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Subject:	Next generation Prüm (Prüm.ng) - Reports from focus groups / Report on vehicle registration data (VRD)

The initiative to reflect on the development of a next generation Prüm (Prüm.ng) was launched by the 'Council Conclusions on the implementation of the Prüm Decisions ten years after their adoption' (11227/18). Subsequently, the then Presidency started discussions within DAPIX by means of a questionnaire and presented a summary of the replies to its discussion paper on Prüm.ng (13426/18). DAPIX discussed in particular the intention to establish focus groups (14370/18) tasked to set out how to further develop the current data and information exchange mechanisms and to support the European Commission's Feasibility Study on improving information exchange under the 'Prüm Decisions'.

Delegations find in annex the final report of the focus group on vehicle registration data (VRD) setting out conclusions and recommendations for extending VRD and for introducing the exchange of driving licence data (DL). DAPIX is invited to discuss the report at its forthcoming meeting.

Prüm Next Generation
Outcome Focus Group VRD

Extending the vehicle data exchange (VRD)
and introducing
the exchange of driving licence data (DL).

4 October 2019

Version 1.0

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1. Executive summary

1.1 Introduction

Council Decision 2008/616/JHA provides for an evaluation of the administrative, technical and financial implementation of the automated data exchange of DNA, Finger Prints (FP) and Vehicle Registration Data (VRD) as described in the Prüm Council Decisions 2008/615/JHA and 2008/616/JHA.

For this purpose, with nearly all Member States being operational at the end of 2018, the Council (Working Group DAPIX) has installed several Focus Groups covering, among others, the three Prüm data categories (DNA, FP and VRD). These Focus Groups are comprised of representatives from Member States and are tasked with providing input on possible enhancements to the data exchange under Prüm, but also with addressing possible new categories of data to be exchanged.

In this document you can find the elaborations, conclusions and recommendations of the Focus Group VRD for extending the vehicle data exchange (VRD) and for introducing the exchange of driving licence data (DL).

1.2 Suggested improvements and additions

The following improvements of and additions to the Prüm VRD Data Exchange are suggested by the Focus Group:

Vehicles (VRD):

1. Extension of the VRD data set.
2. New VRD search mechanisms:
 - a) “Broadcasting requests on Vehicle Licence Number”;
 - b) “Multiple vehicle inquiry”;
 - c) “Wildcards”;
 - d) “All vehicles owned/held by a person”.

3. Signal previous VRD inquiries on a requested vehicle.

Driving licences (DL):

4. Provide Driving Licence information (DL):
 - Search by DL number;
 - Search by name and data of birth of the DL holder.

Other interoperability solutions in the area of Justice and Home Affairs:

5. Integration of new stakeholders in the Prüm landscape;
6. Connection to the Schengen Information System (SIS);
7. Prüm integration with ESP (European Search Portal).

Based on the technical, financial and legal impact (low/medium/high), the possibilities for implementation (short, medium or long term) and the added value (low/medium/high) of the respective proposals, an overall priority ranking has been determined by the Focus Group.

(Remark: the improvements under point 6 and 7 above have not been elaborated in detail.)

Proposals	Legal impact	Possible technical implementation	Added value	Priority
Vehicles (VRD) – operational changes (1,2)	Low	Short term	High	High
Vehicles (VRD) – signaling of earlier searches (3)	Medium	Medium term	Medium	Medium
Driving Licences (DL) (4)	Medium	Medium term	High	High
Connection SIS (5)	Low	Medium term	Low	Low

1.3 Recommendations

Based on the technical, financial and legal findings, several short-, mid- and long-term recommendations have been concluded by the Focus Group.

Short-term recommendations can be effectuated without any legal changes in the Prüm Council Decisions. The improvements may start immediately (2020).

For the **mid-term** recommendations, relatively small changes in the Prüm Council Decisions are needed, but the aims and scope of the current legislation remain unaltered. We expect that the legal and technical implementation could be realised within the next few years (2020 – 2022).

For the **long-term** recommendations the aims and scope of the Prüm Council Decisions have to be broadened. We expect that the political and legal discussion on this approach will take some years. Implementation is foreseen for the period 2022 – 2025.

It is advised to take a 2-step approach into consideration for the legal process to adapt the Prüm Council Decisions 2008/615/JHA and 2008/616/JHA.

For the mid-term operational aspects could be optimized related to the exchange of VRD and DL data that do not touch upon the goals and scope of the Decisions.

For the long-term the Prüm Decisions could be reconsidered more fundamentally in such a way that a legal base is created to make the necessary data available for all fields of police work, including the identification of persons.

Short-term

1. The existing exchange of VRD data could already be improved, if all Member States would deliver the data that are defined as optional under the current Prüm legislation (although the data may be available, it is not mandatory to deliver them to other countries); insurance data for instance could be made available by more Member States.
2. The Member States and the Council are advised to take the access of EU institutions such as Europol to the Prüm VRD functionality into consideration.

3. The Member States and the Council are advised to take into consideration to give the Member States access to the central SIS, via their EUCARIS platform used to exchange VRD data. In each country there should be one register serving as the source for information on stolen vehicles, plates, and driving licences. There should be as few copies as possible. The central/national copies of SIS should be kept in line with the content of the national source registers.

Mid-term

1. The Council Decision 2008/616/JHA has to be actualized and technical details, not related to requirements of the system but only describing the technical solution, should be removed from the legislation.
2. In addition, the structure of the Council Decision 2008/616/JHA should be designed in such a way that the dataset in the Annex, Chapter 3, can be extended more easily via an implementing act, e.g. by including the data in an appendix.
3. The term ‘mandatory data element’ in Chapter 3 of the Annex of Council Decision 2008/616/JHA, should be defined more exactly in order to set clear the obligation for Member States to deliver the relevant mandatory data if these data are available in a registration of any authority of the Member State concerned.
4. The Council Decision 2008/616/JHA has to be adapted to the extended VRD data set and new search methods.
5. The Council Decisions 2008/615/JHA and 2008/616/JHA have to be adapted to the fact that previous VRD inquiries will be signaled.
6. The Council Decisions 2008/615/JHA and 2008/616/JHA have to be adapted to include the exchange of the driving licence data.
7. To maximize the benefits of the new DL functionality, the photograph of the holder of the driving licence (when available) has to be included in the exchange.

8. From a police perspective it is very likely that driving licence data exchanged via RESPER for the purpose of traffic enforcement, based on the amended Driving Licence Directive, will also be used for criminal investigations. Therefore, it is the recommendation of the Focus Group to include a legal base to use driving licence data for criminal investigations in the Prüm legislation as soon as possible and the 3rd Driving Licence Directive will not be misused for criminal investigations.
9. It should be considered to introduce an (recurring) evaluation procedure for Member States that have implemented the new Prüm functionalities, especially related to the data protection requirements.

Long-term

1. The Prüm Council Decisions should be redrafted more fundamentally covering not only the prevention and investigations of criminal offences but all types of Police work (e.g. law enforcement, traffic enforcement, criminal prevention, incident management, public order and safety etc.). The broad use of (technical) vehicle data and driving licence data has to be supported (also for traffic enforcement).
2. For the long-term, the legislation should be adapted in such a way that it will keep track with the changing vehicle technology and the increasing availability of in-car data, for instance by not listing the exchanged data explicitly, but by indicating reasons for and conditions to the exchange. Such a new approach could possibly already be reflected in a new version of the Prüm legislation (see also point 2 mid-term), supporting a high adaptability of the data set.
3. Integration of the Vehicle and Driving Licence services with ESP should be considered after the ESP has become operational.
4. It is advised to consider the information of the DL and the photograph of the holder of the DL as one of the sources that can be used to check the identity of the person. For sake of the protection of personal data, the photo could be exchanged only on specific request. Synergy with other checks of the personal identity using sources like passport-and ID cards registrations should be considered.

2. Introduction

Council Decision 2008/616/JHA provides for an evaluation of the administrative, technical and financial implementation of the automated data exchange of DNA, Finger Prints (FP) and Vehicle Registration Data (VRD) as described in the Prüm Council Decisions 2008/615/JHA and 2008/616/JHA.

For this purpose, with nearly all Member States being operational at the end of 2018, the Council (Working Group DAPIX) has installed several Focus Groups covering among others, the three Prüm data categories (DNA, FP and VRD). These Focus Groups are comprised of representatives from Member States and are tasked with providing input on possible enhancements to the data exchange under Prüm, but also with addressing possible new categories of data to be exchanged.

Since its installation in April 2019, the Focus Group VRD gathered 3 times. The first time, under Chairmanship of BKA/Germany, the group met in Wiesbaden on 2/3 May. The meeting was attended by AT/Ministry of Interior, DE/KBA and BKA, DK/Police, IT/Police, NL/Police and RDW, PT/Ministry of Justice, and EUCARIS. The second and third meeting, under Chairmanship of the Dutch Police, were on 26/27 June in Brussels and 16/18 September in Lisbon. Both meetings were attended by AT/Ministry of Interior, DE/KBA and BKA, FI/Traficom, IT/Police, NL/Police and RDW, PT/Ministry of Justice and EUCARIS.

In parallel to the work of the Focus Group the Directorate-General Migration and Home Affairs (DG HOME) launched a study on the 'Feasibility of Improving Information Exchange under the Prüm Decisions' in November 2018, to be finalised in September 2019. The study was granted to Deloitte. In the meantime, a series of functional changes were proposed and Deloitte has suggested additions as so-called opportunities. During 2019 representatives from the Focus Group have also provided input to Deloitte for use in their study. In this document the Deloitte study is referenced where applicable.

In this document you can find the elaborations, conclusions and recommendations of the Focus Group for VRD for extending the vehicle data exchange (VRD) and introducing the exchange of driving licence data (DL).

2.1 Document outline

The outline of this document is as follows:

In paragraph 2.2 you can find the general prerequisites, conditions and principles considered as being important by the Focus Group during the elaboration of the improvements for the Prüm VRD data exchange. In paragraph 2.3 and 2.4 you can find a list of referenced documents and abbreviations/definitions used.

In chapter 3 the identified improvements are described. The following additions are worked out in separate paragraphs:

Vehicles (VRD):

1. Extension of the VRD data set.
2. New VRD search mechanisms:
 - a) “Broadcasting requests on Vehicle Licence Number”;
 - b) “Multiple vehicle inquiry”;
 - c) “Wildcards”;
 - d) “All vehicles owned/held by a person”.
3. Signal previous VRD inquiries on a requested vehicle.

Driving licences (DL):

4. Provide Driving Licence information (DL):
 - Search by DL number;
 - Search by name and data of birth of the DL holder.

