Commission Implementing Regulation (EU) 2017/2205 of 29 November 2017 on detailed rules concerning the procedures for the notification of commercial vehicles with major or dangerous deficiencies identified during a technical roadside inspection (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2205

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on detailed rules concerning the procedures for the notification of commercial vehicles with major or dangerous deficiencies identified during a technical roadside inspection

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC[(1)], and in particular Article 18(1) thereof,

Whereas:

(1) In accordance with Article 18(1) of Directive 2014/47/EU, in cases where, inter alia, major or dangerous deficiencies are identified in a vehicle not registered in the Member State of inspection, the contact point is required to notify the results of the inspection to the contact point of the Member State where the vehicle is registered. The notification shall contain the elements of the roadside inspection report set out in its Annex IV, which has to be drawn up by the inspector on completion of a more detailed inspection in accordance with Article 16(2) of Directive 2014/47/EU.

(2) In order to facilitate communication between the national contact points, the Commission is required to adopt detailed rules for the implementation of the notification procedure.

(3) In accordance with Article 18(1) of Directive 2014/47/EU, the notification shall preferably be communicated through the national electronic register referred to in Article 16 of Regulation (EC) No 1071/2009 of the European Parliament and the Council[(2)].

(4) Article 16(2) of Regulation (EC) No 1071/2009 specifies the mandatory minimum content of the national electronic registers. However, the elements of the roadside inspection report as set out in Annex IV to Directive 2014/47/EU do not form part of that mandatory minimum content.

(5) Article 16(5) of Regulation (EC) No 1071/2009 provides that the national electronic registers are to be interconnected.

(6) Due to the limited scope of Article 16(2) of Regulation (EC) No 1071/2009 and the resulting limited scope of the European Registers of Road Transport Undertakings' (ERRU) system, the notification set out in Article 18(1) of Directive 2014/47/EU cannot be transmitted via the national electronic registers using that system.

(7) However in order to avoid unnecessary administrative burdens and costs, the system architecture of ERRU should be used to develop the messaging system for the notification stipulated by Article 18(1) of Directive 2014/47/EU.

(8) The common rules for the interconnection via ERRU are established in Commission Regulation (EU) No 1213/2010[(3)].

(9) Commission Implementing Regulation (EU) 2016/480[(4)] will introduce significant amendments to the general functionalities of ERRU and replace Regulation (EU) No 1213/2010 as of 30 January 2019. The messaging system used for the roadside inspection (RSI) notification will be built on the general functionalities of ERRU.

(10) In order to limit administrative burdens and procedures and to ensure coherence it is therefore necessary that the messaging system used for notifications following a RSI also becomes applicable as of 30 January 2019.

(11) The provisions on personal data protection, as laid down in particular by Directive 95/46/EC of the European Parliament and the Council[(5)], apply to the processing of any personal data pursuant to Directive 2014/47/EU. In particular, Member States should implement appropriate security measures to prevent misuse of personal data.

(12) Where applicable, the provisions on personal data protection, as laid down by Regulation (EC) No 45/2001 of the European Parliament and of the Council[(6)] apply to the processing of any personal data pursuant to Directive 2014/47/EU.

(13) The measures provided for in this Regulation are adopted in accordance with the opinion of the Committee set up by Article 19(1) of Directive 2014/45/EU of the European Parliament and of the Council[(7)],

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the rules applicable to the notification of the results of a technical roadside inspection (RSI) of commercial vehicles with major or dangerous deficiencies communicated via the RSI system referred to in Article 3.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/2205. (See end of Document for details)*

Article 2

Definitions

In addition to the definitions set out in Regulation (EU) 2016/480, for the purposes of this Regulation, the following definitions shall apply:

(1) 'RSI message' means the notification message following a more detailed technical roadside inspection referred to in Article 10(3) of Directive 2014/47/EU sent via the RSI system or other secure network in a structured format as set out in the Annex to this Regulation;

(2) RSI more detailed report means the document issued after a more detailed roadside inspection referred to in Article 16(2) of Directive 2014/47/EU;

(3) 'Member State of registration' means the Member State in which the vehicle is registered or, in cases where the vehicle is not subject to registration under the national legislation, put into service.

Article 3

RSI system

1 The Commission shall set up a messaging system (RSI system) using the system architecture of the messaging system of the European Registers of Road Transport Undertakings in accordance with Regulation (EU) 2016/480. The RSI system shall facilitate the notification obligation laid down in Article 18(1) of Directive 2014/47/EU.

2 The RSI system shall fulfil the technical specifications laid down in Annexes I, III points 1 and 2, V, VI and VII to Implementing Regulation (EU) 2016/480 and in the Annex to this Regulation.

Article 4

Notification

1 The contact point of the Member State which carried out the technical roadside inspection shall notify without delay the results of the inspection to the Member State of registration.

2 The Member State conducting the technical roadside inspection shall notify the Member State of registration using the RSI system, in accordance with the procedures and technical requirements laid down in the Annex.

Article 5

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 30 June 2020.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/2205. (See end of Document for details)*

However, Article 4(1) shall apply from 20 May 2018.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2017.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/2205. (See end of Document for details)*

ANNEX

Minimum requirements for the content of the XML messages

1. Header

All the XML messages exchanged with the system shall have the same header to identify the sender, the recipient, the date and time sent, and some technical information.

Common Header		**Mandatory**
Version	The official version of the XML specifications shall be specified through the namespace defined in the message XML Schema Definition file (XSD) and in the *version* attribute of the header element of any XML message. The version number ('n.m') shall be defined as fixed value in every release of the XSD.	Yes
Test Identifier	Optional id for testing. The originator of the test shall populate the id and all participants in the workflow shall forward/return the same id. In production it shall be ignored and shall not be used if it is supplied.	No
Technical Identifier	A UUID uniquely identifying each individual message. The sender generates a UUID and populates this attribute. This data is not used in any business capacity.	Yes
Workflow Identifier	The workflow Id is a UUID and shall be generated by the requesting Member State. This id is then used in all messages to correlate the workflow.	Yes
Sent At	The date and time in Coordinated Universal Time (UTC) format when the message was sent.	Yes
Timeout	This is an optional date and time (in UTC format) attribute. This value shall be set only by the Hub for	No