

**EVALUATION STUDY ON THE
APPLICATION OF DIRECTIVE 2011/82/EU,
FACILITATING THE CROSS-BORDER
EXCHANGE OF INFORMATION ON ROAD
SAFETY RELATED TRAFFIC OFFENCES –
MOVE/C4/SER/2014-255/SI2.706133**

**Need for VRD Exchange Follow-up
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Outline

- I. Objective of Task I
- II. Background
- III. Preliminary findings
- IV. Recommendations

Objective of Task 4- Partial

- 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.

Background

- The CBE Directive does not cover the enforcement of sanctions for road traffic offences but only the exchange of information among Member States, thus allowing the Member State of the offence to identify the owner of the vehicle resident in another Member State.
- The Directive does not cover the situations where the offender refuses to pay which is partially covered by the Framework Decision 2005/214/JHA on the Application of the Principle of Mutual Recognition to Financial Penalties (“the Framework Decision” or “FD”).
- It does not cover cooperation in investigations.

Preliminary findings

- Under the current EU legal framework, the cross-border enforcement of sanctions for road traffic offences is ensured only to the extent that the offender voluntarily pays a fine imposed by another MS. In the area of enforcement of sanctions for road traffic rules Member States' authorities tend not to apply the EU law on mutual recognition of financial penalties (Framework Decision 2005/214/JHA on the Application of the Principle of Mutual Recognition to Financial Penalties (FD)) or other legal tools such as the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union.
- Different qualifications of road traffic offences in the Member States and the lack of mechanisms aimed at finding the offender if the address resulting from the search is not correct, still prevent an effective enforcement of sanctions committed by non-resident drivers.
- The main limit of international agreements addressing enforcement issues is their geographical scope. However, where they are in force, they are effective and ensure a good enforcement rate.

Recommendations

➤ It is recommended to complement the exchange of information under 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.

Do you have any
questions?

Thank you for your attention!

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