



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Transport and Tourism

2008/0062(COD)

20.4.2011

AMENDMENTS

29 - 73

Draft recommendation for second reading
Inés Ayala Sender
(PE462.590v01-00)

on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council facilitating the cross-border exchange of information on road safety related traffic offences

Joint position of the Council
(17506/1/2010 – C7-0074/2011 – 2008/0062(COD))

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United in diversity

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Amendment 29
Eva Lichtenberger

Proposal for a directive
Title 1

Council position

DIRECTIVE 2011/.../EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of facilitating the cross-border exchange of information *on* road safety related traffic offences

Amendment

DIRECTIVE 2011/.../EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of facilitating the cross-border exchange of information *and enforcement in the field of* road safety related traffic offences

Or. en

Amendment 30
Eva Lichtenberger

Proposal for a directive
Citation 1

Draft legislative resolution

– having regard to the Treaty on the Functioning of the European Union, and in particular to *Article 87(2) thereof*,

Amendment

– having regard to the Treaty on the Functioning of the European Union, and in particular to *Articles 87(2) and 91(1)(c)*, ,

Or. en

Amendment 31
Zigmantas Balčytis

Proposal for a directive
Recital 1

Council position

(1) The Union is pursuing a policy to improve road safety with the objective of reducing fatalities, injuries and material damage. An important element of that policy is the consistent enforcement of

Amendment

(1) *Improving road safety is a prime objective of the Union's transport policy.* The Union is pursuing a policy to improve road safety with the objective of reducing fatalities, injuries and material damage. An

sanctions for road traffic offences committed in the Union which considerably jeopardise road safety.

important element of that policy is the consistent enforcement of sanctions for road traffic offences committed in the Union which considerably jeopardise road safety.

Or. en

Amendment 32
Dominique Riquet

Proposal for a directive
Recital 2

Council position

(2) However, due to a lack of appropriate procedures and notwithstanding existing possibilities under Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and of Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/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. This Directive aims to ensure that even in such cases, the effectiveness of the investigation of road safety related traffic offences should be *ensured*.

Amendment

(2) However, due to a lack of appropriate procedures and notwithstanding existing possibilities under Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and of Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/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. This Directive aims to ensure that even in such cases, the effectiveness of the investigation of road safety related traffic offences should be *optimised*.

Or. fr

Justification

It is more appropriate to use the verb "to optimise".

Amendment 33
Eva Lichtenberger

Proposal for a directive
Recital 2 a (new)

Council position

Amendment

(2a) The Commission should propose in the future further measures on facilitating cross-border enforcement of road traffic infringements, in particular those related to serious traffic accidents and sanctioned with a penalty of not less than EURO 70 .

Or. en

Amendment 34
Eva Lichtenberger

Proposal for a directive
Recital 3

Council position

Amendment

(3) In order to improve road safety throughout the Union and to ensure equal treatment of drivers, namely resident and non-resident offenders, enforcement should be facilitated irrespective of the Member State of registration of the vehicle. To this end, a system of cross-border exchange of information should be put in place for certain identified road safety related traffic offences, regardless of their administrative or criminal nature under the law of the Member State concerned, granting the Member State of the offence access to vehicle registration data (VRD) of the Member State of registration.

(3) In order to improve road safety throughout the Union and to ensure equal treatment of drivers, namely resident and non-resident offenders, enforcement should be facilitated irrespective of the Member State of registration of the vehicle. To this end, a system of cross-border exchange of information ***and enforcement*** should be put in place for certain identified road safety related traffic offences, regardless of their administrative or criminal nature under the law of the Member State concerned, granting the Member State of the offence access to vehicle registration data (VRD) of the Member State of registration.

Or. en

Amendment 35
Spyros Danellis

Proposal for a directive
Recital 5

Council position

(5) The road safety related traffic offences covered by this Directive are not subject to homogeneous treatment in the Member States. Some Member States qualify such offences under national law as ‘administrative’ offences while others qualify them as ‘criminal’ offences. This Directive should apply regardless of how those offences are qualified under national law.

