



Miscellaneous No. 4 (2007)

Treaty

concerning a European Vehicle and Driving Licence Information System
(EUCARIS)

Luxembourg, 29 June 2000

[The Treaty has not been ratified by the United Kingdom]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
March 2007*

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TREATY CONCERNING A EUROPEAN VEHICLE AND DRIVING LICENCE INFORMATION SYSTEM (EUCARIS)

The Kingdom of Belgium; the Federal Republic of Germany; the Grand-Duchy of Luxembourg; the Kingdom of the Netherlands; the United Kingdom of Great Britain and Northern Ireland;

hereinafter referred to as the contracting Parties,

Considering that it is the task of the central authorities responsible for the registration of vehicle and driving licence data to contribute to the prevention, investigation and prosecution of offences against the regulations of individual States;

Recognising the need for an effective mutual exchange of information about driving licence data in order to ensure that people are qualified to drive vehicles in accordance with national and international regulations;

Recognising the need also for an effective mutual exchange of information about vehicle data in order to ensure that vehicles are correctly licensed and/or registered for use on the road;

Mindful of the importance of holding accurate vehicle and driving licence data that can be used in relation to the investigation and prosecution of offences;

Considering that public safety is seriously threatened by the increase in international vehicle-related crime;

Convinced that co-operation between the central authorities responsible for the registration of vehicle and driving licence data must be reinforced by laying down procedures enabling these authorities both to co-ordinate their actions and to exchange personal and other information concerning the registration of vehicles and driving licences with the aid of new data management and data transmission technology;

Considering the data protection provisions of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995;

have agreed the following:

CHAPTER I

DEFINITIONS

ARTICLE 1

In this Treaty the terms:

- (1) "Party" denotes any party to the Treaty, i.e. either a contracting Party or a Party having acceded to the Treaty;
- (2) "central registration authorities" denotes the authorities of the Parties which are responsible for managing the central registers of vehicles and driving licences;
- (3) "national regulations" denotes all legal and administrative regulations of a Party for the implementation of which the central registration authorities of this Party are responsible, in whole or in part, with regard to:
 - a) the licensing or registration of vehicles, and
 - b) the issuing and registration of driving licences;
- (4) "personal data" denotes any information about a particular or identifiable person.

CHAPTER II

SETTING UP A EUROPEAN VEHICLE AND DRIVING LICENCE INFORMATION SYSTEM (EUCARIS)

ARTICLE 2

- (1) The central registration authorities shall set up and maintain a common system for the exchange of vehicle and driving licence data, hereinafter referred to as the "European Vehicle and Driving Licence Information System", known as EUCARIS.
- (2) The purpose of the European Vehicle and Driving Licence Information System is:
 - i) to ensure that the central vehicle and driving licence registers of the Parties are accurate and reliable;
 - ii) to assist in preventing, investigating and prosecuting offences against the laws of individual States in the field of driving

licences, vehicle registration and other vehicle-related fraud and criminality; and

- iii) to exchange information rapidly in order to increase the efficiency of administrative measures taken by the relevant authorities according to the legal and administrative regulations of the Parties.

CHAPTER III

OPERATION AND APPLICATION OF THE EUROPEAN VEHICLE AND DRIVING LICENCE INFORMATION SYSTEM

ARTICLE 3

Within the framework of the European Vehicle and Driving Licence Information System, the central registration authorities shall allow one another to access a selected part of the data stored in the central vehicle and driving licence registers of the Parties.

For this purpose, each central registration authority shall have its own hardware which, by using common software, shall allow access to the data from its own central vehicle and driving licence registers for the purpose of achieving the aim of the Treaty and shall give access to the data from the central vehicle and driving licence registers of the other Parties.

ARTICLE 4

In order to achieve the purpose set out in Article 2 paragraph (2), the central registration authorities shall, using automated procedures, retrieve the data as mentioned in Articles 3 and 5 from the central vehicle and driving licence registers in order to perform the following duties:

- a) Central vehicle register:

If an application to register a vehicle is made in the area of responsibility of a central registration authority and if that vehicle has previously been registered in the area of responsibility of another central registration authority, the information provided by the applicant shall be checked against the information from the central vehicle register of the Party in whose territory the vehicle was previously registered.

