

**PROTOCOL AMENDING THE TREATY
CONCERNING
A EUROPEAN VEHICLE AND DRIVING
LICENCE INFORMATION SYSTEM (EUCARIS)**

Preamble

The States Parties to the Treaty concerning a European Vehicle and Driving Licence Information System (EUCARIS), signed at Luxemburg on 29 June 2000,

Have agreed as follows:

Article I

1. Article 1 of the Treaty shall be replaced by:

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. “Third Party” denotes any party that makes use of EUCARIS for any data exchange based on a legal basis other than this Treaty,
3. “central registration authorities” denotes the authorities of the Parties which are responsible for managing the central registers of vehicles and driving licences,

4. “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,

5. “personal data” denotes any information about a particular or identifiable person.

2. Article 2 of the Treaty shall be replaced by:

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;
 - (iv) to be at the disposal for third parties wishing to exchange data.

3. Article 5 of the Treaty shall be replaced by:

Article 5

1. The available data for retrieval through automated procedure by the central registration authorities for both the central vehicle register and the central driving licence register shall be listed in a document to be approved by the Board in accordance with article 19, paragraph 5.
2. This document can only list those data elements that are necessary to achieve the goals of the Treaty.
3. Agreements concerning the retrieval of other information by the central registration authorities within the framework of national regulations are not affected.

4. Article 8 of the Treaty shall be replaced by:

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.

3. In order to achieve the purpose set out in Article 2, paragraph (2), and in accordance with the national regulations of the Parties the administrative authorities responsible for registering vehicles and issuing and registering driving licences as well as the national police, customs, prosecution and national security authorities are allowed to request information from the European Vehicle and Driving Licence Information System through the central registration authorities.

5. A new Article 8a shall be added:

Article 8a

1. Direct access to the data stored ready for retrieval under any other legal instruments than this Treaty is restricted to the Third Parties' responsible public authorities.

2. These authorities are responsible, on behalf of the Third Party for the correct operation and use of the European Vehicle and Driving Licence Information System and shall take the appropriate action to ensure that the provisions of the Treaty, as far as they concern Third Parties, are observed.

6. Article 9 of the Treaty shall be deleted.

7. Article 10 of the Treaty shall be deleted.

8. Article 17 of the Treaty shall be replaced by:

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;
- (iv) be deleted after twelve months, alternatively handled in compliance with the national legislation of the Parties concerning filing and deletion of records.

9. Article 18 of the Treaty shall be replaced by:

Article 18

Each Party or Third Party shall respect Regulation (EC) No 45/2001 or, 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.

10. Article 20 of the Treaty shall be replaced by:

Article 20

1. The costs of operating and applying the European Vehicle and Driving Licence Information System by the Parties and Third Parties on their territory shall be borne by the Party concerned, respectively the Third Party concerned.
2. Subject to prior approval by the Board the common expenses incurred in implementing the Treaty shall be borne by the Parties and Third Parties.

Article II

1. The Protocol 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 second instrument of ratification, acceptance or approval of the Protocol.

2. For the Contracting Parties that have deposited their instrument of ratification, acceptance or approval of the Protocol after its entry into force, the Protocol shall enter into force on the first day of the second month following the date on which the instrument was deposited with the Depositary.

3. Any State that accedes to the Treaty in accordance with article 24 of the Treaty after the Protocol's entry into force accedes to the amended Treaty.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Protocol.

DONE in Luxembourg on June,8 2017 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 Party.

For the Kingdom of Belgium,

For the Federal Republic of Germany,

For the Republic of Latvia,

For the Grand-Duchy of Luxembourg,

For the Kingdom of the Netherlands,

For the Slovak Republic,

Peter Javorčík v. r.

For the United Kingdom of Great Britain and Northern Ireland.