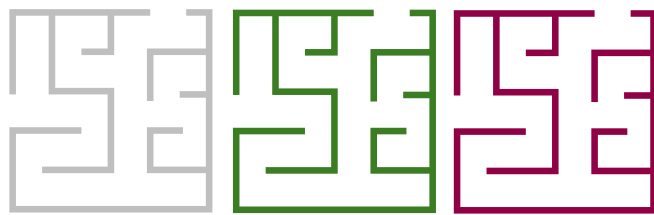




Confederation of
Organisations in
Road
Transport
Enforcement



CORTE HOW TO #5

Implement ERRU in 3 Steps

INTRODUCTION

European Register of Road Transport Undertakings or ERRU is an **electronic message exchange system** established by the European Commission:

- It allows Member States **to give information** about their road transport undertakings to other countries.
- It allows Member States **to also receive information** about their road transport undertakings from other countries.

For the functioning of ERRU:

- Member States must keep a national electronic register on road transport undertakings in their countries.
- The national electronic register must contain relevant minimum data on a road transport undertaking. It must also include information on infringements committed by a road transport undertaking outside the country of its registration.
- To consult information on a road transport undertaking, Member states must send requests and provide responses as per the functionalities offered by the ERRU messaging system.

ERRU has evolved:

- [Commission Implementing Regulation \(EU\) 2023/2381](#) has added new message exchange functionalities, and
- Member States are now required to make some data available to competent authorities also during roadside checks. This must be done no later than **25 October 2024**. (See Article 16 (2) subparagraph 4 of [Regulation \(EC\) No 1071/2009](#)).

3 STEPS TO IMPLEMENT ERRU

STEP 1 – Keep a National eRegister

STEP 1: KEEP A NATIONAL ELECTRONIC REGISTER

As per Article 16.1 of [Regulation \(EC\) No 1071/2009](#) each Member State is required to keep a national electronic register of road transport undertakings which have been authorised by it to engage in the occupation of road transport operator.

STEP 2 – Minimum Data in eRegister

STEP 2: MAKE AVAILABLE FOLLOWING MINIMUM DATA IN THE REGISTER

Article 16.2 of [Regulation \(EC\) No 1071/2009](#) and [Commission Decision of 17 December 2009](#) indicates the minimum data that countries should include in the national register for road transport undertakings authorized by them.

It also indicates who can access this data. Some of the data should be publicly accessible, while some can be accessed only by “competent authorities” of another Member States upon request. Below is a list of this data for public and for competent authorities:

Data for public	<ul style="list-style-type: none">⇒ the name and legal form of the undertaking.⇒ the address of its establishment.⇒ the names of the transport managers designated as meeting the requirements laid down in Article 3 relating to good repute and professional competence or, as appropriate, the name of a legal representative.⇒ the type of authorisation, the number of vehicles it covers and, where appropriate, the serial number of the Community licence and of the certified copies.
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STEP 2: MAKE AVAILABLE FOLLOWING MINIMUM DATA IN THE REGISTER

Data for competent authorities

- ⇒ 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, and the rehabilitation measures applicable.
- ⇒ The number, category and type of serious infringements, as referred to in Article 6(1)(b) [Regulation \(EC\) No 1071/2009](#), which have resulted in a conviction or penalty during the last 2 years. These include:
 - the driving time and rest periods of drivers, working time and the installation and use of recording equipment,
 - the maximum weights and dimensions of commercial vehicles used in international traffic,
 - the initial qualification and continuous training of drivers,
 - the roadworthiness of commercial vehicles, including the compulsory technical inspection of motor vehicles,
 - access to market in international road haulage or, access to market in road passenger transport,
 - safety in the carriage of dangerous goods by road,
 - the installation and use of speed-limiting devices in certain categories of vehicle,
 - driving licences,
 - admission to the occupation,
 - animal transport,
 - the posting of workers in road transport,
 - the law applicable to contractual obligations,
 - cabotage.
- ✚ For the infringements relating to [Regulation \(EC\) 561/2006](#) (driving and rest time rules) and [Regulation \(EU\) No 165/2014](#) (tachograph) details of specific infringements and categorization of their severity is provided in Annex III to [Directive 2006/22/EC](#) . This annex has been updated by [Commission Delegated Directive \(EU\) 2024/846](#).
- ✚ For infringement related to other rules listed above details of specific infringements and categorization of their severity is provided in Annex I to [Commission Regulation \(EU\) 2016/403](#). This is an implementing act adopted as per Article 6(2a) of [Regulation \(EC\) No 1071/2009](#).

STEP 2: MAKE AVAILABLE FOLLOWING MINIMUM DATA IN THE REGISTER

Data for competent authorities during roadside checks

No later than **25 October 2024** the following data must be made available to competent authorities (via ERRU) also during roadside checks:

- ⇒ The registration numbers of the vehicles at the disposal of the undertaking,
- ⇒ The number of people employed in the undertaking on 31 December of the previous year, which shall be recorded in the national register by 31 March of each year,
- ⇒ The risk rating of the undertaking as per the common formula introduced by the European Commission through [Regulation \(EU\) 2022/695](#).
- ⇒ For vehicles hired by an undertaking:
 - the *vehicle registration number*, and
 - *country of Registration*

See Article 3a of [Directive 2006/1/EC](#) and [Commission Implementing Decision \(EU\) 2024/2164](#)).

