

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

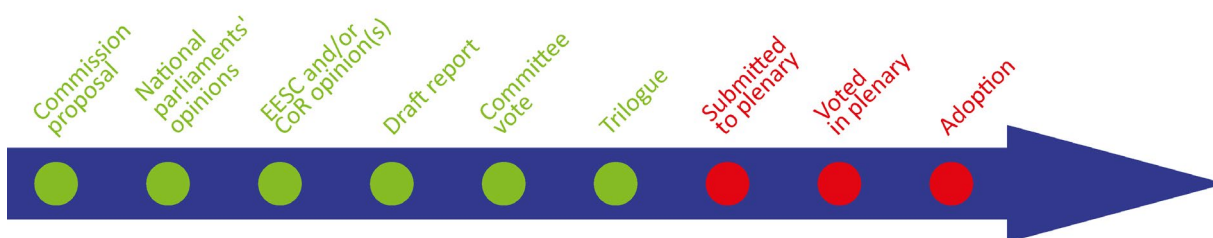
## OVERVIEW

Road safety has improved significantly in the EU, with the number of road fatalities falling by more than 60 % in the last 20 years. However, improvements in road safety fell short of the EU goals of decreasing the number of road deaths by 50 % between 2001 and 2010, and by an additional 50 % between 2011 and 2020.

Directive (EU) 2015/413 facilitating cross-border exchange of information on road safety-related traffic offences – the Cross-border Enforcement (CBE) Directive – is one of the pillars of the policy framework to improve road safety in the EU. It aims to help improve road safety by tackling the relative impunity of non-resident drivers. The revision, announced in the European Commission's sustainable and smart mobility strategy in 2020, seeks to address key shortcomings in existing rules. According to Commission estimates, 40 % of cross-border offences are committed with impunity, either because the offender is not identified or because the fine is not enforced.

The Commission tabled its proposal to revise the CBE Directive on 1 March 2023 as part of the road safety package. In the European Parliament, the file was assigned to the Committee on Transport and Tourism (rapporteur: Kosma Złotowski, ECR, Poland). Following interinstitutional negotiations, the Parliament and Council negotiators reached a provisional agreement on the final wording of the text on 12 March 2024. This must now be formally approved by the Parliament and Council.

<b>Proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road safety-related traffic offences</b>		
<i>Committee responsible:</i>	Transport and Tourism (TRAN)	COM(2023) 126 1.3.2023
<i>Rapporteur:</i>	Kosma Złotowski (ECR, Poland)	
<i>Shadow rapporteurs:</i>	Benoît Lutgen (EPP, Belgium) Bogusław Liberadzki (S&D, Poland) Izaskun Bilbao Barandica (Renew Europe, Spain) Ciarán Cuffe (Greens/EFA, Ireland) Elena Kountoura (The Left, Greece)	2023/0052(COD)  Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Final first-reading vote in plenary	



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PE 747.915 – April 2024

## Introduction

The 2021-2030 EU [road safety policy framework](#) – Next steps towards 'Vision Zero' sets targets for reducing the number of road deaths and serious injuries by 50 % between 2020 and 2030.

As part of the policy framework for improving road safety, the CBE Directive aims to help in this regard as a measure to tackle the relative impunity of non-resident drivers. The directive was first proposed in the face of evidence that non-resident drivers are relatively more likely to commit speeding offences, as they perceived that they are less likely to receive sanctions when driving in another Member State. For example, the impact assessment accompanying the first proposal for a CBE Directive in 2008 estimated that non-resident drivers accounted for about 5 % of road traffic in the EU (in terms of vehicle-kilometres), but committed around 15 % of speeding offences.

The revision of the directive was announced in the 2020 [sustainable and smart mobility strategy](#), which also set the milestone of reducing the death toll for all modes of transport in the EU to close to zero by 2050. It aims to address key shortcomings in existing rules: 40 % of cross-border offences were committed with impunity, either because the offender was not identified or because the payment was not enforced. Key elements of the revision include increasing the scope of the directive to include additional offences, streamlining cooperation between Member States' authorities, and improving provision of information regarding offences and penalties.

The Commission tabled its proposal to revise the CBE Directive on 1 March 2023 as part of a road safety package alongside a proposal for a new driving licence directive (replacing Directive 2006/126/EC on driving licences – the Driving Licence Directive) and a proposal for a new directive on the EU-wide effect of certain driving disqualifications.

## Existing situation

The current CBE [Directive \(EU\) 2015/413](#) establishes the electronic exchange of vehicle registration data between Member States to help identify the owner of the vehicle registered abroad with which an offence has been committed. It covers eight road safety-related traffic offences: speeding, failing to use a seat belt, failing to stop at a red traffic light, drink-driving, driving while under the influence of drugs, failing to wear a safety helmet, the use of a forbidden lane and illegally using a mobile phone or any other communication devices while driving. It also specifies the European Vehicle and Driving Licence Information System (Eucaris) as the preferred IT platform for the electronic exchange of vehicle registration data and the method for communicating the offence to the person concerned.