If the information provided by the applicant leads to the conclusion that the vehicle was previously registered in the territory of another Party, the

information provided by the applicant should also be checked against the information from the central vehicle register of that Party.

b) Central driving licence register:

If an application for a driving licence is made in the area of responsibility of a central registration authority, that authority may, by inspecting the information from the central driving licence registers of the other Parties, check whether the applicant has in the past been issued with a driving licence that is still valid.

The same procedure shall be followed if an application is made for the replacement or the exchange of a driving licence that has been issued in the area of responsibility of another central registration authority.

If a driving licence that has been issued in the area of responsibility of another central registration authority is presented to a central registration authority for registration, a data check shall be made against the information in the central driving licence register of the Party in whose territory the driving licence has been issued.

ARTICLE 5

(1) The following data shall be available for retrieval through the automated procedure used by the central registration authorities:

a) Central vehicle register:

- i) manufacturer (and model, if available);
- ii) vehicle identification number;
- iii) registration number;
- iv) date of first registration;
- v) type of fuel and/or type of drive;
- vi) confirmation of theft.

b) Central driving licence register:

- i) document number and/or driving-licence number;

- ii) surname or surname at birth, forenames;
- iii) date and place of birth;
- iv) categories;
- v) conditions and restrictions;
- vi) period of validity;
- vii) disqualification, withdrawal, driving bans, seizure and custody;
- viii) date of issue.

(2) Agreements concerning the retrieval of other information by the central registration authorities within the framework of national regulations are not affected.

ARTICLE 6

In order to achieve the purpose set out in Article 2 paragraph (2), the central registration authorities shall, in accordance with the national regulations of the Parties, arrange for action to be taken to clarify the situation before taking further administrative measures, if there is any doubt about the actual or legal conditions of the vehicles or driving licences.

These actions shall be taken in the following cases:

- a) Central vehicle register:
 - i) if the information provided by the applicant within the process for registration cannot be found in the central vehicle register of the Party in whose territory the vehicle is supposed to have been previously registered;
 - ii) if the information provided by the applicant within the process for registration is different from the information held in the central vehicle register of the Party in whose territory the vehicle was previously registered;
 - iii) if according to the information held in the central vehicle register of one of the Parties, the vehicle to which the registration application refers is reported as stolen.
- b) Central driving licence register:

- i) if within the process for replacing, exchanging or registering a driving licence it is stated that, according to the information held in the central driving licence register of one of the Parties, a valid driving licence has already been issued in the name of the applicant;
- ii) if within the process for replacing, exchanging or registering a driving licence the information provided by the applicant cannot be found in the central driving licence register of the Party in whose territory the driving licence was issued or is different;
- iii) if within the process for replacing, exchanging or registering a driving licence it is stated that, according to the information held in the central driving licence register of one of the Parties, the holder of the licence is disqualified or banned and/or his licence is withdrawn, seized or in custody.

ARTICLE 7

(1) If a vehicle that was previously registered in the territory of one of the Parties is registered in the territory of another of the Parties, the central registration authority shall immediately report this to the central registration authority of the Party in whose territory the vehicle was last registered. The vehicle register data mentioned in Article 5 shall be given as well as the date of registration.

(2) If a driving licence that was issued in the territory of one of the Parties is replaced, exchanged or registered in the territory of another of the Parties, the central registration authority shall immediately report this to the central registration authority of the Party that issued the driving licence. The driving licence register data mentioned in Article 5 shall be given as well as the date of replacement, exchange or registration.

ARTICLE 8

(1) Direct access to the data stored ready for retrieval under the European Vehicle and Driving Licence Information System is restricted to the central registration authorities of the Parties.

(2) These authorities are responsible, on behalf of their Party, for the correct operation of the European Vehicle and Driving Licence Information System, and shall take the appropriate action to ensure that the provisions of the Treaty are observed.

