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**JAI 90
DAPIX 16
CRIMORG 17
ENFOPOL 52
TRANS 42**

NOTE

from:	Presidency
to:	Working Group on Information Exchange and Data Protection (DAPIX)
No. prev. doc	17236/11 DAPIX 148 CRIMORG 209 ENFOPOL 405 TRANS 322
Subject:	Proposal for the implementation of Directive 2011/82/EU of the European Parliament and of the Council of 25 October 2011 facilitating the cross-border exchange of information on road safety related traffic offences

Directive 2011/82/EU of the European Parliament and of the Council, facilitating the cross-border exchange of information on road safety related traffic offences, has been published on 5 November 2011 and provides a legal framework for conducting automated searches concerning vehicle registration data. Article 4.2 sets out that searches shall be conducted in compliance with the procedures as described in Chapter 3 of the Annex to Council Decision 2008/616/JHA, except for point 1 of this Annex to 2008/616/JHA, describing the data elements involved, for which Annex I of Directive 2011/82/EU shall apply.

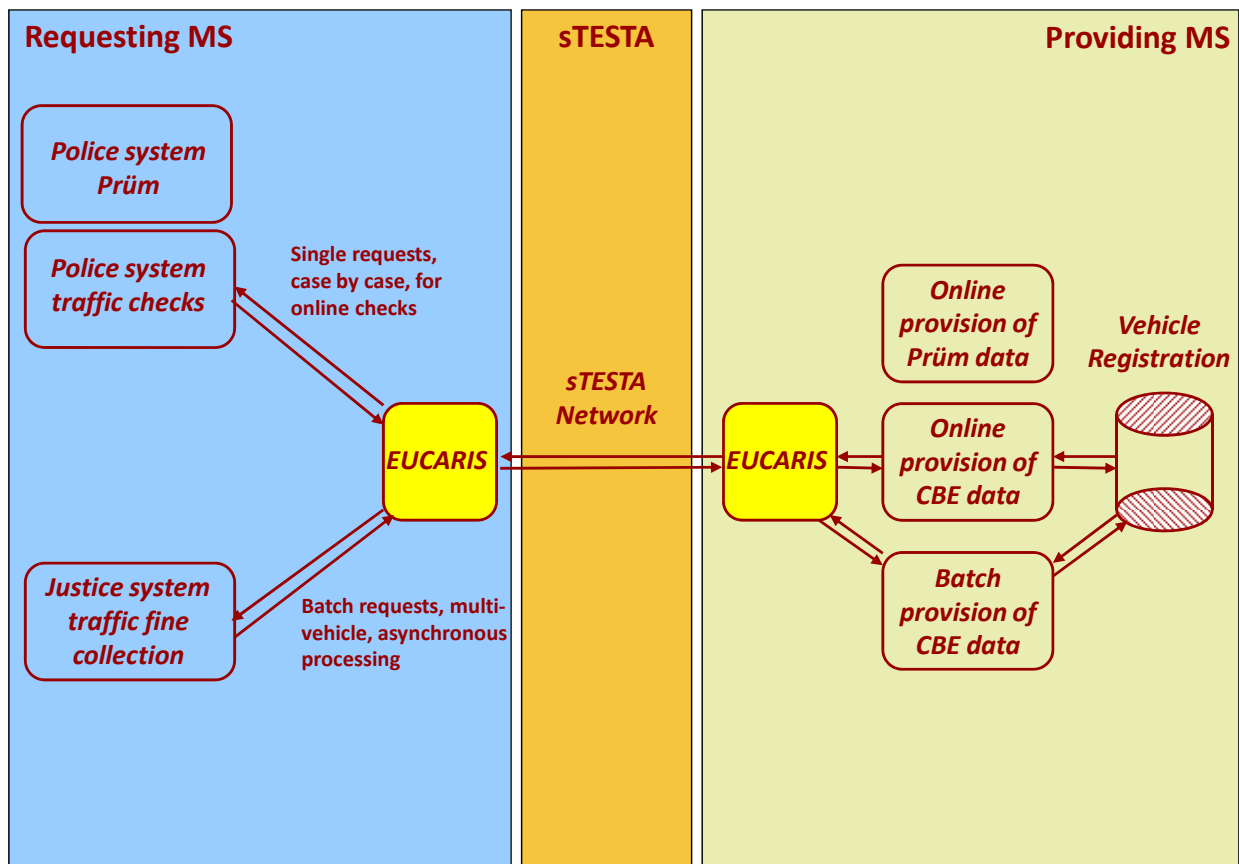
To ensure a proper implementation of Directive 2011/82/EU, henceforward indicated as ‘CBE’, the requirements and technical specifications of the applications to be used should be set out unambiguously. A proposal for these requirements and specifications was discussed at the DAPIX VRD subgroup meeting of 07 March 2011, based on document 6467/12 JAI 90 DAPIX 16 CRIMORG 17 ENFOPOL 52 TRANS 42.

