

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

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The Committee on Transport and Tourism adopted a report drafted by Inés AYALA SENDER (PES, ES) and made some amendments to the proposal for a directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety. The committee felt that road safety checking and testing procedures should be harmonised so as to enable policies to be coordinated more effectively at European level.

The main amendments - made in 1st reading of codecision procedure - are as follow:

Definitions: Members inserted definitions for "central authority" and "Final Administrative Decision".

EU-wide road safety guidelines: a new clause 2a states that, with a view to pursuing a road safety policy aiming for a high level of protection for all road users in the EU and taking into account the widely differing circumstances within the EU, Member States should act, without prejudice to more restrictive policies and laws, in order to provide for a minimum set of road safety guidelines. To achieve that aim, the Commission shall adopt guidelines in accordance with the regulatory procedure with scrutiny. The guidelines shall conform to these basic principles:

- as regards speed, the use of automatic checking equipment on motorways, secondary roads, and urban roads shall be encouraged more specifically on those sections of the road network where the number of accidents caused by speeding is higher than average. The recommendations adopted for the purposes of these guidelines shall seek to ensure that the number of speed checks using automatic equipment increases by 30% in Member States where the number of fatalities is above the EU average and the fall in the number of fatalities since 2001 is below the EU average. A good geographical coverage of the territory of each Member State should be ensured;
- as regards drink-driving, Member States shall, as a matter of priority, carry out random tests in places where, and at times when, non-compliance is frequent and increases the risk of accidents. Member States shall ensure that at least 30% of drivers can be tested annually;
- as regards the use of seat belts, intensive checking operations shall be conducted for at least 6 weeks in any one year by Member States where less than 70% of the population wear seat belts, in particular in places where and at times when the non-compliance is frequent;
- as regards failure to stop at a red traffic light, automatic checking equipment shall be used primarily for junctions where the rules are often breached and a higher than average number of accidents occur as a result of driving through a red traffic light.

The guidelines shall recommend that Member States exchange good practices. They must call on Member States which are most advanced in the area of automatic checking to provide technical assistance to those Member States which so request.

Comitology: the Community rules for the implementation and management of the electronic network must be determined according to the regulatory procedure with scrutiny. Common rules on the technical procedures for electronic exchange of the data between Member States must guarantee the security and confidentiality of the data transmitted.

Data protection: common rules must be laid down by in comitology by the Commission on personal data security and protection rules to prevent data being used for purposes other than those for which they were intended.

Offence notification: Members laid down the minimum requirements of an offence notification, stating that the content of the notification must be as complete as possible in order to furnish the holder of the registration certificate with information about the offence committed, the administrative authority responsible and possibilities of appeals.

Penalties: any financial penalty imposed under this Directive shall be non discriminatory in terms of nationality and shall be imposed under the law of the State of offence. The offence notification shall inform the holder that he must complete a reply form within a specified period if he does not intend to pay the penalty. It shall also inform the holder that, any refusal to pay, shall be communicated to the competent authority of the State of residence for enforcement of the decision. The notification of the offence shall notify the holder that his or her personal data shall be treated in accordance with the provisions of Directive 95/46/EC and shall point out his or her rights as regards access, correction and deletion. Should the holder not have been the driver at the time when the offence was committed, he or she shall supply the details of the identity of the driver in compliance with the law of the State of residence. This shall not apply where there is an agreement between two or more Member States aimed at dealing with problems arising from the implementation of this provision. . No penalty shall be issued in respect of an offence committed before the date of entry into force of this Directive.

Follow-up of road traffic infringements: a new article 5a seeks to ensure the possibility of enforcement of the financial penalties transmitted to the holder which are left unpaid by the latter either through Framework Decision 2005/214/JHA, or through the transmission of the final decision to the State of residence of the holder of the vehicle registration certificate.

Recognition and enforcement of sanctions : a new article 5b provides for a system, applying to relations between Member States, enabling sanction decisions to be recognised and enforced in cases where Framework Decision 2005/214/JHA is not applicable.

Information transmitted by the State of residence: new article 5c provides that the competent authority of the State of residence shall forthwith inform the competent authority of the State of offence of certain matters. This amendment completes the system of recognition and transmission of offences, as detailed in the preceding amendments, by providing that the State of residence must inform the State of offence of the follow-up given to the penalty decision.

Information for European drivers: the committee provided that Member States shall take appropriate action in order to provide road users with the necessary information about the measures implementing the Directive. Such information may be passed on through, among other

organisations, road safety bodies, NGOs active in the field of road safety or automobile clubs. Member States shall ensure that the rules on speed limits are displayed on signs erected on every road traversed by their borders. On its website the Commission shall post a summary of the rules in force in Member States in the field covered by this Directive.

Assessment and report: two years after the directive has entered into force, the Commission should submit a report on its implementation and its effectiveness in terms of the goal of reducing the number of fatalities on the EU's roads. One specific point that the report should address is the implications for the effectiveness of the directive entailed in the fact that the person driving at the time of an offence can be difficult to identify when he or she is not the holder the registration certificate.

Annex: lastly, the committee made certain amendments to the Annex, notably so that it informs the holder of the offence certificate that his or her payment refusal may be transmitted to the authorities of his State of residence in order to allow a better follow-up of offences and sanction decisions.