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ANNEX

ANNEX

to the proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, on the national electronic register of road transport undertakings and the modalities of exchange of information contained in these registers

Decision No [*insert number of this Decision – tbc* 2/2025] of the Specialised Committee on Road Transport
established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part

of …

on the national electronic register of road transport undertakings and the modalities of exchange of information contained in these registers

THE SPECIALISED COMMITTEE ON ROAD TRANSPORT,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part[1] ('the Trade and Cooperation Agreement'), and in particular Article 468(5) and Articles 13(2) and 14(5) of Section 1 of Part A of Annex 31 thereto,

Whereas:

(1) Article 463(1) of the Trade and Cooperation Agreement provides that road haulage operators undertaking journeys referred to in Article 462 of that Agreement must hold a valid licence in accordance with Article 463(2) of that Agreement. Point (b) of Article 3 of Section 1 of Part A of Annex 31 to that Agreement provides that a road haulage operator must be of good repute, in accordance with Article 6 of Section 1 of Part A of Annex 31 to that Agreement.

(2) Article 6 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement lays down detailed conditions relating to the requirement of good repute for a road haulage operator. In particular, paragraphs 2 and 3 lay down the conditions in which infringements incurred by an operator may lead to an administrative procedure by the competent authorities in the Party of establishment, and may lead to the loss of good repute. Appendix 31-A-1-1 further lays down a list of seven most serious infringements which must trigger an administrative procedure by the competent authority in the Party of establishment. Decision No 1/2025 of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement[2] completed the list of serious infringements which may lead to the loss of good repute.

(3) Articles 13 and 14 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement further provide that Parties are to set up national electronic registers of

[1] OJEU L 149, 30.04.2021, p. 10.

[2] Decision No 1/2025 of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, of [date] on the categories, types and degrees of seriousness of serious infringements which may lead to the loss of good repute for a road haulage operator, OJEU ….

road transport undertakings which have been authorised to engage in the occupation of road haulage operator, as well as carry out individual checks on undertakings and exchange information on serious infringements committed by operators in the other Party. The data to be contained in the national electronic register, as well as the modalities of the exchange of information, are to be laid down by decision of the Specialised Committee on Road Transport.

(4) The Union has set up the European Registers of Road Transport Undertakings (ERRU) to facilitate exchanges of information between the Member States of the Union in accordance with Commission Implementing Regulation (EU) 2016/480[3]. Given that the Union and the United Kingdom have agreed to the same basic principles of access to the occupation of road haulage operator as well as to a common list of infringements, it is appropriate and efficient in pursuit of the objectives of the Trade and Cooperation Agreement to provide for the technical connection of the United Kingdom to ERRU.

(5) The United Kingdom participated to the development costs of ERRU as a Member State of the Union. The United Kingdom should contribute annually to the operational and maintenance of costs of ERRU.

(6) In order to allow both Parties to develop their information and technology infrastructure allowing the implementation of this Decision, it is appropriate to establish a date of application of this Decision. Hence, this Decision should apply from 1 January 2026.

HAS ADOPTED THIS DECISION:

Article 1

Objective

This Decision lays down the minimum data to be contained in the national electronic register of road transport undertakings and the conditions for exchange of information of this data between the Parties.

Article 2

Data contained in the national electronic registers of road transport undertakings and conditions of access to this data

1. The national electronic registers referred to in Article 13(1) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement shall contain at least the following data:

   (a) The name and legal form of the road transport undertaking;

   (b) The address of its establishment;

   (c) The names of the transport managers designated as meeting the requirements laid down in Article 3 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement relating to good repute and professional competence or, as appropriate, the name of a legal representative;

[3] 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, OJ L 087 2.4.2016, p. 4.