Attached to this note is a further elaboration from the EUCARIS Nominated Party for Operations on the development and implementation of the EUCARIS services supporting the data exchange within the framework of the CBE, including the financial impact, to be discussed at the DAPIX VRD meeting of 17 September 2012.

1. Scope and overview of the system

In the CBE, recital (10), a reference is made to EUCARIS as a possible platform for the data exchange. Recital (11) states that the scope of the software application used should be limited to the processes used in the exchange of information between the national contact points.

CBE Implementation; system components



In article 4.4 is stated that the software application used shall provide both online real-time exchange mode and batch exchange mode. This all results in a system as depicted above, with the following components:

- **The Requesting Member State (Member State of the offence)**
has the option to develop either an online real-time facility for retrieval of vehicle and owner/holder data, or to develop a procedure to send out requests in batch mode, or to develop both.

- The online real-time facility will be used for single requests, case by case, where the user waits for the response and synchronous processing is essential. Such a facility could be used during road-side checks, but could also support back-office procedures, under condition that the number of requests that is sent simultaneously is limited (to be determined, but say 2 per second).

The batch procedure should be used for bulk processing, e.g. by an Authority responsible for the collection of traffic fines. A characteristic of the procedure is that the requests are processed asynchronously, resulting in responses e.g. 24 hours later.

- **EUCARIS** is responsible for services for the exchange of vehicle and owner/holder data, both in online real-time exchange mode and in batch exchange mode. The components that have to be developed are described in the next paragraph.
- **The Providing Member State (Member State of registration)** **is obliged** to support provision of vehicle and owner/holder data both in online real-time mode and in batch exchange mode. This implies the development of a service for online provision of data resulting from synchronous processing of a request. Such a service would very much resemble the existing Prüm service. Furthermore a batch procedure has to be developed for asynchronous processing of a series of requests. Such a batch procedure might be scheduled during the nightly hours.

2. System components to be delivered by EUCARIS

EUCARIS is currently operational in most EU countries. EUCARIS expects that by mid 2013 in all EU Member States the Prüm functionality will have been implemented and that EUCARIS release 6 or higher will have been installed, providing the application architecture needed to ‘plug-in’ the CBE services. In most countries the EUCARIS platform is hosted by the Registration Authority for Vehicles (and Driving Licences).

For the online real-time implementation of the CBE exchange a new service will be developed, which is more or less a copy of the existing Prüm implementation, with some minor adaptations. For the batch implementation we propose to use a new service which is very much a copy of another existing EUCARIS service, the so-called ‘General VHOwnerHolder Exchange’ service, which is currently in use by France and Switzerland, while a series of other countries are preparing its installation in order to exchange vehicle owner/holder data within the legal framework of bilateral treaties.

