Commission Implementing Regulation (EU) 2016/480 of 1 April 2016 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings and repealing Regulation (EU) No 1213/2010 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/480

of 1 April 2016

establishing common rules concerning the interconnection of national electronic registers on road transport undertakings and repealing Regulation (EU) No 1213/2010

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC[(1)], and in particular Article 16(5) thereof,

Whereas:

(1) Article 16(1) of Regulation (EC) No 1071/2009 establishes the obligation for Member States to keep a national electronic register of road transport undertakings which have been authorised by a competent authority to engage in the occupation of road transport operator. The relevant data contained in the national electronic registers should be made accessible to all the competent authorities of the other Member States. Article 16(5) and (6) of Regulation (EC) No 1071/2009 require the national electronic registers to be interconnected by 31 December 2012, mandating the Commission to adopt common rules concerning such interconnection. On the basis of this mandate, the Commission adopted Regulation (EU) No 1213/2010[(2)], in order to facilitate the interconnection of the national electronic registers through a message exchange system called ERRU (European Registers of Road Transport Undertakings). The latter became operational on 31 December 2012.

(2) During the last 3 years of operation of ERRU, the Commission, along with experts from Member States, has identified a certain number of aspects related to the practical use of ERRU that do not fully correspond to the administrative processes set up in Member States.

(3) It is therefore necessary to address the shortcomings that have been identified in the daily operation of ERRU, aligning it with the relevant provisions of Regulation (EC) No 1071/2009, Regulation (EC) No 1072/2009 of the European Parliament and of the Council[(3)] and Regulation (EC) No 1073/2009 of the European Parliament and of the Council[(4)], as well as guaranteeing that ERRU is used in a uniform manner by competent

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/480. (See end of Document for details)*

authorities throughout the EU. Moreover, it is necessary to adapt the existing rules to the technical and scientific progress.

(4) Commission Regulation (EU) 2016/403[(5)] with regard to the classification of serious infringements of the Union rules, sets out a new list of categories, types and degrees of seriousness of serious infringements of Union rules, which in addition to those set out in Annex IV to Regulation (EC) No 1071/2009, may lead to the loss of good repute of the road transport undertaking or the transport manager. It is therefore necessary to enable ERRU to transmit information on the new list of infringements.

(5) The provisions on personal data protection, as laid down in particular by Directive 95/46/EC of the European Parliament and of the Council[(6)], apply to the processing of any personal data pursuant to Regulation (EC) No 1071/2009. In particular, Member States must implement appropriate security measures to prevent misuse of personal data.

(6) 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[(7)] apply to the processing of any personal data pursuant to Regulation (EC) No 1071/2009.

(7) Due to substantial amount of changes which should be made to the common rules for the implementation of the interconnection of the national electronic registers, it is necessary to replace Regulation (EU) No 1213/2010 by a new act. Regulation (EU) No 1213/2010 should therefore be repealed.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 42(1) of Regulation (EU) No 165/2014 of the European Parliament and of the Council[(8)],

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the requirements regarding the connection of the national electronic registers on road transport undertakings to the ERRU messaging system, as set out in Article 16(5) of Regulation (EC) No 1071/2009.

Article 2

Definitions

For the purpose of this Regulation and in addition to the definitions laid down in Article 2 of Regulation (EC) No 1071/2009, the following definitions shall apply:

(a) ‘ERRU (European Registers of Road Transport Undertakings)’ means a system of interconnection of national electronic registers, set up in accordance Article 16(5) of Regulation (EC) No 1071/2009;

(b) 'Asynchronous interface' means a process whereby a message in response to a request is returned on a new HTTP connection;

(c) 'Broadcast search' means a request message from a Member State addressed to all other Member States;

(d) 'Central hub' means the information system enabling the routing of ERRU messages between Member States;

(e) 'CPC' means certificate of professional competence, as referred to in Article 8(8) of Regulation (EC) No 1071/2009;

(f) 'Member State of infringement' means the Member State in which a transport undertaking has committed an infringement;

(g) 'Member State of establishment' means the Member State in which an undertaking is established;

(h) 'National system' means the information system set up in each Member State for the purpose of emitting, processing and responding to ERRU messages;

(i) 'Synchronous interface' means a process whereby a message in response to a request is returned on the same HTTP connection as the one used for the request;

(j) 'Requesting Member State' means the Member State emitting a request or a notification, which is then routed to the responding Member States;

(k) 'Responding Member State' means the Member State to whom the ERRU request or notification is directed.