(d) The type of authorisation, the number of vehicles it covers and, where appropriate, the serial number of the licence referred to in Article 463(1) of the Trade and Cooperation Agreement and of the certified true copies;

(e) The number, category and type of serious infringements, as referred to in Article 6(2) of Section 1 of Part A of Annex 31 to the TCA, which have resulted in a conviction or penalty during the last 2 years;

(f) The name of any person declared to be unfit to manage the transport activities of an undertaking, as long as the good repute of that person has not been re-established pursuant to Article 6(4) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement, and the rehabilitation measures applicable;

(g) The registration numbers of the vehicles at the disposal of the undertakings pursuant to Article 5(f) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement;

(h) the risk rating band of the undertaking pursuant to the law and/or procedures applicable in each Party.

2. The data referred to in points (a) to (d) of the first paragraph shall be publicly accessible, in accordance with the relevant provisions of the law on personal data protection applicable in each Party.

The competent authorities in each Party may choose to keep the data referred to in points (e) to (h) of the first paragraph in separate registers. In such cases, the data referred to in points (e) and (f) shall be made available upon request or shall be directly accessible to all the competent authorities of the Party in question. The requested information shall be provided within five working days of receipt of the request.

The data referred to in points (g) and (h) of the first paragraph shall be made available to the competent authorities during roadside checks.

The data referred to in points (e) to (h) of the first paragraph shall only be accessible to authorities other than the competent authorities where those authorities are duly endowed with powers relating to supervision and the imposition of penalties in the road transport sector and their officials are sworn to secrecy or are otherwise under a formal obligation of secrecy.

3. Data concerning an undertaking whose authorisation has been suspended or withdrawn shall remain in the national electronic register for 2 years from the expiry of the suspension or the withdrawal of the licence and shall thereafter be immediately removed.

Data concerning any person declared to be unfit for the occupation of road haulage operator shall remain in the national electronic register as long as the good repute of that person has not been re-established pursuant to Article 6(4) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement. Where such a rehabilitation measure or any other measure having an equivalent effect is taken, the data shall be immediately removed.

The data referred to in the first and second subparagraphs shall specify the reasons for the suspension or withdrawal of the authorisation or the declaration of unfitness, as appropriate, and the corresponding duration.

4. The Parties shall take all necessary measures to ensure that all data contained in the national electronic register is kept up to date and are accurate.

Article 3

Minimum requirements for the data to be entered in the national electronic register of road transport undertakings.

1. The minimum requirements for the data to be entered in the national electronic registers established by competent authorities in each Party in accordance with Article 13 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement, shall be as set out in the Annex to the Commission Decision 2009/992/EU[4] and in Article 1 of Commission Implementing Decision (EU) 2024/2164[5], as adapted by the following paragraphs.

2. For the purpose of this Decision, the following adaptations to the Annex to Decision 2009/992/EU apply:

(a) The reference to 'Member State' is replaced by 'Country'[6].

(b) The references to 'Community licence', wherever they occur, are replaced by 'licence referred to in Article 463(1) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

(c) In the case of the United Kingdom, the following fields are not required: "Number of people employed", and "Risk rating".

(d) For 'Article 16(2), point (c), of Regulation (EC) No 1071/2009' substitute 'point (c) of Article 1(1) of Decision No [2/2025] of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

3. For the purpose of this Decision, the data item "Country of Registration of the Vehicle" referred to in Article 1 of Commission Implementing Decision (EU) 2024/2164, shall, in the case of the United Kingdom, be set by default to "UK".

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4 Commission Decision of 17 December 2009 on minimum requirements for the data to be entered in the national electronic register of road transport undertakings (notified under document C(2009) 9959), OJ L 339 22.12.2009, p. 36, as amended by Commission Implementing Decision (EU) 2024/773, OJ L, 2024/773, 6.3.2024.

5 Commission Implementing Decision (EU) 2024/2164 of 11 July 2024 on minimum requirements concerning the data of hired vehicles to be entered in national electronic registers of road transport undertakings (notified under document C(2024) 4665), OJ L, 2024/2164, 20.8.2024.

6 Country refers to a Member State of the European Union for the European Union, and the United Kingdom of Great Britain and Northern Ireland for the United Kingdom of Great Britain and Northern Ireland.