2.1 Components of the online real-time inquiries

EUCARIS will define an online CBE service which is very much a copy of the existing Prüm inquiry on registration number. In the request we will get the following adaptations:

- The request can only be made with the (full) Vehicle Registration Number (Licence Number), not by Vehicle Identification Number (VIN).
- A request will always be directed to only one country. The country-code has to be included in the request. Broadcasting is not supported.
- Reference date and time are mandatory.
- The purpose of the search, that is the code indicating the type of offence, has to be included in the ReasonCode, which is already present in the Prüm request message. The CBE data exchange will be used parallel to other services for the exchange of vehicle owner/holder data, dealing with other offence types than the CBE, e.g. parking offences. For this reason the list of offence codes presented in the CBE is not consecutive.
- In case of scrapped/destroyed vehicles, stolen vehicles or number plates or an outdated vehicle registration no owner/holder information will be provided. Instead, the message 'Information not disclosed' will be returned.

EUCARIS will define a response message which is mainly a subset of the existing Prüm response. We will support the exchange of both owner and holder data. As a consequence the Member State of the offence has the choice to initiate follow-up proceedings in relation to traffic offences either toward the owner or toward the holder, following its own national law.

The following data will be exchanged:

- Licence Number
- VIN
- Make
- Commercial Type of the vehicle
- EU Category Code
- Language Code of the registration document (or one or more default languages).

Article 5.3 of the Directive states that 'the Member State of the offence....sends the information letter in the language of the registration document, if available, or in one of the official languages of the Member State of registration'. If standard, or not available, one or more fixed default language codes should be provided.

- Holder information as in Prüm, including name and address in printable format
- Owner information as in Prüm, including name and address in printable format
- Indication whether the Holder is also the Owner, or not, or unknown, relevant in case Holder info and Owner info are not provided both.

Compared to Prüm, we will not exchange:

- Info on the registration: First Registration Date, Start Date Registration, End Date Registration.
- Some technical data: Capacity and Maximum Power of the vehicle
- Vehicle Signals

EUCARIS will develop a WebClient application, which is a more or less a reduced copy of the Prüm WebClient.

For the use of this WebClient application a specific new user group will be defined. This allows the Member States to separate rights for users/officers involved in Prüm from rights for enforcement of road safety, if required.

2.2 Components of the batch inquiries

EUCARIS will create a new service for the CBE batch exchange, which is very much a copy of the existing General VOwnerHolder Exchange service. We have chosen to create a new dedicated CBE service for several reasons:

- The General VOwnerHolder Message contains more (optional) data than the dataset of 2011/82/EU. The new dedicated CBE service is completely in line with the legislation.
- We will get the possibility to define a specific user group dealing with CBE.
- We will get the possibility to differentiate in the non-functional requirements regarding CBE and General VOwnerHolder Exchange respectively. E.g. we could decide to exchange daily for CBE and only once a week for other offences.
- The solution enables dedicated statistics, restricted to the offence-codes mentioned in 2011/82/EU.
- The chosen solution offers more flexibility for the implementation of future adaptations in the either the CBE or the General VOwnerHolder.

Furthermore the choice for a dedicated service has a positive impact on the governance of EUCARIS:

- It results in a specific user group of EUCARIS Parties and ‘Third Parties’ allowed to use the CBE functionality of EUCARIS. All costs made for CBE can and will be allocated to these Parties.
- This user group or any platform representing these Parties (e.g. DAPIX and/or DAPIX VRD subgroup) will decide on possible future changes in the CBE exchange.

The extra effort involved in a dedicated service is limited:

- Development of a stripped copy of the existing service will hardly take more effort than a limited adaptation.
- System management for EUCARIS may become a bit more complex because we will have an extra service; support, both at development/deployment and during the operation of the system has to be given for both the CBE and General O/H services; on the other hand both services will be rather straightforward. Likewise, the authorisation tables EUCARIS will become more comprehensive because of addition of new services; however the authorisation is very transparent and directly related to the CBE legal framework. Overall, we do not expect any extra costs due to our choice for a dedicated CBE service.
- For the Member States exchanging O/H data within the framework of both CBE and bilateral treaties, the national system will become less complex, with specific CBE components and General O/H components, but no specific measures to check the legality of a specific request. Here too, we do not expect any extra costs.