Other interoperability solutions in the area of Justice and Home Affairs:

5. Integration of new stakeholders in the Prüm landscape;
6. Connection to the Schengen Information System (SIS);
7. Prüm integration with ESP (European Search Portal).

Per addition:

- a short introduction is given, describing among others the relevance of the change,
- a reference is made to the area/opportunity/sub-opportunity as described by Deloitte [1],
- the relevant preconditions and principles are mentioned,
- together with a description of the technical elements to be developed,
- its impact (in man-hours) for EUCARIS and the Member States (i.e. the Registration Authorities and Police)
- the legal impact is indicated and
- if applicable, a distinction is made between a short-, mid- and long-term approach.

In the last paragraph of chapter 3, a ranking of the solutions can be found. Based on the technical, financial and legal findings in the previous paragraphs together with the expected legal impact (low/medium/high), and the added value (low/medium/high) of the respective solution, an overall priority ranking has been determined by the Focus Group.

Based on the findings in chapter 3, overall recommendations for the short, middle and longer term are given in chapter 4.

The technical specifications mentioned in the Annex to 2008/616/JHA are more than 10 years old and need an upgrade. A proposal for amendments has been included in the Annex I (concerning 2008/615/JHA) and Annex II (concerning 2008/616/JHA) of this document, with a reference to the proposed change/addition requiring the amendment.

2.2 Guiding principles, prerequisites and conditions

During the analysis of the improvements, several guiding principles, prerequisites and conditions have been determined by the Focus Group as being important for the further evaluation of the current Prüm implementation and for the elaborations of Prüm Next Generation.

1. The improvements eventually should support police work in the broadest sense and therefore support common police activities.
2. The scope of the legislation should therefore also be broadened to be able to support all kinds of police work.
3. In the (way to the) new situation the current functioning of the system at least has to be guaranteed; a gradual implementation by the Member States has to be supported (e.g. via backward compatibility of the services); a ‘Big Bang’-implementation has to be avoided.
4. During the exchange of information, data minimization should always be kept in mind and the regulations on data protection [6], [7] are leading. In practice this is technically realized on the requester side where indications have to be given which kind of information is actually needed from the providing side.
5. In case the scope will be broadened to new personal data categories the Focus Group sees a need for a regular periodic evaluation especially related to the data protection part and its relevant safeguards (e.g. via a national audit report, delivered by the Member States).
6. Before any decisions can be made on proposed changes, it should be clear what the interpretation is of the category of ‘mandatory data’. The current definition, as mentioned in the Annex to Council Decision 2008/616/JHA, Chapter 3.1.1, is: *‘the data element has to be communicated when the information is available in a Member State’s national register’*. It should be made completely clear what *‘national register’* is meant here to make sure that the police will have access to all data necessary just as on the national level. We recommend to further specifying the definition to *‘available in a national register at one of the Member State’s authorities’*.

If a country cannot deliver data to other countries, although the data is nationally available the principle ‘comply or explain’ should be applied. Additionally the ‘optional data’ category should be reconsidered. It is conflicting with the GDPR [6] and Directive (EU) 2016/680 [7] where you shouldn’t have optional personal data categories; data is either mandatory or not needed at all.

In addition to the first 6 principles, prerequisites and conditions, the international data exchange principles of EReg (the European Association of Vehicle and Driver Registration Authorities), have been kept in mind as general guidelines during this study [9] (see also Annex 3 of this document).

The following EReg principles were considered as the most important ones by the Focus Group:

Legislation

2. for all international exchange of personal data a national, EU or international legal base is required; this legal base must contain the purpose of the data exchange, the data that is exchanged and the exchange mechanism in broad terms;

Registration

4. registers are kept on a (sub)national level because of subsidiarity and (data) sovereignty of the Member States;
8. a network of interconnected national registers can be regarded as a virtual European register;

Data exchange

9. data is retrieved at the source (although for technical reasons duplication is sometimes inevitable);
10. RAs are responsible for the agreed availability of their registers and make a reasonable effort to reach the intended availability;
11. internationally the registers are connected via one or more National Contact Points (NCPs); international data exchange is restricted to exchange between public authorities or private parties with a public mandate;

12. the requesting NCP is responsible for the legitimacy of the request with respect to the scope of the underlying legislation and the role/task of the requesting party;
13. NCPs can be in charge of data exchange in general, including the provision of the data; however, they also can merely provide a technical connection to other NCPs while other national competent authorities are responsible for the provision and processing of the data;
14. each NCP is responsible for the authorisation of its national competent authorities; each authority is responsible for the authorisation of its end-users;
15. exchange of data is based on the principle of data minimisation if personal or otherwise sensitive data are involved;
16. if the correctness of the data is known to be disputed or uncertain, the providing MS indicates this;
17. when data is exchanged between authorities in different sectors (e.g. a vehicle RA and a police organisation), the data definitions and the exchange method of the supplying authority are leading;
18. data required for the performance of statutory tasks are provided at no cost;

The exchange mechanism

21. for efficiency and effectivity reasons data(sets) and systems are reused when possible, unless they are unsuitable for the intended purpose;
22. especially when data exchange has to be available real time, online, data exchange is via EUCARIS, or an electronic EU system such as EUCARIS/RESPER or EUCARIS/TACHOnet; in other situations, where unstructured data is involved, it is possible that other systems are more appropriate;
23. the RAs play a central role as National Contact Points (NCPs) between National Authorities in their country and other MSs.

2.3 Referenced documents

Within this document the following documents are referenced:

Nr.	Title, version
[1]	Discussion Paper of Deloitte for the Workshop of Tuesday 25 th June 2019 related to the Study on the Feasibility of Improving Information Exchange under the Prüm Decisions (DG HOME).
[2]	(Prüm) Council Decision 2008/615/JHA.
[3]	(Prüm) Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA.
[4]	(RESPER) Directive 2006/126/EU.
[5]	(CBE) Directive 2015/413/EU.
[6]	General Data Protection Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.
[7]	Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data.
[8]	Council Directive 1999/37/EC on the registration documents for vehicles.
[9]	General Approach International Data Exchange v1.0, by EReg Topic Group I on international data exchange.
[10]	Feasibility Study on the Recognition of Vehicle Number Plates v1.0, 2013

2.4 Abbreviations and definitions

In this document the following abbreviations have been used:

Abbreviation	Description
ANPR	Automatic Number Plate Recognition.
CoC	Certificate of Conformity; contains a set of data describing the technical aspects of a vehicle, delivered by the manufacturer at delivery of the vehicle to one of the EU member States.
CBE	Cross-Border Enforcement; cross-border exchange of information on road safety related traffic offences as described in the so-called CBE Directive [5].
DAPIX	Working Party on Data Protection and Information Exchange (DAPIX); This working Party decides on issues related to the Prüm Council Decisions [2][3].
DL	Driving Licence.
DNA	Deoxyribonucleic acid; a molecule that can be used to identify individual persons.
ESP	The European Search Portal (ESP) intends to allow competent authorities to search multiple IT systems simultaneously, using both biographical and biometric data. The ESP is an integral part of the framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration (EU Regulation 2019/818 amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816) and will be implemented by eu-LISA.
EReg	European Association of Vehicle and Driver Registration Authorities.

Abbreviation	Description
EUCARIS	European CAR and driving licence Information System. EUCARIS is a system for the exchange of vehicle and transport related data between authorities of the European countries, based on EU-legislation or multi- and bi-lateral treaties. The system is developed and operated by the Member States. The system is used a.o. for the transfer of information on vehicle owners and holders supporting the collection of traffic fines and unpaid tolls.
FP	Finger Prints.
GDPR	General Data Protection Regulation.
Holder	In [8] the holder of the registration certificate is defined as the person in whose name a vehicle is registered; on the registration certificate may be indicated that the holder is a) the vehicle owner, b) not the vehicle owner or c) not identified by the registration certificate as being the vehicle owner.
ID	Identity Document.
MCI	Multi Country Inquiry; a request directed to all connected Member States in case it is unknown in what Member State a vehicle or person has been registered.
NCP	National Contact Point.
RA	Registration Authority; a governmental organisation within a country responsible for the registration of vehicles and/or driving licences.
RESPER	Réseau Permis de Conduire; the European system for the exchange of Driving Licence Information under the 3rd Driving Licence Directive 2006/126/EC. Technically RESPER is a combination of 2 systems; EUCARIS and the Central Hub of the European Commission. 23 Member States are connected to EUCARIS, 5 Member States exchange the driving licence data via the Central Hub.

Abbreviation	Description
RVNP	Recognition of Vehicle Number Plates[10]; in 2012 DAPIX VRD asked EUCARIS to carry out a feasibility study on a system to determine the country of origin of a vehicle number plate and vehicle. For cross-border enforcement it is essential to know the MS of registration and to know where to make the CBE- and Prüm inquiries. EUCARIS has described several solutions for this topic in the RVNP feasibility study.
SIS	The Schengen Information System (SIS) is the most widely used and largest information sharing system for security and border management in Europe. SIS enables competent national authorities, such as the police and border guards, to enter and consult alerts on persons or objects. SIS contains a.o. information on stolen vehicles, licence plates and driving licences.
TESTA	Private network used for the exchange of information between authorities and governmental organisation within the EU.
VIN	Vehicle Identification Number.
VRD	Vehicle Registration Data.

3. Suggested improvements and additions

The following improvements of and additions to the Prüm VRD Data Exchange are suggested by the Focus Group:

Vehicles (VRD):

1. Extension of the VRD data set.
2. New VRD search mechanisms:
 - a) “Broadcasting requests on Vehicle Licence Number”;
 - b) “Multiple vehicle inquiry”;
 - c) “Wildcards”;
 - d) “All vehicles owned/held by a person”.
3. Signal previous VRD inquiries on a requested vehicle.

Driving licences (DL):

4. Provide Driving Licence information:
 - Search by DL number;
 - Search by name and data of birth of the DL holder.

Other interoperability solutions in the area of Justice and Home Affairs:

5. Integration of new stakeholders in the Prüm landscape;
6. Connection to the Schengen Information System (SIS);
7. Prüm integration with ESP (European Search Portal).

Approach

In the next paragraphs the functional aspects are described per proposal, together with the context in which the new data or search method might be useful. In the data exchange always at least three stakeholders are involved: the requesting police organisation, the authority providing data from its registration and EUCARIS, as the organisation responsible for the development of the software used for the data transfer.

Figures

In order to get clear what party is responsible for the development or adaptation of what component, a simple figure is added to each proposal, depicting the information flow of the Prüm exchange. At the left side of all the figures (in blue) the requesting country can be found; at the right side of all the figures (in beige) the providing country can be found. In yellow the system components delivered by EUCARIS are indicated, communicating with each other over the TESTA network. The green comments indicate the adaptations that have to be made.