Amendment

(5) The road safety related traffic offences covered by this Directive are not subject to homogeneous treatment in the Member States. Some Member States qualify such offences under national law as ‘administrative’ offences while others qualify them as ‘criminal’ offences. This Directive should apply regardless of how those offences are qualified under national law. ***The scope of this Directive may be extended in future revisions, as appropriate, to include among other offences those relating to driving and rest times and offences affecting the safety of cyclists and pedestrians, such as illegal parking.***

Or. en

Amendment 36
Dominique Riquet

Proposal for a directive
Recital 10

Council position

(10) Member States should be able to contact the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence in order to keep him informed of the applicable procedures and the legal consequences under the law of the Member State of the offence. In doing so, Member States should consider sending the information concerning road safety related traffic offences in the language of the

Amendment

(10) Member States should be able to contact the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence in order to keep him informed of the applicable procedures and the legal consequences under the law of the Member State of the offence. In doing so, Member States should consider sending the information concerning road safety related traffic offences in the language of the

registration documents or the language most likely to be understood by the person concerned, to ensure that that person has a clear understanding of the information which is being shared with him. This will allow that person to respond to the information in an appropriate way, in particular by asking for more information, settling the fine or by exercising their rights of defence, in particular in the case of mistaken identity. Further proceedings are covered by applicable legal instruments, including instruments on mutual assistance and on mutual recognition.

registration documents or the language most likely to be understood by the person concerned, to ensure that that person has a clear understanding of the information which is being shared with him. ***The information should be sent using a procedure that ensures confirmation of receipt by the person concerned only, and not by a third party (a form of registered delivery), in order to protect confidentiality and be certain that the person concerned has indeed received it.*** This will allow that person to respond to the information in an appropriate way, in particular by asking for more information, settling the fine or by exercising their rights of defence, in particular in the case of mistaken identity. Further proceedings are covered by applicable legal instruments, including instruments on mutual assistance and on mutual recognition.

Or. fr

Justification

To ensure confidentiality and that the right person does indeed receive the information, the Member State of the offence should send the information with confirmation of receipt by the person concerned only (form of registered delivery).

Amendment 37 **Juozas Imbrasas**

Proposal for a directive **Recital 10**

Council position

(10) Member States should be able to contact the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence in order to keep him informed of the applicable procedures and

Amendment

(10) Member States should be able to contact the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence in order to keep him informed of the applicable procedures and

the legal consequences under the law of the Member State of the offence . In doing so, Member States should consider sending the information concerning road safety related traffic offences in the language of the registration documents *or the language most likely to be understood by the person concerned, to ensure that that person has a clear understanding of the information which is being shared with him*. This will allow that person to respond to the information in an appropriate way, in particular by asking for more information, settling the fine or by exercising their rights of defence, in particular in the case of mistaken identity. Further proceedings are covered by applicable legal instruments, including instruments on mutual assistance and on mutual recognition.

the legal consequences under the law of the Member State of the offence. In doing so, Member States should consider sending the information concerning road safety related traffic offences in the language of the registration documents. This will allow that person to respond to the information in an appropriate way, in particular by asking for more information, settling the fine or by exercising their rights of defence, in particular in the case of mistaken identity. Further proceedings are covered by applicable legal instruments, including instruments on mutual assistance and on mutual recognition.

Or. It

Amendment 38
Petra Kammerevert

Proposal for a directive
Recital 10

Council position

(10) Member States should be able to contact the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence in order to keep him informed of the applicable procedures and the legal consequences under the law of the Member State of the offence . In doing so, Member States should consider sending the information concerning road safety related traffic offences in the language of the registration documents or the language most likely to be understood by the person concerned, to ensure that that person has a clear understanding of the information

Amendment

(10) Member States should be able to contact the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence in order to keep him informed of the applicable procedures and the legal consequences under the law of the Member State of the offence . In doing so, Member States should consider sending the information concerning road safety related traffic offences in the language of the registration documents or the language most likely to be understood by the person concerned, to ensure that that person has a clear understanding of the information

which is being shared with him. This will allow that person to respond to the information in an appropriate way, in particular by asking for more information, settling the fine or by exercising their rights of defence, in particular in the case of mistaken identity. Further proceedings are covered by applicable legal instruments, including instruments on mutual assistance and on mutual recognition.

which is being shared with him. This will allow that person *to be notified of the traffic offence and – taking account of the national legislation of his country of residence where applicable* – to respond to the information in an appropriate way, in particular by asking for more information, settling the fine or by exercising their rights of defence, in particular in the case of mistaken identity. Further proceedings are covered by applicable legal instruments, including instruments on mutual assistance and on mutual recognition, *in particular Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties*¹.