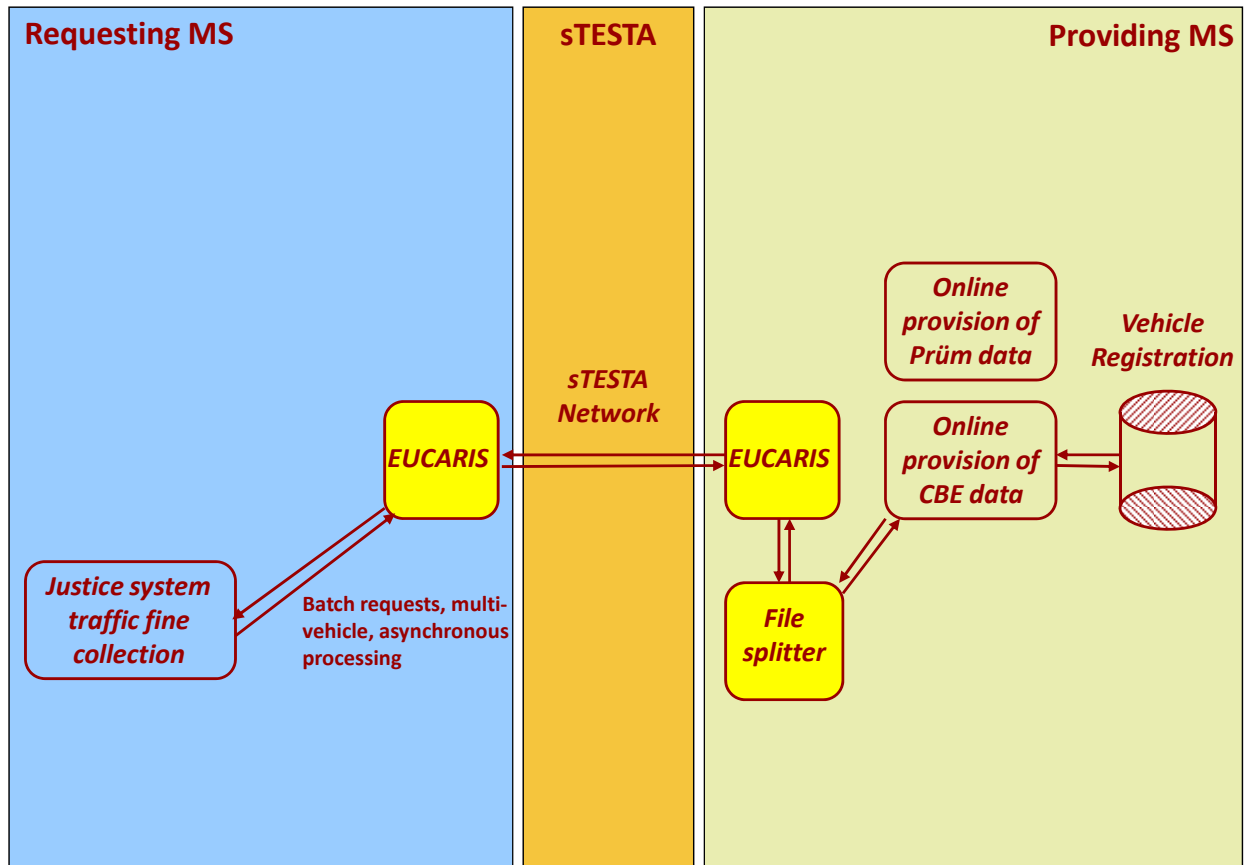
The data that are exchanged via the CBE batch service are identical to those exchanged with the online CBE service. We only will add a field identifying the requesting organisation, e.g. a national authority at local or district level. By this we expect to support distribution of the information at national level, between the National Contact Point (NCP) and the Competent Authority involved.

2.3 Optional 'File Splitter'

The development of a service for online provision of VRD for CBE will be simple for the Member States. It is basically a copy of the existing Prüm service.

However, development of a batch procedure will take considerably more effort. Therefore EUCARIS offers an optional addition to the EUCARIS software. We will call this module the 'file splitter'. A scheme is depicted below.