Please note that the figures are highly simplified. Within the requesting country we have a National Contact Point (NCP) for outgoing requests. Normally this role is designated to the Registration Authority, which is hosting the EUCARIS platform. The NCP has not been depicted, but is indicated by the yellow EUCARIS component. EUCARIS consists of a core application and a WebClient (also in yellow) that makes the information available for police officers via a standard browser.

The Police are also simplified in the picture. The organisation in the different Member States is highly diverse. In some Member States a specific unit is designated for international support and data exchange, other States are organised in districts or have developed one application for all their officers.

Effort estimation

Based on the needed adaptations an impact assessment has been made in man-hours. The estimation only reflects the effort needed for the design, development and testing of the software adaptations. Activities concerning the national deployment of the software are not included, such as procedural adaptations, the set up of documentation, training of personnel, etcetera.

Due to the highly diverse situation in the Member States the needed effort will differ between the Member States, from very minimal in countries where the EUCARIS WebClient is used, to large in countries where many different customized police applications are in use. The impact estimations in this document are an educated best guess, an average of the estimations made by the members of the Focus Group VRD. The estimations are merely meant to give an indication, at the Police side based on adaptation of one Police system.

3.1 Extension of the VRD data set

Introduction

Vehicle registration data (VRD) is exchanged through the EUCARIS Platform as foreseen in the Annex to Council Decision 2008/616/JHA. Currently the data set is restricted to registration data and a subset of the technical vehicle data, originally delivered by the vehicle manufacturer via the Certificate of Conformity (CoC), stored at first registration of the vehicle in the national vehicle register and sometimes changed during the life cycle of the vehicle, after a modification of the vehicle. Next to that the data set covers part of the possible events during a vehicle's life cycle, reflected in so-called vehicle status data: theft of the vehicle, its plates or its documents, severe damage or destruction and changes of the registration, e.g. after export.

It has been recognized that the exchange of more information would be useful for various police purposes. Vehicle colour is useful for the identification of the vehicle, even though the vehicle owner can change the colour easily and therefore the colour is not always reliable. Mileage information should be added to give an indication of the age of the vehicle and moreover mileage tampering is often associated to vehicle fraud.

Reference to Deloitte

Area 1 – Improving existing Prüm data exchanges, Opportunity 1.2. – Vehicle Registration data changes

Sub-opportunity 4: Including vehicle colour and mileage.

Preconditions

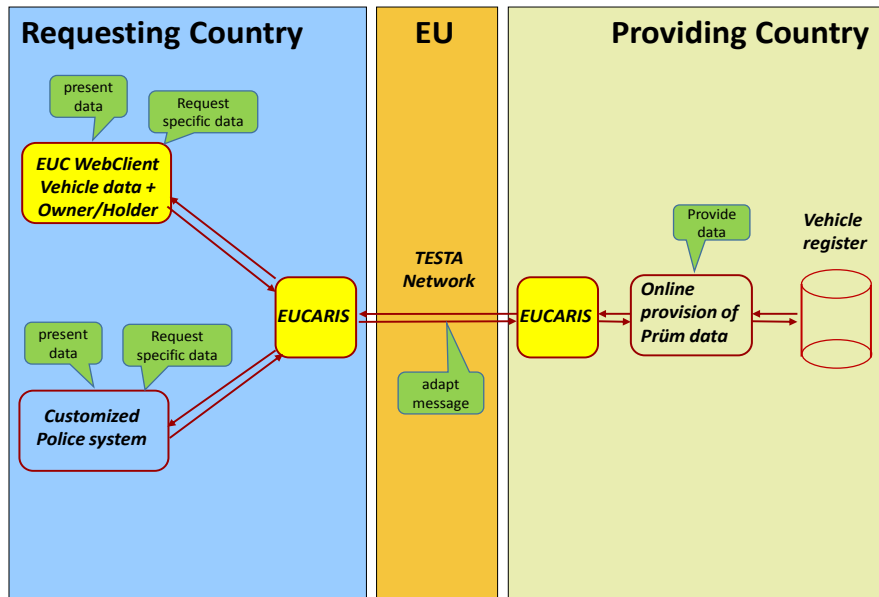
- As a consequence of the GDPR [6] and Directive (EU) 2016/680 [7], the data exchange with EUCARIS will be based on the principle of data minimization: for some data groups, especially personal or otherwise sensitive data, the requester has to indicate explicitly whether he needs the information.
- In 2017 the vehicle registration authorities have adapted the list of vehicle statuses (signals). Definitions have been made more precise and some new statuses were added. With the introduction of new data elements, the list of statuses will be adapted as well.
- The format of some address fields will be brought in line with other EUCARIS services such as the CBE.

Development

There is a limited amount of work needed to implement the extension:

- EUCARIS will adapt the request messages to enable the requesting officer to indicate whether he wants to receive certain data groups, such as the mileage data. EUCARIS will extend the response messages with the new data elements and EUCARIS will adapt the EUCARIS WebClient.
- The Registration Authorities providing the data will have to adapt their legacy interface accessing the Vehicle Registration in order to retrieve more data.

Prüm NG adaptations – 1 – extension of the data set



- The Police would only have to add the checkboxes for certain data groups in their requests and to present the new information in any customized client application (Police system). Police organisations that solely use the EUCARIS WebClient do not have to take action.

Impact estimation (man-hours)

- EUCARIS: 200
- RA (per MS): 100
- Police (per MS): 100

Legal impact and data protection

In the Annex to the Council Decision 2008/616/JHA, the new data items have to be included under Chapter 3, specifically in Point 1.2.2.2, where the VRD complete data set is presented.

Vehicle colour and mileage have to be regarded, in combination with the Owner/Holder data, as personal data.

Long-term developments

In the coming years we may expect that much more vehicle related information becomes available. The cross border exchange of information, that has largely been based on documents and papers, will more and more shift to the exchange of data, to support enforcers and other authorities and to reduce the administrative burden for vehicle owners and drivers. Vehicle manufacturers already have started to deliver the technical data describing a vehicle in electronic form, allowing Vehicle Registration Authorities to store much more data than before, in a cheap and efficient way.

Next to this more or less static data, information on the use of the vehicle is stored in the electronic systems of the vehicle itself and from there it will be uploaded to central registrations at the manufacturers or in the public domain. This is about diagnostic data on the functioning of the vehicle, but also about the cargo and on the behavior of the driver and his whereabouts. It is clear that this information is highly sensitive, but potentially also of extreme interest for Police investigations. The Police and Justice departments in the EU Member States will have to think about how to regulate the cross border exchange of this type of information and also on standards to support this exchange in the most efficient way.

For the short term, an addition to the data set in Chapter 3 of the Annex of Council Decision 2008/616/JHA, point 1.2.2.2, is sufficient. For the long-term we need another solution to keep pace with the changing technology, for instance by not listing the exchanged data explicitly, but by indicating reasons for and conditions to the exchange. Such a new approach could possibly already be reflected in a new version of the Prüm legislation.

In line with the first guiding principle mentioned in paragraph 2.2 - that improvements eventually should support police work in the broadest sense and therefore support common police activities - the Focus Group suggests to consider legal changes that support this broad use of (technical) vehicle data.

Apart from the abovementioned short-term and long-term developments we like to underline that the existing exchange of VRD data could be improved, if all Member States would deliver the data that are optional under the current Prüm legislation. Especially insurance data might be made available by more Member States.

3.2 New VRD search mechanisms

3.2.1 New VRD search mechanism 2a - “Broadcasting requests on Vehicle Licence Number”

Introduction

Currently users of the EUCARIS/Prüm application have to specify in a query on Vehicle Licence Number the country of origin of the license plate. In some cases, the country code is not known and consequently the requesting officer has to make a guess or has to make, manually, the same request in all or in a series of countries. This is not a very practical solution. Therefore it is suggested to introduce the broadcasting mechanism of EUCARIS, already used for inquiries on VIN, also for inquiries on Licence Number.

Reference to Deloitte

Area 1 – Improving existing Prüm data exchanges, Opportunity 1.2. – Vehicle Registration data changes

Sub-opportunity 1: Turning optional the country specification field.

Preconditions

To prevent unnecessary broadcasting and the exchange of personal data of vehicle owner/holders that are not relevant for the case (i.e. to limit the number of false positives), Police officers should specify the license plate’s country of origin whenever possible. In case the country is not known, the search is split in two steps:

1. A law enforcement officer seeks for the origin (country of registration) of a vehicle via a new EUCARIS service: hit/no-hit; he only has to enter a vehicle licence number (plate number).

The request is sent to all countries connected to EUCARIS Prüm; the response contains a minimum set of vehicle data (VIN, Make, Commercial Name, Vehicle Category) allowing the officer, in case of multiple hits, to select the applicable vehicle and its country of origin;

2. Based on this response the officer is able to seek for the owner/holder of the vehicle via the existing inquiry on Vehicle Licence Number.

Additional activities to prevent unnecessary broadcasting could be:

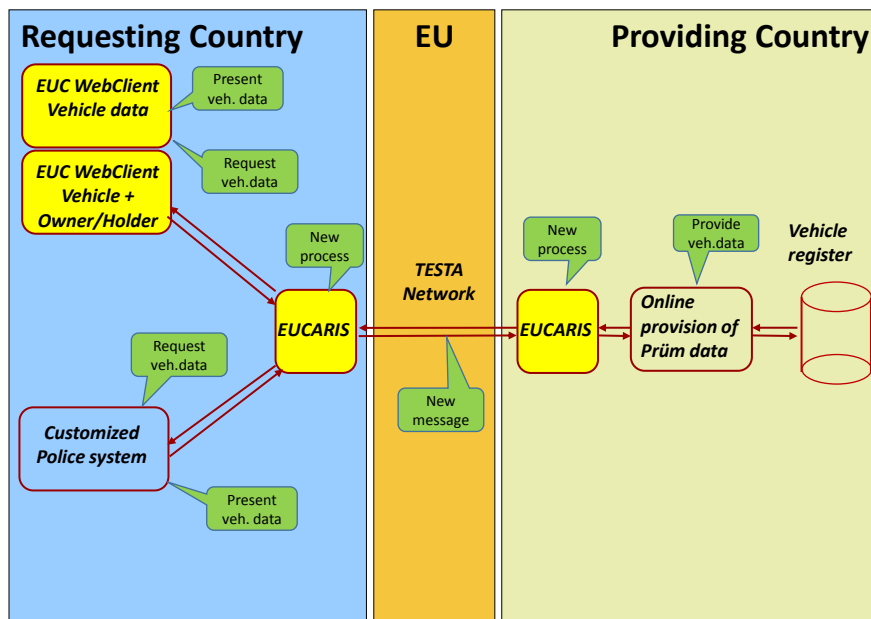
- the monitoring of the statistics on a national level to check if the broadcasting is being used in the correct way and not being used too often;
- to reconsider the working of the European ANPR systems (Automated Number Plates Recognition), in order to improve the country code recognition and
- to reconsider the proposal for the RVNP project (Recognition of Vehicle Number Plates)[10] as discussed in DAPIX in 2012 and 2013. This RVNP system was aimed to describe the characteristics of number plates, including the syntax of the licence number, to facilitate the recognition of the country of origin of a vehicle (plate), both visually and via camera software.

