

***EVALUATION STUDY ON THE APPLICATION OF DIRECTIVE 2011/82/EU FACILITATING THE  
CROSS-BORDER EXCHANGE OF INFORMATION ON ROAD SAFETY RELATED TRAFFIC  
OFFENCES FOR THE STAKEHOLDER MEETING OF 5 OCTOBER 2015***

**Recommendations of the Contractor based on the preliminary findings of the Evaluation Study –  
Summary**

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# 1 Introduction

The aim of this paper is to provide an overview of the preliminary findings of the Evaluation Study on the application of Directive 2011/82/EU facilitating the cross-border exchange of information on road safety related traffic offences that Grimaldi is carrying out for the Commission and to summarize the provisional recommendations of the Contractor based on the preliminary findings.

## 2 Task 1

This Task covers a quantitative assessment of the effectiveness of the CBE Directive on the reduction of the number of fatalities and accidents on EU roads in 2013/2015.

### 2.1 Recommendations

**It appears that it is not possible to measure the direct impact of the CBE Directive on the number of fatalities and accidents on EU roads. Nevertheless, Member States are recommended to actively apply the Directive, since it has a positive impact on enforcement of sanctions in those Member States that have introduced automatic checking equipment. In the long term, better enforcement of sanctions should have a positive impact on the number of fatalities and accidents as long as road users continue to perceive that the cross-border enforcement of sanctions for road traffic rules is effective.**

**In this respect, it is recommended to Member States to carry out campaigns aimed at explaining to road users that impunity when driving abroad in the EU has come to an end.**

## 3 Task 2

This Task covers an assessment of whether EUCARIS guarantees an effective, expeditious, secure and confidential exchange of specific vehicle registration data, including a quantitative analysis on how many road safety related traffic offences detected automatically were followed by searches via EUCARIS in 2013/2015.

This Task is complemented by Task 5, which covers a quantitative assessment of administrative costs, including for the cross-border exchange of data and for the follow-up procedures.

### 3.1 Recommendations

The EUCARIS/CBE application guarantees an effective, expeditious, secure and confidential exchange of specific vehicle registration data. It is recommended that Member States actively use the system (searches following the offences, *i.e.* active investigation), since this remains unsatisfactory.

Moreover, even though MSs seem to be satisfied with the EUCARIS/CBE application (no user reported any major issue to RDW/NL on the operation of the EUCARIS/CBE application), it is recommended to conduct a survey to measure the satisfaction of the EUCARIS/CBE application user groups with the system, since this has never been done in the past.

## 4 Task 3

This Task covers an assessment of the need to develop comparable methods, practices and minimum standards for automatic checking equipment. On the basis of this assessment, the Contractor has to propose road safety guidelines outlining the best practices in the automated enforcement of road traffic rules, at least for the following offences: speeding, drink-driving, non-use of safety belts and failure to stop at a red traffic light.

### 4.1 Recommendations

It is recommended to develop comparable methods, practices and minimum standards for automatic checking equipment at the EU level. The EU guidelines on automated enforcement should at least outline the following principles:

- I. Principle of reliability of the equipment used as ensured *inter alia* by regular tests conducted at least on a yearly basis.
- II. Principle of utility (*i.e.* the automatic equipment should be placed in the right places and should (for speeding) distinguish between different types of vehicles).
- III. Principle of accuracy of the detection.

- IV. **Principle of traceability (i.e. it has to be possible to identify the automatic equipment that detects an offence).**

## 5 Task 4

This Task covers the assessment of the follow-up of the exchange of information in order to strengthen the enforcement of sanctions, especially in the case where a financial penalty is refused to be paid. Within this assessment, the Contractor has to propose common criteria for the procedures concerning mutual recognition of financial penalties and to analyse whether the mutual recognition of financial penalties for the offences covered by the CBE Directive requires the harmonization of relevant road traffic rules and what other road safety related traffic offences should be added to the scope of the Directive.

### 5.1 Recommendations

**It is recommended to complement the exchange of information under the CBE Directive with follow-up procedures in order to strengthen the cross-border enforcement of sanctions for infringement of road traffic rules. Measures aimed at facilitating such enforcement should focus on issues such as:**

- **cooperation in investigations to identify the driver/offender;**
- **the mutual recognition of financial penalties imposed regardless of the qualification of the offence (administrative/criminal) in another Member State and regardless of the amount to be paid;**
- **a certain degree of automatization of the cross-border enforcement of sanctions for road traffic offences.**

## 6 General recommendations

**The Contractor has elaborated the following general recommendations for strengthening the enforcement of sanctions for road traffic offences and for ensuring an accurate measurement of the impact of enforcement measures:**

- I. **It is recommended to develop harmonized indicators which will enable the assessment of the quality of the enforcement of road traffic rules. Data on fatalities, accidents and road**

traffic offences should be gathered accordingly at the national level. It appears that current legislative frameworks (Commission Recommendation 2004/345/EC on enforcement, Council Decision 93/704 concerning CARE Database and reporting obligations under the CBE Directive) do not ensure that all the data necessary in order to assess the impact of enforcement measures are gathered.

- II. It is recommended to promote joint cross-border enforcement actions. In order to ensure that such actions will have an EU-wide scope, it could be beneficial to explore the possibility of using EU funds to finance such actions and subsequently to provide for an adequate EU legal basis.
- III. Any possible future initiatives/proposals concerning the follow-up of the CBE Directive will require standard impact assessments for which the Contractor can propose policy options.