

EXPLANATORY MEMORANDUM ON A UK-EU TRADE AND COOPERATION AGREEMENT GOVERNANCE DOCUMENT

Decision No 1/2025¹ of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part of 30 October 2025 on a list of categories, types and degrees of seriousness of serious infringements which may lead to the loss of good repute for a road haulage operator [2025/2330].

Decision No 2/2025² of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part of 30 October 2025 on the national electronic registers of road transport undertakings and the modalities of the exchange of information contained in those registers [2025/2331].

Decision No 3/2025³ of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part of 30 October 2025 on the amount and modalities of the United Kingdom's financial contribution to certain road transport information systems managed by the Union and the amendment to Decision No 1/2022 of the Specialised Committee on Road Transport [2025/2329]

Submitted by Department for Transport 15 December 2025.

SUBJECT MATTER

1. The United Kingdom (UK) and European Union (EU) agreed at the 2023 Meeting of the UK-EU Specialised Committee on Road Transport ("SCRT"), established under the UK-EU Trade and Co-operation Agreement ("TCA")⁴ that the UK could reconnect to the European Registers of Road Transport Undertakings ("ERRU"),⁵ to enable the exchange of information for enforcement and regulatory purposes.
2. ERRU is a digital system operated by the European Union ("EU") used to reciprocally exchange specified information on commercial road transport operators by connecting the national registers of individual Member States. The information exchanged via ERRU supports enforcement efforts, road safety, and fair competition in international road haulage by reciprocally sharing information

¹ Decision No 1/2025: <https://eur-lex.europa.eu/eli/dec/2025/2330>

² Decision No 2/2025: <https://eur-lex.europa.eu/eli/dec/2025/2331>

³ Decision No 3/2025: <https://eur-lex.europa.eu/eli/dec/2025/2329>

⁴ Agendas and minutes associated with meetings of the Specialised Committee on Road Transport are published on gov.uk: <https://www.gov.uk/government/groups/specialised-committee-on-road-transport>

⁵ Information on ERRU is published by the European Commission: https://transport.ec.europa.eu/transport-modes/road/rules-governing-access-profession/european-register-road-transport-undertakings-erru_en

on infringements, the UK Licence for the Community, or the Community Licence, and the repute of transport managers.

3. ERRU also includes a risk rating methodology, which helps to identify operators that may be engaged in unsafe practices. The methodology used allows for infringements of different levels of seriousness to be recorded and penalty points assigned to the operator found to have committed the infringement.
4. There are three categories of infringements, in order from the most to least significance:
 - a. **MSI (Most Serious Infringements)** these include not having a type-approved tachograph installed and used, carrying goods in the EU without a UK licence for the community or the Community licence, or using a licence (of either type) which is falsified, withdrawn, expired etcetera.
 - b. **VSI (Very Serious Infringements)** includes the driver being unable to present a valid UK licence for the Community or the Community licence, or certified true copy of that licence etc., carrying out cabotage which is outside the applicable rules in the EU or UK,⁶ or the failure to submit a posting declaration⁷ to the country where the driver is posted, no later than the commencement of the posting.
 - c. **SI (Serious Infringements)** which includes the failure of the operator to keep a posting declaration up to date in the public interface connected to the IMI (Internal Market Information) system, or the driver being unable to present a valid EU driver attestation (or a valid certified true copy) to an inspecting officer, or in relation to tachographs, the record not showing the symbols of countries where a driver's daily working period started and finished.
5. As a member of the EU, the UK was connected to, and reciprocally shared information via ERRU, however the connection to the system was severed following the UK's departure from the EU on 31 December 2020.
6. The first adoption decision 1/2025 defines the categories, types, and degrees of seriousness of infringements which may result in a road haulage operator losing their good repute.
7. The second adoption decision 2/2025 specifies the minimum data to be included in the national electronic registers of road transport undertakings and the conditions governing the exchange between the parties via ERRU.

⁶ For example, undertaking *any* cabotage after arriving in the UK unladen/empty, or (if the vehicle arrived laden) making more than the two cabotage movements EU operators are permitted to make in the UK.