Development

There is a limited amount of work needed to implement the extension:

- EUCARIS will develop a new request and a new response message to make an inquiry on Vehicle Licence Number in all connected countries. EUCARIS will include this functionality in the EUCARIS WebClient, with the option to select one of the returned vehicles and to continue with the second step.
- The Registration Authorities providing the data will have to develop a new service only returning the VIN, Make, Commercial Name, Vehicle Category with the requested Licence Number.
- The Police would have to develop the new inquiry in any customized client application (Police system). Police organisations that solely use the EUCARIS WebClient do not have to take action.

Prüm NG adaptations – 2a – broadcasting of a licence number



Impact estimation (man-hours):

- EUCARIS: 200
- RA (per MS): 100
- Police (per MS): 200

Legal impact and data protection

In the Annex to the Council Decision 2008/616/JHA, the new VRD search mechanism has to be included under Chapter 3, point 3.1.2.1.

This new functionality, with the 2-step process included, has no additional impact on data protection and even improves it with the more targeted inquiry possibilities.

3.2.2 New VRD search mechanism 2b - “Multiple vehicle inquiry”

Introduction`

In police investigations sometimes information concerning a number of vehicles is needed. Currently this information can only be obtained by carrying out, by manual procedure, a series of inquiries. This process is not very efficient. Therefore, it is proposed to develop a ‘batch’ version of the current inquiries, containing multiple cases. In the request either a series of VINs or a series of Licence Numbers may be included, up to 300-500. Requests will be processed asynchronously, meaning that there is a time interval between the request and the response. Most countries prefer to process batches in the nightly hours, so responses may normally be expected within 24 hours.

Reference to Deloitte

Not applicable.

Preconditions

- In an asynchronous process the responder has to know the address to which the response has to be sent (whereas in a synchronous process the requester is still ‘on line’). The easiest solution is to have one National Contact Point in each Member State responsible for further distribution of the results.

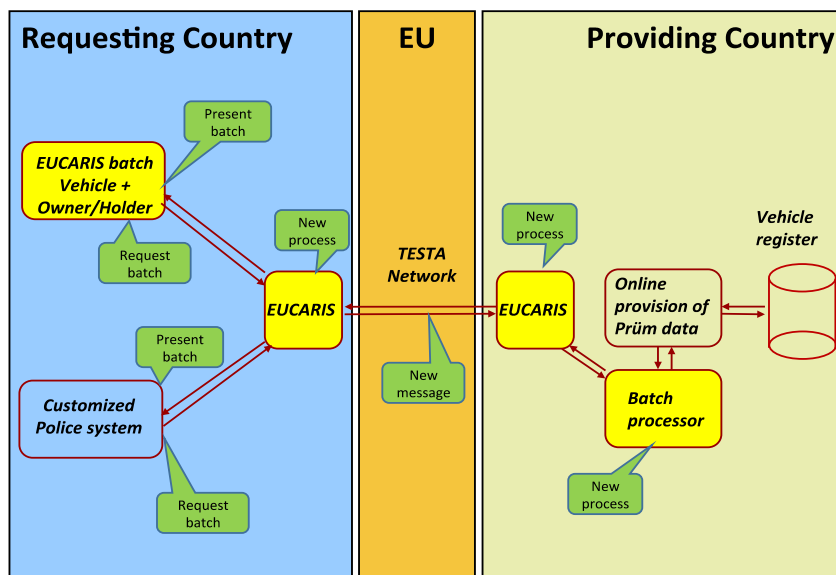
Development

There is a limited amount of work needed to implement the extension:

- EUCARIS will develop a multiple case version of the Prüm request and response message, for inquiries based on VIN and inquiries based on Licence Number. Next to that software will be developed to split a message with multiple incoming requests in single case inquiries at the responding Registration Authority. EUCARIS will also develop an option in the EUCARIS WebClient to process a CSV file (Excel) with requests or responses.
- The Registration Authorities providing the data don’t have to develop a new service, since multi case inquiries will be split, so that the existing Prüm legacy service may be used to respond.

- The Police will have to adapt the Prüm VRD inquiry to allow for the delivery of a series of cases in a batch and the presentation of the results. Police organisations that solely use the EUCARIS WebClient do not have to take action.

Prüm NG adaptations – 2b – multiple vehicle inquiry



Impact estimation (man-hours)

- EUCARIS: 200
- RA (per MS): 0
- Police (per MS): 200

Legal impact and data protection

In the Annex to the Council Decision 2008/616/JHA, the new data items have to be included under Chapter 3, specifically in Point 3.1.2.1. where the VRD search mechanism is described.

This new functionality has additional impact related to data protection. The asynchronous exchange of a 'batch' of (personal) data is more vulnerable than a synchronous single case exchange. The Police will have to develop a clear procedure for the data exchange at national level, between the functional national contact point (at the Police) and the requesting Police departments or officers, to make sure that the personal information is only handled by the requesting officer.

For the long-term the Focus Group suggests to develop an authorization mechanism allowing only the requesting user to get access to the responses.

3.2.3 New VRD search mechanism 2c - “Wildcards”

Introduction

Users of the EUCARIS application often only have incomplete information to base their inquiry on, e.g. because one of the characters of the Licence Number could not be seen or registered.

Currently this problem has to be solved by manual procedure by the Police officer involved. He simply sends out a series of requests, each time with another search key. This inefficient process could be automated, by replacing the missing character by a wildcard (e.g. a ‘\$’).

Remark:

- It is a possibility to combine “Wildcards” and “Broadcasting requests on Vehicle Licence Number” (for situations in which the country of registration also is not known) but this functionality is not elaborated in more detail;
- A wildcard search for VIN is also a possibility, however the business case for this has to be made clear. Probably an unknown character in a VIN is rather rare. Therefore the efficiency gain of the wildcard option is thought to be limited.

Reference to Deloitte

Not applicable.

Preconditions

To prevent the exchange of personal data of vehicle owner/holders that are not relevant for the case (false positives), Police officers should first search for the vehicle involved and only in a second step retrieve the owner/holder data with the selected vehicle. So the search is split in two steps:

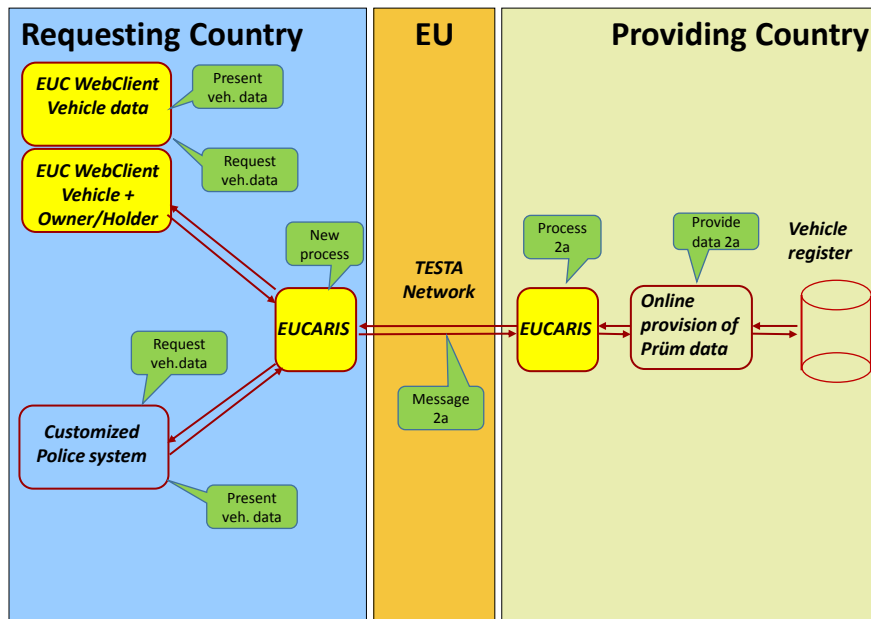
1. An officer seeks for the right vehicle by making an inquiry with a wildcard. The request is sent out by EUCARIS in 36 variants (10 digits and 26 alphabetical characters). The found vehicles are presented; the response contains a minimum set of vehicle data (VIN, Make, Commercial Name, Vehicle Category) allowing the officer, in case of multiple hits, to select the right vehicle;
2. Based on this response the officer is able to seek for the owner/holder of the vehicle via the existing inquiry on Vehicle Licence Number.

Development

There is a limited amount of work needed to implement the extension:

- EUCARIS will develop at the requesting side a new process to split the request with the wildcard in a series of ‘regular’ requests and to consolidate the responses in one message or table with found vehicles. The request and response messages between the EUCARIS platforms in the requesting and providing country contain only a single Licence Number and a response concerning one vehicle. The messages are identical to those used in proposal 2a. EUCARIS will include the wildcard functionality in the EUCARIS WebClient, with the option to select one of the returned vehicles and to continue with the second step.
- The Registration Authorities providing the data don’t have to develop a new service. The service to retrieve a limited set of vehicle data, developed for the broadcasting functionality, may be re-used.
- The Police will have to adapt the Prüm VRD inquiry to allow for a wildcard. To present the found vehicles the functionality developed for broadcasting may be re-used. Police organisations that solely use the EUCARIS WebClient do not have to take action.

Prüm NG adaptations – 2c – wildcards



Impact estimation (man-hours):

- EUCARIS: 100
- RA (per MS): 0
- Police (per MS): 50

Legal impact and data protection

In the Annex to the Council Decision 2008/616/JHA, the new data items have to be included under Chapter 3, specifically in Point 3.1.2.1. where the VRD search mechanism is described.

This new functionality, with the 2-step process included, has no additional impact on data protection and even improves it with the more targeted inquiry possibilities.

3.2.4 New VRD search mechanism 2d - “All vehicles owned/held by a person”

Introduction

For some police investigations it would be useful to have knowledge of all vehicles registered in the name of a certain natural person or legal entity.

The search functionality for all vehicles held or owned by a specific person is currently being developed by EUCARIS for tax authorities and will be available from the 1st of January 2020.