ARTICLE 9

Information that is transmitted under the European Vehicle and Driving Licence Information System may be passed on by the central registration authorities, in accordance with the national regulations of the Parties in order exclusively to achieve the purpose set out in Article 2 paragraph (2), to the administrative authorities responsible for registering vehicles and issuing and registering driving licences.

In accordance with the national regulations of the Parties, this information may be passed on exclusively to police, customs, prosecution and national security authorities in order to achieve the purpose set out in Article 2 paragraph (2). This information shall in no case be passed on to any other body or organisation.

ARTICLE 10

The central registration authorities shall ensure that all documents of other central registration authorities received are invalidated, destroyed or returned to the appropriate authority, in accordance with the national regulations of the Parties.

CHAPTER IV

DATA PROTECTION

ARTICLE 11

(1) The Parties shall use information transmitted under the European Vehicle and Driving Licence Information System only in order to achieve the purpose set out in Article 2 paragraph (2).

(2) The information shall only be used in accordance with the national regulations of the Parties unless the Treaty contains stricter provisions.

ARTICLE 12

If information is exchanged between central registration authorities under the European Vehicle and Driving Licence Information System, the central registration authority providing the information shall be informed on request of the use to which the information provided is to be put and of the follow up action taken.

ARTICLE 13

The central registration authority providing the information shall have regard to the accuracy of the information to be provided and whether it is necessary and commensurate in relation to the purpose for which it is provided. The relevant national regulations on the provision of data must be observed.

If it becomes evident that incorrect information or information that should not have been provided has been provided, the central registration authority receiving the information shall be informed immediately. The central registration authority receiving the information shall then delete or correct the information that has been received.

ARTICLE 14

The person concerned shall be informed about the information that has been provided on him and about the use to which it is to be put, if he so requests. There is no obligation to give this information if it is considered, in accordance with the national regulations, that the public interest in not giving the information outweighs the interest of the person concerned in being given the information. In addition, the right of the person concerned to be told of the information that is available on him is governed by the national regulations of the Party in whose territory the information is requested.

ARTICLE 15

As far as the national regulations applicable to the central registration authority providing the information imposes particular deletion periods for the personal information that has been provided, the central registration authority providing the information shall inform the receiver of the information accordingly. Irrespective of these periods the personal information that has been provided shall be deleted as soon as it is no longer required for the purpose for which it was provided.

CHAPTER V

SECURITY OF THE EUROPEAN VEHICLE AND DRIVING LICENCE INFORMATION SYSTEM

ARTICLE 16

- (1) The central registration authorities shall take the necessary technical and organisational measures to ensure the security of the data in the context of the Treaty.
- (2) In particular measures shall be taken to

- i) prevent unauthorised persons gaining access to the data processing equipment;
- ii) prevent information from being read, copied, amended or deleted by unauthorised persons;
- iii) prevent unauthorised interrogation or transmission of information;
- iv) prevent unauthorised reading or copying of information during transmission.

ARTICLE 17

The central registration authorities shall ensure that records are produced and that records kept by them on the information retrieved from the central registration authorities of the Parties comply with national data protection requirements.

These records shall

- i) contain the reason for the retrieval, details of information retrieved and the date and time of retrievals;
- ii) be used only for audit purposes;
- iii) be suitably protected against misapplication and against other misuse and be deleted after twelve months.

CHAPTER VI

MONITORING OF DATA PROTECTION

ARTICLE 18

Each Party shall, according to Directive 95/46/EC, appoint its national supervisory authorities which have the task of fully independently monitoring the compliance with the data protection provisions of the Treaty.

The supervisory bodies shall carry out independent supervision and checks in accordance with their particular national legal regulations in order to ensure that the rights of the persons concerned are not infringed by the retrieval and use of the information. For this purpose the supervisory bodies shall have access to the European Vehicle and Driving Licence Information System.

