

# Decoding the delegated regulation: New rules on EU emergency communications

**Amy Leete** explains everything you need to know about the EECC, the delegated regulation that supplements it, and the implications for emergency communications

The latest legislative change to emergency communications in the EU has recently been published through the delegated regulation of the *European Electronic Communications Code (EECC)*. The delegated regulation provides important clarification on accessibility for people with disabilities, the deployment of Next Generation 112, and establishes the European Commission's ambition to have caller location criteria defined – positive steps forward for EU public safety. However, whether the delegated regulation will solve the implementation issues of the *EECC* or establish enough of a framework for coordination at the EU level, it is not so clear.

With over 153 million calls made to the single European emergency number 112 in 2021, the implementation and effectiveness of 112 remain a key priority for European institutions. Since the Council decided to use 112 in July 1991, a number of laws have made it what it is today: a free, 24 hours-a-day emergency number for all of Europe.

Inevitably, as technology and human lives progress and change, so has the need for emergency communications, leading to the consolidation of the legal provisions of emergency communications in the *European Electronic Communications Code* in 2018. Designed to replace the series of directives previously in place, the *EECC* serves as the main legal reference for emergency communications in Europe.

The *EECC* requires EU member states to provide free access to 112 for all citizens, even when roaming in another EU country. While member states are not obliged to get rid of their own national numbers, 112 calls must be handled as well as national number calls (the principle of non-discrimination). Yet one of the most important changes in the *EECC* is a change in vocabulary: while previous legislation referred to 'emergency calls,' the *EECC* refers to 'emergency communications.' This change

seeks to show the development of 112 beyond traditional voice calls and into the realm of Next Generation 112, such as video, text, Real Time Text (RTT), and other alternatives to traditional voice calls. The *EECC* also strengthens the obligation for emergency communications to be located, including network-based location information and, where available, handset-derived caller location information.

## End goals

Member states were required to be fully compliant with the *EECC* by December 21, 2020. While the Body of European Regulators of Electronic Communications (BEREC) has developed and published guidelines to work towards the successful implementation of the new rules, not all member states are compliant. On February 4, 2021, the Commission opened infringement procedures against 24 member states for failing to implement the *EECC* into national legislation by the transposition deadline of December 21, 2020.

The reasons for the lack of implementation have several underlying causes. Significantly, while the European Commission is able to adopt technical implementing measures related to 112, the organisation of emergency services remains the exclusive competence of member states. This has, at times, caused new technological issues to sit in a kind of no man's land: the issue itself may be within the competence of the member states, but a solution is difficult without co-ordination at the EU level.

For legislation that may require adaptation at a national level in order to take account of technological progress, such as the *EECC*, 'delegated acts' may be introduced by the European Commission. These are amendments that serve to supplement, clarify, or enhance certain elements of existing legislation. While they cannot change the fundamental elements of the legislation, they can clarify



Dietwalther | Adobe Stock

and explain certain areas of the directives that have caused problems. Written into the *EECC* is the power for the European Commission to do this: “To ensure the compatibility, interoperability, quality, reliability, and continuity of emergency communications in the Union with regard to caller location solutions, access for end-users with disabilities, and routing to the most appropriate public safety answering point (PSAP).”

After consulting expert groups on existing issues within the *EECC*, a draft text for the delegated regulation was published by the European Commission for public consultation on August 8, 2022. While general support was given by the majority of respondents, concerns were raised about unclear provisions. Following the public consultation, the European Emergency Number Association (EENA) issued a position paper with over 30 signatories in support of further EU co-ordination on caller location information criteria.

The delegated regulation itself was published on December 21, 2022. What is new? As in the original legislation, the changes largely concern caller location solutions, access for end-users with disabilities, and routing to the most appropriate PSAP.

The delegated regulation also introduces a new term: ‘contextual information.’ It is highlighted as information that contributes: “To the description of the emergency incident, for example, the physical environment, the

conditions and abilities of the person involved, the localisation of the incident, etc.” This information – including accurate caller location information – must be transmitted to PSAPs and eventually to the relevant emergency services.

In order to foster the adoption of IP-based emergency communications (Next Generation 112), the European Commission requires member states to produce within nine months a roadmap detailing their country’s plan for PSAPs to be able to: “Receive, answer and process emergency communications through packet-switched technology.”

On the topic of accessibility, the delegated regulation specifies the ‘functional equivalence requirements’ that need to be met for means of access to emergency services for people with disabilities. The criteria are: Two-way interactive communication; availability in a seamless way, without pre-registration, to people travelling to other member states; communication should be free of charge for the end-users; routing of the communication “without delay” to the most appropriate PSAP and appropriate handling of the communication by the PSAP; equivalent caller location accuracy and reliability compared to means of access for other end-users, and awareness campaigns to promote the existence of these means of access.