Article 3

Obligation to connect to ERRU

Member States shall carry out the interconnection of the national electronic registers referred to in Article 16 of Regulation (EC) No 1071/2009 to ERRU in accordance with the procedures and technical requirements laid down in this Regulation.

[[F1]The connection to ERRU of a Member State shall be considered to be established after the completion of the connection, integration and performance tests in accordance with the instructions and under the supervision of the Commission. The maximum duration of the tests shall be six months. The Commission shall take measures in case of failure of the above-mentioned tests. If those measures prove insufficient, the Commission may withdraw the testing support until the Member State proves that sufficient progress has been made at national level regarding connection to ERRU.**]**

Textual Amendments

F1 Inserted by Commission Implementing Regulation (EU) 2017/1440 of 8 August 2017 amending Implementing Regulation (EU) 2016/480 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings (Text with EEA relevance).

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/480. (See end of Document for details)*

Article 4

Technical specifications

ERRU shall fulfil the technical specifications laid down in Annexes I to VII to this Regulation.

Article 5

Use of ERRU

1 When exchanging information through ERRU, the competent authorities shall follow the procedures set out in Annex VIII to this Regulation.

2 Member States shall grant their control bodies in charge of roadside checks access to the ERRU Check Community Licence functionality.

3 In cases where several national control bodies are involved in roadside checks, the Member State shall decide which ones of those bodies shall be granted the access referred to in paragraph 2.

Article 6

Repeal

Regulation (EU) No 1213/2010 is hereby repealed as from the date of application of this Regulation. References to the repealed Regulation shall be construed as references to this Regulation.

Article 7

Entry into force

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 January 2019.

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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/480. (See end of Document for details)*

ANNEX I

GENERAL ASPECTS OF ERRU

1. ARCHITECTURE

ERRU shall be composed of the following parts:

1.1. A central hub, which shall be able to receive a request from the requesting Member State, validate it and process it by forwarding it to the responding Member States. The central hub will wait for each responding Member State to answer, consolidate all the answers and forward the consolidated response to the requesting Member State.

1.2. A national system per Member State, which shall be fitted with an interface capable of both sending requests to the central hub and receiving the corresponding replies. National systems may use propriety or commercial software to transmit and receive messages from the central hub.

1.3. **[**F2All messages exchanged shall be routed through the central hub.**]**

Textual Amendments

F2 Substituted by Commission Implementing Regulation (EU) 2017/1440 of 8 August 2017 amending Implementing Regulation (EU) 2016/480 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings (Text with EEA relevance).

2. MANAGEMENT

2.1. The central hub shall be managed by the Commission, which shall be responsible for the technical operation and maintenance of the central hub.

[F2 2.2. The central hub shall not store data for a period exceeding 6 months, other than the logging, statistical and routing data set out in Annex VII.**]**

[F2 2.3. The central hub shall not provide access to personal data, except for authorised Commission personnel, when necessary for the purpose of monitoring the technical operation, maintenance and troubleshooting.**]**

2.4. Member States shall be responsible for:

2.4.1. The setup and management of their national systems, including the interface with the central hub.

2.4.2. The installation and maintenance of their national system, both hardware and software, whether proprietary or commercial.

2.4.3. The correct interoperability of their national system with the central hub, including the management of error messages received from the central hub.

2.4.4. Taking all the measures to ensure the confidentiality, integrity and availability of the information.

2.4.5. The operation of the national systems in accordance with the service levels set out in Annex VI.

2.5. MOVEHUB web portal