However, the [evaluation](#) of the CBE Directive of 2016 found a number of deficiencies in existing rules: (i) around 50 % of detected road traffic offences committed by non-residents was not investigated; (ii) around half of the financial penalties for those road traffic offences that had been investigated were not successfully enforced; (iii) almost all offences where offenders refused to pay financial penalties were not enforced. The evaluation pointed to complicated procedures and lack of mutual assistance and cooperation between Member States in investigating road safety-related traffic offences, as well as deficiencies in the enforcement of sanctions, as main underlying issues.

The CBE Directive was originally adopted in 2011 ([Directive 2011/82/EU](#)) on the police cooperation legal basis (Article 87(2) of the Treaty on the Functioning of the European Union – TFEU) that allowed Ireland and the (then-Member State) United Kingdom to decide whether to opt in to applying the directive, and in which Denmark did not participate. The judgment of the Court of Justice of 6 May 2014 in [Case C-43/12](#) annulled this directive, considering that it could not be adopted on the police cooperation legal basis, but should have been adopted on the transport legal basis (Article 91(1)(c) TFEU). The new and current directive was adopted on 11 March 2015 with the modified legal basis, without any amendments to the substance.

It should also be noted that a wider set of existing legal instruments and ongoing initiatives already exists at EU-level, in particular in the field of police and judicial cooperation, such as existing cross-border investigation procedures under the Convention on Mutual Assistance in Criminal Matters between the Member States of the EU, the European Investigation Order and the Prüm Decisions. Alongside this framework, the CBE Directive provides for specific procedures aimed at identifying the person liable for a road safety-related traffic offence and procedures for the transmission of legal documents.

## Parliament's starting position

In a [resolution](#) of 27 May 2021, the Parliament noted that 10 million major road traffic offences in the EU relating to speeding, driving through red lights, and drink-driving committed by non-residents are detected each year. It acknowledged the progress made in setting up a framework for the cross-border enforcement of traffic offences since 2015, but regretted that the existing framework does not adequately ensure investigation in order to enforce penalties. It suggested that better cross-border enforcement of road traffic rules would increase compliance with such rules and act as a deterrent, thereby reducing dangerous behaviour and improving road safety.

## Preparation of the proposal

In preparation of the proposal, a range of stakeholders were contacted through surveys and workshops. According to the Commission, they included: i) ministries of transport, ministries of interior and justice, decentralised state agencies; ii) local municipalities and their associations (e.g. POLIS and Eurocities); iii) research organisations and road safety non-governmental organisations (e.g. VIAS institute, ETSC, FERSI/SWOV); iv) police network organisations (e.g. ROADPOL); and v) road user organisations, business and road transport associations (e.g. ADAC, FIA, IRU, UICR, TLN, CORTE, Leaseurope).

The proposal to revise the CBE Directive is accompanied by an [impact assessment](#) that analyses several policy options. It concludes that the chosen preferred policy option significantly eases cross-border investigation procedures and enforcement of financial penalties, and would create an effective legal liability regime for road safety-related traffic offences.

The main societal impacts of the preferred option are due to the CBE Directive's deterrence effect through better enforcement of road safety-related traffic rules. Under the preferred policy option, an estimated 384 lives would be saved and 21 789 injuries avoided over the 2025-2050 period, relative to the baseline. Over the 2025-2050 period, the external cost of accidents would be reduced by €2.8 billion and additional enforcement costs for Member States authorities are estimated at €136.8 million.

The environmental impact of the preferred policy option is estimated to be a slightly positive one. More law-abiding behaviour by non-residents should mean a lower average speed of drivers, which in turn would lower fuel consumption and therefore pollutant and CO<sub>2</sub> emissions.

## The changes the proposal would bring

The revision aims to increase compliance of non-resident drivers with additional road safety-related traffic rules, streamline mutual assistance procedures between Member States in the cross-border investigation of road safety-related traffic offences, and strengthen the protection of fundamental rights of non-resident offenders vis-à-vis information provision.

The key provisions of the [proposal](#) are the following.

To ensure equal treatment of drivers, the scope of the directive is extended to other road safety-related traffic offences: i) not keeping sufficient distance from the vehicle in front; ii) dangerous overtaking; iii) dangerous parking; iv) crossing one or more solid white lines; v) wrong-way driving;

vi) not respecting the rules on the creation and use of emergency corridors; and vii) use of an overloaded vehicle.

To improve cooperation, Member States' national contact points are required to cooperate with other authorities involved in the investigation of the road safety-related traffic offences under the scope of the directive, regardless of the nature of the offence or the legal status of the authority.

