

Basic information	
<p>2014/0218(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Procedure completed
<p>Cross-border exchange of information on road safety related traffic offences</p> <p>See also 2008/0062(COD) Amended by 2023/0052(COD)</p> <p>Subject</p> <p>1.20.09 Protection of privacy and data protection 3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence</p>	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">TRAN</div> Transport and Tourism		AYALA SENDER Inés (S&D)	03/09/2014
			Shadow rapporteur BACH Georges (PPE) VAN DALEN Peter (ECR) BILBAO BARANDICA Izaskun (ALDE) KYLLÖNEN Merja (GUE/NGL) EICKHOUT Bas (Verts/ALE) AIUTO Daniela (EFDD)	
	Committee for opinion		Rapporteur for opinion	Appointed
<div style="border: 1px solid red; display: inline-block; padding: 2px;">LIBE</div> Civil Liberties, Justice and Home Affairs		The committee decided not to give an opinion.		
Council of the European Union	Council configuration		Meetings	Date
	Competitiveness (Internal Market, Industry, Research and Space)		3371	2015-03-02
	Transport, Telecommunications and Energy		3335	2014-10-08
European Commission	Commission DG		Commissioner	

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
18/07/2014	Legislative proposal published	COM(2014)0476 	Summary
15/09/2014	Committee referral announced in Parliament, 1st reading		
08/10/2014	Debate in Council		
02/12/2014	Vote in committee, 1st reading		
07/01/2015	Committee report tabled for plenary, 1st reading	A8-0001/2015	Summary
10/02/2015	Debate in Parliament		
11/02/2015	Decision by Parliament, 1st reading	T8-0029/2015	Summary
11/02/2015	Results of vote in Parliament		
02/03/2015	Act adopted by Council after Parliament's 1st reading		
11/03/2015	Final act signed		
11/03/2015	End of procedure in Parliament		
13/03/2015	Final act published in Official Journal		

Technical information

Procedure reference	2014/0218(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	See also 2008/0062(COD) Amended by 2023/0052(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 091-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/00877

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
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Committee draft report		PE539.855	16/10/2014	
Amendments tabled in committee		PE541.591	10/11/2014	
Committee report tabled for plenary, 1st reading/single reading		A8-0001/2015	07/01/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0029/2015	11/02/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)007878	17/12/2014	
Draft final act	00103/2014/LEX	11/03/2015	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2014)0476 	18/07/2014	Summary
Commission response to text adopted in plenary	SP(2015)173	18/03/2015	
Follow-up document	SWD(2016)0355 	17/11/2016	
Follow-up document	SWD(2016)0356 	17/11/2016	
Follow-up document	COM(2016)0744 	29/11/2016	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2014)0476	06/10/2014	
Contribution	IT_SENATE	COM(2014)0476	10/10/2014	
Contribution	PT_PARLIAMENT	COM(2014)0476	20/10/2014	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5279/2014	15/10/2014	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2015/0413
OJ L 068 13.03.2015, p. 0009

Summary

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

2014/0218(COD) - 29/11/2016 - Follow-up document

The Commission presented a report on the application of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences (CBE Directive).

As a reminder, the CBE Directive aims to ensure a high level of protection for all road users 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.

Possible extension of the CBE Directive's scope: the Commission considered that the Directive's scope can be considered **adequate** as it covers the eight most important road safety related traffic offences. Offences such as speeding, failing to use a seat belt, drink driving and the use of communication devices (distraction) are a major threat to road safety and are often committed by non-resident drivers.

The addition of other offences to the scope of the CBE Directive has been suggested. These include: (i) **not keeping a sufficient distance from the vehicle in front**; (ii) **dangerous overtaking**; (iii) **illegal or dangerous parking**. On the other hand, the Commission is not in favour of adding tolling offences and non-payment of municipal charges or taxes to the scope of the Directive.

Impact of the Directive: according to the report, the CBE Directive is an **effective tool** with a significant potential to improve road safety by making possible identification of non-resident offenders through an electronic information system and by raising citizens' awareness of traffic rules and the applicability of sanctions in Member States.

According to the external evaluation study, the total number of detected offences covered by the CBE Directive and committed by non-residents/foreign vehicles in the EU is estimated at **10 million** for 2014.

The electronic information system which ensures the expeditious, secure and confidential exchange of vehicle registration data **is effective** since it has had a positive impact on the cross-border enforcement of sanctions: the number of investigated road traffic offences committed by non-residents quadrupled between 2013 and 2015 in the Member States that implemented the Directive.

Possible improvements: in order to improve the impact of the Directive, the report recommended a holistic approach to create a **synergy with other instruments**, namely those related to mutual assistance and cooperation between Member States in investigating road traffic offences and mutual recognition to financial penalties.

The report suggested in particular:

- **to better exploit the potential of the electronic information system:** in November 2016, 23 out of 28 Member States were connected to the system. Approximately 50 % of detected road traffic offences committed by non-residents were not investigated, in 2015;
- **the possibility to introduce measures which could increase the reliability of automatic control equipment** (for instance harmonised EU-level standards, type approval procedures and periodic checks of automatic checking equipment);
- **strengthening the enforcement of sanctions** for investigated road traffic offences which are committed by non-residents: approximately 50% of investigated road traffic offences committed by non-residents are currently not successfully enforced because of the following issues with the enforcement chain not covered by the Directive: (i) **Member States' lack of mutual assistance and cooperation** in investigating road traffic offences after exchanging vehicle registration data; (ii) decisions issued by Member States in cases of non-payment of a financial penalty for these offences often do not fall under Council [Framework Decision 2005/214/JHA](#) on the application of the principle of mutual recognition to financial penalties;
- working on designing **standardised forms to facilitate the procedure for cross-border enforcement of financial penalties** under the Council Framework Decision 2005/214/JHA. Moreover, the number of mutually recognised decisions that fall under the Framework Decision and relate to financial penalties for road traffic offences is very low.

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.

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

2014/0218(COD) - 07/01/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Inés AYALA SENDER (S&D, ES) on the proposal for a directive of the European Parliament and of the Council on facilitating cross-border exchange of information on road safety related traffic offences.

The committee recommended that the European Parliament position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Data protection: Members proposed the addition of a new recital which includes the clarifications made by the Council and the suggestion made by the European Data Protection Supervisor. It aims to clarify the new data protection arrangements that need to be applied in respect of the offences covered by this Directive.

United Kingdom, Ireland and Denmark: an amendment aims to extend by one year (until 6 May 2016 instead of 6 May 2015) the deadline granted to these three Member States in order to transpose the Directive into national legislation.

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.

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

2014/0218(COD) - 11/02/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 640 votes to 61, with 6 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on facilitating cross-border exchange of information on road safety related traffic offences.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary amended the Commission proposal as follows:

Processing and data protection: Parliament stipulated that the provisions of the **Prüm Decisions** concerning the technical specifications and the availability of automated data exchange set out in the Prüm Decisions should, as far as possible, be included in this Directive.

In the recitals, it is recalled that: (i) [Decision 2008/616/JHA](#) specifies the security features for existing software applications and the related technical requirements for the exchange of vehicle registration data (VRD); (ii) the processing of VRD containing personal data is subject to the specific provisions on data protection set out in [Decision 2008/615/JHA](#).

United Kingdom, Ireland and Denmark: an amendment seeks to postpone, until 6 May 2017, the deadline for these three countries to transpose the directive into national law.

Report: the Commission shall, by 7 November 2016 at the latest, report on the application of this Directive.