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

2023/0052(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 570 votes to 36, with 24 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Objective

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 by 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.

The updated rules will **expand the list of traffic offences** committed by non-resident drivers that trigger cross-border assistance and can result in a fine. In addition to speeding, drink-driving or failing to stop at a red light, the new rules added dangerous parking, dangerous overtaking, crossing a solid line, hit and run offences, not respecting the rules on vehicle-access-restrictions, not respecting the rules at a railway level-crossing, amongst other offences.

National contact points

Each Member State should designate one or more national contact points for the automated exchange of vehicle registration data, incoming and outgoing mutual assistance requests and replies to identify the person concerned and incoming and outgoing mutual assistance requests and replies to serve the traffic offence notice or follow-up documents on the person concerned.

Traffic offence notice on the road-safety-related traffic offences

Where the competent authority of the Member State of the offence decides to initiate such proceedings, that competent authority should inform the person concerned about the road-safety-related traffic offence and, where appropriate, of the decision to initiate follow-up proceedings. The traffic offence notice should contain inter alia, the date and time of the offence, the nature of the offence.

The traffic offence notice addressed to the holder, owner or end-user of the vehicle should be issued no later than **11 months after the traffic offence**.

Where the competent authority of the Member State of the offence decides to initiate follow-up proceedings in relation to the traffic offences, it should issue the traffic offence notice and any essential follow-up documents in the language of the registration document of the vehicle.

Both the traffic offence notice and any follow-up documents should be sent in the **language** of the registration document of the vehicle. The competent authorities should take into account that the person concerned needs to understand the accusations and should be able to fully exercise the right of defence. This includes, in particular, all relevant information concerning the offence, the nature of the offence

committed, the penalty imposed, the legal remedies available against that decision, the time limit laid down for that purpose and the identification of the body before which the appeal must be lodged.

Mutual assistance in identifying the person concerned

Member States should provide mutual assistance to each other where the competent authorities of the Member State of the offence, after exhausting all other means available to them, in particular once they have conducted an automated search and consulted other databases explicitly allowed.

Unless it decides to invoke one of the grounds for refusal or it is not possible to gather the requested information, the competent authorities of the Member State of registration or residence should gather the requested information without any undue delay.

No later than 2 months from the day when the competent authority of the Member State of registration or Member State of residence decides to apply a ground for refusal, or establishes that it is not possible to gather the requested information, it should inform the Member State of the offence thereof via its national contact point.

Mutual assistance in enforcement activities

Member States should provide enforcement assistance to each other in the case of **non-payment of a road traffic fine** imposed for the commission of a roadsafetyrelated traffic offences.

After the service of the traffic offence notice to the person concerned and in the case of non-payment of a road traffic fine imposed by the competent authority of the Member State of the offence, the latter may request the competent authority of the Member State of the registration or the Member State of residence to assist in the enforcement of administrative decisions on road traffic fines related to roadsafety-related traffic offences where the decision relating to a road traffic offence fine is administrative in nature, final and enforceable and the road traffic offence fine exceeds **EUR 70**.

If the person concerned can demonstrate that the payment of the road traffic fine has been made, the competent authority of the Member State of the registration or the Member State of residence should promptly notify the competent authority of the Member State of the offence about this. The sum of money obtained from the enforcement of the decision on a road traffic fine should accrue to the Member State of the registration or the Member State of the residence unless otherwise agreed between the Member State of the offence and the Member State of the registration or the Member State of the residence.

The competent authority of the requested Member State may refuse to recognise and enforce the administrative decision on a road traffic fine in certain cases.

Member States should use a **specifically designed and highly secured software application** of the European Vehicle and Driving Licence Information System (Eucaris), and amended versions of this software to exchange the information or process the mutual assistance.

Private legal entities

After two years following the transposition of this Directive, Member States should ensure that competent authorities do not empower privately owned or managed legal entities with distinct legal personality for conducting any activities related to the application of this Directive.

Online portal

To increase transparency and facilitate the implementation of the new rules, the Commission is tasked with creating an online portal listing the rules, appeal options and the relevant road traffic fines, amongst other information.