To ensure faster, more cost-efficient and reliable procedures, it is stipulated that the exchange of vehicle registration data should be carried out through a single electronic system, the European vehicle and driving licence information system (Eucaris).

New provisions are introduced requiring Member States to provide mutual assistance to each other in cases where the automated search does not allow the person liable for the offence to be properly identified. The provisions also pinpoint the grounds on which the provision of mutual assistance for the liable person's identification can be refused.

To harmonise the content of letters sent by authorities, and ensure respect of citizens' fundamental rights, the proposal specifies the information letter's minimum content. The letter has to include the information on the offence committed, sanctions imposed, appeal procedures, payment of financial penalties, the relevant data protection rules and, if applicable, information on the entity empowered by a Member State to collect financial penalties.

The proposal also lays down the language regime for the communication between presumed offender and Member States' authorities (to be applied until the stage of appeal before a court), to ensure that communication takes place in a language of which this person has a sufficient knowledge. It also harmonises the time limits for sending the documents.

The Commission is empowered to establish a dedicated IT portal to facilitate exchanging information between national contact points, other relevant Member State authorities and road users, for instance on road safety-related traffic rules in force in Member States, appeal procedures and sanctions applied.

Moreover, the proposed directive clarifies the relationship between the CBE Directive and the existing EU legal framework on certain rights and obligations of Member States, such as Directive [2014/41/EU](#), the [Convention on Mutual Assistance](#) in Criminal Matters between the Member States of the EU, [Council Framework Decision 2005/214/JHA](#) and the [rules](#) on the rights of suspects and accused persons.

Lastly, a legal basis is established for EU funding of activities aimed at exchanging best enforcement practices, the application of smart enforcement methodologies and techniques in Member States, increasing enforcement authorities' capacity building, and awareness raising campaigns.

## Advisory committees

For this legislative procedure, consultation of the European Economic and Social Committee (EESC) and the European Committee of the Regions (CoR) is mandatory. In its [opinion](#) of 27 April 2023, the EESC expressed [support](#) for the proposal.

## National parliaments

The subsidiarity deadline for national parliaments' reactions was [10 May 2023](#). No reasoned opinions were submitted.

## Stakeholder views<sup>1</sup>

The European Transport Safety Council ([ETSC](#)) welcomed the road safety package proposals including the revision of the CBE Directive. According to the ETSC, further efforts to ensure road safety are much needed, as road deaths in the EU are not decreasing fast enough to hit the crucial target of halving deaths and serious injuries by 2030.

[FIA](#), the Fédération Internationale de l'Automobile, has also welcomed the package as a step forward in increasing road safety. Regarding the revision of the CBE Directive, it supports the Commission's intention to improve information letter requirements to be provided to those accused of cross-border offences.

## Legislative process

The Commission tabled its proposal on 1 March 2023. In the Council, discussions have begun in the working party on land transport. In the European Parliament, the file was assigned to the Committee on Transport and Tourism (TRAN), with Kosma Złotowski (ECR, Poland) as rapporteur.

TRAN voted on and adopted the rapporteur's draft report on the cross-border exchange of information on traffic offences on [29 November 2023](#), and decided to open interinstitutional negotiations on the basis of that report. The committee decision to enter into interinstitutional negotiations was confirmed during Parliament's December 2023 plenary session.

The Council adopted its [position](#) for interinstitutional negotiations on 4 December 2023, maintaining key elements of the Commission's proposal, but introducing some changes to clarify the scope and the definitions of the legal act. Following interinstitutional negotiations, the Parliament and Council negotiators reached a [provisional agreement](#) on the final wording of the text on 12 March 2024. The text now needs the formal approval of Parliament and Council.

The agreed rules provide for more robust procedures for assistance between EU countries, and tightened rules on how authorities must respond to requests for information. Authorities of the Member State in which the vehicle involved in the offence is registered must also help identify the person responsible for the traffic offence upon a request from the Member State in which the offence took place, within two months (after having gathered all the necessary information to respond to the request).

The new rules also set out more clearly the main elements of the offence notice, to include the time and circumstances of the offence and information on how to appeal against a fine.

The agreed text expands the scope of the rules to include other offences, such as dangerous parking, dangerous overtaking, crossing a solid line, cases of not respecting vehicle access restrictions, or rules at a railway level-crossing, wrong-way driving, use of overloaded vehicles, and hit-and-run, in addition to speeding, drink-driving and failing to stop at a red traffic light, which were already covered.

The Commission will have to set up a portal with information on the road-safety-related traffic rules in place in Member States, with details of ways to appeal against fines.

## EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

[Revision of Directive \(EU\) 2015/413 on cross-border exchange of information on road safety-related traffic offences](#), implementation appraisal, EPRS, March 2023.

## OTHER SOURCES

European Parliament, [Cross-border exchange of information on road safety-related traffic offences](#), Legislative Observatory (OEIL).

## ENDNOTE

- <sup>1</sup> This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

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