⁷A posting declaration is a formal notification which a transport company makes online via the IMI system when their employee is temporarily working in another country, for example when a UK driver makes a cross-trade or cabotage trip in the EU. A posting declaration will include information about the driver, the company they work for, the vehicle they are driving, and the nature of the journey that they are making. The purpose of making these declarations is to assist in the enforcement of workers rights, for example in relation to remuneration. Drivers performing international bilateral transport operations, limited additional activities of loading and/or unloading, transit operations or the initial or final leg of a combined transport operation are not within the scope of postings. Postings were implemented through two Statutory Instruments, The Goods Vehicles (Licensing of Operators) (Exemptions and Modifications) (Amendment) Regulations 2023 (which covered EU operators in the UK): <https://www.legislation.gov.uk/uksi/2023/805/contents/made> and The Goods Vehicles (International Road Transport Permits and Haulage Within the EU) Regulations 2024 (which covered UK operators in the EU) <https://www.legislation.gov.uk/uksi/2024/679/contents/made>.

8. The third adoption decision 3/2025 concerns the financial contribution the UK has agreed to make to the EU for access to road transport related databases including ERRU.

SCRUTINY HISTORY

9. On 19 November 2025, the Department for Transport laid the European Registers of Road Transport Undertakings (Disclosure of Information) (Amendment) Regulations 2025 to specify the type and method of the exchange of information with the EU as agreed within two of the three decisions of the SCRT which are the subject of this document.
10. The third decision covered by this EM relates to the financial contribution the UK must make for access which is specified in the TCA itself. More detail can be found in paragraphs 41 - 43.
11. Lilian Greenwood MP, then-Minister for the Future of Roads at the Department for Transport wrote to Lord Ricketts, Chair of the European Affairs Committee, a House of Lords Select Committee⁸ on 14 April 2025 to notify the Committee of the plan to make the decisions relating to (i) serious infringements that may lead to the loss of good repute and (ii) about the exchange of data relating to those infringements, under the jurisdiction of the SCRT.

MINISTERIAL RESPONSIBILITY

12. The Minister for the Constitution and European Union Relations is responsible for the UK-EU relationship and is co-chair of the Partnership Council.
13. The Secretary of State for Transport has responsibility for the implementation of the Road Transport chapters of the TCA.

INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)

14. Road transport is devolved in Northern Ireland. As part of the preparations for the ERRU legislation, the Department for Infrastructure in Northern Ireland was consulted on a draft of the instrument before it was laid in Parliament and the UK government sought formal consent to include Northern Ireland in the legislation. Liz Kimmins MLA, Minister for Infrastructure provided this consent on 12 May 2025.
15. The Department for Transport wrote to the Devolved Governments in Scotland and Wales regarding the reconnection to ERRU on 17 April 2025. This letter was also sent to the Northern Ireland Government.

⁸ European Affairs Committee: <https://committees.parliament.uk/committee/516/european-affairs-committee/publications/>

16. This letter to all the Devolved Governments forms a part of the engagement process that the Department for Transport undertakes as part of the preparations for the annual meetings of the SCRT. These include holding a meeting with representatives from the Devolved Governments to discuss the proposed agenda. No significant concerns were raised regarding the reconnection to ERRU during engagement with the Devolved Governments when this matter was raised at preparatory meetings in 2023, 2024 and 2025.
17. The Northern Ireland Government provided comments on a draft of this EM.

LEGAL AND PROCEDURAL ISSUES

Legal Base:

18. Article 8(1)(o) of the TCA establishes the Specialised Committee on Road Transport to address road transport matters. Article 6(3) of Section 1 of Part A of Annex 31 to the TCA provides that the SCRT shall draw up a list of categories, types and degrees of seriousness of serious infringements which, in addition to those set out in Appendix 31-A-1-1 to Annex 31, may lead to the loss of good repute; the first adoption decision 1/2025 completes the list of serious infringements. Articles 13(2) and 14(5) of Section 1 of Part A of Annex 31 to the TCA provide that the SCRT shall establish the data contained in the national registers of road transport undertakings and the conditions of access to this data and establish detailed rules on the modalities of the exchange of information relating to serious infringements committed by operators in the other Party; the second adoption decision 2/2025 establishes that data and those detailed rules. The effects of both decisions are to be adopted in the UK via the European Registers of Road Transport Undertakings (Disclosure of Information) (Amendment) Regulations 2025 ("S.I. 2025/1202").

