

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

2008/0062(COD) - 25/10/2011 - Final act

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

LEGISLATIVE ACT: Directive 2011/82/EU of the European Parliament and of the Council facilitating the cross-border exchange of information on road safety related traffic offences.

CONTENT: the Council today adopted, on the basis of a text agreed with the European Parliament in second reading, a directive on cross-border exchange of information on road traffic offences.

This Directive aims to ensure a high level of protection for all road users in the Union by **facilitating the cross-border exchange of information on road safety related traffic offences** and thereby the enforcement of sanctions, where those offences are committed with a vehicle registered in a Member State other than the Member State where the offence took place.

Scope: this Directive shall apply to the following road safety related traffic offences:

- speeding;
- non-use of a seat-belt;
- failing to stop at a red traffic light;
- drink-driving;
- driving under the influence of drugs;
- failing to wear a safety helmet;
- use of a forbidden lane;
- illegally using a mobile telephone or any other communication devices while driving.

Procedure for the exchange of information between Member States: for the investigation of the road safety related traffic offences, the Member States shall **allow other Member States' national contact points, access to the following national VRD**, with the power to conduct automated searches on: (a) data relating to vehicles; and (b) data relating to owners or holders of the vehicle.

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. They shall ensure that this exchange of information is conducted in a cost efficient and secure manner and ensure the security and protection of the data transmitted.

Information letter on the road safety related traffic offence: once that person is identified, the Member State in which the traffic offence took place will send him or her a letter setting out the details of the offence committed and the fine imposed in accordance with its law. In any case, it will depend on the Member State in which the offence has been committed and on its national law to determine whether and how the offence will be prosecuted.

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 traffic offence, the place, date and time of the offence, the title of the texts of the national law

infringed and the sanction and, where appropriate, data concerning the device used for detecting the offence.

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.

Reporting by Member States to the Commission: Member States shall send a preliminary report to the Commission by 7 November 2014. They shall also send a comprehensive report to the Commission by 6 May 2016 and every two years thereafter.

The comprehensive report 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;
- include a description of the situation at national level in relation to the follow-up given to the road safety related traffic offences, based on the proportion of such offences which have been followed up by information letters.

Data protection: the provisions on data protection set out in Framework Decision 2008/977/JHA shall apply to personal data processed under this Directive.

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 for road users in the Union: the Commission shall make available on its website a summary in all official languages of the institutions of the Union of the rules in force in Member States in the field covered by this Directive. Member States shall provide information on these rules to the Commission.

Revision of the Directive: by 7 November 2016, the Commission shall submit a report to the European Parliament and the Council 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, as appropriate, make proposals to cover those aspects:

- an assessment of whether other road safety related traffic offences should be added to the scope of this Directive;
- an assessment of the effectiveness of this Directive on the reduction in the number of fatalities on Union roads;
- an assessment of the need for developing common standards for automatic checking equipment and for procedures;
- an assessment of the need to strengthen the enforcement of sanctions with regard to road safety related traffic offences and to propose common criteria concerning the follow-up procedures in the case of non-payment of a financial penalty.

ENTRY INTO FORCE: 06/11/2011.

TRANSPOSITION: from 07/11/2013.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts in accordance with the Article concerning the update of Annex I in the light of technical progress. The delegation of power shall be conferred on the Commission for a period of five years from 6 November 2011. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. The delegation of power may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.