COMMISSION OF THE EUROPEAN COMMUNITIES

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accompanying the

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

facilitating cross-border enforcement in the field of road safety

SUMMARY OF THE IMPACT ASSESSMENT

{COM(2008) 151 final}
{SEC(2008) 351}

Executive summary

1 Consultation of interested parties

Stakeholders have been consulted from the early stages of the project. In 2004, the project SARTRE 3 (*Social Attitude to Road Traffic Risks in Europe*), co-funded by the European Commission, asked 24.000 EU citizens on their views on road safety enforcement.

A meeting with the expert group, set up by the Commission on the basis of the Recommendation of 21 October 2003[1], was held on 20 July 2006 in order to discuss the objectives and the scope of regulatory action at EU level.

An open consultation was conducted over the internet via the website "Europa" from 6 November 2006 to 19 January 2007. The Commission received 54 answers. The results are available on: http://ec.europa.eu/transport/roadsafety/enforcement/introduction_en.htm. A stakeholders' meeting was held on 27 February 2007, to which all authors of comments and all Member States were invited.

The Commission drew up a questionnaire dedicated to the traffic police forces of Europe in order to gather information on road traffic enforcement in Europe. 21 countries answered the questionnaire which was used to carry out a panel discussion to which the traffic police forces were invited to give their comments in view of an EU action[2].

The governments and public authorities (mainly transport, home affairs, police and justice departments), companies and industrial federations in the field of transport, road infrastructure operators, research and studies organisations, users associations, and individuals have been consulted.

The vast majority of experts and stakeholders have expressed agreement on the necessity for consistent enforcement of road traffic offences, both in substance and in procedural matters, in order to increase road safety. In terms of offences to be dealt with at EU level, the contributions confirm that the proposal should cover offences which are known to be the main causes of road deaths, namely speeding, driving under the influence of alcohol and non use of seat belts. This scope may be progressively extended to other offences. Practically all respondents agreed that EU enforcement actions should not be limited to the Trans-European Road Network, but should cover all roads in the EU. Support was given by 70% of the contributions to an EU action on cross border enforcement accompanied by more structured exchanges of best practices between Member States organised by the European Commission.

The Impact Assessment Board

On 8 May 2007, the Impact Assessment Board of the European Commission delivered an opinion regarding a preliminary version of this Impact Assessment report. In the opinion, the Board stated that the report offers quantified assessment of some of the costs and benefits associated with each option, while indicating clearly the assumptions made and the associated uncertainty intervals.

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1 Recommendation 2004/345/EC of 21 October 2003 on enforcement in the field of road safety (OJ L 111, 17.4.2004, p. 75 and corrigendum in OJ L 120, 24.4.2004, p. 65).

2 Survey on Enforcement practices in Europe by TISPOL – 25 October 2007.

The Board listed the following recommendations:

- The IA report should clearly distinguish between the two different issues it is addressing: improved cross border enforcement and harmonised enforcement standards;

- The IA report should contain more information on the enforcement standards envisaged;

- The policy options should be further clarified;

- The IA report should further comment on the scope.

The present version of the Impact Assessment report has been accordingly redrafted with a view to taking these recommendations into account.

2 Problem definition

In its 2001 White Paper[3] on European transport policy, the Commission proposed that the European Union sets itself the target of halving the number of road deaths by 2010. This target was subsequently repeated in the European road safety action programme adopted in 2003[4] and was endorsed by the Council[5] and the European Parliament[6].