CBE Implementation; optional file splitter



The characteristics are:

- EUCARIS receives a CBE Batch request message from another Member State. This message could be regarded as a 'request-file', containing multiple vehicle registration numbers. The 'file' is stored in the EUCARIS download queue. By this mechanism requests can be sent 7 * 24; EUCARIS guarantees that requests remain available until they are processed.

- At a scheduled moment, to be determined by the providing Member State, probably outside office hours, the ‘file’ is downloaded to the file splitter.
- The file splitter will split the multiple request in single requests and will send these single requests to the online real-time CBE service. The request will be processed in a serial way, so one by one, or parallel in a number of ‘sub-processes’ that run side by side. The number of parallel threads (‘sub-processes’) used will be configurable. This enables each State to avoid a high peak-load on the registration system if necessary.
- The CBE service will process each request as if it were an online real-time request coming from another Member State and will send the response to the file splitter.
- The file splitter consolidates all responses in the multi-vehicle CBE response message and will place this message in the EUCARIS upload queue.
- At a scheduled moment, the CBE response message (‘response-file’) will be sent back to the requesting Member State.
- Member States that use the module do not have to develop their own batch procedure for the provision of CBE data.
- The file splitter will run on any Windows platform supported by EUCARIS, bot 32-bit and 64-bit.
- The file splitter will be generic. Not only the CBE batch service, but also the General VOwnerHolder Exchange will be able to make use of it.

3. Security

Security measures used by EUCARIS include:

- Use of the closed European network sTESTA; all traffic over this network is encrypted/decrypted by hardware devices at the endpoints of the network.
Note: following consideration (20) it should be possible for third countries to participate in the exchange of VRD provided necessary provisions on data protection would have been realised. One of these provisions should be that the country has access to sTESTA.
- SSL; the exclusiveness of the data exchange is guaranteed by encryption of the message by means of one-sided SSL.
- XML-signing guarantees the integrity of the communication and authenticates the sender of the message.

- Separated user groups; users of other functionalities of EUCARIS will have no access to the CBE functionalities.
- Logging; both requests and responses are logged. The standard EUCARIS LogViewer supports Track and Trace (for auditing reasons) by enabling a search on the vehicle registration number. Since we suggest not to log the owner/holder data of the response messages, a search for a certain person is only possible in an indirect way, that is via the related vehicle registration number.
- A configurable maximum legal storage period

4. Other non-functional requirements

EUCARIS suggests to describe the non-functional requirements in a Letter of Intent, like in Prüm.

- Services should be provided 7*24; that is, EUCARIS and the online services are provided 7*24; batch procedures may be scheduled by each Member State to its own convenience.
- The availability of the system should be 98%. Since the information is provided basically by the same infrastructure, registration system and database as the Prüm information, we propose to realise no specific monitoring/reporting of the CBE services.
- Performance and capacity requirements are the same as for Prüm, meaning that the system is scalable and the response time for a single request is less than 10 seconds.

5. Statistics

Article 6 of the CBE Directive refers to a report that the Member States have to send to the Commission, indicating the number of automated searches made by the Member State of the offence in the respective Member States of registration, together with the type of offences and the number of failed requests.

The statistics very much resemble the Prüm statistics. EUCARIS suggests:

- To log all outgoing and incoming requests at the level of the individual vehicle registration number, including the code for the type of offence. This implies that batch-requests will have to be processed by EUCARIS before logging.

- To log all outgoing and incoming responses at the level of the individual vehicle registration number, including an indication for ‘found’, ‘not found’ or ‘error’. Personal data are not logged. This limited logging of only some key parameters of the data exchange prevents the log files from growing too fast. Moreover, we assume that the exchanging Member States will retain the original request and response files for a certain period.
- All logged data is processed daily, resulting in a daily report file.
- Statistics will include information on the performance of the system: the calculated interval between outgoing request and incoming response and for the batch exchange the number of requests not responded yet.
- Once a month all daily reports are consolidated in a monthly report file. Both daily reports and monthly reports contain counts of exchanged messages, but no information of individual vehicles, vehicle numbers or owner/holders.
- Monthly reports are automatically sent to the EUCARIS Secretary State (currently NL), by means of the File Transfer mechanism of EUCARIS. Evidently the reports can also be used at national level.
- The EUCARIS Secretary State consolidates all incoming reports to one or several matrices and offers the reports to the DAPIX or to the Commission.

