637/EC](#) [i.12] applies to radio equipment on inland waterways.

### 12.3.3 Maritime Automatic Identification System (AIS)

The Decision [2003/213/EC](#) [i.13] applies to radio equipment intended to be used on non-SOLAS vessels and which is intended to participate in the Automatic Identification System (AIS).

### 12.3.4 Global Maritime Distress and Safety System (GMDSS) equipment

The Decision [2004/71/EC](#) [i.14] applies to radio equipment intended to be used on the non-SOLAS vessels and which is intended to participate in the global maritime distress and safety system (GMDSS) equipment.

NOTE: This Decision repeals the earlier Decision [2000/638/EC](#) of 22 September 2000, which applied to the same type of equipment.

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## 13 BEREC Regulation

BEREC (Body of European Regulators for Electronic Communications) has a consulting role in relation to 112 issues.

*Article 3*

*Tasks of BEREC*

...

- (i) *to be consulted on draft measures relating to effective access to the emergency call number 112, in accordance with Article 26 of Directive 2002/22/EC (Universal Service Directive);*

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## Annex A: Most relevant web addresses

The following addresses are regularly updated and can regularly be used as a source of information:

ETSI web page on the new Framework Directives:

- <http://www.etsi.org/WebSite/AboutETSI/RoleinEurope/Publicpolicy.aspx>

ETSI web page on the R&TTE Directive:

- <http://www.etsi.org/WebSite/Technologies/rtte.aspx>

ETSI EMTEL:

- <http://www.emtel.etsi.org/>

European Commission eSafety:

- [http://ec.europa.eu/information\\_society/activities/esafety/library/index\\_en.htm](http://ec.europa.eu/information_society/activities/esafety/library/index_en.htm)

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## History

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