Timetable for adoption and implementation:

19. Following discussions at the 2023 and 2024 meetings of the SCRT, the three decisions were signed at the 2025 meeting of the Specialised Committee as noted at agenda items 5, 6 and 7 on the published agenda to come into force on 1 January 2026. SI 2025/1202⁹ was laid in parliament on 19 November 2025 and will also come into force on 1 January 2026.

POLICY AND LEGAL IMPLICATIONS

20. The UK and EU Member States will mutually benefit from the reconnection of their national registers through ERRU. This will provide easier access to information on the behaviour of road transport operators when they undertake work in the other jurisdiction. ERRU will also allow greater responsiveness in the detection of non-compliance by enforcement agencies and regulators, which is likely to have a deterrent effect over the longer term, improving road safety and helping to support fair competition between operators.

⁹ The European Registers of Road Transport Undertakings (Disclosure of Information) (Amendment) Regulations 2025: <https://www.legislation.gov.uk/ukSI/2025/1202/contents/made>

21. The effect of decisions 01/2025 and 02/2025 is implemented in the UK via S.I. 2025/1202, which provides the legal basis for the reconnection of the UK to ERRU to enable information sharing between the UK and EU Member States. The information that will be shared includes risk ratings and vehicle registration numbers between the UK and EU Member State commercial vehicle licensing and enforcement authorities¹⁰ following detailed specifications (set out in EU legislation) about which data types are in-scope, which types of infringements are involved and the format of data entries for the electronic exchanges.
22. Implementing these decisions to enable the UK's reconnection to ERRU, required updates to four items of assimilated law to reflect changes made in the EU since 2020.¹¹ These updates ensure compatibility with two of the SCRT adoption decisions (1/2025 and 2/2025) and align UK law with the provisions in the TCA concerning commercial road transport infringements.
23. The UK's national electronic registers,¹² the contents of which are governed by assimilated Regulation (EU) 1071/2009,¹³ contain information about commercial road transport operators, which are individuals, partnerships or commercial entities requiring a vehicle operator licence. An operator licence is required for the commercial use of most lorries, some vans used abroad, most buses and most coaches. Operator licensing is devolved in Northern Ireland.
24. In Great Britain, the Traffic Commissioners are the responsible licensing authority for goods and passenger transport.¹⁴ In Northern Ireland, the regulation of goods transport and passenger transport is split. The responsible authority for the regulation of goods vehicles is the Department for Infrastructure, through its Transport Regulation Unit (TRU).¹⁵ Passenger transport is regulated by the Driver and Vehicle Agency (DVA).¹⁶
25. The principal changes being made by S.I. 2025/1202¹⁷ include the addition of vehicle registration numbers for goods vehicles and risk rating bands for goods vehicle operators on the registers. The UK already requires, by law, vehicle registration numbers for goods vehicles to be held by the licensing authorities, facilitating enforcement and identification of the responsible operator. Risk rating processes also help to identify vehicle operators who should be actively targeted for roadside enforcement or other action.

¹⁰ The relevant UK enforcement authorities are the Driver and Vehicle Standards Agency ("DVSA") in Great Britain: <https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency> and the Driver and Vehicle Agency in Northern Ireland: <https://www.nidirect.gov.uk/contacts/driver-vehicle-agency-dva-northernireland>

¹¹ Specifically, goods vehicles weighing more than 2.5t and less than 3.5t used for the purposes of transporting goods for hire and reward in the EU. This was implemented through The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022: <https://www.legislation.gov.uk/ukSI/2022/293/contents/made>

¹² These electronic registers already include details of road transport undertakings, for example the trading name and address, the names of Directors, the type of licence held, the licence status, and the date when it needs renewing (continuing), as well as the number of motor vehicles and trailers authorised to be used, and the names of qualified transport manager(s) associated with the operator licence.

