

EU-wide information exchange on traffic offences

In 2011 the European Parliament and Council adopted a Directive to facilitate cross-border exchange of information on traffic offences related to road safety. The aim was to improve road safety by establishing a basis for the enforcement of sanctions for traffic offences committed by non-resident drivers. The Court of Justice of the European Union annulled this Directive in May 2014, finding that it had been adopted on an invalid legal basis, but allowed its effects to be maintained for a further year. In July 2014 the European Commission proposed a new Directive aimed at ensuring continuity in the provisions of the old one.

Background

The 2011 Directive ([2011/82/EU](#)) was adopted after negotiations of three years duration. The legal basis initially proposed by the European Commission was from transport policy, specifically for measures to improve transport safety. However, the Council considered police cooperation as the appropriate legal basis and in order to avoid further delay in implementing the measures, the EP [agreed](#) to adopt the Directive on the latter legal basis.

As a consequence the Commission challenged the legal basis of the Directive before the Court of Justice of the EU. In its judgment of 6 May 2014 ([case-43/12](#)) the Court annulled the Directive, finding that it should have been adopted on the basis of the transport legal basis (Article 91(1) TFEU), but maintained its effects for a maximum of 12 months until the entry into force of a new Directive.

New proposal

The European Commission proposed a new directive ([2014/0218\(COD\)](#)) in July 2014 which is almost identical to the annulled Directive, except for the changes necessary due to the correction of the legal basis, including some technical adjustments concerning data protection.

As the annulled Directive was based on the police cooperation article, the UK, Ireland and Denmark – in line with the Treaties – were not bound by its provisions. The main impact of the change of legal basis is that these three Member States will be required to transpose the Directive once adopted.

For the rest, the content of the proposed Directive is largely the same as before. The Member State in which a traffic offence took place is granted access to vehicle registration data of the Member State in which the vehicle is registered. For this purpose the Directive provides for a procedure using an electronic data exchange network. The Member State in which the offence took place may have access to the name and address of the vehicle's holder or owner, and may send a letter to the presumed offender. The Directive applies to the following eight road safety related traffic offences: (a) speeding, (b) non-use of a seat-belt, (c) failing to stop at a red traffic light, (d) drink-driving, (e) driving under the influence of drugs, (f) failing to wear a safety helmet, (g) use of a forbidden lane, (h) illegally using a mobile telephone or any other communication devices while driving.

Procedure

The inter-institutional negotiations on the proposal showed a broadly shared interest in the new directive coming into force by May 2015, thus avoiding any gap in legal effect. In a single trilogue meeting in December 2014 an [informal agreement](#) was reached on the proposed directive, notably to set a two-year period for transposition into national law for the three Member States that were not covered by the annulled Directive. This agreement was approved by the Committee on Transport and Tourism in January 2015. As the next step in the [legislative procedure](#) the EP is now due to adopt its first reading position at the February I part-session.