

Cross-border exchange of information on road safety related traffic offences

2008/0062(COD) - 19/03/2008 - Legislative proposal

PURPOSE : to establish a system to facilitate the cross-border enforcement of sanctions for certain road traffic offences.

PROPOSED ACT : Directive of the European Parliament and of the Council.

CONTENT : the objective of this proposal is to facilitate the enforcement of sanctions against drivers who commit an offence in another Member State than the one where their vehicle is registered. The purpose of this system is to ensure that enforcement with respect to such offences takes place regardless of where in the European Union the offence has been committed and regardless of the place of registration of the vehicle with which it has been committed.

The offences covered by the proposal are speeding, driving under the influence of alcohol ("drink-driving"), not using a seat belt, and failing to stop at a red light. These are the traffic offences which cause the greatest number of accidents and deaths on the roads. According to the impact assessment study completed in 2007, which gives estimates for the year 2004, 30% of road deaths were caused by speeding, 25% by drink-driving, 17% by non-use of seat belts, and around 4% by failing to stop at a red traffic light. In other words, some 75% of all road deaths are caused by one (or more) of these four traffic offences.

In 2003 the Commission adopted a Recommendation on enforcement in the field of road safety (2004/345/EC) which contains best practices for enforcement in relation to the three main offences. It would appear from the trend in the number of road deaths to date that this recommendation is not sufficient to achieve the objective of cutting road deaths by half. If nothing is done, it is highly likely that the objective will not be achieved.

The proposal aims at setting up an EU electronic data exchange network in order to identify the holder of a vehicle so that the authorities in a Member State where the offence has been committed sends the vehicle registration number and other relevant information to the other Member States or the State of residence if this can be identified and requests information on the vehicle holder. The exchange of information between Member States takes place via an electronic network. Once the State where the offence was committed has received the requested information, it sends an offence notification to the vehicle holder using the standard form in annex.

This document contains the necessary information for payment of the amount due and information on the possibilities of contestation and appeal. As a last resort, in the case of non-payment by the offender, Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties can be applied.

Such a system is of particular value in relation to road traffic offences detected by automated devices where the identity of the offender cannot immediately be established, such as speeding or failing to stop at a red traffic light. It is also useful in order to enable the follow-up of offences where verification of the vehicle registration details may be necessary, in the case where the vehicle has been stopped. This is notably the case for drink driving.

The proposal does not deal with harmonising road traffic rules, nor with harmonisation of penalties for road traffic offences. It merely contains provisions of a purely administrative nature for putting in place an

effective and efficient system of cross-border enforcement of the main road traffic offences. It does not interfere with Member States qualifications of these traffic offences, which can be either of an administrative or of a penal nature. Neither does it interfere with Member States' laws in terms of who should be liable for the offences in question.

The proposal does not interfere with the application of Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties (third pillar). The proposed directive applies to the phases before a final sanction has been imposed, whereas the framework decision starts to apply when the offender has not paid the fine and a final decision has been taken obliging him to do so.

Lastly, the Commission will be assisted by a Committee on road safety enforcement, which will deal with the development of common rules concerning the exchange of information by electronic means. This Committee will also be involved in possible adaptations of the model offence notification.