

E-5672/06 22 December 2006

WRITTEN QUESTION by Marc Tarabella (PSE) to the Commission

Subject: Application of the rules on the 112 emergency number Answer(s)

In October 2005 the Commission announced in a press release (IP/05/1239) that an information campaign on the 112 emergency number would be launched as soon as the Commission was satisfied of the overall quality of the service linked to implementation of the 112 number.

Can the Commission say: — when the information campaign will be launched;

— what checks it has carried out to ensure that Article 10 of Directive 2002/58/EC is being implemented(1);

— which ‘transparent procedures’ govern the arrangements whereby telecom operators can, without a subscriber’s or user’s consent, process localisation data for use by the emergency services?

Also, how can the Commission make sure that all telephone network users (as defined in the aforementioned directive) are aware of these arrangements and that the latter do not infringe the fundamental rights of citizens to protection of their privacy?

(1) OJ L 201, 31.7.2002, p. 37.

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Answer given by Mrs Reding on behalf of the Commission

The Commission has an obligation to ensure that Member States comply with the EC Treaty and EU legislation, including in this case Directive 2002/58/EC (e-Privacy Directive)(1) and Directive 2002/22/EC (Universal Service Directive)(2).

Scrutiny of the transposition of the e-Privacy Directive, including Article 10, has been carried out on the basis of the notifications received from each of the Member States. No significant problems have been identified in relation to the transposition of Article 10.

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, such as the national telecommunications regulatory authorities (NRAs) and national data protection authorities and agencies. Moreover, the Commission does not 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 Member States retain their national competences.

However, the Commission is of course ready to follow up any substantiated complaints in relation to the transposition of Article 10, as in all other matters arising under the regulatory framework.

As regards the implementation of 112, infringement proceedings have been opened with regard to the lack of availability of caller location data against 13 Member States, of which seven are at the stage of a reasoned opinion pursuant to Article 226, three are still pending at the stage of a letter of formal notice and three have been closed. The current infringement proceedings are now being followed rigorously by the Commission to ensure that the information campaign can be started without unnecessary delay following full compliance by the Member States.

(1) Directive 2002/58/EC of 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), OJ L 201, 31.7.2002.

(2) Directive 2002/22/EC of 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.