Article 4

Modalities of the exchange of information referred to in Article 14 (3) and (4) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement

1. The United Kingdom and the Member States of the Union shall use the European Registers of Road Transport Undertakings (ERRU), established by Regulation (EU) 2016/480[7], for the exchange of information referred to in paragraphs 3 and 4 of Article 14 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement.

2. The United Kingdom shall carry out the interconnection of its national electronic register to ERRU in accordance with the procedures and technical requirements laid down in Regulation (EU) 2016/480 as adapted by Article 5 of this Decision.

3. Each Party shall ensure that the processing of personal data in the context of this Decision is carried out solely for the purpose of verifying compliance with Title I of Heading Three and with Annex 31 to the Trade and Cooperation Agreement.

4. The United Kingdom and each Member State of the Union shall designate an ERRU contact point responsible for the exchange of information of the other Party with regard to the application of this Decision.

Article 5

Adaptations to the technical specifications of ERRU

For the purpose of this Decision, the following adaptations to Regulation (EU) 2016/480 apply:

1. References to 'Member State', wherever they occur, shall be understood as references to 'Country[8]' and references to 'Member States', wherever they occur, shall be understood as references to 'Countries[9]''.

2. References to 'this Regulation', wherever they occur, 'Annexes I to VII to this Regulation' and 'Annex VIII to this Regulation' shall be understood as references to 'Decision No [2/2025] of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

3. The references to 'Community licence', wherever they occur, shall be understood as references to 'licence referred to in Article 463(1) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy

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[7] 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, OJ L 087 2.4.2016, p. 4, as amended by Commission Implementing Regulation (EU) 2023/2381 amending Implementing Regulation (EU) 2016/480 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings, OJ L, 2023/2381, 5.10.2023.

[8] Country refers to a Member State of the European Union or the United Kingdom of Great Britain and Northern Ireland.

[9] Countries refers to both the Member States of the European Union and the United Kingdom of Great Britain and Northern Ireland.

Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

4. In Article 1 to 3 for 'Article 16 of Regulation (EC) No 1071/2009' and 'Article 16(5) of Regulation (EC) No 1071/2009', substitute 'Decision No [2/2025] of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

5. In Article 2, for 'Article 2 of Regulation (EC) No 1071/2009' substitute 'Article 2 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

6. In point (e) of Article 2, for 'Article 8(8) of Regulation (EC) No 1071/2009' substitute 'Article 465(1) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

7. Articles 6 and 7 shall not be applicable for the purpose of this Decision.

8. In point 1.3 of Annex II—

   (a) For "risk rating and risk rating band" substitute "risk rating band".

   (b) The reference to "number of employees" shall be removed.

9. In the Appendix to Annex III—

   (a) The following fields shall not be contained in a Check Transport Undertaking Data Response message: "Number of People Employed", "Risk Rating".

   (b) For 'Annex IV to Regulation (EC) No 1071/2009 and Annex I to Commission Regulation No (EU) 2016/403', substitute 'Appendix 31-A-1-1 of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part and the Annex to Decision No 1/2025 of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

10. In Section 1 of Annex VIII, for 'Article 11(4) of Regulation (EC) No 1071/2009', substitute 'Article 12(2) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

11. In Section 2.1 of Annex VIII, for 'Directive 2006/22/EC or in Regulation (EC) No 1071/2009' substitute 'Appendix 31-A-1-1 of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part and the Annex to Decision No 1/2025 of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part'.

Article 6

Amount and modalities of the financial contribution of the United Kingdom

The United Kingdom shall contribute annually to the operational and maintenance costs of ERRU in the framework set out in Decision No 3/2025 of the Specialised Committee on Road Transport.

Article 7

Suspension of the United Kingdom's connection to ERRU

The Union may suspend the access of the United Kingdom to ERRU if the United Kingdom ceases to meet the conditions set out in Articles 4 to 6 of this Decision.

Article 8

Entry into force and application

This Decision shall enter into force on the day following its adoption.

It shall apply from 1 January 2026.

For the Specialised Committee on Road Transport
The Co-chairs