

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

2008/0062(COD) - 06/07/2011 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution 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 adopted its position at second reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. The main amendments are 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 Annex -I. The Commission shall be empowered to adopt delegated acts concerning the update of Annex -I in the light of technical progress to take into account relevant changes to Decision 2008/615/JHA and Decision 2008/616/JHA or where required by EU legislative acts directly relevant for the update of Annex -I.

For the purposes of the exchange of data, each Member State shall designate a national contact point.

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**. This exchange of information shall be conducted in a cost efficient and secure manner guaranteeing the security and protection of the data transmitted. The amended versions of the software applications shall provide for both online real-time exchange mode and batch exchange mode, the latter allowing for the exchange of multiple requests or responses within one message.

Information letter on the road safety related traffic offence: the amended text stipulates that 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 of the offence decides to initiate such proceedings, that Member State shall, in conformity with its national law, inform the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence accordingly.

This information shall, as applicable under national law, include the **legal consequences** thereof within the territory of the Member State of the offence under the law of that Member State.

When sending the information letter to the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence, the Member State of the offence shall, in accordance with its law, include any relevant information, notably the nature of the road safety related offence, the place, date and time of the offence, the title of the texts of the national law infringed and the penalty and, where appropriate, data concerning the device used for detecting the offence.

Reporting by Member States to the Commission: Member States shall send: (i) a preliminary report to the Commission by twelve months following the end of the transposition period; (ii) a comprehensive report to the Commission by thirty months following the end of the transposition period and every two years thereafter.

The comprehensive reports shall indicate the number of automated searches conducted by the Member State of the offence addressed to the national contact point of the Member State of registration following offences committed on its territory, together with the type of offences for which requests were addressed and the number of failed requests. They shall also include a description of the situation at national level in relation to the follow-up given to the road safety related offences, based on the proportion of such offences which have been followed up by information letters.

Data protection: the amended text provides that each Member State shall:

- provide that personal data processed under this Directive shall be, within an appropriate time period, rectified if inaccurate, erased or blocked when they are no longer required, as provided for under Council Framework Decision 2008/977/JHA, and that a time limit for the storage of data is established in accordance with the Framework Decision;
- provide that, in respect of all processing of personal data pursuant to this Directive, this data is only used for the purposes set out in the Directive, and that the data subjects have the same right to information, the right to access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress as those adopted under national law in implementation of relevant provisions of Council Framework Decision 2008/977/JHA.

Any person concerned shall have the right to obtain information on which personal data recorded in the Member State of registration were transmitted to the Member State of the offence, including the date of the request and the competent authority of the Member State of the offence.

Information to drivers in the Union: Member States shall provide road users with the necessary information about the rules applicable in their territory and the measures implementing this Directive in association with, among other organisations, road safety bodies, non-governmental organisations active in the field of road safety or automobile clubs.

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;
- 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 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;
- 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.