Encouraging road users to improve their behaviour by complying with basic road safety rules is a crucial element in this strategy. In order to ensure compliance with the law, enforcement and follow-up of offences are necessary. Controls should be systematic, sanctions should be effective and applied to all offenders, not just to residents. This applies especially to respecting applicable speed and alcohol limits, and wearing seatbelts. These offences are the three main 'killers' on the road. Other traffic offences which also jeopardise road safety could be efficiently enforced at national as well as EU level. The external impact assessment study confirms that speeding, drink-driving and non-use of seatbelts, both in terms of numbers of accidents, as well as the severity of accidents, play a major role in traffic deaths. In the EU 25, speeding has been estimated to be related to 12.400 road deaths, which is nearly 30% of all traffic deaths, and drink-driving to 10.800 deaths, which is 25% of road deaths. Non-use of seatbelts affects the severity of the impact of accidents. It has been estimated to be related to 7.300 road deaths, which is 17% of road deaths. They represent all together more than half of all road deaths.

Today, more than three years after the adoption of the Commission Recommendation, three basic facts have to be noticed:

– The mid-term review of the European Road Safety Action Programme of 22 February 2006[7] showed that progress achieved by 2005 will not allow reaching the objective of 50% reduction, if the current trend continues. The reduction would then only be 40%. In addition, until August 2006, the tendency was favourable but as of September 2006 the trend has changed. From 2005 to 2006, road deaths have increased in almost all Member

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3 European transport policy for 2010: time to decide - COM(2001) 370, 12.9.2001.

4 European road safety action programme – halving the number of road accident victims in the European Union by 2010: a shared responsibility - COM(2003) 311, 2.6.2003.

5 Conclusions of the Transport Council of 5 June 2003, document 9686/03 (Press 146), p. 22.

6 Resolution of 12 February 2003 (OJ C 43E, 19.2.2004, p. 250).

7 European Commission – European road safety action programme: mid-term review - COM(2006) 74, 22.2.2006.

States from 2% to 30%[8]. This trend is confirmed by lacklustre fatality reduction rates up to October 2007 in most Member States.

– Road safety enforcement varies considerably between Member States, and Member States have also a varying safety record. The risk of death on the roads is nearly five times higher in some Member States than in others;

– Traffic offences committed by non-residents are often not sanctioned, or sanctions are often not executed.

Current situations in the Member States

Enforcement varies among Member States. For *speeding*, over the 2001-2003 period of time, while only 9 % of the drivers have been checked in Portugal, 46% were checked in the Netherlands. For *drink-driving*, they were only 4% of drivers in Italy, as compared to 38% in Finland. For *seatbelt wearing*, enforcement percentages are not available at this stage. Wearing rates vary from 36% to 91% in urban zones. This results in considerable differences in drivers' perceptions. According to *SARTRE* 3[9], while over one third of all drivers in the UK think they will be checked for speeding, 3% of drivers in Sweden think their speed will be monitored. Regarding drink-driving, 27% of drivers in Slovenia and less than 1% of drivers in Ireland expect to be checked.

The share of non-residents in road traffic appears to be around 5% for the countries where this information is available[10]. The share of non-resident drivers in speeding offences shows a range of 2.5% to 30%[11]. These figures suggest that non-resident drivers are relatively more involved in speeding offences than resident drivers[12].

Member States are progressively introducing automatic enforcement devices. Regarding enforcement in relation to speed, almost all Member States use fixed cameras as well as mobile cameras. Also average speed cameras are progressively introduced. Automatic enforcement also takes place in relation to red light running in an increasing number of countries. Regarding seat belt wearing, in some countries, automatic enforcement is combined to other types of offences, such as red light running or speeding[13].

Enforcement technologies as well as type-approval procedures vary among Member States. Non standardised devices as well as non harmonised approval methods makes mutual recognition of enforcement actions and co-operation between Member States more difficult.

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8 CARE (EU road accidents database), 6 November 2007.

9 Institut National de Recherche sur les Transports et leur Sécurité (INRETS) et al. : European Drivers and Road Risk, SARTRE 3 (June 2004).

10 Source: Eurostat. The 5% is based on the evidence from a selected group of countries. It means that of the vehicle-kms made on the roads, some 5% is made by vehicles registered in another country. Results show 5.5 % in France (30 billion vehicle-kilometres), 3.9 % in Germany, 4.1 % in the Netherlands, and 3.9 % in the UK.

