

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

2008/0062(COD) - 02/09/2011 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted its second reading amendments on 6 July 2011 following informal contacts with the Council and the Commission. The Commission confirms that **it endorses the overall compromise amendment voted**, but recalls its position already expressed at first reading concerning the choice of the “police cooperation” legal basis by both co-legislators on the one hand and the absence of correlation tables in the text on the other hand.

Legal basis: with regard to the choice of the legal basis, the Commission considers that from a legal and institutional perspective the “police cooperation” legal basis (Article 87 paragraph 2), which was retained by the Council at first reading and not challenged by the European Parliament at second reading, **does not constitute the appropriate legal basis for this Directive**. Against this background, the Commission entered a **statement** to the Council minutes reserving its right to use all legal means at its disposal.

Statement on the correlation table: the agreement does not foresee any obligation for Member States to transmit to the Commission a correlation table, in spite of the general line usually taken by the European Parliament on the matter.

The Commission issued a **statement** which **regrets the absence of correlation tables** in the main body of the text and confirms the commitment of the Commission towards ensuring that Member States establish correlation tables linking the transposition measures they adopt with the Directive. In a spirit of compromise however and in order to facilitate the immediate adoption of this proposal, the Commission also indicated that it can accept the substitution of the obligatory provision on correlation tables included in the text with a relevant recital encouraging Member States to follow this practice, but stressed that its position followed in this file shall not be considered as a precedent.

Amendments of the European Parliament at second reading: apart from the legal basis issue, the Council's position at first reading has already been supported by the Commission as far as its substance is concerned. The most important changes introduced by the amendments of the European Parliament to the Council's position are as follows:

- **information letter:** clarification that, when the Member State of offence decides to initiate a follow-up procedure, an information letter to the offender is obligatory;
- strengthening of the provisions on **data protection** in order to avoid the possible misuse of personal data;
- introduction of a new provision on **delegated acts** in order to enable the modification of the technical annex regarding the data set for the information exchange;
- strengthened revision clause in order for the Commission to assess whether new legislative proposals are needed on the development of common standards for automatic checking equipment, on the harmonisation of traffic rules as well as on the establishment of common criteria regarding the follow-up procedures. It also includes a Commission **statement** that it will examine the need to develop guidelines at EU level in order to ensure greater convergence in the enforcement of road traffic rules by Member States.