¹ OJ L 76, 22.3.2005, p. 16.

Or. de

Amendment 39
Spyros Danellis

Proposal for a directive
Recital 11 a (new)

Council position

Amendment

(11a) The full extent of the enforcement capability offered by this Directive as regards the offence of speeding will only be reached when a vehicle's country of registration is readily discernable in images of licence plates obtained by speed cameras. This could be facilitated by updating the technical provisions on licence plates in Council Regulation (EC) No 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered, and adopting them as mandatory for all vehicles.

Justification

An image of a licence plate is not sufficient for the identification of a speeding vehicle's country of registration in all cases. This limits the scope for improvement in the cross-border enforcement of speed limits.

Amendment 40
Giommaria Uggias

Proposal for a directive
Recital 11 a (new)

Council position

Amendment

(11a) With a view to pursuing a road safety policy aiming for a high level of protection for all road users in the Union, Member States should act in order to ensure consistent harmonisation of road signs and markings and of road traffic rules, as well as to make the direction of traffic uniform in all Member States. Such harmonisation should aim to create comparable methods, practices and minimum standards at Union level.

Or. it

Amendment 41
Dominique Riquet

Proposal for a directive
Recital 12

Council position

Amendment

(12) Closer cooperation between law enforcement authorities should go hand in hand with respect for fundamental rights, in particular the right to respect for privacy and to protection of personal data, ***to be*** guaranteed by special data protection

(12) Closer cooperation between law enforcement authorities should go hand in hand with respect for fundamental rights, in particular the right to respect for privacy and to protection of personal data, guaranteed by special data protection

arrangements which *should* take particular account of the specific nature of cross-border online access to databases. Such requirements are satisfied by the Prüm Decisions.

arrangements which take particular account of the specific nature of cross-border online access to databases. Such requirements are satisfied by the Prüm Decisions.

Or. fr

Justification

Fundamental rights must be respected and personal data protected.

Amendment 42
Juozas Imbrasas

Proposal for a directive
Recital 12

Council position

(12) Closer cooperation between law enforcement authorities should go hand in hand with respect for fundamental rights, in particular the right to respect for privacy and to protection of personal data, to be guaranteed by special data protection arrangements which should take particular account of the specific nature of cross-border online access to databases. *Such requirements are satisfied by the Prüm Decisions.*

Amendment

(12) Closer cooperation between law enforcement authorities should go hand in hand with respect for fundamental rights, in particular the right to respect for privacy and to protection of personal data, to be guaranteed by special data protection arrangements which should take particular account of the specific nature of cross-border online access to databases. *The personal data processing and software management arrangements should guarantee that the data collected will not be used for other purposes.*

Or. It

Amendment 43
Vilja Savisaar-Toomast, Georges Bach

Proposal for a directive
Recital 12 a (new)

Council position

Amendment

(12a) Since the data relating to the identification of an offender is personal, Member States must take the measures necessary to ensure that Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data² is complied with. The owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence should be informed accordingly, when notified of the offence, of his or her rights regarding access to, rectification of and deletion of data and of the maximum legal period for which the data can be kept.

² *OJ L 281, 23.11.1995, p. 31.*

Or. en

Justification

This amendment reintroduces the first reading of the Parliament on the protection of personal data.

Amendment 44
Vilja Savisaar-Toomast, Georges Bach

Proposal for a directive
Recital 12 b (new)

Council position

Amendment

(12b) Apart from the temporary nature of their storage, data collected under this Directive should not, under any circumstances, be used for purposes beyond what is required in order to follow up on road safety offences. The Commission and the Member States

should accordingly ensure that the processing of personal data and the management of the software applications used will serve to prevent any data collected from being used for purposes other than those specifically related to road safety.

Or. en

Justification

This amendment reintroduces the first reading of the Parliament on the protection of personal data.

Amendment 45
Spyros Danellis

Proposal for a directive
Recital 13

Council position

(13) It should be possible for third countries to participate in the exchange of VRD provided that they have concluded an agreement with the Union to this effect. Such an agreement would have to include necessary provisions on data protection.

