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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).

Modal verbs terminology

In the present document "should", "should not", "may", "need not", "will", "will not", "can" and "cannot" are to be interpreted as described in clause 3.2 of the <u>ETSI Drafting Rules</u> (Verbal forms for the expression of provisions).

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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 present 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 actualized from the previous one produced in 2013. The intention is to collect more information focused in the relationship between standardization work and EMTEL needs expressed in regulatory documents and update the present document in future versions, when appropriate with more and more updated details.

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 5 and beyond.
- 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.

2 References

[i.8]

2.1 Normative references

Normative references are not applicable in the present document.

2.2 Informative 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.

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

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.

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[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 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC.

facilitate reinforced cooperation in civil protection assistance interventions.

Council Decision 2001/792/EC of 23 October 2001 establishing a Community mechanism to

- [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] Void.
- [i.12] Void.
- [i.13] Void.
- [i.14] Void.
- [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.

NOTE: Regulation (EC) No 1211/2009 is repealed per article 51 of Directive (EU) 2018/1972 [i.32].

[i.27] Commission Recommendation 2011/750/EU of 8 September 2011 on support for an EU-wide eCall service in electronic communication networks for the transmission of in-vehicle emergency

calls based on 112 ("eCalls").

NOTE: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:303:0046:0048:EN:PDF.

[i.28] Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the

framework for the deployment of Intelligent Transport Systems in the field of road transport and

for interfaces with other modes of transport.

NOTE: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:207:0001:0013:EN:PDF.

[i.29] Council Decision1999/468/EC of 28 June 1999 laying down the procedures for the exercise of

implementing powers conferred on the Commission.

[i.30] Council Decision 91/396/EEC of 29 July 1991 on the introduction of a single European emergency

call number.

[i.31] European Parliament resolution 2010/2274(INI) of 5 July 2011 on universal service and the 112

emergency number.

[i.32] Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018

establishing the European Electronic Communications Code.

NOTE: https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1550232867026&uri=CELEX:32018L1972.

[i.33] Commission Delegated Regulation (EU) 2019/320 of 12 December 2018 supplementing of

Directive 2014/53/EU of the European Parliament and of the Council.

3 Definition of terms, symbols and abbreviations

3.1 Terms

Void.

3.2 Symbols

Void.

3.3 Abbreviations

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

AML Advanced Mobile Location

BEREC Body of European Regulators for Electronic Communications

CEC Commission of the European Communities
CEN European Committee for Standardization

CENELEC European Committee for Electrotechnical Standardization

CEPT European Conference of Postal and Telecommunications administrations

COI Common Open Interface EC European Commission

EECC European Electronic Communication Code

EMTEL Emergency Communications

ETSI European Telecommunications Standards Institute

EU European Union

IEC International Electrotechnical Commission

INI own INItiative procedure

ISO	International Standardization Organization
-----	--

ITS Intelligent Transport System NGN Next Generation Network

PATS Publicly Available Telephone Service

PSAP Public Safety Answer Point RED Radio Equipment Directive

SR Special Report

VoIP Voice over Internet Protocol

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.

5 Documents relevance for EMTEL activities

5.0 Classes of relevance

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], [i.32] and [i.33] 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 precising the overall context; but they have no direct impact on emergency telecommunications.

References [i.8], [i.9], [i.10], [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

6.0 Directive 2002/21/EC

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".

7 Universal Service Directive

7.0 Directive 2002/22/EC

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

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".

7.7 European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number (2010/2274(INI))

7.7.1 Executive Summary of EMTEL relevant text

The EMTEL relevant text from the European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number (2010/2274(INI)) [i.31] is the following:

"The European Parliament,

- having regard to Council Decision 91/396/EEC of 29 July 1991 on the introduction of a single European emergency call number(10),
- having regard to the Commission Recommendation on the processing of caller location information in electronic communication networks for the purpose of location-enhanced emergency call services,

L. whereas 'Written Declaration 100/2007 on early warning for citizens in major emergencies' was signed by 432 MEPs,

N. whereas several recent disasters have shown that alerting citizens and giving them early warning in the event of imminent or developing major emergencies and disasters is necessary if suffering and the loss of life are to be reduced,

The 112 European Emergency Number

- 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;
- 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;
- 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;
- 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;
- 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".

