

E-5308/06 5 December 2006

WRITTEN QUESTION by Gérard Onesta (Verts/ALE) to the Commission

Subject: Single European emergency number Answer(s)

In the Commission communication on the European electronic communications regulation and markets 2005 (11th report — COM(2006)68 of 20.2.2006) and the annexed staff working document (SEC/2006/0193), as well during the press conference of 11 October 2005 on the implementation of the single European emergency number 112, the Commission announced that the infrastructure for locating callers was already in place, particularly in France and Belgium.

However, these reports have since turned out to be inaccurate, as the Belgian Minister of the Interior has admitted ([http://www.112.be/static/files/courtois\\_112.pdf](http://www.112.be/static/files/courtois_112.pdf)) that, nearly a year on, not all '112' calls can in fact be located, as required under Article 26 of the Universal Service Directive. Furthermore, information gathered has shown us that France is in the same position as Belgium, as concerns locating callers.

Can the Commission inform us of the methodology used in order to objectively check the responses given by Member States to its questionnaires on the '112' situation? If these have still not been checked, can the Commission inform us of the date on which it expects, in its role as 'treaty watchdog', to put in place objective and independent means of precisely establishing the progress made in implementing this number throughout the European Union and the quality of the service offered to citizens in danger through quantifiable indicators?

I would remind the Commission that, according to its own studies, it is only through the locating of '112' calls that over 5000 lives can be saved each year in the EU □15.

Original language of question: FR

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Answer given by Mrs Reding on behalf of the Commission

The Universal Service Directive(1), to which the Honourable Member refers in his question, places a number of obligations on Member States as regards the provision of the 112 single European emergency number, including the requirement that they ensure that undertakings which operate public telephone networks make caller location information available to authorities handling emergencies, to the extent technically feasible, for all calls to 112.

The Commission has a general obligation to ensure that Member States comply with their obligations under the EC Treaty. In the case of the regulatory framework for electronic communications, of which the Universal Service Directive is part, the Commission has pursued the rigorous implementation of its provisions. It has accordingly brought infringement proceedings against Member States which did not transpose the directives, including the two Member States to which the Honourable Member refers, France and Belgium. It has also, following close scrutiny of the laws of the twenty five Member States, brought proceedings against Member States where those laws were in its view not compliant with the directives, again in pursuance of its Treaty obligations. Finally, the Commission has opened proceedings against a number of Member States where the implementation in practice of the obligations laid down was in its view not compliant with the directives.

This enforcement process concerning the regulatory framework for electronic communications is part of a horizontal process pursued by the Commission in relation to the application of Community law. The Treaty provision in question, Article 226, and the procedures for implementing it, are applied rigorously in all sectors covered by the Treaty and secondary legislation. In applying it, the Commission makes full use of its powers of scrutiny, including a full examination of all complaints received from national authorities, undertakings and private individuals. The Commission also consults Member States in the relevant advisory committees, in this case the Communications Committee, and provides regular detailed reports on the implementation, as referred to by the Honourable Member.

It should be borne in mind that in this implementation process the Commission does not, and indeed under the Treaty cannot, substitute itself for the competent national authorities, in the case of the 112 number the national telecommunications regulatory authorities (NRAs) and national civil protection authorities and agencies. The Commission does not, moreover, act as an inspectorate or central regulatory agency, given that under the electronic communications framework regulatory tasks are assigned to the NRAs, and civil protection is a field in which the Member States retain their national competences.

As regards the specific issue of caller location in the two Member States to which the Honourable Member refers, the Commission has opened infringement proceedings against Belgium in regard to certain shortcomings regarding the availability of caller location information in mobile networks; in the case of France, however, the Commission has, in the light of the procedures referred to above, no reason to believe that there is a breach of the directive, and has indeed received no complaint in this regard from any individual or body.

Finally, on the other hand, infringement proceedings have been opened with regard to the lack of availability of caller location against twelve other Member States, of which seven are at the stage of a reasoned opinion pursuant to Article 226 and three have been closed. The Commission is of course ready to follow up any further substantiated complaints in this as in all other matters arising under the regulatory framework.

(1) Directive 2002/22/EC of the 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), OJ L 108, 24.4.2002.