Amendment

(13) It should be possible for third countries to participate in the exchange of VRD provided that they have concluded an agreement with the Union to this effect. Such an agreement would have to include necessary provisions on data protection, ***covering the principles on protection set out in Directive 95/46/EC.***

Or. en

Amendment 46
Eva Lichtenberger

Proposal for a directive
Article 1 – paragraph 1

Council position

This Directive aims to ensure a high level of protection for all road users in the Union

Amendment

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 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.

by facilitating the cross-border exchange of information **and enforcement** 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.

Or. en

Amendment 47
Eva Lichtenberger

Proposal for a directive
Article 2 – paragraph 1 – point e

Council position

Amendment

(e) driving under the influence of drugs;

deleted

Or. en

Amendment 48
Eva Lichtenberger

Proposal for a directive
Article 2 – paragraph 1 – point g a (new)

Council position

Amendment

(ga) not paying the road pricing fee, as imposed by the respective authorities;

Or. en

Amendment 49
Dominique Riquet

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 3

Council position

The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is personally liable for road safety related traffic offences referred to in Articles 2 and 3.

Amendment

The Member State of the offence shall, under this Directive, use the data obtained in order to establish, ***if possible***, who is personally liable for road safety related traffic offences referred to in Articles 2 and 3.

Or. fr

Justification

Provision should be made for cases where it is not possible to establish the identity of the person who committed the offence.

Amendment 50
Peter van Dalen

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 3

Council position

The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is ***personally*** liable for road safety related traffic offences referred to in Articles 2 and 3.

Amendment

The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is liable ***under national law*** for road safety related traffic offences referred to in Articles 2 and 3.

Or. en

Justification

This amendment is necessary to ensure that the owner/ holder of the vehicle can be made liable for the road safety related traffic offenses referred to in article 2 and 3. Therefore this amendment brings article 4, paragraph 2 in line with the proposed Template for the information letter in the Council Position and the proposed Annex 1a of the Rapporteur.

Amendment 51
Georges Bach

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 3

Council position

The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is **personally** liable for road safety related traffic offences referred to in Articles 2 and 3.

Amendment

The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is liable **under national law** for road safety related traffic offences referred to in Articles 2 and 3.

Or. en

Justification

This amendment is necessary to ensure that the owner/holder of the vehicle can be made liable for the road safety related traffic offenses referred to in Articles 2 and 3.

Amendment 52
Vilja Savisaar-Toomast, Georges Bach

Proposal for a directive
Article 4 – paragraph 4

Council position

4. Member States shall take all necessary measures to ensure that the exchange of information is carried out by interoperable electronic means **and to** ensure that this exchange of information is conducted in a cost efficient and secure manner, as far as possible using existing software applications such as the one especially designed for the purposes of Article 12 of Decision 2008/615/JHA, and amended versions of that software.

Amendment

4. Member States shall take all necessary measures to ensure that the exchange of information is carried out by interoperable electronic means **without exchange of data involving other databases. Member States shall** ensure that this exchange of information is conducted in a cost efficient and secure manner **guaranteeing the confidentiality of the data transmitted**, as far as possible using existing software applications such as the one especially designed for the purposes of Article 12 of Decision 2008/615/JHA, and amended versions of that software.

Or. en

Justification

This amendment reintroduces elements from the first reading of the Parliament on the protection of personal data and from the opinion of the European Data Protection Supervisor on the proposal.

Amendment 53 **Dominique Riquet**

Proposal for a directive **Article 5 – paragraph 1**

Council position

1. Where the Member State of the offence decides to initiate follow-up proceedings in relation to the road safety related traffic offences referred to in Article 2, it informs, in accordance with its law, the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence of the legal consequences thereof within the territory of the Member State of the offence under the law of that Member State.

Amendment

1. Where the Member State of the offence decides to initiate follow-up proceedings in relation to the road safety related traffic offences referred to in Article 2, it informs, ***with confirmation of receipt and on a strictly confidential basis***, in accordance with its law ***and this directive***, the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence of the legal consequences thereof within the territory of the Member State of the offence under the law of that Member State.

Or. fr

Justification

To ensure confidentiality and that the right person does indeed receive the information, the Member State of the offence should send the information with confirmation of receipt by the person concerned only (form of registered delivery). Moreover, the importance of abiding by the terms of the data communication directive should be reiterated.

