

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

2014/0218(COD) - 11/03/2015 - Final act

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

LEGISLATIVE ACT: Directive (EU) 2015/413 of the European Parliament and of the Council facilitating cross-border exchange of information on road-safety-related traffic offences.

CONTENT: 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 facilitating the enforcement of sanctions, where those offences are committed with a vehicle registered in a Member State other than the Member State in which the offence took place.

This Directive **replaces Directive 2011/82/EU** of the European Parliament and of the Council (adopted on the basis of Article 87(2) Treaty on the Functioning of the European Union), annulled by the Court of Justice of the European Union by its judgment of 6 May 2014.

The main objective of the new Directive, adopted on the basis of Article 91 (1)(c) of the TFEU (Transport), remains identical to the initial Directive, which 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.

New rules shall also apply to the **United Kingdom, Ireland and Denmark**.

Procedure for the exchange of information between Member States: for the investigation of the road-safety-related traffic offences, the Member State shall grant other Member States' national contact points, access to the following national Vehicle Registration Data, with the power to conduct automated searches on data relating to vehicles and data relating to owners or holders of the vehicle.

The Member State of the offence shall decide whether or not to initiate follow-up proceedings in relation to the road-safety-related traffic offences.

For the purposes of the exchange of data, each Member State shall designate a national contact point. When sending the **information letter** to the owner, the holder of the vehicle or to 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 as regards the offence. The information letter shall be sent in the language of the registration document of the vehicle, if available, or in one of the official languages of the Member State of registration.

Scope: the Directive applies to the following **eight road-safety-related traffic offences**: (a) speeding; (b) failing to use a seat-belt; (c) failing to stop at a red traffic light; (d) drink-driving; (e) driving while under the influence of drugs; (f) failing to wear a safety helmet; (g) the use of a forbidden lane; (h) illegally using a mobile telephone or any other communication devices while driving.

Data protection: given that data relating to the identification of an offender are personal data, **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 shall apply to the processing activities carried out in application of this Directive.

Information for road users: 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.

Revision of the Directive: the Commission shall, by 7 November 2016, submit a report on the application of this Directive by the Member States and make legislative proposals if necessary.

In its report, the Commission shall examine the need for **common criteria** for follow-up procedures by Member States in the event of non-payment of a financial penalty, in accordance with Member States' laws and procedures.

ENTRY INTO FORCE: 17.3.2015.

TRANSPOSITION: 6.5.2015. For Denmark, Ireland and the United Kingdom: 6.5.2017.

DELEGATED ACTS: the Commission is empowered to adopt delegated acts in order to achieve the objective of the exchange of information between Member States through interoperable means.

The power to adopt delegated acts shall be conferred on the Commission for a period of **five years (tacitly extended) from 13 March 2015**. The European Parliament or the Council may raise objections to a delegated act within a period of two months from the date of notification (this may be extended by two months). If the European Parliament or Council express objections, the delegated act will not enter into force.