Reference to Deloitte

Area 1 – Improving existing Prüm data exchanges, Opportunity 1.2. – Vehicle Registration data changes

Sub-opportunity 3: Checking vehicle’s owner.

Preconditions

It is already foreseen that searches by the holder’s or owner’s name might lead to possible typing errors. Therefore, the search, preferably, should consist of a two-step approach, working for both natural and legal persons:

1. The requesting Member State searches a known vehicle of the investigated person via the existing EUCARIS Prüm application; the response will normally include the owner/holder’s name and other available personal data (names, date of birth, place of birth, personal ID for a natural person or name and company ID in case of a legal entity).
2. With these personal data, a second search is made to retrieve all vehicles registered under the name of the person or legal entity in question.

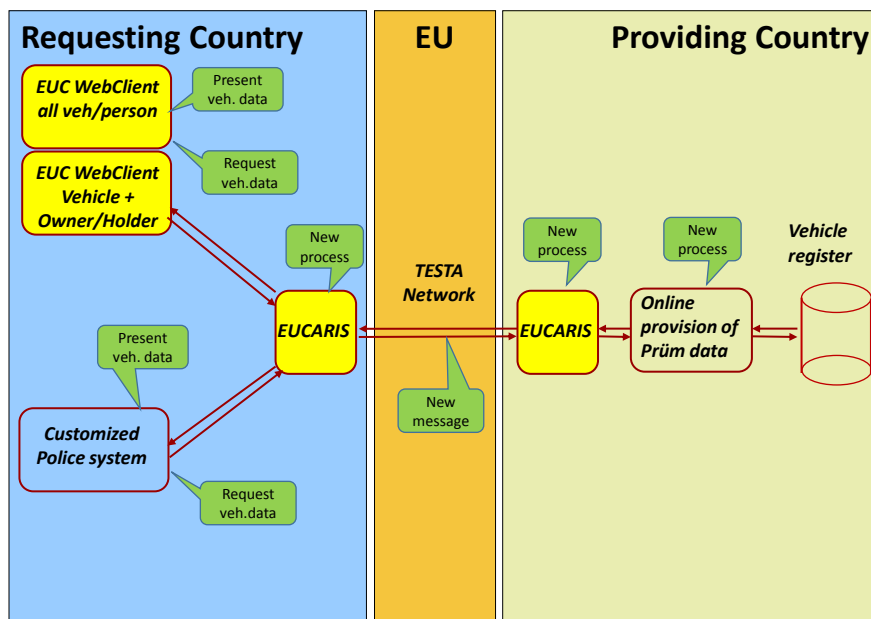
Remark: If a known vehicle is not available yet (step 1), the second step could be used immediately but the risk is higher that the person found is not the person of interest (due to the inherent difficulty in providing the necessary personal data in a search if the exact representation of these personal details in the various national registrations is not known).

Development

There is a limited amount of work needed to implement such a solution:

- EUCARIS will develop a new search on personal data. The service will be a copy of the functionality developed for the tax authorities. EUCARIS Operations will adapt the EUCARIS WebClient.
- For the data providing Registration Authority the impact is limited. Here too a copy of the service developed for the tax authorities can be used.
- The Police will have to develop a completely new service enabling the search by name and presenting the resulting response, as far as they do not use the EUCARIS WebClient.

Prüm NG adaptations – 2d – all vehicles of a person



Impact estimation (man-hours):

- EUCARIS: 100
- RA (per MS): 100
- Police (per MS): 200

Legal impact and data protection

A trigger for search has to be included in Point 1.2.1, Chapter 3 of the Annex to the Council Decision 2008/616/JHA, and, if necessary, a descriptive text explaining the trigger.

The fact that Prüm is already working with personal data would ease the introduction of these changes.

Remark: Not following the 2-step process described above, could lead to data protection issues, because a search by name might return a person (or even more persons) that is not actually the person of interest (false positives).

3.3 Signal previous VRD inquiries on a requested vehicle

Introduction

This new feature consists of the implementation of additional data concerning previous inquiries (e.g. within the past year) in the response message of a vehicle + owner/holder inquiry. Data fields are the date/time of the inquiry and the requesting Member State; no user-id is provided, however the relevant NCP can be contacted.

The feature requires that a history of searched vehicles will be logged in EUCARIS (limited to Prüm inquiries). Users will get the option to suppress registration of their inquiry. EUCARIS will check the search history at the moment a response on a new inquiry is about to be sent and include the additional data in case of a hit in the response message. By this the requesting officer is enabled to contact the Member State of the earlier inquiry(ies), which will improve the coordination and connection between different investigations.

Remark: Individual investigators should be reluctant to suppress the registration of an inquiry, otherwise the added value of this new functionality will be strongly reduced; the principle used over here should be - share or explain.

Reference to Deloitte

Area 1 – Improving existing Prüm data exchanges, Opportunity 1.2. – Vehicle Registration data changes

Sub-opportunity 2: Provide information on searches made by other Member States.

Preconditions

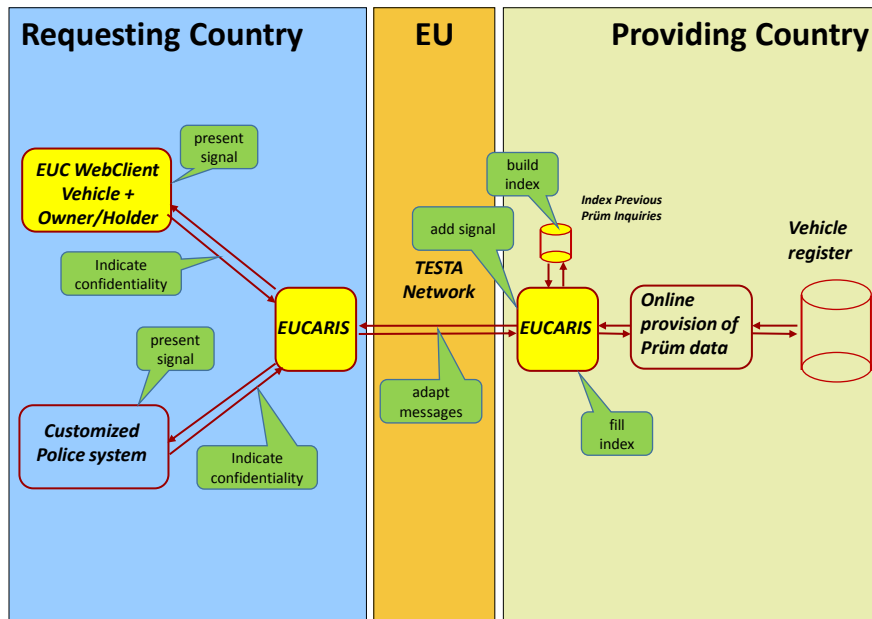
Member States will have to develop a procedure to coordinate the international cooperation in case of vehicles retrieved before by colleagues abroad. Probably such a procedure is already available. Member States will not get any direct access to each other's logging.

Development

There is a limited amount of work needed to implement such a solution:

- EUCARIS will develop a new registration of searched vehicles, with information of requesting country (and possibly) user. This registration can be kept available on the EUCARIS platform for a certain period, e.g. one year;
- EUCARIS will adapt the request messages to give the requesting officer the possibility to make his inquiries hidden or accessible in the retrieved vehicles index of other requested MS. EUCARIS will extend the response messages with the new data elements and will adapt the EUCARIS WebClient;
- For the data providing Registration Authority there is no impact. All additional data are provided by EUCARIS;
- The Police would only have to present the new information in their user application(s), as far as they do not use the EUCARIS WebClient.

Prüm NG adaptations – 3 – signal previous inquiries



Impact estimation (man-hours):

- EUCARIS: 200
- RA (per MS): 0
- Police (per MS): 100

Legal impact and data protection

Article 30.3 of Council Decision 2008/615/JHA needs to be altered. The use of the “recorded data” for the purpose of signaling previous VRD requests should be added.

The functionality would have to be added to Point 3.2.1, Chapter 3 of the Annex to the Council Decision 2008/616/JHA, referring to general functionalities.

New data items would also have to be included in Point 1.2.2.2, Chapter 3 of the Annex to the Council Decision 2008/616/JHA.

Since no personal data are involved in this new functionality, there is no impact related to data protection and even improves it, with the more targeted inquiry possibilities.

3.4 Provide Driving Licence information (DL)

Introduction

Several studies identified the need for expanding the Prüm data exchange with Driving Licence information (DL information) and facial images. Technically all Member States already exchange DL information but for enforcement purposes the exchange up until now was legally only possible for countries that have acceded to the EUCARIS Treaty.

Recently the 3rd Driving Licence Directive 2006/126/EC (3rd DLD) was changed in conjunction with the amendment of Directive 2003/59 on professional drivers training. Article 15 on Mutual assistance has been amended to allow for the use of RESPER for control purposes. On request of the European Parliament the Police and other authorities are therefore now allowed to use RESPER for traffic enforcement purposes, mainly to verify the validity of driving licences and to check the professional competence of the driver, possible sanctions and restrictions. NB: The photograph is not exchanged via the current RESPER services.

Because the use of the RESPER messages for ‘criminal investigation’, including the exchange of the photograph, is still **not** possible, it is suggested to develop specific Prüm DL services, to be used next to the already existing RESPER services (to be used only for traffic enforcement) for investigative purposes.

Reference to Deloitte

Area 3 – New data categories in Prüm, Opportunity 3.1 – Driving Licences

Preconditions

It has to be clear for what kind of purposes DL information is useful. If DL info will only be used for traffic enforcement, the existing RESPER messages can be used, based on the 3rd DLD. If it is intended to use the info for all purposes, independent of the investigation or control activity that is carried out by the requesting officer, the Prüm Council Decisions have to be adapted and additional services have to be developed.

Development

Some Member States have indicated that the use of two different services for different cases would be complex and confusing for police officers. Therefore, before a request is made, a ‘reason’ could be included via the user interface and based on this reason (‘criminal investigation’ / ‘traffic enforcement’), EUCARIS will send either a Prüm request, or a RESPER request. The responses can be presented in the same (customized) client application, with the same look-and-feel, so that the user in fact is not aware of the service used for the international data exchange.

- EUCARIS will add the Police to the RESPER user group to allow for traffic enforcement and next to that develop 2 new searches on driving licence information (search by name Holder + search by number) for criminal investigations. These services will be a copy of the functionality developed for RESPER, but distinguishable as Prüm services. Additional data, like the photograph, can be included in the messages. EUCARIS Operations will adapt the EUCARIS RESPER WebClient to the look-and-feel of the other Prüm services, include a reason in the request, send out either a RESPER or a Prüm message and include the photo in the presentation of the other DL data.