Amendment 54 **Juozas Imbrasas**

Proposal for a directive **Article 5 – paragraph 1**

Council position

1. Where the Member State of the offence **decides to initiate follow-up proceedings in relation to the** road safety related traffic offences referred to in Article 2, it informs, in accordance with its law, the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence of the legal consequences thereof within the territory of the Member State of the offence under the law of that Member State.

Amendment

1. Where the Member State of the offence **finds that a** road safety related traffic offence referred to in Article 2 **has been committed**, it informs, in accordance with its law, the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence of the legal consequences thereof within the territory of the Member State of the offence under the law of that Member State.

Or. It

Amendment 55
Petra Kammerevert

Proposal for a directive
Article 5 – paragraph 1

Council position

(1) **Where the** Member State of the offence **decides** to initiate follow-up proceedings in relation to the road safety related traffic offences referred to in Article 2, **it informs**, in accordance with its law, the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence of the legal consequences thereof within the territory of the Member State of the offence under the law of that Member State.

Amendment

(1) **The** Member State of the offence **shall decide whether** to initiate follow-up proceedings in relation to the road safety related traffic offences referred to in Article 2. **Should the Member State decide to take such measures, it shall**, in accordance with its law, **inform** the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence **at least** of the legal consequences thereof within the territory of the Member State of the offence under the law of that Member State **and of the possibilities of obtaining legal assistance**.

Or. de

Amendment 56
Dominique Riquet

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 1

Council position

When sending the information letter to the owner, the holder of the vehicle or 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 **such as** the nature of the road safety related offence referred to in Article 2, the place, date and time of the offence and, where appropriate, data concerning the device used for detecting the offence.

Amendment

When sending, **with confirmation of receipt and on a strictly confidential basis**, the information letter to the owner, the holder of the vehicle or 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 **and this directive**, include any relevant information, **notably** the nature of the road safety related offence referred to in Article 2, the place, date and time of the offence, **texts of the national law infringed and the penalty** and, where appropriate, data concerning the device used for detecting the offence.

Or. fr

Justification

Information on the nature, date and time of the offence, as well as on the law infringed and the penalty involved, constitutes essential information that should, in all cases, be provided in the information letter.

Amendment 57
Vilja Savisaar-Toomast, Georges Bach

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 1 a (new)

Council position

Amendment

The owner, the holder of the vehicle or the otherwise identified person suspected of committing the road safety related traffic offence shall be notified by means of the information letter 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, as referred to in Article 7 of this Directive.

Or. en

Justification

This amendment reintroduces the first reading of the Parliament on the information letter.

Amendment 58
Eva Lichtenberger

Proposal for a directive
Article 5 a (new)

Council position

Amendment

Article 5a

Offence notification and enforcement

Any financial penalty imposed under this Directive shall be non discriminatory in terms of nationality and shall be imposed by means of the notification and enforcement mechanisms applicable under the law of the State of offence.

Or. en

Amendment 59
Juozas Imbrasas

Proposal for a directive
Article 6

Council position

Amendment

Member States shall send a report to the Commission by ...* and every two years thereafter. The report shall indicate the number of automated searches conducted

Member States shall send a report to the Commission by ... and every two years thereafter. The report shall indicate the number of automated searches conducted

by the Member State of the offence addressed to the national contact point of the Member State of registration following offences committed on its territory, together with the number of failed requests and the *nature of* such requests.

* *OL: Date: fifty four* months after the entry into force of this Directive.

by the Member State of the offence addressed to the national contact point of the Member State of registration following offences committed on its territory, together with the number of failed requests and the *reasons for* such requests.

* *OJ: Please insert the date – 36* months after the date of entry into force of this Directive.

Or. It

Amendment 60
Dominique Riquet

Proposal for a directive
Article 7 – paragraph 1

Council position

The provisions on data protection set out in *the Council Framework Decision 2008/977/JHA of 27 November 2008* on the protection of personal data *processed in the framework of police and judicial cooperation in criminal matters*³ shall apply to personal data processed under this Directive.

³ *OJ L 350, 30.12.2008, p. 60.*

Amendment

The provisions on data protection set out in *Directive 95/46/EC of the European Parliament and the Council of 24 October 1995* on the protection of *individuals with regard to the processing of personal data and on the free movement of such data*³ shall apply to personal data processed under this Directive. *This information shall be sent solely for the purposes of this Directive, and, upon conclusion of proceedings, all data must be verifiably deleted.*

³ *OJ L 281, 23.11.1995, p. 31.*

Or. fr

Justification

This amendment reintroduces the guarantees on protection of personal data which the European Parliament voted for at first reading.