8 Directive on privacy and electronic communications

8.0 Directive 2002/58/EC

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".

9 Directive on Access and Interconnection

9.0 Directive 2002/19/EC

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.

10 Authorization Directive

10.0 Directive 2002/20/EC

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

- "I. 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".

...

11 Commission recommendation on processing of caller location information

11.0 Commission Recommendation 2003/558/EC

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 Radio Equipment Directive (RED)

12.0 Directive 2014/53/EU

Directive 2014/53/EU [i.7] of the European Parliament and of the Council of 16 April 2014 on making available on the market of radio equipment.

12.1 Executive Summary of EMTEL relevant text

Radio equipment is required to support access to emergency services, also for people with disabilities. Mobile devices support access to emergency services (112).

The amendment [i.33] requires that caller location can be made available when accessing emergency services. This is used in AML.

12.2 Article 3, Essential requirements

...

- "3 Radio equipment within certain categories or classes shall be so constructed that it complies with the following essential requirements:
 - (a) radio equipment interworks with accessories, in particular with common chargers;
 - (b) radio equipment interworks via networks with other radio equipment;
 - (c) radio equipment can be connected to interfaces of the appropriate type throughout the Union;
 - (d) radio equipment does not harm the network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service;
 - (e) radio equipment incorporates safeguards to ensure that the personal data and privacy of the user and of the subscriber are protected;
 - (f) radio equipment supports certain features ensuring protection from fraud;.
 - (g) radio equipment supports certain features ensuring access to emergency services;
 - (h) radio equipment supports certain features in order to facilitate its use by users with a disability;
 - (i) radio equipment supports certain features in order to ensure that software can only be loaded into the radio equipment where the compliance of the combination of the radio equipment and software has been demonstrated".

12.3 Decisions based on the RED relevant for EMTEL

12.3.0 Amendments to RED

The present clause refers to all the published decisions based on the article 3 (clause 12.2 above) up to the present. They refer exclusively to emergency related systems (articles 3 g and h).

12.3.1 Caller location in emergency communications

Commission Delegated Regulation (EU) 2019/320 [i.33] supplementing Directive 2014/53/EU [i.7]with regard to the application of the essential requirements referred to in Article 3(g) of that Directive in order to ensure caller location in emergency communications from mobile devices:

Article 1.2: "Compliance with paragraph 1 shall be ensured through technical solutions for the reception and processing of Wi-Fi data, data from Global Navigation Satellite Systems compatible and interoperable with at least the Galileo system referred to in Regulation (EU) No 1285/2013, and for the making available of that data for transmission in emergency communications".

13 BEREC Regulation

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

BEREC was established by Regulation (EC) No 1211/2009 [i.26]. Regulation (EU) 2018/1972 [i.32] amends and extends the scope of Regulation (EC) No 1211/2009. Since the amendments are of a substantial nature, that act is, in the interests of clarity, repealed, and the tasks and responsibilities of BEREC are now described in Regulation (EU) 2018/1972 [i.32].

"Article 4

Regulatory tasks of BEREC

...

- (d) to issue guidelines on the implementation of the Union regulatory framework for electronic communications, in particular, as referred to in Regulations (EU) No 531/2012 and (EU) 2015/2120 and Directive (EU) 2018/1972, on:
 - (xi) how to assess whether the effectiveness of public warning systems under Article 110(2) of Directive (EU) 2018/1972 is equivalent to the effectiveness of those under paragraph 1 of that Article;
- (l) to establish and maintain a database of:
 - (iii) where relevant, E.164 numbers of Member State emergency services, in accordance with the third subparagraph of Article 109(8) of Directive (EU) 2018/1972";

14 eCall

Directive 2010/40/EU [i.28] of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport [i.27] has some relevant for the work of EMTEL.

Article 3, Priority actions

"Within the priority areas the following shall constitute priority actions for the development and use of specifications and standards, as set out in Annex I:

...

(d) the harmonised provision for an interoperable EU-wide eCall"

ANNEX I, PRIORITY AREAS AND ACTIONS (as referred to in Articles 2 and 3)

Priority area III: ITS road safety and security applications

The specifications and standards for ITS road safety and security applications need to include the following:

"1. Specifications for priority action (d)

The definition of the necessary measures for the harmonised provision of an interoperable EU-wide eCall, including:

- the availability of the required in-vehicle ITS data to be exchanged,
- the availability of the necessary equipment in the emergency call response centres receiving the data emitted from the vehicles,
- the facilitation of the electronic data exchange between the vehicles and the emergency call response centres".