11 2.5% in Denmark, 4% in Finland, 6% in the Netherlands, 8% in Catalonia (Spain), 14% in Belgium, 15% in France, and 30% in Luxembourg.

12 In France, their share in traffic is 5.5%, but their share in offences 15%. The corresponding figures in the Netherlands are 4.1% traffic share, but 6% share in offences (Centraal Justitieel Incasso Bureau, the Netherlands).

13 Survey on Enforcement practices in Europe by TISPOL – 25 October 2007

Sanctions for traffic offences can be either criminal or administrative depending on Member States. In some countries, sanctions are partially criminal partially administrative depending on the level of seriousness of the infringements.

The Commission Recommendation of October 2003 requests that Member States send information to the Commission about the implementation of the Recommendation before end September 2007. So far, only six Member States have sent such information. Therefore, little information is currently available about the relation between the application of good enforcement practices and developments in road safety.

3 Objectives

The general objective of the proposal is to improve road safety within the Community, thereby contributing to an efficient, sustainable and reliable transport system, and to put an end to the current difference of treatment between resident offenders and non-resident offenders.

The specific objective of Community action is to improve road user behaviour by increasing compliance with traffic regulations by both resident users and non-resident users.

The proposed action is in line with the policy of the EU in the field of human health, as it contributes combating alcohol-related harm.

Improved enforcement will also contribute, through reducing speed, to reduce greenhouse gas emissions which keep growing in the transport sector.

4 Options

The impact assessment considers five options, each of which adress both cross-border enforcement and good enforcement practices to be applied in the Member States.

The first option consists in keeping the current situation unchanged.

In the second option, non-resident offenders are procesuted on return to the country of offence, based on cooperation with the country of residence. This option comprises non-regulatory measures which could be taken without a need to change the existing or introducing new legislation at EU level. Member States are encouraged by the Commission Recommendation on enforcement in the field of road safety (2004/345/EC) to apply good enforcement practices. In terms of cross-border enforcement, national rules are improved.

The third and fourth options also comprise non-regulatory measures in terms of enforcement methods, based on the existing Commission Recommendation. In terms of cross-border enforcement, option 3 consists in setting up an EU electronic data exchange network in order to identify the holder of the vehicle; option 4 is based on mutual recognition of evidence and transmission of the relevant data to the authorities of the State where the vehicle is registered, for enforcement of offences and execution of sanctions by these authorities.

The fifth option is also based on the transmission of evidence to the State of residence for cross-border enforcement. It differs from options 2, 3 and 4 in that it comprises regulatory measures for the application of good enforcement practices by all Member States. This option also comprises measures on standardisation of enforcement devices.

The last option brings about more social, economic and environmental benefits than the other options (social: less people killed and injured on the roads; economic: important financial benefits because of less accidents, thus less personal and material damage, and through financial penalties; environmental: because of less speeding, thus less pollution and less fuel consumption).

5 Analysis of impacts

Impact on road safety

The current number of 25.000 road deaths, which is due to speeding, drink-driving, and/or non-use of seat-belts, could be decreased by converging good practices for the quality and the intensity of enforcement. The current number of 400 road deaths due to non-resident drivers could be decreased by the application of an effective cross-border enforcement system.

The effectiveness in reducing road deaths has been estimated to a reduction of 200 to 250 fatalities per year in the European Union with options which provide mechanisms for effective cross-border enforcement (options 3 and 4). Option 5 which, in addition, sets up converging methods of enforcement of road safety rules, could lead to a reduction of 5.000 road deaths per year.

In socio-economic terms, and conservatively calculated, this represents a benefit of 5 billion Euro per year.