Amendment 61
Eva Lichtenberger

Proposal for a directive
Article 7 – paragraph 1

Council position

The provisions on data protection set out in *the* Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters⁹ shall apply to personal data processed under this Directive.

Amendment

The provisions on data protection set out in Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters⁹ shall apply to personal data processed under this Directive. ***They shall ensure that the data transmitted is treated confidentially and that the data subject is aware of his/her rights of access, rectification and deletion of his/her personal data and prevent any personal data gathered under this Directive from being used for purposes other than those specifically related to road safety.***

Or. en

Amendment 62
Spyros Danellis

Proposal for a directive
Article 7 – paragraph 1

Council position

The provisions on data protection set out in the Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters⁹ shall apply to personal data processed under this Directive.

Amendment

The provisions on data protection set out in the Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters⁹ ***and Directive 95/46/EC*** shall apply to personal data processed under this Directive. ***The competent authorities of the other Member States shall not store the information sent by the Member State of the offence. That information shall be sent solely for the purposes of this Directive, and, upon conclusion of***

proceedings, all data must be verifiably deleted.

Or. en

Justification

Reintroducing reference to Directive 95/46/EC as per Parliament's first reading and the proposals of the Commission and the European Data Protection Supervisor. The relevant Article 13, 1(d) of 95/46/EC provides an exemption for criminal matters, for which the Council Framework Decision can apply.

Amendment 63

Vilja Savisaar-Toomast, Georges Bach

Proposal for a directive

Article 7 – paragraph 1

Council position

The provisions on data protection set out in ***the Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters***⁹ shall apply to personal data processed under this Directive.

Amendment

The provisions on data protection set out in ***Directive 95/46/EC*** shall apply to personal data processed under this Directive. ***The competent authorities of the other Member States shall not store the information sent by the Member State of the offence. That information shall be sent and used solely for the purposes of this Directive, and, upon conclusion of proceedings, all data must be verifiably deleted. The Member State of registration shall record only the date and the competent authority of the Member State of the offence to whom the information was sent.***

Or. en

Justification

This amendment clarifies the use and recording of data by the Member State of registration and offence.

Amendment 64
Spyros Danellis

Proposal for a directive
Article 7 – paragraph 2

Council position

All relevant provisions on data protection set out in the Prüm Decisions shall also apply to personal data processed under this Directive.

Amendment

All relevant provisions on data protection set out in the Prüm Decisions **regarding criminal offences and in Directive 95/46/EC regarding administrative offences**, shall also apply to personal data processed under this Directive.

Or. en

Justification

Reintroducing reference to Directive 95/46/EC in accordance with Parliament's first reading and the suggestions of the Commission and the European Data Protection Supervisor.

Amendment 65
Vilja Savisaar-Toomast, Georges Bach

Proposal for a directive
Article 7 – paragraph 2 a (new)

Council position

Amendment

Any person concerned shall have the right to obtain information on which personal data recorded in the State of registration were transmitted to the requesting Member State, including the date of the request and the competent authority of the Member State of the offence. Any person concerned shall have the right to obtain information on which data is recorded in the Member State of the offence.

Or. en

Justification

This amendment clarifies the use and recording of data by the Member State of registration and offence.

Amendment 66
Silvia-Adriana Țicău

Proposal for a directive
Article 8 a (new)

Council position

Amendment

Article 8a

Delegation of power

1. The power to adopt delegated acts referred to in Article 8a shall be conferred on the Commission for a period of five years from the date of entry into force of this directive. The Commission shall table a report on the delegation of power at the latest six months before expiry of the five-year period from the date of entry into force of this directive. Delegation of power shall be tacitly renewed for the same period, except where the European Parliament or Council raise an objection thereto at the latest three months before the expiry of each period.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.

3. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in Article 8a.