NOTE:

- The infringements to be taken into account for eREGISTERS/ERRU and for RISK RATING are the same. For NATIONAL eREGISTER/ERRU it is possible to include infringements that are detected but are not yet “definitive”, i.e. for which a court decision is still pending. However, for calculating RISK RATING only “definitive” infringements are to be considered.
- The infringements become “definitive” when they are no longer subject to review, and it is no longer possible to appeal the decision. (See European Commission’s [Frequently asked questions relating to the implementation of ERRU](#) and [Commission Implementing Regulation \(EU\) 2022/695](#) establishing the common risk rating formula).

STEP 3: CONNECT NATIONAL REGISTERS AND USE ERRU MESSAGING SYSTEM TO EXCHANGE INFORMATION

Members States should connect to a central **electronic message exchange system** maintained by European Commission.

Through ERRU Member States can request information from the national electronic register of another Member State, they can also respond to such requests from other Member States, as well as receive information on serious infringements committed by their transport undertakings in another Member State.

[Commission Implementing Regulation \(EU\) 2016/480](#) lists the different functionalities offered by the ERRU messaging system:

Check Good Repute (CGR)	Allows the requesting Member State to send a query to one or all responding Member States, to determine the fitness of a transport manager and so the authorization to operate a transport undertaking.
Notification of Check Result (NCR)	Allows the Member State where the check was carried out to notify the result of a check to the Member State of establishment. Including notification that a serious infringement has been detected, the number of minor infringements detected, or no infringement has been detected.
Check Transport Undertaking Data (CTUD)	Allows the requesting Member State to send a query to the responding Member State about the following data that are specific to a transport undertaking: <ul style="list-style-type: none"> – information about the Community License and the certified true copies, – risk rating and risk rating band, – number of vehicles at the disposal of the transport undertaking, – registration number and registration country of the vehicles at the disposal of the transport undertaking, – number of employees.
Notification of Unfitness (NU)	Allows a Member State to inform all other Member States that a transport manager has been declared unfit and that as a result, its certificate of professional competence is no longer valid in any Member State.
Other message types deemed suitable	These are messages for the efficient functioning of ERRU, for instance error notifications.

Legal Text and References:

1. **Article 16.1 Regulation (EC) No 1071/2009** – For the purposes of the implementation of this Regulation, and in particular Articles 11 to 14 and Article 26 thereof, each Member State shall keep a national electronic register of road transport undertakings which have been authorised by a competent authority designated by it to engage in the occupation of road transport operator. The data contained in that register shall be processed under the supervision of a public authority designated for that purpose. The relevant data contained in the national electronic register shall be accessible to all the competent authorities of the Member State in question.

By 31 December 2009, the Commission shall adopt a Decision on minimum requirements for the data to be entered in the national electronic register from the date of its setting-up in order to facilitate the future interconnection of registers. It may recommend the inclusion of the vehicle registration marks in addition to the data referred to in paragraph 2.

2. **Article 16.2 of Regulation (EC) No 1071/2009** – National electronic registers shall 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 as meeting the requirements laid down in Article 3 relating 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 Community licence and of the 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; (g) the registration numbers of the vehicles at the disposal of the undertaking pursuant to point (g) of Article 5(1); (h) the number of people employed in the undertaking on 31 December of the previous year, which shall be recorded in the national register by 31 March of each year; (i) the risk rating of the undertaking pursuant to Article 9(1) of Directive 2006/22/EC.

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.

Member States may choose to keep the data referred to in points (e) to (i) of the first subparagraph in separate registers. In such cases, the data referred to in points (e) and (f) shall be made available upon request or shall be directly accessible to all the competent authorities of the

Member State in question. The requested information shall be provided within five working days of receipt of the request.

The data referred to in points (g), (h) and (i) of the first subparagraph shall be available to the competent authorities during roadside checks no later than 12 months from the entry into force of the implementing act, adopted pursuant to paragraph 6, specifying the functionalities that allow for the data to be made available to the competent authorities during roadside checks.

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

3. **Commission Decision of 17 December 2009** – indicating minimum requirements for the data to be entered in the national electronic register of road transport undertakings.

4. **Article 3a of Directive 2006/1/EC** and **Commission Implementing Decision (EU) 2024/2164** – indicating the minimum data and requirements to be included in the national electronic register for vehicles hired by an undertaking.
5. **Article 6(2a) Regulation (EC) No 1071/2009** – on adoption of **Commission Regulation (EU) 2016/403**, an implementing acts laying down a list of categories, types and degrees of seriousness of serious infringements of Union rules referred to in Article 6 (1)(b).
6. **Commission Regulation (EU) 2016/403 (as updated by Commission Implementing Regulation (EU) 2022/694 of 2 May 2022)** – indicating details and classifications of infringements to be included in the national electronic register.
7. **Directive 2006/22/EC (as updated by Commission Delegated Directive (EU) 2024/846)** – indicating details and classifications of **Regulation (EC) 561/2006** and **Regulation (EU) No 165/2014** infringements to be included in the national electronic register.
8. **Commission Implementing Regulation (EU) 2016/480 (as updated by Commission Implementing Regulation (EU) 2023/2381)** – establishing common rules concerning the interconnection of national electronic registers on road transport undertakings and providing the ERRU functionalities.

DISCLAIMER: This CORTE document consolidates existing knowledge and provides recommendations to support national authorities and the road transport community in harmonized enforcement of road transport rules. It remains for National Courts and ultimately the European Court of Justice to interpret the Law.