¹³ Assimilated Regulation (EC) 1071/2009 of the European Parliament and Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator: <https://www.legislation.gov.uk/eur/2009/1071/contents>

¹⁴ The Traffic Commissioners: <https://www.gov.uk/government/organisations/traffic-commissioners>

¹⁵ Transport Regulation Unit: <https://www.infrastructure-ni.gov.uk/articles/transport-regulation-unit>

¹⁶ Driver and Vehicle Agency: <https://www.infrastructure-ni.gov.uk/articles/driver-and-vehicle-agency>

¹⁷ The European Registers of Road Transport Undertakings: <https://www.legislation.gov.uk/ukSI/2025/1202/contents/made>

26. Through assimilated legislation, the UK has a legal basis to share information on around 130 infringements of varying levels of seriousness with EU Member States. S.I. 2025/1202 will add new infringements to that list and will amend others, all of which are already reflected in UK law and the TCA, including changes made since 2020.¹⁸
27. S.I. 2025/1202 also updates data collection processes in UK registers to meet TCA and SCRT requirements. These reflect elements of the EU's "Mobility Package,"¹⁹ finalised in 2020, some of which are reflected in the TCA including provisions on operator licensing, drivers' hours, tachographs, and posting of workers coming into force between 2022 and 2026. Minor changes also reflect the UK's current EU market access arrangements.
28. Implementing these decisions required the UK to make updating amendments to assimilated EU Regulations, allowing the UK to reconnect its national registers to the ERRU system, fulfilling a TCA commitment about information exchange, contained in Articles 13 and 14 of Part A of Annex 31.
29. **Regulation (EC) 1071/2009**²⁰ is being amended to implement the new requirements for data on risk rating bands for goods vehicle operators and goods vehicle registration numbers to be included in the national electronic registers for operators.
30. **Decision 2009/992/EU**²¹ provides detailed requirements for national electronic registers. Changes are being made to ensure the national electronic registers contain information consistent with UK laws that have been amended from 2020 onwards. Adoption decision 2/2025 applies adaptations to the version of Decision 2009/992/EU amended by the EU in 2024²² to provide for the divergence between the EU and UK approaches.
31. **Regulation (EU) 2016/403**²³ provides a list of commercial road transport offences to be recorded as infringements in the UK's national electronic registers. It provides the legal base for each infringement and classifies its severity. Changes are being made to update the list of infringements to reflect changes made to UK law since 2020 onwards, principally to include obligations contained in the TCA.

¹⁸ Changes made since 2020 include, international operator licensing becoming applicable to vehicles weighing more than 2.5t and less than 3.5t, (either alone or in combination with a trailer) used for the purposes of transporting goods for hire and reward in the EU. This was implemented through The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022: <https://www.legislation.gov.uk/ukxi/2022/293/contents/made>

¹⁹ EU Mobility Package I: https://transport.ec.europa.eu/transport-modes/road/mobility-package-i_en

²⁰ Assimilated Regulation (EC) 1071/2009 of the European Parliament and Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator: <https://www.legislation.gov.uk/eur/2009/1071/contents>.

²¹ Commission Decision of 17 December 2009 on minimum requirements for the data to be entered in the national electronic registers of road transport undertakings (notified under document C(2009) 9959) (Text with EEA relevance) (2009/992/EU) <https://www.legislation.gov.uk/eudn/2009/992>

²² Decision 2009/992/EU as amended to 06/03/2024: <https://eur-lex.europa.eu/eli/dec/2009/992/oj/eng>

²³ Commission Regulation (EU) 2016/403 of 18 March 2016 supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council <https://www.legislation.gov.uk/eur/2016/403/contents>

