

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

2008/0062(COD) - 24/05/2011

The Committee on Transport and Tourism adopted the recommendation for second reading contained in the report drafted by Inés AYALA SENDER (S&D, ES) on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council facilitating the cross-border exchange of information on road safety related traffic offences.

It recommended that the European Parliament's position at second reading under the ordinary legislative procedure should be to amend the Commission proposal as follows:

Information exchange procedure between Member States: the data elements which are necessary to conduct the search shall be in compliance with the requirements set out in the **new Annex Ia** introduced by the MEPs. This new technical Annex – which replaces the reference to Decision 2008/616/JHA on the Prüm Convention – should be modified through delegated acts, as it would contain non-essential elements.

The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is liable under national law for road safety related traffic offences.

Member States shall take all necessary measures to ensure that the exchange of information is carried out by interoperable electronic means without exchange of data involving other databases. Member States shall ensure that this exchange of information is conducted in a cost efficient and secure manner guaranteeing the confidentiality of the data transmitted.

Information letter as regards the offence: the amendment clarifies that the where the Member State of the offence shall decide whether to initiate follow-up proceedings in relation to the road safety related traffic offences or not. In the event that the Member State decides to initiate such proceedings, it shall inform, with confirmation of receipt and on a strictly confidential basis.

Information on the nature, date and time of the offence, as well as on the law infringed and the penalty involved, constitutes essential information that should, in all cases, be provided in the information letter.

The owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence shall be notified by means of the information letter that his or her **personal data shall be treated in accordance with the provisions of Council Framework Decision 2008/977/JHA** and shall point out his or her rights as regards access, rectification and erasure, as referred to in Articles 17 and 18 of this Framework Decision.

Reports from the Member States to the Commission: Member States shall send a report to the Commission by **24 months** and every two years thereafter. The content of the reporting obligations should be completed in order to clarify the number of refusals, the type of offences and the number of information letters sent.

Data protection: an amendment reintroduces the first reading of the Parliament and aims to guarantee the right of the person identified: it forbids the storage of the data collected and limits their use to the purpose of this Directive and clarifies the use and recording of data by the Member State of registration and offence. The competent authorities shall ensure that the data transmitted is treated confidentially and that the data subject is aware of his/her rights of access, rectification and deletion of his/her personal data and

prevent any personal data gathered under this Directive from being used for purposes other than those specifically related to road safety. They shall not store the information sent by the Member State of the offence. That information shall be sent solely for the purposes of this Directive, and, upon conclusion of proceedings, all data must be verifiably deleted. The Member State of registration shall record only the date and the competent authority of the Member State of the offence to whom the information was sent.

Information to drivers in the Union: in line with the European Parliament's position at first reading, an amendment reinforces the obligation to inform the drivers about the implementation of the Directive and about the different traffic rules in Europe concerning speed limits.

Delegated acts: a new Article inserts the procedure of delegated acts to modify the Annex on the technical requirements. The delegation of power shall be conferred on the Commission for a period of five years from the date of entry into force of this Directive.

Revision of the Directive: by **36 months** after the entry into force of this Directive, the Commission shall submit a report on the application of this Directive by the Member States. In its report, the Commission shall focus in particular on the following aspects and shall make proposals to cover those aspects:

- the assessment of whether other road safety related traffic offences should be added to the scope of this Directive;
- the assessment of the effectiveness of this Directive on the reduction in the number of fatalities on Union roads, in particular whether its effectiveness is affected by the geographical coverage of this Directive;
- the assessment of the necessity to harmonise automatic checking equipment and procedures. In this context, the Commission is invited to develop at Union level road safety guidelines within the framework of the common transport policy in order to ensure greater convergence of the enforcement of road traffic rules by Member States through comparable methods and practices. These guidelines may cover at least the non-respect of speed limits, drink-driving, non-use of seat belts and failure to stop at a traffic red light. The Commission shall
- take into account the orientations for guidelines mentioned in Annex Ib Part I;
- the assessment of the need to strengthen the enforcement of road safety related traffic offences through their harmonised follow-up procedures in the case of non-payment of a financial penalty, within the framework of the common transport policy. The Commission shall take into account the criteria listed in Annex Ib Part II;
- the assessment of the possibility to harmonise traffic rules at Union level where appropriate;
- the assessment of the software applications, with a view to ensuring proper implementation of this Directive as well as guaranteeing an effective, expeditious, secure and confidential exchange of specific VRD.