Or. ro

Amendment 67
Silvia-Adriana Țicău

**Proposal for a directive
Article 8 b (new)**

Council position

Amendment

Article 8b

Revocation of delegation of power

- 1. The delegation of power referred to in Article 8a may be revoked by the European Parliament or by the Council.***
- 2. The institution which has initiated the internal procedure in order to decide whether it intends to revoke the delegation of power shall take steps to inform the other institution and the Commission within a reasonable period prior to adoption of the final decision indicating which delegated powers could be revoked and reasons for their revocation.***
- 3. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. The decision shall be published in the Official Journal of the European Union.***

Or. ro

**Amendment 68
Silvia-Adriana Țicău**

**Proposal for a directive
Article 8 c (new)**

Council position

Amendment

Article 8c

Objections to delegated acts

- 1. The European Parliament or the Council may formulate objections to a delegated act within two months from the***

date of notification.

On the initiative of the European Parliament or the Council, the deadline may be extended for two months.

2. Where, on expiry of that period, neither the European Parliament nor the Council has formulated objections to the delegated act, it shall be published in the Official Journal of the European Union and enter into force on the date specified therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before expiry of the relevant period, where both the European Parliament and the Council have informed the Commission of their intention that they do not intend to raise objections.

3. Where the European Parliament or Council formulate objections to a delegated act, it shall not enter into force. The institution which has formulated objections shall state its reasons for so doing.

Or. ro

Amendment 69
Inés Ayala Sender

Proposal for a directive
Article 9 – paragraph 1 a (new)

Council position

Amendment

1a. In preparing the review of this directive, the Commission shall consult all the relevant road-safety stakeholders, especially victims associations, road safety and law enforcement authorities (TISPOL), experts, etc.

Or. es

Amendment 70
Vilja Savisaar-Toomast

Proposal for a directive
Annex 1 – page 2 – section 1 a (new)

Council position

Amendment

INFORMATION

This case will be examined by the competent authority of ...[name of the Member State of the offence].

If this case is not pursued, you will be informed within 60 days after receipt of the reply form.

If this case is pursued, the following procedure applies:

[to be filled in by the Member State of the offence - what the further procedure will be, including details of the possibility and procedure of appeal against the decision to pursue the case. These details shall in any event include: Name and address of the authority in charge of pursuing the case; deadline for payment; name and address of the body of appeal concerned; deadline for appeal].

This letter as such does not lead to legal consequences.

Or. en

(See amendment for Annex I last page)

Justification

This amendment reintroduces the first reading of the Parliament, stating that the information should be on the page 2.

Amendment 71
Vilja Savisaar-Toomast

**Proposal for a directive
Annex 1 – last page**

Council position

Amendment

INFORMATION

deleted

This case will be examined by the competent authority of ...[name of the Member State of the offence].

If this case is not pursued, you will be informed within 60 days after receipt of the reply form.

If this case is pursued, the following procedure applies:

[to be filled in by the Member State of the offence - what the further procedure will be, including details of the possibility and procedure of appeal against the decision to pursue the case. These details shall in any event include: Name and address of the authority in charge of pursuing the case; deadline for payment; name and address of the body of appeal concerned; deadline for appeal].

This letter as such does not lead to legal consequences.

Or. en

(See amendment for Annex I page 2 section 1a (new))

Justification

This amendment deletes the section called 'information' at the end of the information letter and is related with the previous amendment reinserting this section at the beginning of the letter as in the EP first reading.

**Amendment 72
Vilja Savisaar-Toomast**

**Proposal for a directive
Annex 1 a (new)**

Council position

Amendment

***Data elements related to the search -
referred to in Article 4***

Item

M^[1]

Remarks

Data relating to the vehicle

M

Member State of registration

M

Licence number

M

Data relating to the offence

M

Member State of the offence

M

Reference date of the offence

M

Reference time of the offence

M

Purpose of the search

M

***Code indicating the Directive of the
European Parliament and of the Council
facilitating the cross-border exchange of
information on road safety related traffic
offences***

***1 = Directive of the European Parliament
and of the Council facilitating the cross-
border exchange of information on road
safety related traffic offences. Covering
the following offences: Speeding, Drink-
driving, Non use of seat belt, Failing to
stop at red traffic light, Use of forbidden
lane, Driving under the influence of
drugs, Failing to wear a safety helmet,
Illegally using a mobile phone or any***

other communication devices while driving

[1] M = mandatory when available in national register

Data elements provided - referred to in Article 4

Part I. Data relating to vehicles

Item

M/O^[1]

Remarks

Licence number

M

Chassis number/VIN

M

Country of registration

M

Make

M

(D.1^[2]) e.g. Ford, Opel, Renault, etc.