15 European Electronic Communication Code

15.1 Executive Summary of EMTEL relevant text

The European Electronic Communication Code [i.32] contains requirements for access to emergency services and for public warning. Relevant for further work in EMTEL is that transmitting location data as part of an emergency call is not free of charge.

15.2 Essential requirements

15.2.1 Article 108, Availability of services

"Member States shall take all necessary measures to ensure the fullest possible availability of voice communications services and internet access services provided over public electronic communications networks in the event of catastrophic network breakdown or in cases of force majeure. Member States shall ensure that providers of voice communications services take all necessary measures to ensure uninterrupted access to emergency services and uninterrupted transmission of public warnings".

15.2.2 Article 109, Emergency communications and the single European emergency number

- "1. Member States shall ensure that all end-users of the services referred to in paragraph 2, [...] are able to access the emergency services through emergency communications free of charge and without having to use any means of payment, by using the single European emergency number '112' and any national emergency number specified by Member States.
- 2. Member States shall [...] ensure that providers of publicly available number-based interpersonal communications services, where those services allow end-users to originate calls to a number in a national or international numbering plan, provide access to emergency services through emergency communications to the most appropriate PSAP.
- 5. Member States shall ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users, in accordance with Union law harmonising accessibility requirements for products and services. The Commission and the national regulatory or other competent authorities shall take appropriate measures to ensure that, whilst travelling in another Member State, end-users with disabilities can access emergency services on an equivalent basis with other end-users, where feasible without any preregistration. Those measures shall seek to ensure interoperability across Member States and shall be based, to the greatest extent possible, on European standards or specifications laid down in accordance with Article 39.
- 6. Member States shall ensure that caller location information is made available to the most appropriate PSAP without delay after the emergency communication is set up. This shall include network-based location information and, where available, handset-derived caller location information. Member States shall ensure that the establishment and the transmission of the caller location information are free of charge for the end-user and the PSAP with regard to all emergency communications to the single European emergency number '112'. Member States may extend that obligation to cover emergency communications to national emergency numbers. Competent regulatory authorities [...] shall lay down criteria for the accuracy and reliability of the caller location information provided".

15.2.3 Article 110, Public warning system

- "1. By 21 June 2022, Member States shall ensure that, when public warning systems regarding imminent or developing major emergencies and disasters are in place, public warnings are transmitted by providers of mobile number-based interpersonal communications services to the end-users concerned.
- 2. Notwithstanding paragraph 1, Member States may determine that public warnings be transmitted through publicly available electronic communications services other than those referred to in paragraph 1, and other than broadcasting services, or through a mobile application relying on an internet access service, provided that the effectiveness of the public warning system is equivalent in terms of coverage and capacity to reach end-users, including those only temporarily present in the area concerned, taking utmost account of BEREC guidelines. Public warnings shall be easy for end-users to receive".

15.3 Decisions based on the EECC relevant for EMTEL

Article 108 requires priority handling for emergency calls and for distributing public warning messages. Establishing an emergency call (112) in an operator network and public warning in an operator network (EU-Alert) are prioritized services, but app-based access to emergency services is not handled with priority.

Article 109 requires access to emergency services free-of-charge, which includes the handset derived location information. AML does not transmit in all cases location data free-of-charge.

Article 109 also requires that users with disabilities need to have access to emergency services that is equivalent to the service enjoyed by other users. Total Conversation Access has been specified for this purpose.

Article 110 requires every EU member state to deploy a public warning system. EU-Alert has been specified for this purpose.

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 ETSI's support of European regulation and legislation:

• https://www.etsi.org/about/etsi-in-europe

ETSI EMTEL:

• http://www.emtel.etsi.org/

European Commission eSafety:

• http://ec.europa.eu/information_society/activities/esafety/library/index_en.htm

Annex B: Bibliography

COM/2009/0434 final Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: "eCall: Time for Deployment", Brussels 21.8.2009.

NOTE: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0434:FIN:EN:PDF.

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