

Administrative and Technical Implementing Agreement

to the

Agreement between the Republic of Bulgaria, the Republic of Croatia, Hungary and the
Republic of Austria on Facilitating Cross-border Enforcement of Road Safety Related Traffic
Offences

ATIA

The Governments of the Republic of Bulgaria, the Republic of Croatia, Hungary and the Republic of Austria (hereinafter: “Parties”),

Have agreed as follows:

Article 1

Purpose and Scope of the Agreement

The purpose of this Administrative and Technical Implementing Agreement (hereinafter: “ATIA”) is to lay down the necessary administrative and technical details for the implementation of the *Agreement between the Republic of Bulgaria, the Republic of Croatia, Hungary and the Republic of Austria on Facilitating Cross-border Enforcement of Road Safety Related Traffic Offences*, done in Mátraháza, the 11th day of October 2012 (hereinafter: “CBE-Agreement”) in accordance with Article 8 paragraph 1 thereof.

Article 2

Definitions

For the purpose of this ATIA:

- (a) “EUCARIS-System” is the European Car and Driving Licence Information System;
- (b) “s-TESTA” is the Secure Trans European Services for Telematics between Administrations.

Article 3

General Provisions

- (1) In order to facilitate the implementation of the CBE-Agreement and with a view to the requirements of Article 4 paragraph 2 of *Directive 2015/413/EU of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences* the Parties shall strive for the designation of a single national contact point when implementing the said Directive and Article 4 paragraph 4, Article 5 paragraph 8 and Article 6 paragraph 10 of the CBE-Agreement.

- (2) In the absence of national law determining specific national contact points according to the CBE-Agreement and/or in the absence of notification according to Article 15 paragraph 2 of the said Agreement the national contact point designated according to Article 4 paragraph 2 of Directive 2015/413/EU shall be considered as the national contact point for all purposes of the CBE-Agreement.
- (3) For the purpose of the implementation of the CBE-Agreement, the designated national contact points shall mutually send the datasets as defined by Article 4 of this ATIA using the XML-document format.
- (4) The technical details of transforming the datasets into XML-document format are laid down in the Users' Guide as referred to in Article 8 paragraph 2 of the CBE-Agreement and in Article 9 of this ATIA.

Article 4

The Datasets

- (1) For the purpose of identification of the driver as referred to in Article 4 paragraph 2 of the CBE-Agreement, the Parties shall use an XML-Dataset which may include the personal data as defined in Annex A.
- (2) For the purpose of establishing the address of a person as referred to in Article 5 paragraph 4 of the CBE-Agreement, the Parties shall use an XML-Dataset which may include the personal data as defined in Annex B.
- (3) For the purpose of sending and service of documents as referred to in Article 5 paragraph 5 of the CBE-Agreement, the Parties shall use an XML-Dataset which may include the personal data as defined in Annex C.
- (4) For the purpose of cross-border execution of decisions as referred to in Article 6 paragraph 2 of the CBE-Agreement, the Parties shall use an XML-Dataset (Certificate) which may include the personal data as defined in Annex D.
- (5) The technical details of the XML-Datasets will be defined in the Users' Guide.

Article 5

Communication and Channel for Sending the Datasets and Other Information

- (1) The Parties shall use the EUCARIS-System and the s-TESTA communication network as secure inter-operable electronic system for the purpose of technical implementation of the CBE-Agreement.
- (2) The technical details for the use of the EUCARIS-System are laid down in the Users' Guide as referred to in Article 8 paragraph 2 of the CBE-Agreement and in Article 9 of this ATIA.

Article 6

Enforcement of Cross-border Execution of Decisions

- (1) In cases referred to in Article 6 paragraph 4 of the CBE-Agreement, the executing Party shall inform the issuing Party about the decision of not recognising and executing a decision and the grounds of refusal.
- (2) If the financial penalty is not totally or partially enforceable, the issuing Party may prohibit the application of alternative sanctions in the certificate referred to in Article 6 paragraph 2 of the CBE-Agreement, if the application of alternative sanctions is not legally allowed according to its national law.
- (3) As regards the sending of the decision under Article 6 paragraph 6 a) of the CBE-Agreement, the text of the decision shall be transmitted in its original language.

Article 7

Data Protection

- (1) For the purpose of the implementation of the CBE-Agreement, the Parties shall only process the personal data referred to in Article 4 of this ATIA and only for the purposes defined in the CBE-Agreement.
- (2) Personal data transferred under the CBE-Agreement shall be deleted by the executing Party at the latest after the final decision in a proceeding for the purpose of which the data have been supplied has been successfully executed. In addition, the national law of the

executing Party governing the retention of personal data processed for the purposes of procedures according to the CBE-Agreement shall apply.

- (3) Each Party shall ensure that every supply of personal data by the requesting Party and the requested Party is logged in order to enable verification of the admissibility of the supply. The logging shall contain the data supplied, the date and exact time of the supply and the name or reference of the requesting or requested body. In addition the Parties shall also record the reason for the search or supply as well as the identifying mark of the official who carried out the supply and/or the official who ordered the supply. The aforementioned recorded data shall be protected with suitable measures against inappropriate use and other forms of improper use and shall be retained for two years and may be used solely for monitoring data protection. After the retention period the recorded data shall be deleted immediately.

Article 8

Implementation of the ATIA

For the technical and administrative implementation of the ATIA Article 9 of the CBE-Agreement shall apply.