Commercial type of the vehicle

M

(D.3) e.g. Focus, Astra, Megane

EU Category Code

M

(J) mopeds, motorbikes, cars, etc.

Part II. Data relating to holders or owners of the vehicle

Item

M/O[3]

Remarks

Data relating to holders of the vehicle

(C.1[4]) The data refer to the holder of the specific registration certificate.

Registration holders' (company) name

M

(C.1.1.)

separate fields shall be used for surname, infixes, titles, etc., and the name in printable format shall be communicated

First name

M

(C.1.2)

separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated

Address

M

(C.1.3)

separate fields shall be used for Street, House number and Annex, Post code, Place of residence, Country of residence, etc., and the Address in printable format shall be communicated

Gender

O

Male, female

Date of birth

M

Legal entity

M

individual, association, company, firm, etc.

Place of Birth

O

ID Number

O

An identifier that uniquely identifies the person or the company.

Data relating to owners of the vehicle

(C.2) The data refer to the owner of the vehicle.

Owners' (company) name

M

(C.2.1)

First name

M

(C.2.2)

Address

M

(C.2.3)

Gender

O

male, female

Date of birth

M

Legal entity

M

***individual, association, company, firm,
etc.***

Place of Birth

O

ID Number

O

***An identifier that uniquely identifies the
person or the company.***

***In case of scrap vehicles, stolen vehicles
or number plates, or outdated vehicle
registration no owner /holder information
shall be provided. Instead, the message
'Information not disclosed' shall be
returned.***

***[1] M = mandatory when available in
national register, O = optional.***

***[2] Harmonised document abbreviation,
see Council Directive 1999/37/EC of
29.4.1999.***

***[3] M = mandatory when available in
national register, O = optional.***

[4] Harmonised document abbreviation,

*see Council Directive 1999/37/EC of
29.4.1999.*

Or. en

Justification

Purpose of the search does only have to indicate that it is related to the Directive of the European Parliament and of the Council facilitating the cross-border exchange of information on road safety related traffic offences. It is not necessary for the Member State of the registration to clarify the type of the offence, who does not record the data related to the offence.

Amendment 73
Giommaria Uggias

Proposal for a directive
Annex 1 a (new)

Council position

Amendment

Annex Ia

***Part I: Orientations for guidelines for
road safety policies***

Guidelines should be proposed at Union level in order to ensure consistent harmonisation of road signs and markings and of road traffic rules, as well as to make the direction of traffic uniform in all Member States, through comparable methods, practices, standards and frequency of controls.

1. The use of automatic checking equipment for speed on motorways, secondary roads and urban roads should be encouraged by Member States in particular on those sections of the road network where the number of accidents caused by speeding is higher than average. This use should try to ensure good geographical coverage of the territory of each Member State.

2. Specific efforts should be made regarding the number of speed checks

using automatic equipment in Member States where the number of road fatalities is above the Union average or the fall in the number of road fatalities since 2001 is below the Union average.

3. As regards drink-driving, Member States should be encouraged to carry out random tests as a priority in places where, and at times when, non-compliance is frequent and the risk of accidents increases. Controls should be carried out on a significant percentage of drivers in any one year.

4. As regards the use of seat belts, intensive checking operations should be conducted during determined periods of time in any one year by Member States where a significant proportion of road users do not wear seat belts, in particular in places where, and at times when, non-compliance is frequent.

5. As regards failure to stop at a red traffic light, automatic checking equipment should 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.

6. The exchange of good practices should be facilitated through the organisation of networks at Union level and through modern information technologies; in particular, Member States which are most advanced in the area of automatic checking should be encouraged to provide technical assistance to those Member States which so request.

Part II: Criteria for enforcement procedures

Common criteria for follow-up procedures should be followed by Member States in the case of non-payment of a financial penalty irrespective of the administrative or penal nature of the sanction and respecting Member States'

laws and procedures. Such criteria should focus in particular on:

– the transmission of the final decision between the different competent authorities of the Member State of the offence and the Member State of residence;

– the recognition and the enforcement of the final decision, or non-enforcement of the decision.

– the notification of the respective authorities of the enforcement decision.

Or. it