

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

2014/0218(COD) - 18/07/2014 - Legislative proposal

PURPOSE: to facilitate the cross-border exchange of information on road safety related traffic offences.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: improving road safety is a prime objective of the Union's transport policy. An important element of that policy is the **consistent enforcement of sanctions for road traffic offences** committed in the Union which considerably jeopardise road safety.

However, due to a lack of appropriate procedures and notwithstanding existing possibilities under [Council Decision 2008/615/JHA](#) and [Council Decision 2008/616/JHA](#) (the 'Prüm Decisions'), sanctions in the form of financial penalties for certain road traffic offences are often not enforced if those offences are committed with a vehicle, which is registered in a Member State other than the Member State where the offence took place.

On 19 March 2008, the Commission adopted a [proposal for a Directive of the European Parliament and of the Council](#) facilitating cross-border enforcement in the field of road safety on the basis of Article 71(1)(c) of the Treaty establishing the European Community (now Article 91 of Treaty on the Functioning of the European Union ('TFUE')).

Directive 2011/82/EU was adopted on 25 October 2011. The European Parliament and the Council chose **Article 87(2) TFEU** on police cooperation as its legal basis.

The Commission fully supported the contents of the adopted Directive but **decided to challenge its legal basis** before the Court of Justice of the European Union. In its judgement of 6 May 2014, case C-43/12, **the Court annulled Directive 2011/82/EU**, but maintained its effects until the entry into force of a new Directive on the basis of the transport article of the Treaty within a reasonable period of time.

Following the Commission [Communication](#) of 20 July 2010 entitled 'Towards a European road safety area: policy orientations on road safety 2011-2020', the Council invited the Commission to examine the possibilities of harmonising traffic rules at Union level where appropriate and adopting further measures on facilitating cross-border enforcement with regard to road traffic offences, in particular those related to serious traffic accidents.

IMPACT ASSESSMENT: given that the proposal does not contain any new elements as compared to the annulled Directive, the impact assessment of the initial Commission proposal remains valid.

CONTENT: the proposed 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.

Road safety related traffic offences comprise: speeding; failing to stop at a red traffic light; driving under the influence of drink, drugs; failing to wear a safety helmet; illegally using a mobile telephone or any other communication devices while driving.

The proposal is almost identical to the text of the annulled Directive. The main objective of that Directive was to **put an end to the anonymity of non-resident drivers** and to make sure that their road traffic offences would not go unpunished. For this reason the Directive provided the Member States with the mutual access to each other's vehicle registration data via an **electronic data exchange network**. This would allow them to identify drivers when they commit traffic offences abroad, thus ensuring equal treatment of non-resident and resident drivers.

Once the vehicle owner's name and address are known, a letter to the presumed offender may be sent, on the basis of a model established by the Directive. The Member State of offence will have kept their right to decide on the follow up of the traffic offence.

The Commission proposes to introduce **minor amendments** in order to comply with the Court of Justice case:

- **Legal basis:** the legal basis for the adoption of measures at EU level in the field of road safety is Article 91(1)(c) TFEU.
- **UK, Ireland and Denmark:** in recitals 22 and 23 of the annulled Directive, UK, Ireland and Denmark had, in accordance with Protocols no 21 and 22 annexed to the Treaties, the possibility not to take part in adoption of, be bound by or subject to the application of that Directive. However, where those Protocols do not apply since they only apply to Title V of the TFEU, those recitals should be deleted.
- **Data protection:** taking account of the new legal basis, **the general rules on data protection provided for in Directive 95/46/EC of the European Parliament and of the Council** on the protection of individuals with regard to the processing of personal data and on the free movement of such data should therefore apply. Consequently, the proposal should refer to Directive 95/46/EC, both in general and for the provisions on rectification, erasure, blocking and maximum storage time.

BUDGETARY IMPLICATION: there are no other budgetary implications than those already mentioned in the annulled Directive.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the treaty on the Functioning of the European Union.