32. SCRT adoption decision 1/2025 closely mirrors the table in the EU version of Regulation (EU) 2016/403,²⁴ as it was amended by the EU in 2022. However, it also allows for divergence to accommodate differences in the way that data is recorded in the relevant UK and EU databases and how this data will flow through into ERRU.
33. The changes being made do not create new offences or alter existing ones which are established in UK domestic law. Instead, they enable information to be exchanged between enforcement and licensing authorities in the UK and EU.
34. **Regulation (EU) 2016/480**²⁵ specifies the common rules for the interconnection of national electronic registers with ERRU, including specifying data formats used in electronic exchanges. This instrument updates assimilated law to ensure the UK can reconnect effectively with ERRU.
35. SCRT adoption decision 2/2025 adapts the EU version of Regulation (EU) 2016/480,²⁶ as amended by the EU in 2023, to account for differences in the UK's connection, and to enable more effective data exchange including the ability to record and share outcomes of "clean checks", following vehicle enforcement stops where no infringements are detected.
36. Reconnection to ERRU provides interoperable information exchange and the application of comparable classification of infringements to ensure consistency in enforcement, within the framework of the TCA. Significant divergence is unlikely in the short to medium term, as ERRU facilitates the exchange of information essential for identifying non-compliant operators and promoting road safety. Both parties will need to collaborate to keep ERRU data and infringement categories up to date as the commercial road transport sector evolves.
37. The reconnection to ERRU may also lead to some additional costs associated with compliance activity, both in the enforcement agencies and regulators. Industry may also need to invest in more training and record keeping.

CONSULTATION

38. There was no public consultation about these decisions or the statutory instrument implementing these decisions because the changes do not affect the legal requirements that need to be met in order to be licensed as a road transport operator. The SCRT adoption decisions and the reconnection of the UK to ERRU also do not alter any existing offences or create new offences.
39. The changes made S.I. 2025/1202 affect how the UK licensing and enforcement authorities based in Great Britain and Northern Ireland discharge their functions. Representatives of these authorities were involved closely in drafting the

²⁴ Regulation (EU) 2016/403: <https://eur-lex.europa.eu/eli/reg/2016/403/oj/eng> .

²⁵ Commission Implementing Regulation (EU) 2016/480 of 1 April 2016 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings and repealing Regulation (EU) No 1213/2010 <https://www.legislation.gov.uk/eur/2016/480/contents>.

²⁶ Regulation (EU) 2016/480: https://eur-lex.europa.eu/eli/reg_impl/2016/480/oj/eng.

implementing instrument and developing the associated technical policy. The licensing and enforcement authorities have also undertaken the technical work needed to enable the reconnection and exchange of data.

40. In addition to the consultation with the Devolved Governments as set out in paragraphs 14 -17 as part of the preparations for the fourth and fifth meetings of the SCRT in 2024 and 2025, engagement sessions were held with industry trade association stakeholders to share and obtain feedback on the items for discussion at those meetings, which included interconnection to ERRU. No concerns were raised about these plans during this engagement process.

FINANCIAL IMPLICATIONS

41. The third of the decisions covered by this Explanatory Memorandum relates to the financial contribution the UK must make for access to transport databases, including ERRU.
42. There will be an annual charge of approximately £100,000 (€115,000) for continued access to the EU transport databases. This will include ERRU and the Internal Market Information (“IMI”) System²⁷ which is used for Postings²⁸. The requirement to pay for access is specified in Part 5, Section 2, Article 714 of the TCA, which states:
- “Participation of the United Kingdom or United Kingdom entities in Union programmes, activities or parts thereof shall be subject to the United Kingdom contributing financially to the corresponding funding under the Union budget.”*
43. The level of the UK contribution will increase over time in line with an agreed formula which is linked to the European Harmonised Indices of Consumer Prices (“HICP”),²⁹ a measure of inflation that is comparable across countries in the EU.



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²⁷ IMI: https://ec.europa.eu/internal_market/imi-net/index_en.htm

²⁸ See footnote 7.

²⁹ HICP: <https://ec.europa.eu/eurostat/web/hicp>