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2014 - 2019

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*Committee on Transport and Tourism*

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**2014/0218(COD)**

10.11.2014

# **AMENDMENTS**

## **2 - 17**

**Draft report**  
**Inés Ayala Sender**  
(PE539.855v01-00)

on the proposal for a Directive of the European Parliament and of the Council  
facilitating cross-border exchange of information on road safety related to  
traffic offences

Proposal for a directive  
(COM(2014)0476 – C8-0113/2014 – 2014/0218(COD))

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**Amendment 2**  
**Peter Lundgren**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) However, due to a lack of appropriate procedures and notwithstanding existing possibilities under Council Decision 2008/615/JHA<sup>7</sup> and Council Decision 2008/616/JHA<sup>8</sup> (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.

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<sup>7</sup> 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 (OJ L 210, 6.8.2008, p. 1).

<sup>8</sup> Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

*Amendment*

(2) However, due to a lack of appropriate procedures and notwithstanding existing possibilities under Council Decision 2008/615/JHA<sup>7</sup> and Council Decision 2008/616/JHA<sup>8</sup> (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 ***in every Member State.***

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<sup>7</sup> 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 (OJ L 210, 6.8.2008, p. 1).

<sup>8</sup> Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

Or. en

**Amendment 3**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Greater convergence of control measures between Member States should be encouraged *and the Commission should examine in this respect the need for developing common standards for automatic checking equipment for road safety controls.*

*Amendment*

(5) Greater convergence of control measures between Member States should be encouraged.

Or. fr

**Amendment 4**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

*(7) 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 used 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.*

*Amendment*

*deleted*

Or. fr

**Amendment 5**  
**Peter Lundgren**

**Proposal for a directive**  
**Recital 7**

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*Text proposed by the Commission*

(7) 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 used 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.

*Amendment*

(7) 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 used 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. That system of cross border exchange/VRD/It ***Should also include information on, whether the driver license is valid or not, since there is a growing problem with fake licenses which can be very easily bought over internet.***

Or. en

**Amendment 6**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

***(10) In the framework of the Prüm Decisions, Member States grant each other the right of access to their VRD in order to improve the exchange of information and to speed up the procedures in force. The provisions 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.***

*Amendment*

*deleted*

**Amendment 7**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

(11) Existing software applications should be the basis for the data exchange under this Directive and should, at the same time, also facilitate the reporting by Member States to the Commission. Such applications should provide for the expeditious, secure and confidential exchange of specific VRD between Member States. Advantage should be taken of the European Vehicle and Driving Licence Information System (Eucaris) software application, which is mandatory for Member States under the Prüm Decisions as regards VRD. ***The Commission should report on an assessment of the functioning of the software applications used for the purposes of this Directive.***

*Amendment*

(11) Existing software applications should be the basis for the data exchange under this Directive and should, at the same time, also facilitate the reporting by Member States to the Commission. Such applications should provide for the expeditious, secure and confidential exchange of specific VRD between Member States. Advantage should be taken of the European Vehicle and Driving Licence Information System (Eucaris) software application, which is mandatory for Member States under the Prüm Decisions as regards VRD.

**Amendment 8**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) With a view to pursuing a road safety policy aiming for a high level of protection for all road users in the Union and taking into account the widely differing circumstances pertaining within the Union,

*Amendment*

(16) With a view to pursuing a road safety policy aiming for a high level of protection for all road users in the Union and taking into account the widely differing circumstances pertaining within the Union,

Member States should act, without prejudice to *more restrictive* policies and laws, in order to ensure greater convergence of road traffic rules and of their enforcement between Member States.

*In the framework of its report to the European Parliament and to the Council on the application of this Directive, the Commission should examine the need to develop common standards in order to establish comparable methods, practices and minimum standards at Union level taking into account international cooperation and existing agreements in the field of road safety, in particular the Vienna Convention on Road Traffic of 8 November 1968.*

Member States should act, without prejudice to *their own* policies and laws, in order to ensure greater convergence of road traffic rules and of their enforcement between Member States.

Or. fr

**Amendment 9**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Recital 17**

*Text proposed by the Commission*

*(17) In the framework of its report to the European Parliament and to the Council on the application of this Directive by the Member States, the Commission should examine the need for common criteria for follow-up procedures by the Member States in the event of non-payment of a financial penalty, in accordance with Member States ' laws and procedures. In this report, the Commission should address issues such as the procedures between the competent authorities of the Member States for the transmission of the final decision to impose a sanction and/or financial penalty as well as the recognition and enforcement of the final decision.*

*Amendment*

*deleted*

**Amendment 10**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

(18) In preparing the review of this Directive, the Commission should consult the relevant stakeholders, such as road safety and law enforcement authorities or bodies, victims' associations and other non-governmental organisations active in the field of road safety.

*Amendment*

(18) In preparing the review of this Directive, the Commission should consult the relevant stakeholders, such as road safety and law enforcement authorities or bodies, victims' associations, **automobile associations** and other non-governmental organisations active in the field of road safety.

**Amendment 11**  
**Marie-Christine Arnautu**

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

*Text proposed by the Commission*

(a) speeding;

*Amendment*

(a) speeding **in excess of 50 km/h**;

**Amendment 12**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

**(g) use of a forbidden lane;**

*Amendment*

**deleted**



**Amendment 13**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

*Amendment*

*(h) illegally using a mobile telephone or  
any other communication devices while  
driving.* *deleted*

**Amendment 14**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Article 9**

*Text proposed by the Commission*

*Amendment*

*Article 9* *deleted*

*Delegated acts*

*The Commission shall be empowered to  
adopt delegated acts in accordance with  
Article 10 concerning the update of  
Annex I in the light of technical progress  
to take into account relevant changes to  
Decisions 2008/615/JHA and  
2008/616/JHA or where required by legal  
acts of the Union directly relevant for the  
update of Annex I.*

**Amendment 15**  
**Marie-Christine Arnautu**

**Proposal for a directive**  
**Article 10**

*Text proposed by the Commission*

*Amendment*

**Article 10**

*deleted*

***Exercise of the delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for a period of five years from [the date of the publication of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***
- 3. The delegation of power referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
- 5. A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of***

*notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

Or. fr

**Amendment 16**  
**Jacqueline Foster**

**Proposal for a directive**  
**Article 12 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*By way of derogation from the first subparagraph, the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland may extend the date referred to in this subparagraph until 6 May 2017.*

Or. en

*Justification*

*The revised Directive represents new requirements for the UK, Ireland and Denmark. The UK will need to take a decision on how best to transpose the measure to maximise its usefulness and this may well involve primary legislative change in a manner that will need to be determined after discussion with the police, the courts and other stakeholders. This text is in line with the additional two year transposition period granted to the UK, Ireland and Denmark in the Council's General Approach text, which aligns with the transposition given to other Member States under the provisions of the original annulled Directive.*

**Amendment 17**  
**Lucy Anderson, Inés Ayala Sender**

**Proposal for a directive**  
**Article 12 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***By way of derogation from the first subparagraph, the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland may extend the date referred to in this subparagraph one year after the entry into force of this directive.***

Or. en

*Justification*

*This amendment gives the three Member States that opted-out of the Directive, a reasonable time to be able to transpose into national law taking into account any necessary implementing legislation, administrative or technological arrangements, while providing sufficient time to the Commission to submit by November 2016 the report foreseen and avoid any potential delays on future proposals to strengthen the enforcement of cross border traffic offences and improve road safety in all Member States*