Out of scope for EUCARIS:

The statistics shall also include the proportion (number) of requests that have resulted in a follow-up (fine/information letter).

This information is outside the scope of the software application used for the data exchange (consideration (11)) and has to be provided by the Authorities responsible for fine collection.

6. Financial and organisational impact

First of all, EUCARIS states that it is **not necessary to endorse the EUCARIS Treaty** in order to use the CBE facilities of EUCARIS. EUCARIS regards the CBE users as so-called Third Parties, which means that participating Member States are only bound to the rules of procedure concerning the financial and operational obligations, such as those related to data protection.

The financial obligations are:

- A general fee for the EUCARIS Secretariat and Operations. This annual fee has to be paid by each connection to EUCARIS. For 2013 the amount will be €11.054. All EU Member States already pay this annual contribution, since EUCARIS is mandatory for Prüm. If a Member State would decide to designate another Authority as National Contact Point for CBE than the NCP for Prüm, this would imply a new connection to EUCARIS. Only in that situation a double annual fee would be charged. In all other cases **there are no extra annual general costs.**
- The development costs of a specific functionality are paid by the respective user group. The existing service for ‘General VHOwnerHolder Exchange’, of which a copy will be used for CBE, has been pre-financed by a limited number of countries. The costs were €17.248, will be incorporated in the costs for the CBE developments and will be refunded to the countries that have pre-financed these developments.

The total costs for the CBE developments are:

Activity	
1. Pre-financed developments	€17.248
2. Development of an interactive O/H service; 250 man hours	€13.698
3. Development of a batchmode O/H service; 200 man hours	€10.959
4. Development file splitter by a subcontractor, incl. VAT (21%)	€36.263
5. Testing of the file splitter; 120 man hours	€6.575
6. Development of tool to collect Statistics; 150 man hours	€8.219
7. Support for 24 Member States; helpdesk 50 man hours per MS;	€65.752
8. Acceptance tests; 40 man hours per MS	€52.602
Totals	€211.316

- All development costs (1 – 6) are offered fixed price, based on a price of €54,79 per man hour;
- The total amount of €211.316 will be shared by all participating Member States. Due to the fact that some States choose for an opt out, we reckon with 24 States. That would mean €8.805 per Member State.

7. Further steps and time schedule

EUCARIS expects that in the rest of 2012 our focus will be on decision making, budget allocation and transposition of the Directive to national legislation. Apart from that, EUCARIS will start with the elaboration of the specifications and instructions in the last quarter of this year, immediately after formal approval of our proposals.

In 2013 both the Member States and EUCARIS should start the realisation of the different system components a.s.a.p.

EUCARIS will support the deployment of the system via its helpdesk. Next to that, our permanent acceptance environment will be available for tests. The test procedure will result, for each Member State, in a test report that will be offered to the DAPIX VRD subgroup. In some cases an additional evaluation, similar to the evaluation for Prüm, might be necessary.

EUCARIS suggests the following time schedule:

- **17 September 2012:** approval by the DAPIX VRD subgroup of the financial consequences indicated by EUCARIS.
- **20/21 September 2012:** formal approval of the proposal and budget allocation by the EUCARIS Participants' Board.
- **October – December 2012:** specifications and instructions supporting the Member States, to be elaborated and distributed by EUCARIS
- **December 2012:** formal approval of the specifications by the DAPIX VRD subgroup

- **January – March 2013:** development of the EUCARIS CBE components
 - **April – July 2013:** deployment of the EUCARIS CBE release; support by the EUCARIS helpdesk;
 - **January – July 2013:** development of system components by the Member States
 - **May – October 2013:** tests by the Member States with the EUCARIS NPO (RDW NL); operation in some Member States may start
 - **7 November 2013:** CBE system operational
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