For caller location information, new rules detail how ‘competent regulatory authorities’ should determine criteria on how emergency communications should

be located. Such criteria would be expressed as XX% of communications located within XX metres with a distinction for handset-derived (AML) and network-based (Cell-ID) location. According to recital (7): “The mix of these technologies ensures that even where a handset-derived caller location solution fails to make the caller location information available to the most appropriate PSAP, emergency services can rely on network-based location to usefully come to the end-user’s assistance, in line with the caller location accuracy and reliability criteria established by member states.”

For the first time in EU legislation, the delegated regulation includes the recommendation to include an elevation or vertical accuracy criterion, alongside longitude and latitude. To facilitate work in determining these criteria, the legislation foresees co-operation between member states through the Body of European Regulators for Electronic Communications (BEREC) and other relevant fora. The first caller location criteria will have to be reported to the Commission by Member states within one year after the entry into force of the legislation.

However, while the ambition to have criteria defined and the inclusion of a cooperation mechanism are positive steps, the actual implementation of this measure within the one-year timeframe may not be certain. In the working document accompanying the delegated regulation, the Commission states that “Commission services consider that the full effectiveness of *Article 109(6)* of the *EECC* will only be ensured if the competent regulatory authorities cooperate among each other when laying down these criteria and consult BEREC or other relevant fora competent to provide guidance in this regard.” BEREC’s 2023 work program, published on December 12, 2022, makes no mention of co-ordinating the definition of accuracy and reliability criteria.

As EENA expressed prior to the publication of the delegated regulation, a lack of co-ordination at the EU level could potentially result in 27 different sets of caller location criteria and therefore diverging regulatory requirements across Europe. This scenario would not be in the interest of EU citizens, whose personal safety might be better protected in one Member State when compared to another. This would also add complexity for solution providers and impact the overall effectiveness of emergency communications in the EU.

In order to avoid this scenario – or one in which member states simply do not define caller location criteria within the designated time frame – EENA has decided to work on the drafting of a recommendation on accuracy and reliability criteria for handset-based caller location. Due to its limited resources, EENA’s recommendation will mainly focus on handset-based caller location. EENA intends to publish its recommendation in 2023, so that member states have ample time to reconsider it.

EU and EEA member states may or may not use EENA’s recommendation; in any case, the recommendation will be freely available, and EENA supports a co-ordinated approach as much as possible. EENA is also willing and able to provide assistance to member states and national regulatory authorities on the other changes made by the delegated regulation, including IP-based emergency communications. EENA offers an NG112 Education Programme and is ready to support efforts to lay down national plans.

The delegated regulation was adopted by the European Commission on December 16, 2022. What happens next? The European Parliament (representing EU citizens) and the Council of the European Union (representing the governments of member states) now have a period of generally two months to formulate any objection. If no objections are raised, the act is adopted and enters into force three days after its publication in the *Official Journal of the European Union*. At that point, the clock begins to tick for member states to submit their roadmap on upgrading national PSAP systems in order to be able to receive, answer, and process emergency communications through packet-switched technology, as well as their caller location information criteria. Member states have one year after the delegated regulation enters into force to adopt and report on their caller location criteria to the European Commission. They also have the same amount of time to report on the means of access to emergency services for people with disabilities, as per the requirements of the regulation, along with an assessment of their compliance with the requirements. While there is no deadline for the actual upgrade to packet-switched technologies, the roadmap for the transition to packet-switched technologies must be sent to the European Commission within nine months after the delegated regulation enters into force.

Whether the delegated regulation will be the puzzle piece needed to increase Member State compliance with the *EECC* or whether a lack of coordination between the European Commission and BEREC will stunt positive outcomes is yet to be known. A desire for co-ordination at the European level is clear; whether current legislative terms and work programmes will make this possible is less so. In the meantime, EENA encourages member states to co-operate with the Commission and BEREC as far as possible, and is, in turn, willing to support a co-ordinated European approach and to assist member states as best as possible. [CRJ](#)

## Sources

- Report from the Commission to the European Parliament and the Council on the effectiveness of the implementation of the single European emergency number ‘112’;
- European Electronic Communications Code, Article 109, Paragraph 3;
- EU Electronic Communications Code: Commission refers 10 Member states to the Court of Justice of the EU;
- Directive 2009/136/EC (Universal Service Directive), Article 26;
- European Electronic Communications Code, Article 109, Paragraph 8;
- Commission Delegated Regulation Supplementing Directive (EU) 2018/1972, ‘Have Your Say! Feedback’;
- 30 Signatories in Support for European Coordination on Emergency Caller Location Criteria, EENA;
- Commission Delegated Regulation Supplementing Directive (EU) 2018/1972, Article 5;
- Commission Delegated Regulation Supplementing Directive (EU) 2018/1972, Article 7;
- BEREC Work Programme 2023.

## Author



AMY LEETE is the Communications and Press Manager for EENA, [eena.org](http://eena.org).