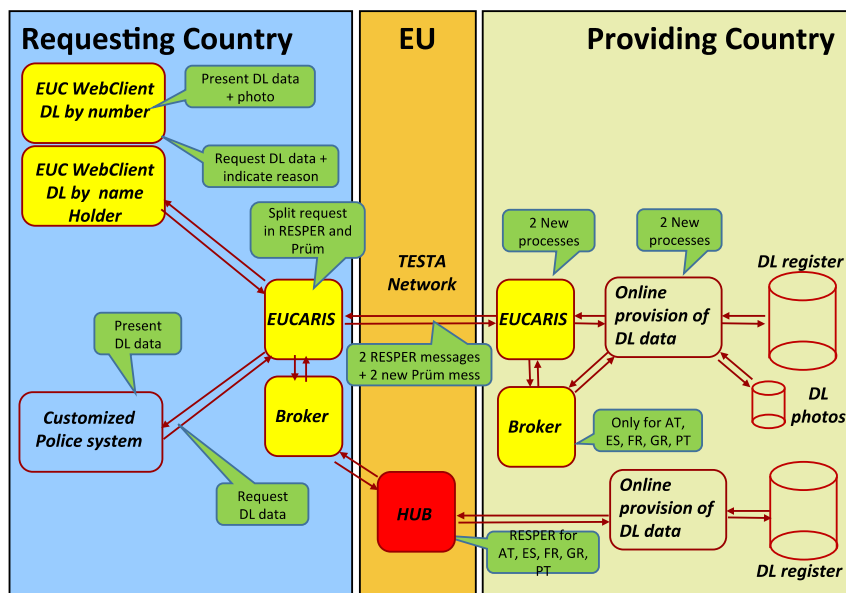
EUCARIS will develop a broker to allow the 5 Members States – AT, ES, FR, GR and PT – that currently exchange the driving licence information via the EU Central Hub to communicate their DL information for Prüm investigations via EUCARIS with the other countries.

- For the data providing Registration Authority there is no impact for the RESPER services. Also for the countries that do not use EUCARIS for RESPER, AT, ES, FR, GR and PT, there is no impact. They can use the existing exchange via the EU RESPER Hub. For the Prüm services the impact is limited. A copy of the services developed for RESPER, can be used. The only difference is that a photo of the DL holder will be added to the message on request.

The above mentioned 5 Members States – AT, ES, FR, GR and PT – may use the broker developed by EUCARIS.

- The Police will have to develop completely new services enabling the search by name and by DL number and the presentation of the resulting response, as far as they do not use the EUCARIS WebClient. The Police may either integrate the Prüm and RESPER cases in one service (including a reason), or develop separate services for different user groups.

Prüm NG adaptations – 4 – Driving Licence information



Remarks:

1. The exchange of data from other categories of ID documents has been considered, but was not described in more detail by this Focus Group; it would be outside the scope of the vehicle and driver registration authorities and other channels than EUCARIS would have to be used.
2. In practice not all Member States will have the opportunity to exchange the photograph because no register is in place on a national level.

Impact estimation (man-hours):

- EUCARIS: 500
- RA (per MS): 100
- Police (per MS): 500

Legal impact and data protection

The data exchange for traffic enforcement is based on the 3rd DLD. The use of RESPER by police officers will probably be restricted to the services ‘DL by number’ and ‘DL by name Holder’.

For the data exchange for criminal investigations an adaptation of the Council Decisions 2008/615/JHA and 2008/616/JHA is necessary, this will affect several articles (see the Annexes). The option to designate a different National Contact Point for DL information than the NCP for vehicle data, has to be possible.

The fact that Prüm is already working with personal data would ease the introduction of the changes, however if the photograph would be included this could have its impact. To minimize the risk, it is suggested to only exchange the photo on specific request.

N.B.: Until the changes in the Prüm legislation have been effectuated it is imaginable that the RESPER services will be used for criminal investigations. Therefore, it is the recommendation of the Focus Group to include the legal base for criminal investigations in the Prüm legislation as soon as possible.

3.5 Linking the Prüm network to central EU information systems and interoperability solutions in the area of Justice and Home Affairs

3.5.1 Integration of new stakeholders in the Prüm landscape

Introduction

In addition, the enlargement of the Prüm scope is being considered via the inclusion of additional stakeholders (see also Area 5/Opportunity 5.2 – Integration new stakeholders in the Prüm landscape). For the VRD/DL part, the EUCARIS system (according to the EUCARIS Treaty), can be used by so-called Third Parties not affiliated to the Treaty (including international entities like EUROPOL), as long as the GDPR [6] and Directive (EU) 2016/680 [7] is being respected. The architecture of the EUCARIS system is set-up in such a way that the installation of EUCARIS by a new Third Party should be as easy as possible. For now the Focus Group VRD awaits further discussions on this topic and has not elaborated on this topic.

3.5.2 Connection to SIS

Introduction

An interesting option is to connect the Prüm VRD Services to the (central) Schengen Information System (SIS) and to always consult the registration of stolen vehicles in SIS and vice versa. It appears that the data in SIS are not always in sync with the data stored on the national vehicle registrations. Sometimes the vehicle registration is not correct, sometimes SIS. To avoid unnecessary bothering of citizens it might be helpful to have information from two sources, so a ‘Stolen-SIS’ signal next to a ‘Stolen-VRD’ signal. Apart from this a connection to SIS would be interesting because currently some Member States are not able to deliver the ‘stolen information’ on vehicles via the Prüm VRD channel.

Next to vehicle data it could be also considered to integrate both systems when it comes the driving licence information.

Reference to Deloitte

Area 5 – Linking the Prüm network to central EU information systems and interoperability solutions in the area of Justice and Home Affairs. This specific improvement has not been assessed in the evaluation study of Deloitte.

Preconditions

Access to SIS should be allowed.

N.B.: The vehicle RAs already have the right to access SIS since several years.

Development

A combination of Prüm EUCARIS VRD services with SIS would have the following impact:

- EUCARIS creates an interface with SIS at EUCARIS platform in the data providing Member State. The SIS vehicle signal response “stolen” will be added by EUCARIS in the EUCARIS response, in an additional data field. The impact for EUCARIS is unknown, but probably large, since in all Member States there will be restrictions in the infrastructure to create the interface.

- Depending on the technical solution for the connection to SIS, the impact for the Registration Authority is small.
- The impact for the Police is small.

Impact estimation (man-hours)

- EUCARIS: to be determined
- RA (per MS): to be determined
- Police (per MS): to be determined

Legal impact and data protection

To be determined.

3.5.3 Prüm integration in ESP

Introduction

In the evaluation study performed by Deloitte the possible synergies between Prüm and the European Search Portal (ESP) are being evaluated (see also Area 5/Opportunity 5.1 – Central router linked to the interoperability solution). For EUCARIS the added value to be integrated in ESP has to be further investigated. Among others the following topics should be assessed in more detail:

- How should the interface look like?
- What organization should be hosting the portal?
- How should the logging be arranged?
- How should other special features like MCI, batch and wildcards, be arranged?

For now, the Focus Group VRD has decided not to perform any further investigations. This topic is seen as possibly relevant in the longer term (when the ESP is fully operational).

3.6 Overall impact assessment proposals

3.6.1 Vehicles

If all proposals concerning VRD were accepted, we would get the following impact in man-hours:

Proposals VRD	Impact EUCARIS	Impact RA (per MS)	Impact Police (per MS)
1. Additional data fields; explicit requests for certain data	200	100	100
2a. Broadcasting of inquiries on Licence Number; new service to exchange limited vehicle data	200	100	200
2b. Multiple vehicle inquiry; new service to exchanges batches of requests; adapted batch processor	200	0	200
2c. Wildcards; new service to generate inquiries of limited vehicle data, based on a wildcard	100	0	50
2d All vehicles owned/held by a person'; new service (copy of existing service)	100	100	200
3. Signaling of earlier searches on the same vehicle; set up of an index in EUCARIS; add possibility in request to block registration in the index; add signal in existing Prüm vehicle + owner/holder message and presentation	200	0	100
Totals	1000	300	850

The estimations above may not be regarded as a quotation but just as an indication to support further decisions. EUCARIS expects to spend 1000 man-hours. The costs have to be shared by all Member States and will be, at the current tariff, around € 4.000 per Member State for the development of the new/adapted services. Next to that EUCARIS will probably charge 50 man-hours (€ 5.000) per MS for support at the implementation and acceptance tests. The efforts for the RAs are very limited. The efforts for the Police only apply to Member States that want to integrate the cross border message exchange in their own Police application (one application).

3.6.2 Driving Licences

If the DL proposal were accepted, we would get the following impact in man-hours:

Proposals DL	Impact EUCARIS	Impact RA (per MS)	Impact Police (per MS)
4. Search of Driving Licence information on driving licence number and name of the holder.	500	100	500

The estimations above may not be regarded as a quotation but just as an indication to support further decisions. EUCARIS expects to spend 500 man-hours. The costs have to be shared by all Member States and will be, at the current tariff, less than € 2.000 per Member State for the development of the new/adapted services. Next to that EUCARIS will probably charge 50 man-hours (€ 5.000) per MS for support at the implementation and acceptance tests. The efforts for the RA's are very limited. The efforts for the Police only apply to Member States that want to integrate the cross border message exchange in their own Police application.

3.6.3 Implementation aspects

EUCARIS has a versioning mechanism based on a version number that is included in the request message. In proposal 1) and 3) we add new information and that information is always optional. If necessary, the provided information is downgraded by EUCARIS so that the requesting application is never confronted with unknown data. As a consequence two Member States that use different versions of the Prüm message are still able to communicate.

Proposals 2a), 2b), 2c), 2d) and 4) all imply new services. Access to these new services is organized via the (country) authorization mechanism of EUCARIS. Requests are only sent to Member States that are able to respond. The number of Member States that do respond will gradually grow. The services could be integrated in the menu of the EUCARIS WebClient or customized Police applications.

3.6.4. Ranking proposals

Based on the technical, financial and legal impact (low/medium/high), the possibilities for implementations (short, medium or long term) and the added value (low/medium/high) of the respective proposals, an overall priority ranking has been determined by the Focus Group.

Proposals	Legal impact	Possible technical implementation	Added value	Priority
Vehicles (VRD) – operational changes (1,2)	Low	Short term	High	High
Vehicles (VRD) – signaling of earlier searches (3)	Medium	Medium term	Medium	Medium
Driving Licences (DL)	Medium	Medium term	High	High
Connection SIS	Low	Medium term	Low	Low

4. Recommendations

Based on the technical, financial and legal findings, several short-, mid- and long-term recommendations have been concluded by the Focus Group.