CHAPTER VII

ORGANISATION

ARTICLE 19

(1) A Board shall be set up consisting of representatives of the central registration authorities of the Parties. Each authority shall have one vote, irrespective of the number of representatives that each central registration authority delegates to the Board.

The Board shall pass resolutions on the provisions of paragraph (2) letter a) unanimously and resolutions on the provisions of paragraph (2) letter b) with a four fifths majority.

The Board shall adopt its initial Rules of Procedure unanimously; subsequent amendments shall be adopted with a four fifths majority.

(2) The Board shall be responsible

- a) for the implementation and correct application of the provisions of the Treaty;
- b) for the correct technical and operational functioning of the European Vehicle and Driving Licence Information System; it shall in particular monitor the measures taken by the central registration authorities in accordance with Article 16 paragraph (2) in order to ensure security of information.

(3) Votes may be cast under reservation of subsequent confirmation within a maximum of two months.

(4) Unanimously passed resolutions shall be binding on the Parties within the framework of their national regulations.

(5) Resolutions passed with a majority of votes shall have the status of recommendations for those Parties who have voted against the resolution.

ARTICLE 20

(1) The costs of operating and applying the European Vehicle and Driving Licence Information System by the Parties on their territory shall be borne by the Party concerned.

(2) Subject to prior approval by the Board the common expenses incurred in implementing the Treaty shall be borne by the Parties in equal shares.

CHAPTER VIII

RESPONSIBILITY AND LIABILITY

ARTICLE 21

(1) If anyone has suffered damage as a result of an unlawful processing of information to which the Treaty relates, the Party of the central registration authority receiving the information shall be liable to him in accordance with its national law. It cannot exonerate itself from liability to the harmed person by giving the excuse that the harm was caused by the authority having transmitted the information.

(2) If the Party of the receiving central registration authority pays compensation for damage caused by the use of incorrect or incorrectly provided information, that Party requests compensation from the Party of the providing central registration authority.

(3) The Party of the providing central registration authority may be exempted from its liability, in whole or in part, if it proves that it is not responsible.

CHAPTER IX

FINAL CLAUSES

ARTICLE 22

(1) For the contracting Parties which have deposited their instrument of ratification, acceptance or approval, the Treaty shall enter into force on the first day of the second month following the date of receipt by the Depositary of the deposit of the fourth instrument of ratification, acceptance or approval.

(2) For the fifth contracting Party it shall enter into force on the first day of the second month following the date of receipt by the Depositary of the deposit of its instrument of ratification, acceptance or approval.

ARTICLE 23

Each Party shall notify the Depositary of its national central registration authorities responsible for managing the central registers of vehicles and driving licences.

ARTICLE 24

- (1) Any State that applies the data protection provisions of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 may apply to accede to the Treaty.
- (2) Such application shall be made in writing to the Depositary and shall be subject to unanimous approval by the Parties.
- (3) Instruments of accession shall be deposited with the Depositary.
- (4) For each State that accedes to it, the Treaty shall enter into force on the first day of the second month after the date of deposit by such State of its instrument of accession.

ARTICLE 25

The Government of the Grand Duchy of Luxembourg is the Depositary of the Treaty.

It shall notify the contracting and acceded Parties of:

- a) any signature;
- b) any application for accession referred to in article 24;
- c) any deposit of an instrument of ratification, acceptance, approval or accession;
- d) the date of entry into force for any Party;
- e) any notification of withdrawal from the Treaty;
- f) the national central registration authorities notified according to article 23.

ARTICLE 26

- (1) Any Party may withdraw from the Treaty at any time after two years from the date on which the Treaty has entered into force for that Party.
- (2) Withdrawal shall be effected by written notification to the Depositary.
- (3) Any such withdrawal shall take effect one year after receipt of such notification by the Depositary.

In witness whereof the duly authorised undersigned have signed this Treaty.

Done in Luxembourg on twenty ninth June, 2000 in the Dutch, English, French and German languages, the four texts being equally authentic, in one original which shall be deposited with the Government of the Grand-Duchy of Luxembourg, which shall transmit a certified copy to each contracting and acceded Party.



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