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

2023/0052(COD) - 01/03/2023 - Legislative proposal

PURPOSE: to lay down new measures to facilitate cross-border exchange of information on road-safety-related traffic offences in the EU.

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: Directive (EU) 2015/413 on facilitating cross-border exchange of information on road-safety-related traffic offences (the CBE Directive) facilitates the cross-border exchange of information on road-safety-related traffic offences and thereby lowers the impunity of non-resident offenders. An effective cross-border investigation and enforcement of road-safety-related traffic offences improves road safety as it encourages non-resident drivers to commit fewer offences and drive more safely.

In the EU, road safety has improved quite significantly over the last 20 years. The number of road fatalities has gone down by 61.5% from around 51 400 in 2001 to around 19 800 in 2021. Nevertheless, the improvement in road safety has not been strong enough to meet the EU's political ambition to decrease the number of road deaths by 50% between 2001 and 2010, and by additional 50% between 2011 and 2020 (i.e. by 75% between 2001 and 2020).

The European Parliament adopted a resolution on the EU Road Safety Policy Framework 2021-2030 in October 2021. While the Parliament acknowledges the progress made, it called on the Commission to review the CBE Directive, as the existing framework does not adequately ensure investigation of the offences in order to enforce penalties with around 20% of all investigations concerning the offences committed with vehicles registered abroad failing because of technical issues, such as availability of accurate information in national vehicle registers and identification of the liable person. Furthermore, procedural and fundamental rights of non-resident drivers are not always respected in the context of cross-border investigations, in particular due to a lack of transparency in the setting of the amount of the fines and in the appeal procedures.

This proposal forms part of a package that concerns the revision of two other related directives:

- Directive 2006/126/EC on driving licences.

- a proposal for a Directive on the Union-wide effect of certain driving disqualifications.

CONTENT: this Commission proposal seeks to **further enhance road safety** by extending the scope of the CBE Directive to other road-safety-related traffic offences and streamlining (i.e. simplifying, digitising and refining) the investigation of road-safety-related traffic offences committed abroad, thus facilitating the cross-border enforcement of sanctions. It also aims to improve the protection of fundamental rights of non-resident drivers.

The objectives to unlock the full potential of the Directive are to:

1. Increase compliance of non-resident drivers with additional road-safety-related traffic rules;

2. Streamline mutual assistance procedures between Member States in the cross-border investigation of road-safety-related traffic offences;

3. Strengthen the protection of fundamental rights of non-resident offenders, including alignment with new EU rules on personal data protection.

The proposal amends the existing Directive or adds new elements such as:

- the **extension of the scope** of the CBE Directive to other road-safety-related traffic offences, namely: (i) not keeping sufficient distance from the vehicle in front; (ii) dangerous overtaking; (iii) dangerous parking; (iv) crossing one or more solid white lines; (v) wrong-way driving; (vi) not respecting the rules on the creation and use of emergency corridors; and (vii) use of an overloaded vehicle;

- the clarification of existing definitions and adding definitions of the newly included road-safety-related traffic offences;

- new provisions on increased responsibilities and competences of national contact points;

- the exchange of **vehicle registration data** ('VRD') should be carried out through a **single electronic system** – the European Vehicle and Driving Licence Information System (Eucaris) – so as to ensure the expeditious, cost-efficient, secure and reliable exchange of specific VRD between Member States. Member States are also required to keep certain VRD available and up to date. In the cases where a vehicle has been **leased** (or subject to a long-term rental arrangement), Member States are allowed to conduct automated searches in vehicle registers to retrieve the data on end users of vehicles where available. A data retention period is established as regards the identity of the previous owners, holders, and end users of the vehicles to provide authorities with the appropriate information they need for the investigation of the offences;

- the specification of the minimum content of the **information letter**, which has to include, in particular, the information on the committed offence, sanctions imposed, appeal procedures, payment of financial penalties – including mitigating measures –, the applicable data protection rules, and if applicable, information on the entity empowered by a Member State to collect financial penalties which sent the information letter;

- the obligation for the Commission to establish a **dedicated IT portal** to facilitate exchanging information between national contact points, other relevant authorities of Member States, and road users, e. g. on road-safety-related traffic rules in force in Member States, appeal procedures and applied sanctions;

- the provision of **financial support** to promote cross-border cooperation in the enforcement of road-safety-related traffic rules in the EU. A legal basis is established for EU funding of activities aimed at exchanging best enforcement practices, the application of smart enforcement methodologies and techniques in Member States, increasing the capacity building of enforcement authorities and awareness raising campaigns.

Budget implications

The implementation of the proposal requires the establishment and maintenance of a new IT system. This system should connect existing networks of national IT systems and interoperable access points, operating under the individual responsibility and management of each Member State, to ensure a secure and reliable cross-border exchange of information on road-safety-related traffic offences. The one-off costs in 2025 and ongoing adjustment costs of the Commission until 2050 mainly related to the establishment of the IT system to support interactions between governmental authorities/organisations, natural and legal persons in cross-border administrative and criminal proceedings are estimated at EUR 1.531 million.