

Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (Text with EEA relevance)

## CHAPTER IV

### SIMPLIFICATION AND ADMINISTRATIVE COOPERATION

#### *Article 16*

#### **National electronic registers**

<sup>F1</sup> For the purposes of the implementation of this Regulation, and in particular Articles 11 to 14 thereof, the competent authority must keep a national electronic register of road transport undertakings which have been authorised to engage in the occupation of road transport operator. The data contained in that register must be processed under the supervision of the Minister. The relevant data contained in the national electronic register must be accessible to any competent authority.]

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- 2       <sup>F3</sup>The national electronic register must] contain at least the following data:
- a the name and legal form of the undertaking;
  - b the address of its establishment;
  - c the names of the transport managers designated to meet the conditions as to good repute and professional competence or, as appropriate, the name of a legal representative;
  - d the type of authorisation, the number of vehicles it covers and, where appropriate, the serial number of the <sup>F4</sup>UK licence for the Community or of the Community licence and of their certified copies];
  - e the number, category and type of serious infringements, as referred to in Article 6(1) (b), which have resulted in a conviction or penalty during the last 2 years;
  - f the name of any person declared to be unfit to manage the transport activities of an undertaking, as long as the good repute of that person has not been re-established pursuant to Article 6(3), and the rehabilitation measures applicable.

<sup>F5</sup>  
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<sup>F6</sup>The Minister] may choose to keep the data referred to in points (e) and (f) of the first subparagraph in separate registers. In such a case, the relevant data shall be available upon request or directly accessible to all the competent authorities <sup>F7</sup>.... The requested information shall be provided within 30 working days of receipt of the request. The data referred to in points (a) to (d) of the first subparagraph shall be publicly accessible, in accordance with the relevant provisions on personal data protection.

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

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1071/2009 of the European Parliament and of the Council, CHAPTER IV. (See end of Document for details)*

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

Data concerning any person declared to be unfit for the occupation of road transport operator shall remain in the national electronic register as long as the good repute of that person has not been re-established pursuant to Article 6(3). Where such a rehabilitation measure or any other measure having an equivalent effect is taken, the data shall be immediately removed.

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

4 <sup>F8</sup> [The Minister must] take all necessary measures to ensure that all the data contained in the national electronic register is kept up to date and is accurate, in particular the data referred to in points (e) and (f) of the first subparagraph of paragraph 2.

<sup>F9</sup>5 .....

<sup>F10</sup>6 .....

<sup>F11</sup>7 .....

#### Textual Amendments

- F1** Words in Art. 16(1) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 16(1) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 16(2) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 16(2)(d) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 16(2) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 16(2) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 16(2) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 16(4) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 16(5) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 1071/2009 of the European Parliament and of the Council, CHAPTER IV. (See end of Document for details)

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- F10** Art. 16(6) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 16(7) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(16)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 17

#### Protection of personal data

With regard to the application of <sup>F12</sup>Regulation (EU) 2016/679 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 and on the free movement of such data, and repealing [Directive 95/46/EC](#) (General Data Protection Regulation), the Minister must ensure in particular that:

- (a) all persons are informed when data relating to them is recorded or is planned to be forwarded to third parties. The information provided shall specify the identity of the authority responsible for processing the data, the type of data processed and the reasons for such action;
- (b) all persons have a right of access to data relating to them held by the authority responsible for processing those data. That right shall be exercisable without constraint, at reasonable intervals and without excessive delay or cost for the applicant;
- (c) all persons whose data are incomplete or inaccurate have the right to have those data rectified, erased or blocked;
- (d) all persons have the right to oppose, on compelling legitimate grounds, the processing of data relating to them. Where there is justified opposition, the processing may no longer involve those data;
- (e) undertakings comply, where applicable, with the relevant provisions on the protection of personal data.

#### Textual Amendments

- F12** Words in Art. 17 substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(17)**; 2020 c. 1, Sch. 5 para. 1(1)

### <sup>F13</sup>Article 18

#### Administrative cooperation between Member States

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 1071/2009 of the European Parliament and of the Council, CHAPTER IV. (See end of Document for details)

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#### Textual Amendments

- F13** Art. 18 omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/708), regs. 1(1), **9(18)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 1071/2009 of the European Parliament and of the Council, CHAPTER IV.