Cost and automation

Costs are borne by public authorities and enforcement bodies. They cover investments into data exchange systems and enforcement equipment, which are estimated to run up to 140 million Euro to upgrade all Member States to an acceptable level of enforcement. Investment by each Member State depends on their current enforcement standard. The annual operating budget for enforcement is estimated to be around 23 million Euro for the European Union.

Studies show that the operating costs of automated enforcement are considerably lower than those of traditional enforcement. It can be expected to lead to important reduction in use of administrative resources.

Impact on health and environment

Improved enforcement would contribute to combating alcohol-related harm and to public health policy. In its 2006 Communication on an EU strategy to support Member States in reducing alcohol related harm[14], the Commission identified alcohol-related road accidents as one out of five priority themes.

The impact of speed on environment is first related to pollutant productions. Production of exhaust fumes (carbon monoxide (CO2), hydrocarbon, nitrogen monoxide, particles) are

[14] See Communication from the Commission to the Council, the European Parliament, The European Economic and Social Committee of the Regions - COM(2006) 625: *An EU strategy to support Member States in reducing alcohol related harm.*

optimised at a constant speed of 40 to 90 km/h for individual vehicles[15] and at a constant speed of 50 to 70 km/h for trucks and buses[16].

Speeding also results in production of ozone, as motor vehicles produce a high proportion of hydrocarbon and nitrogen monoxide responsible for producing ozone in the atmosphere.

Speed finally has an impact on fuel consumption, as speeding increases fuel consumption in regular traffic. Studies show that fuel consumption is about 23% lower at a constant speed of 90 to 110 km/h[17].

Regarding impact of speed on noise, the interaction between tyres and road surface constitutes the most important source of noise. It increases when speeding, about 12 dB(A) each time speed is doubled.

6 Comparing the options – Proposed EU action

Results show that actions on improvement of enforcement practices and methods applied in all Member States have a high impact in terms of road safety and reduction of fatalities. They also indicate that measures for more efficient cross-border enforcement lead to a decreasing number of road deaths and accidents and to equal treatment of all resident and non-resident drivers. Although measures on cross-border enforcement will primarily affect non-resident drivers, it is important to stress that these effects will not be limited to this category but will also bring about behavioural changes to all drivers.

Estimated costs for options 3 and 4, which comprise regulatory measures on cross-border enforcement only, are relatively low, as compared to option 5 which includes in addition regulatory measures on enforcement practices in all Member States.

In terms of health and environment, all options lead to a decrease of speed and to a lower consumption of alcohol. Options including measures on improved enforcement practices and methods in the Member States show better results.

The assessment of the options show that maintaining the current situation as well as taking non-regulatory measures would mean that existing problems on road safety enforcement would be unresolved. The results of the impact assessment and the public consultation indicate that actions are needed on both issues, cross-border enforcement and efficient enforcement practices in the Member States.

At the EU level, the Council framework decision on the application of the principle of mutual recognition of financial penalties[18] could contribute to some extent to improving the current situation. This instrument in the field of police and judicial cooperation in criminal matters based on the Treaty on European Union, deals with mutual recognition of final decisions requiring a financial penalty to be paid. It allows a competent authority to send, for execution, a financial penalty issued against a natural or legal person to a Member State where the person has property, income or is normally resident (or registered). It covers a wide range of offences including infringements of road traffic regulations. However, this instrument only

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15 Speed management, OECE-CEMT, 2007

16 ITS Handbook, 2005-2006, Highway Industry Development Organisation, 2005

17 Speed management, OECE-CEMT, 2007

18 Council Framework Decision 2005/214/JHA of 24 February 2005 etc.

applies to final decisions, whereas the phases between recording of the offence up to the final decision are not covered. In these phases, specific regulatory means are needed to achieve efficient practical co-operation between enforcement authorities in the field of traffic offences.

Considering the assessment of the options on improved enforcement practices in the Member States, the proposal should include appropriate administrative and technical mechanisms for these phases as well as measures on improved enforcement practices based on the Recommendation of 2003.