Short-term recommendations can be effectuated without any legal changes in the Prüm Council Decisions. The improvements may start immediately (2020).

For the **mid-term** recommendations, relatively small changes in the Prüm Council Decisions are needed, but the aims and scope of the current legislation remain unaltered. We expect that the legal and technical implementation could be realised within the next few years (2020 – 2022).

For the **long-term** recommendations the aims and scope of the Prüm Council Decisions have to be broadened. We expect that the political and legal discussion on this approach will take some years. Implementation is foreseen for the period 2022 – 2025.

It is advised to take a 2-step approach into consideration for the legal process to adapt the Prüm Council Decisions 2008/615/JHA and 2008/616/JHA.

For the mid-term operational aspects could be optimized related to the exchange of VRD and DL data that do not touch upon the goals and scope of the Decisions.

For the long-term the Prüm Decisions could be reconsidered more fundamentally in such a way that a legal base is created to make the necessary data available for all fields of police work, including the identification of persons.

4.1 Short-term

1. The existing exchange of VRD data could already be improved, if all Member States would deliver the data that are defined as optional under the current Prüm legislation (although the data may be available, it is not mandatory to deliver them to other countries); insurance data for instance could be made available by more Member States.
2. The Member States and the Council are advised to take the access of EU institutions such as Europol to the Prüm VRD functionality into consideration.
3. The Member States and the Council are advised to take into consideration to give the Member States access to the central SIS, via their EUCARIS platform used to exchange VRD data. In each country there should be one register serving as the source for information on stolen vehicles, plates, and driving licences. There should be as few copies as possible. The central/national copies of SIS should be kept in line with the content of the national source registers.

4.2 Mid-term

1. The Council Decision 2008/616/JHA has to be actualized and technical details, not related to requirements of the system but only describing the technical solution, should be removed from the legislation.
2. In addition, the structure of the Council Decision 2008/616/JHA should be designed in such a way that the dataset in the Annex, Chapter 3, can be extended more easily via an implementing act, e.g. by including the data in an appendix.

3. The term ‘mandatory data element’ in Chapter 3 of the Annex of Council Decision 2008/616/JHA, should be defined more exactly in order to set clear the obligation for Member States to deliver the relevant mandatory data if these data are available in a registration of any authority of the Member State concerned.
4. The Council Decision 2008/616/JHA has to be adapted to the extended VRD data set and new search methods.
5. The Council Decisions 2008/615/JHA and 2008/616/JHA have to be adapted to the fact that previous VRD inquiries will be signaled.
6. The Council Decisions 2008/615/JHA and 2008/616/JHA have to be adapted to include the exchange of the driving licence data.
7. To maximize the benefits of the new DL functionality, the photograph of the holder of the driving licence (when available) has to be included in the exchange.
8. From a police perspective it is very likely that driving licence data exchanged via RESPER for the purpose of traffic enforcement, based on the amended Driving Licence Directive, will also be used for criminal investigations. Therefore, it is the recommendation of the Focus Group to include a legal base to use driving licence data for criminal investigations in the Prüm legislation as soon as possible and the 3rd Driving Licence Directive will not be misused for criminal investigations.
9. It should be considered to introduce an (recurring) evaluation procedure for Member States that have implemented the new Prüm functionalities, especially related to the data protection requirements.

4.3 Long-term

1. The Prüm Council Decisions should be redrafted more fundamentally covering not only the prevention and investigations of criminal offences but all types of Police work (e.g. law enforcement, traffic enforcement, criminal prevention, incident management, public order and safety etc.). The broad use of (technical) vehicle data and driving licence data has to be supported (also for traffic enforcement).

5. For the long-term, the legislation should be adapted in such a way that it will keep track with the changing vehicle technology and the increasing availability of in-car data, for instance by not listing the exchanged data explicitly, but by indicating reasons for and conditions to the exchange. Such a new approach could possibly already be reflected in a new version of the Prüm legislation (see also point 2 mid-term), supporting a high adaptability of the data set.
6. Integration of the Vehicle and Driving Licence services with ESP should be considered after the ESP has become operational.
7. It is advised to consider the information of the DL and the photograph of the holder of the DL as one of the sources that can be used to check the identity of the person. For sake of the protection of personal data, the photo could be exchanged only on specific request. Synergy with other checks of the personal identity using sources like passport-and ID cards registrations should be considered.

Annex 1: Amendments Council Decision 2008/615/JHA

Below suggestions are made for each article and paragraph where amendments would be needed to support the new opportunities and the upgrade. Numbers relate to the current version of the 2008/615/JHA, of 23 June 2008. For each amendment a rationale is given referring to the suggested change or addition. Articles not relevant for VRD have been skipped.

Only amendments needed for mid-term opportunities, based on the current scope of the legislation, have been included.

Considerations:

No changes

Article 1

Aim extended with the exchange of driving licence data.

Rationale: [4]

Article 12

Search mechanism for VRD extended with a search by name and date of birth or other available personal data (place of birth, personal ID for a natural person or company ID in case of a legal entity) of the owner/holder of the vehicle.

Rationale: [2d]

Article 12a

New article describing the automated searching of driving licence data, including the designation of an NCP, the data and the search mechanism for DL data.

Rationale: [4]

Article 30

Extension of the use of logged data for the purpose of signalling of previous VRD inquiries of the same vehicle by other Member States.

Rationale: [3]

Annex 2: Amendments Council Decision 2008/616/JHA

Below suggestions are made for each article and paragraph where amendments would be needed to support the new opportunities and the upgrade. Numbers relate to the current version of the 2008/616/JHA, of 23 June 2008. For each amendment a rationale is given referring to the suggested change or addition. Articles not relevant for VRD have been skipped. It is suggested to add a new Chapter in the Annex describing the functional and technical specifications of the DL exchange.

Considerations:

No changes

Article 1

Aim extended with the exchange of driving licence data.

Rationale: [4]

Article 2

Driving licence data added to the definitions.

Rationale: [4]

Article 3

Driving licence data added to the technical specification.

Rationale: [4]

Article 4

Driving licence data added to the communications network.

Rationale: [4]

Article 5

Driving licence data added to the availability of automated data exchange.

Rationale: [4]

Article 15

Driving licence data added to paragraph 1, 2 and 4.

Rationale: [4]

Article 15.5

Priority for serious crime. Suggested is to remove this paragraph, since it is not effectuated. The data exchange is fully automated, responses are returned within a few seconds. EUCARIS has no priority mechanism and there is no need for that.

Rationale: [General upgrade]

Annex Table of Contents

Add Chapter 3A: Exchange of driving licence data.

Rationale: [4]

Annex Chapter 3.1.1: Definitions

Open issue: the definition of the term ‘Mandatory’ is not clear. Suggested is to broaden the definition to ‘available in a national register at one of the Member State’s authorities’. The definition has large implications for the availability of the ‘vehicle stolen’ signal that sometimes is only stored in a Police registration.

Rationale: [General upgrade]

Annex Chapter 3.1.1: Definitions

The indication given to data elements of specific importance is not used and may be removed.

Rationale: [General upgrade]

Annex Chapter 3.1.2.1: Triggers for the search

The option to make a search on Licence Plate Number in all connected country is added.

Rationale: [2a]

The possibility to deliver a request message containing multiple cases (more than one licence number or VIN) is added.

Rationale: [2b]

The possibility to replace one character in the Licence Plate Number in a single inquiry is added

Rationale: [2c]

The option to search all vehicles registered in a country under the name of a specific Owner/Holder is added.

Rationale: [2d]

Annex Chapter 3.1.2.2: Data set

The indication given to data elements of specific importance (column 4, Prüm Y/N) is not used and may be removed.

Rationale: [General upgrade]

Annex Chapter 3.1.2.2.1: Refinement of the search

The examples given for the values of the EU Category Code have been corrected.

Rationale: [General upgrade]

Annex Chapter 3.1.2.2.2: Complete data set

Value range of Gender is adapted to allow for 'unknown', 'undefined'.

Rationale: [General upgrade]

The examples given for the values of the EU Category Code have been corrected.

Rationale: [General upgrade]

Data elements Vehicle Colour and Mileage information have been added.

Rationale: [1]

Data element 'Flag previous inquiries' was added, with the date of the inquiry and the requesting country and user-id.

Rationale: [3]

Annex Chapter 3.2.3.3: Logging Levels

Text and figure removed; not relevant for the legislation

Rationale: [General upgrade]

Annex Chapter 3.2.3.4: Hardware Security Module

Text removed; not relevant for the legislation

Rationale: [General upgrade]

Annex Chapter 3.1: Technical conditions of the data exchange

Text removed; not relevant for the legislation

Rationale: [General upgrade]

Annex Chapter 3.2: Requirements

Text removed; not relevant for the legislation

Rationale: [General upgrade]

Annex Chapter 3A: Exchange of Driving Licence information

To be included

Rationale: [4]

Annex 3: General approach Int. Data Exchange EReg TG I

1. Introduction

EReg Topic Group I on International Data Exchange (TG I) was established in 2008 to support the general EReg objective to promote effective and efficient international data exchange. Since the start the Members of the group have discussed, agreed and implemented various aspects of the registration and the automated cross-border exchange of transport related information in the public domain, essential for Vehicle and Driving Licence Registration Authorities (RAs). In this document these discussions have now all been gathered and translated in several principles, resulting in an overall approach for international data exchange of transport related data in general and the registration and exchange of data on vehicles and their owner/holders and their drivers/driving licenses in particular.

2. Problems encountered

The activities of TG I appeared to be necessary over the years because the registration and (international) exchange of vehicle, driver and other transport related data is still

- not regulated in a comprehensive way at EU level, instead regulated only partly, with a limited scope;
- compartmentalised, with different stakeholders involved - not working together, resulting in different technical solutions and data definitions, reinventing the wheel over and over again, which is costly and inefficient;
- without transparent and harmonised responsibilities concerning correctness, actuality and completeness of the data;
- without clear and shared definitions of (non) sensitive data and their respective requirements;
- without clear responsibilities concerning the provision of the data to national users (e.g. when private parties get involved).

3. Goals of this document

This document reflects the vision of the EReg Members on automated international information exchange (including the relevant vision of EReg TG XX on the GDPR in International Data Exchange). The document can be used to promote this vision and to implement principles for information exchange in line with this vision together with the promotion of the position of the RAs as the source for all transport, vehicle and driver related information. In addition, the document can be used by EReg Members to determine and clarify their position on topics related to international data exchange and act as a guideline for the Members in discussions with (inter)national stakeholders such as the European Commission, colleagues in other governmental bodies, vehicle manufacturers and other private parties.

