

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

2008/0062(COD) - 17/12/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 594 votes to 35 with 40 abstentions, a legislative resolution amending the proposal for a directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety. The report had been tabled for consideration in plenary by Inés **AYALA SENDER** (PES, ES) on behalf of the Committee on Transport and Tourism.

The main amendments - adopted under the 1st reading of the codecision procedure - were as follows:

Definitions: Members inserted definitions for "central authority" and "Final Administrative Decision", and amended the definition of "competent authority".

EU-wide road safety guidelines: a new clause 2a states that, with a view to pursuing a road safety policy aiming for a high level of protection for all road users in the EU and taking into account the widely differing circumstances within the EU, Member States shall act, without prejudice to more restrictive policies and laws, in order to provide for a minimum set of road safety guidelines within the scope of this Directive. To achieve that aim, the Commission will adopt EU-wide road safety guidelines in accordance with the regulatory procedure with scrutiny. The guidelines shall conform to the following basic principles:

-as regards **speed**, the use of automatic checking equipment on motorways, secondary roads, and urban roads shall be encouraged more specifically on those sections of the road network where the number of accidents caused by speeding is higher than average. The recommendations adopted for the purposes of these guidelines shall seek to ensure that the **number of speed checks using automatic equipment increases by 30%** in Member States where the number of fatalities is above the EU average and the fall in the number of fatalities since 2001 is below the EU average. A good geographical coverage of the territory of each Member State shall be ensured.

-as regards **drink-driving**, Member States shall, as a matter of priority, carry out random tests in places where, and at times when, non-compliance is frequent and increases the risk of accidents. Member States shall ensure that at least 30% of drivers can be tested annually;

-as regards the use of seat belts, intensive checking operations shall be conducted for at least six weeks in any one year by Member States where less than 70% of the population wear seat belts, in particular in places where and at times when the non-compliance is frequent;

-as regards failure to stop at a red traffic light, automatic checking equipment shall be used primarily for junctions where the rules are often breached and a higher than average number of accidents occur as a result of driving through a red traffic light. The guidelines shall recommend that Member States exchange good practices. They shall call on Member States which are most advanced in the area of automatic checking to provide technical assistance to those Member States which so request.

Data: information exchange with regard to the processing of personal data and the free movement of data in this connection shall take place in compliance with Directive 95/46/EC. The competent authorities of the other Member States shall not store the information sent by the State of offence. This information shall be sent solely for the purposes of the Directive, and, upon conclusion of proceedings, all data must be verifiably deleted. The notification of the offence shall notify the holder that his or her personal data shall

be treated in accordance with the provisions of Directive 95/46/EC and shall point out his or her rights as regards access, correction and deletion.

Comitology: the Community rules for the implementation and management of the electronic network must be determined according to the regulatory procedure with scrutiny. Common rules on the technical procedures for electronic exchange of the data between Member States must guarantee the security and confidentiality of the data transmitted. There must be common rules on personal data security and protection rules to prevent data being used for purposes other than those for which they were intended.

Offence notification: This shall, as a minimum, contain the subject of the notification, the name of the authority responsible for enforcing the financial penalties, the name of the competent authority responsible for applying the Directive and a description of the relevant details of the offence concerned. It shall specify the amount of the financial penalty, the simplest payment procedures, and the date by when it must be paid, the possibilities for contesting the grounds for the offence notification and for appealing against a decision imposing a financial penalty, and the procedure to be followed in case of dispute or appeal.

Penalties: any financial penalty shall be non discriminatory in terms of nationality and shall be imposed under the law of the State of offence. The offence notification shall inform the holder that he must complete a reply form within a specified period if he does not intend to pay the financial penalty. It shall also inform the holder that, any refusal to pay, shall be communicated to the competent authority of the State of residence for enforcement of the decision. Should the holder not have been the driver at the time when the offence was committed, he or she shall supply the details of the identity of the driver in compliance with the law of the State of residence. This shall not apply where there is an agreement between two or more Member States aimed at dealing with problems arising from the implementation of this Article. For the purposes of this Directive no financial penalty shall be issued in respect of an offence committed before the date of entry into force of this Directive.

Follow-up of road traffic infringements: a new article 5a states that where the financial penalty has not been paid and the procedures to be followed in the case of a dispute or appeal have been exhausted, Framework Decision 2005/214/JHA shall apply as regards the financial penalties referred to in Article 1 of that Framework Decision. In cases of non-payment, but in respect of financial penalties which do not fall within the scope of that Framework Decision, the competent authority of the State of offence shall transmit the final decision to the competent authority of the State of residence for enforcement of the financial penalty.

Recognition and enforcement of financial penalties: a new article 5b provides for a system, applying to relations between Member States, enabling sanction decisions to be recognised and enforced in cases where Framework Decision 2005/214/JHA is not applicable.

Information transmitted by the State of residence: new article 5c provides that the competent authority of the State of residence shall forthwith inform the competent authority of the State of offence of certain matters. This amendment completes the system of recognition and transmission of offences, as detailed in the preceding amendments, by providing that the State of residence must inform the State of offence of the follow-up given to the penalty decision.

Information for drivers in the EU: Member States shall take appropriate action in order to provide road users with the necessary information about the measures implementing the Directive. Such information may be passed on through, among other organisations, road safety bodies, NGOs active in the field of road safety or automobile clubs. The rules on speed limits must be displayed on signs erected on every motorway crossing their borders. The Commission shall post a summary of the rules in force in Member States in the field covered by the Directive on its website.

Revision and report: two years after entry into force of the directive, the Commission shall submit a report on its implementation by the Member States and its effectiveness in terms of the goal of reducing the number of fatalities on the EU's roads. On the basis of that report, the Commission shall consider how the scope of this Directive might be extended to cover other road traffic infringements. In the same report the Commission shall put forward proposals to harmonise checking equipment on the basis of Community criteria and road safety checking procedures. The Commission shall further assess how the Member States have, on a voluntary basis, implemented the EU-wide road safety guidelines referred to in Article 2a and shall consider whether those recommendations should be made mandatory. If appropriate, the Commission shall submit a proposal amending this Directive.

Annex: Parliament made some amendments to the Annex.