Article 9

Users' Guide

- (1) With regard to the practical aspects of the cooperation and the implementation under this agreement, the Parties shall prepare a legally non-binding Users' Guide in English language. The Users' Guide shall contain inter alia information on
- a. the technical details of the XML-Datasets
 - b. the technical details of transforming the datasets into XML document format
 - c. the technical details for the use of the EUCARIS-System
 - d. the relevant national laws of the Parties
 - e. the national templates for the information letter as defined by Article 3 of the CBE-Agreement.
- (2) Upon mutual agreement one of the Parties may establish a secure website containing the Users' Guide and other relevant documents and information concerning the

implementation and application of the CBE-Agreement and the ATIA. The other Parties shall support this website by providing the necessary information.

Article 10

Depositary

The Government of Hungary shall act as the Depositary of this ATIA.

Article 11

Application of the ATIA

This ATIA shall be applicable for any acceding Party to the CBE-Agreement upon the entry into force of the CBE-Agreement for this Party.

Article 12

Entry into Force and Termination

- (1) This ATIA shall enter into force on the first day of the second month after the deposit of the second instrument of ratification, acceptance or approval between the Parties which have ratified, accepted or approved it. For the other Parties, this Agreement shall enter into force on the first day of the second month after the deposit of their instrument of ratification, acceptance or approval.
- (2) This ATIA ceases to be in force with the termination of the CBE-Agreement.

Article 13

Interpretative Provision

The Parties agree that for the future application of the CBE-Agreement references in the CBE-Agreement to the provisions of *Directive 2011/82/EU of the European Parliament and of the Council of 25 October 2011 facilitating the cross-border exchange of information on road-safety related traffic offences* shall be interpreted as references to the corresponding provisions of *Directive 2015/413/EU of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences*.

Done at St. Pölten, on 5 May 2015, in a single original copy in the English language.

For the Government of the Republic of Bulgaria

Bachvarova

For the Government of the Republic of Croatia

Ostojić

For the Government of Hungary

Pintér

For the Government of the Republic of Austria

Mikl-Leitner

ANNEXES: Personal Data Used under Article 4 of this ATIA

- Annex A: Personal data used under Article 4 paragraph 1 of the ATIA
“Request for identification of the driver and reply”
- Annex B: Personal data used under Article 4 paragraph 2 of the ATIA
“Request for establishment of the address of a person and reply”
- Annex C: Personal data used under Article 4 paragraph 3 of the ATIA
“Request for sending and service of documents and reply”
- Annex D: Personal data used under Article 4 paragraph 4 of the ATIA
“Certificate for cross-border execution of decisions and reply”

Annex A: Personal data used under Article 4 paragraph 1 of the ATIA
“Request for identification of the driver and reply”

PART I: Personal data elements related to the REQUEST:

Personal data relating to the holder, owner or otherwise identified person suspected of having committed the traffic offence:

- Name / Company name
- First name
- Date of birth
- Place of birth
- Address:
 - Street
 - House number
 - Postcode
 - Place of residence
 - Country of residence
- ID-Number
- Birth name
- Mother’s name
- Gender
- Licence number of the vehicle involved in the road traffic offence, registered on the name of the holder or owner

PART II: Personal data elements related to the REPLY:

Personal data relating to the driver:

- Name
- First name
- Date of birth
- Place of birth
- Address:
 - Street
 - House number
 - Postcode
 - Place of residence
 - Country of residence
- ID-Number
- Birth name
- Mother’s name
- Gender

Personal data related to the person questioned:

- Name
- First name
- Date of birth
- Place of birth
- Address:
 - Street
 - House number
 - Postcode
 - Place of residence
 - Country of residence
- ID-Number
- Birth name
- Mother's name
- Gender

Annex B: Personal data used under Article 4 paragraph 2 of the ATIA
“Request for establishment of the address of a person and reply”

PART I: Personal data elements related to the REQUEST:

Personal data related to the addressee:

- Name / Company name
- First name
- Date of birth
- Place of birth
- Address:
 - Street
 - House number
 - Postcode
 - Place of residence
 - Country of residence
- ID-Number
- Birth name
- Mother’s name
- Gender

Data relating to the vehicle involved in the traffic offence:

- Licence number

PART II: Personal data elements related to the REPLY:

Personal data related to the addressee:

- Name / Company name
- First name
- Date of birth
- Place of birth
- Address:
 - Street
 - House number
 - Postcode
 - Place of residence
 - Country of residence
- ID-Number
- Birth name
- Mother’s name
- Gender

Annex C: Personal data used under Article 4 paragraph 3 of the ATIA
“Request for sending and service of documents and reply”

PART I: Personal data elements related to the REQUEST:

Personal data related to the addressee:

- Name / Company name
- First name
- Date of birth
- Place of birth
- Address:
 - Street
 - House number
 - Postcode
 - Place of residence
 - Country of residence
- ID-Number
- Birth name
- Mother’s name
- Gender

PART II: Personal data elements related to the REPLY:

Personal data related to the addressee (successful service):

- Name / Company name
- First name
- Date of birth
- Place of birth
- Address:
 - Street
 - House number
 - Postcode
 - Place of residence
 - Country of residence
- ID-Number
- Birth name
- Mother’s name
- Gender

Annex D: Personal data used under Article 4 paragraph 4 of the ATIA
“Request/Certificate for cross-border execution of a decision and reply”

PART I and II: Personal data elements related to the REQUEST / CERTIFICATE:

Personal data related to the person obliged by the decision imposing a financial penalty:

- Name / Company name
- First name
- Date of birth
- Place of birth
- Address:
 - Street
 - House number
 - Postcode
 - Place of residence
 - Country of residence
- ID-Number
- Birth name
- Mother's name
- Gender
- The total amount of financial penalty/Partial payment
- Type of offence committed
- Method of enforcement (payment/alternative sanction)

