EUROPEAN
COMMISSION

Brussels, 7.8.2020
COM(2020) 359 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on 112 service

1. INTRODUCTION

Regulation (EU) 2015/758 of the European Parliament and of the Council[1] establishes the type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service. It mandates, from 31 March 2018, all new models of passenger cars and vans to be equipped with a system that in case of a severe crash will automatically send information and launch a voice call to the nearest national emergency service (the European emergency number 112). This will significantly reduce the response time for rescue and will help saving human lives. Since the Regulation started to apply two years ago, more than one million new motor vehicles fitted with eCall were put into service on EU roads and this number is expected to increase fast in the next years.

For the purpose of achieving its objectives, Regulation (EU) 2015/758 of the European Parliament and of the Council confers on the Commission the power to adopt delegated acts in a number of matters listed in Article 8(2) and subject to the conditions laid down in this Article, in accordance with Article 290 TFEU.

2. LEGAL BASIS

Article 2(2), Article 5(8) and (9), Article 6(12) of Regulation (EU) 2015/758 of the European Parliament and of the Council empower the Commission to adopt delegated acts under the conditions laid down in Article 8.

Article 8(2) of Regulation (EU) 2015/758 confers the power on the Commission to adopt delegated acts concerning the matters listed therein for a period of five years from 8 June 2015. Furthermore, it puts the Commission under the obligation to prepare a report in respect of the delegation of power at the latest nine months before the end of the five-year period.

The delegated powers shall be tacitly extended for a period of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

The power to adopt delegated acts may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the

[1] OJ L123, 19.5.2015, p. 77.

Official Journal of the European Union or at a later date specified therein and shall not affect the validity of any delegated acts already in force (Article 8(3) of Regulation (EU) 2015/758).

Regulation (EU) 2015/758 empowers the Commission to adopt delegated acts concerning the following matters:

a) to identify classes of vehicles of categories M_1 and N_1 which cannot be equipped with an appropriate eCall triggering mechanism for technical reasons (Article 2(2) of Regulation (EU) 2015/758);
b) to establish the detailed technical requirements and tests for the EC type-approval of vehicles in respect of their 112-based eCall in-vehicle systems and the EC type-approval of 112-based eCall in-vehicle systems, components and separate technical units (Article 5(8) of Regulation (EU) 2015/758);
c) to update the versions of the standards when a new version is adopted (Article 5(9) of Regulation (EU) 2015/758);
d) to establish the detailed technical requirements and test procedures for the application of the rules on personal data processing and for ensuring that there is no exchange of personal data between the 112-based eCall in-vehicle system and third party systems (Article 6(12) of Regulation (EU) 2015/758).

As soon as the Commission adopts a delegated act, it shall notify it simultaneously to the European Parliament and to the Council (Article 8(4) of Regulation (EU) 2015/758.

Under Article 8(5) of Regulation (EU) 2015/758, a delegated act adopted pursuant to Article 2(2), Article 5(8) and (9) and Article 6(12) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

3. EXERCISE OF THE DELEGATION

3.1. Delegated act adopted

In the reference period, the Commission exercised the delegated powers by adopting the following act covering all four matters listed in section 2 above:

Commission Delegated Regulation (EU) 2017/79 establishing detailed technical requirements and test procedures for the EC type-approval of motor vehicles with respect to their 112-based eCall in-vehicles systems, of 112-based eCall in-vehicle separate technical units and components and supplementing and amending Regulation (EU) 2015/758 of the European Parliament and of the Council with regard to the exemptions and applicable standards was adopted on 12 September 2016[2].

[2] OJ L 12, 17.1.2017, p. 44.

3.2. Consultation prior to adoption

The Commission consulted experts nominated by the Member States and relevant stakeholders (at the Subgroup on eCall of the Motor Vehicle Working Group), via regular dedicated expert meetings and written consultations, in the preparation of the delegated act. The documents relevant to these consultations were transmitted simultaneously to the European Parliament and to the Council.

Extensive consultations took place with experts from the office of the European Data Protection Supervisor in the preparation of the delegated act. The Commission attended meetings of the lead and associated committees in the European Parliament to have a further exchange of views on the draft act. The observations presented in these exchanges were taken into consideration when preparing the final versions of the delegated act.

3.3. No objections to delegated act

According to Article 8(5) of Regulation (EU) 2015/758, the European Parliament or the Council may object to a delegated act under Article 2(2), Article 5(8) and (9) and Article 6(12) within a period of two months from the date of notification of the act, extendable by another two months at the initiative of the European Parliament or of the Council.

Neither the European Parliament nor the Council objected to the delegated act mentioned under section 3.1. above and the delegated act was therefore published and entered into force at the end of the objection period.

4. CONCLUSION

The Commission considers that it has exercised the delegated powers conferred upon it within the limits and in respect of the conditions laid down in Article 8 of Regulation (EU) 2015/758. The Commission sees the need to extend the empowerments because further delegated acts will be required in the future, amongst others to update the version of the standards referred to in Article 5(8) of Regulation (EU) 2015/758 and to adapt the test procedures laid down in the Annexes to the Commission Delegated Regulation (EU) 2017/79 to technology developments. With this report, the Commission complies with the reporting requirement under Article 8(2) of Regulation (EU) 2015/1017. The Commission invites the European Parliament and the Council to take note of this Report.