

Cross-border Enforcement of Road Traffic Rules

Directive (EU) 2015/413

Rudolf KORONTHALY
Unit C.2 - Road Safety
DG MOVE



12th Technical committee on road safety
4th Western Balkans Road Safety
Observatory
Brussels, 06/12 2022

The Court ruling of 6 May 2014 Case 43-12

- ✓ Directive 2011/82/EU ("CBE Directive") annulled because of an incorrect legal basis (police cooperation)
- ✓ New Directive (EU) 2015/413 adopted on 11 March 2015 (transport legal basis)

Objective Article 1

To improve road safety by facilitating enforcement of sanctions for remotely detected road-safety-related traffic offences (or the offences detected without stopping the vehicle and identification of the driver on the spot) committed by vehicles registered abroad

Scope Article 2

8 traffic offences (speeding, non-use of a seat-belt, failing to stop at red traffic light, drink-driving, drug-driving, failing to wear a safety helmet, use of a forbidden lane, illegal use of a mobile phone)

Exchange of vehicle registration data Article 4

- ✓ Automatic exchange of vehicle and its owner/holder data via EUCARIS (European Vehicle and Driving Licence Information System)
- ✓ The obligation to reply to incoming requests/searches
- ✓ Forbidden exchange of the data from other databases not used for the purpose of the Directive

Information letter Article 5

- ✓ Content of the information letter: nature, date, place and time of the offence, national law infringed, applied sanction and possibly the data on the detection device used
- ✓ Respect of fundamental rights: the letter to be sent in the language of the vehicle registration document or in one of the official languages of the Member State of the vehicle registration
- ✓ Possible use of the template letter in Annex II of the Directive

Reporting obligations Article 6

Obligation of Member States to report to the Commission each 2 years on the efficiency of the automated exchange of information (outgoing requests/searches – investigation of the offences), as well on the situation at national level in relation to the follow-up given to the road-safety-related traffic offences (e.g. the number of information letters sent)

Personal data protection Article 7

- ✓ Personal data to be processed have to be used only for the objective set out in Article 1 of the Directive
- ✓ Rectification, erasure or block of personal data to be compliant with Article 6 and 12 of Directive 95/46/EC

Information for road users

Article 8

Road safety-related-traffic rules of Member States linked to the offences covered by Article 2 of the Directive published on

https://ec.europa.eu/transport/road_safety/going_abroad/index_en.htm

Delegated acts Articles 9 and 10

The Commission may adopt delegated acts to update Annex I of the Directive in the light to technical progress to take into account relevant changes to PRÜM Decisions (Decisions 2008/615/JHA and 2008/616/JHA on cross-border cooperation in combating terrorism and crime) or where it is required by EU law directly. The delegation is tacitly prolonged until 13 March 2025.

Revision Article 11

- ✓ The initiative politically validated on 9 November 2018
- ✓ Inception Impact Assessment (Road Map) published on 15 March 2019

https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2019-1732201_en

- ✓ Planned adoption 1Q 2023

CBE Directive revision

Main objective

Improve road safety by better cross-border enforcement of road traffic rules i.e. decreasing socio-economic costs linked to road fatalities, injuries and material damage by better compliance of non-residents with road traffic rules

CBE Directive revision

Possible measures

Scope

- **Extend road safety-related traffic offences, such as:**
 - *not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing white line(s), driving in wrong way, overloaded vehicle*

Cross-border investigation of offences

- **Making procedures more efficient**
 - **Digitalisation to make investigation swifter and more effective**
 - **Standardised communication between authorities**
 - **Easier identification of the presumed offender (more accurate data, easier access to address of residence and evidence)**

CBE Directive revision *Possible policy measures*

Fundamental rights

- **Better informed presumed offenders**
 - **information on appeal procedures to be included in the penalty notice**
- **Harmonized deadlines for sending information letter**
- **Easier communication on the offences**
 - **Harmonized language regime in communication with presumed offenders/citizens**
- **Simple, clear and non-discriminatory payment of penalties**
- **Clear rules on personal data storage and retention, reference to GDPR and LED (Directive on personal data protection in criminal matters)**

Reporting and monitoring

- **More information on road traffic offences, enforced sanctions and functioning of vehicle registration data exchange to be provided by Member States**

https://road-safety.transport.ec.europa.eu/index_en



THANK YOU!