4. Principles

Based on the outcome of the several meetings of EReg TG I the generic approach of information exchange of **transport related data in general** is currently based on the following principles:

Legislation

1. legislation in the field of transport related data should be generic, at least cover complete procedures and information chains and take into account the complete life cycle, from cradle to grave, of an object (e.g. a vehicle) instead of concentrating on certain events;
2. for all international exchange of personal data a national, EU or international legal base is required; this legal base must contain the purpose of the data exchange, the data that is exchanged and the exchange mechanism in broad terms;
3. if there is no legal base, personal data can only be exchanged on explicit request of the person itself or for any other lawful purpose of processing stated in the GDPR;

Registration

4. registers are kept on a (sub)national level because of subsidiarity and (data) sovereignty of the Member States;

5. these registers are kept for various purposes depending on national legislation and include the status of the data subject, vehicle, driving licence or another object resulting from various events during the life cycle of that data subject or object;
6. the data is registered only once (there is only one truth); a single authority is responsible for the registration;
7. RAs guarantee their data quality, defined as correct, complete and up-to-date;
8. a network of interconnected national registers can be regarded as a virtual European register;

Data exchange

9. data is retrieved at the source (although for technical reasons duplication is sometimes inevitable);
10. RAs are responsible for the agreed availability of their registers and make a reasonable effort to reach the intended availability;
11. internationally the registers are connected via one or more National Contact Points (NCPs); international data exchange is restricted to exchange between public authorities or private parties with a public mandate;
12. the requesting NCP is responsible for the legitimacy of the request with respect to the scope of the underlying legislation and the role/task of the requesting party;
13. NCPs can be in charge of data exchange in general, including the provision of the data; however they also can merely provide a technical connection to other NCPs while other national competent authorities are responsible for the provision and processing of the data;
14. each NCP is responsible for the authorisation of its national competent authorities; each authority is responsible for the authorisation of its end-users;
15. exchange of data is based on the principle of data minimisation if personal or otherwise sensitive data are involved;

16. if the correctness of the data is known to be disputed or uncertain, the providing MS indicates this;
17. when data is exchanged between authorities in different sectors (e.g. a vehicle RA and a police organisation), the data definitions and the exchange method of the supplying authority are leading;
18. data required for the performance of statutory tasks are provided at no cost;

The exchange mechanism

19. if possible, data is exchanged by means of secure electronic services;
20. data exchange is based on open standards (e.g. Web Services);
21. for efficiency and effectivity reasons data(sets) and systems are reused when possible, unless they are unsuitable for the intended purpose;
22. especially when data exchange has to be available real time, online, data exchange is via EUCARIS, or an electronic EU system such as EUCARIS/RESPER or EUCARIS/TACHOnet; in other situations, where unstructured data is involved, it is possible that other systems are more appropriate;
23. the RAs play a central role as National Contact Points (NCPs) between National Authorities in their country and other MSs.

Annex: Further application and elaboration of the principles per domain

Vehicle data

Considering the principles, the following is essential for RAs when it comes to automated information exchange concerning **vehicles**:

1. (legislation on) international data exchange should cover all events in the complete life-cycle of a vehicle (see also **figure 1**);

2. there should be one general legislation concerning the international electronic exchange of non-sensitive technical vehicle data, such as exhaust emissions;
3. the Vehicle Registers are centralised at national level, so decentralised from EU perspective;
4. all vehicle information is stored at the Vehicle RAs, for various purposes depending on national legislation or European legislation, including the status of the vehicle; this also includes technical vehicle information and technical inspection results that are essential for supervision tasks (see **figure 1**);

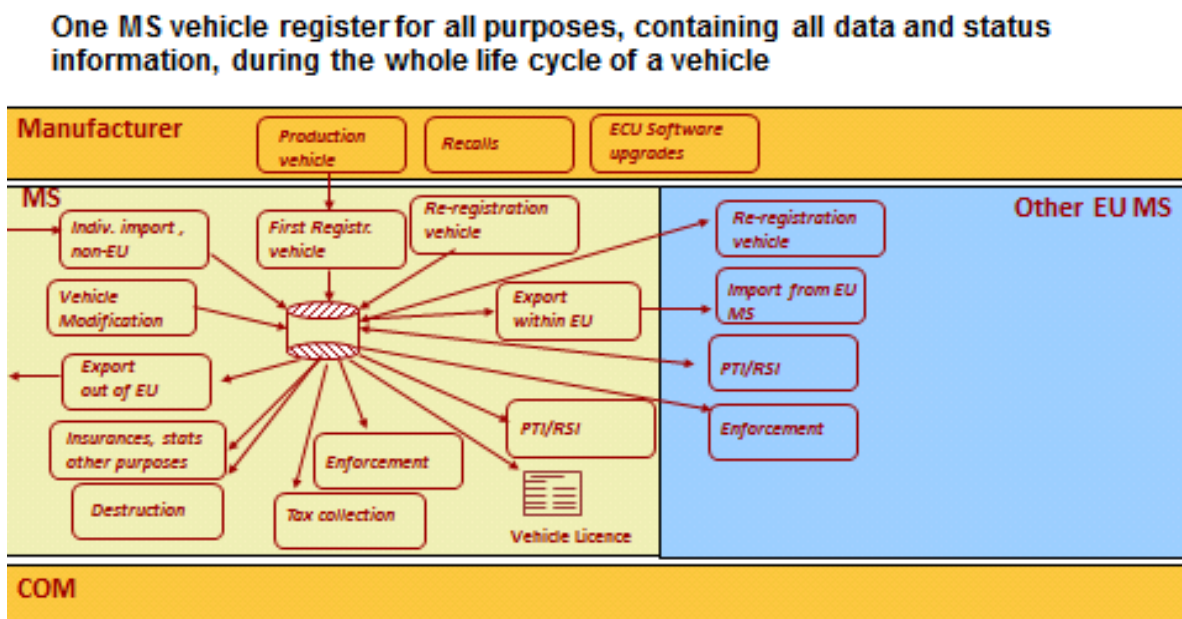


Figure 1

5. data of the Certificate of Conformity (CoC) and data of the Type Approval (TA) are only used at the first registration of a vehicle in the EU; after that the actuality of these data cannot be guaranteed;
6. for efficiency reasons existing systems like EUCARIS, already in use by the RAs, are used for the exchange of vehicle information (see also the approach in the Prüm legislation and the CBE Directive);

7. technical vehicle data that can not be linked to a natural person are regarded as being non-personal, therefore the EUCARIS message exchange on vehicle data is based on the principle of genericity rather than on data minimization;
8. technical vehicle data should be made available to all EUCARIS Member States for different purposes even without a specific legal base.

Driving licence and tachograph cards data

Considering the principles, the following is essential for RAs when it comes to international data exchange concerning **driving licence and tachograph cards data**:

1. the RAs are centralized at national level, so decentralized from EU perspective;
2. all driving licence and tachograph card information is stored at the RAs or other local authorities;
3. all exchange of the information mentioned above is by electronic means; especially when the data exchange has to be available real time, online, the data exchange is via EUCARIS, RESPER or TACHOnet; in other situations, where unstructured data is involved, it is possible that other systems are more appropriate;
4. for efficiency reasons existing technical platforms like EUCARIS, already in use by some RAs should be used for data exchange.

Vehicle owner/holder data

Considering the principles, the following is essential for RAs when it comes to international data exchange concerning **vehicle owner/holder data** and the involvement of **private** debt collection agencies in the enforcement of payment by road users:

1. there should be one general legislation regulating the international electronic exchange of owner/holder information concerning transport related obligations and infringements;
2. future legislation (e.g. for re-registration, VAT, tolls, parking and environmental zones) should at least make use of the same technical exchange model as used for the enforcement of road safety related traffic offences (CBE);

3. RAs act as national contact points for the cross-border exchange of vehicle owner/holder information;
4. national procedures concerning enforcement of road safety and transport related obligations should not distinguish between national and foreign vehicle owner/holders; international exchange of the relevant data should be supported irrespective of the national legislation of the requesting country;
5. the technical exchange model is via the RAs, via EUCARIS;
6. provision of data to private parties (e.g. debt collection agencies) is always via the NCPs and is only allowed if these parties have a public mandate (see **figure 2**).

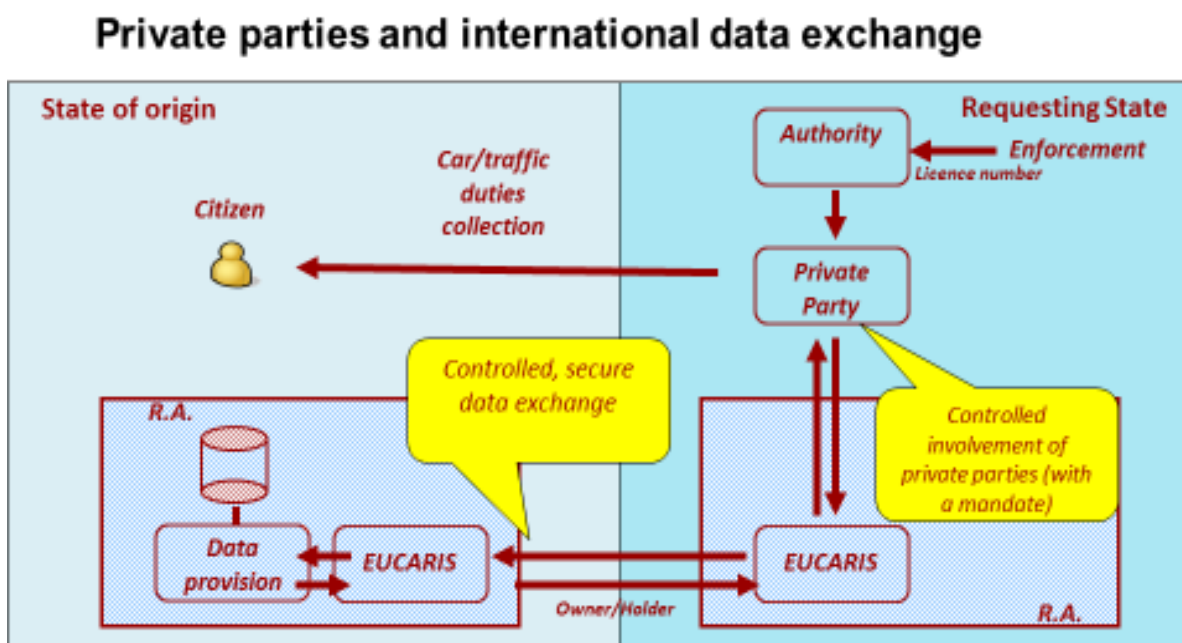


Figure 2