

# MOVE/C4/2014-255 EVALUATION STUDY ON THE APPLICATION OF DIRECTIVE 2011/82/EU FACILITATING THE CROSS-BORDER EXCHANGE OF INFORMATION ON ROAD SAFETY RELATED TRAFFIC OFFENCES

**Summary Minutes of the Stakeholder Meeting of 5 October 2015, Hour: 10 am-17:30 pm**

**Rue Froissart 36, Room 3A - Grimaldi**

Participants: See attached list of participants.

**Subject: Stakeholder Meeting on the CBE Directive - MOVE/C4/2014-255 EVALUATION STUDY ON THE APPLICATION OF DIRECTIVE 2011/82/EU FACILITATING THE CROSS-BORDER EXCHANGE OF INFORMATION ON ROAD SAFETY RELATED TRAFFIC OFFENCES (“Study”)**

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## **1. Introduction**

The European Commission welcomes the participants and describes the agenda.

## **2. Evaluation scope & methodology – Presentation by Grimaldi**

Grimaldi presents the purpose of the Study, an overview of tasks, the timeline and the methodology used.

No questions/comments are raised by the stakeholders regarding this presentation.

## **3. Impact of CBE Directive – Presentation by Grimaldi**

Grimaldi presents the objective of Task 1, the type of data collected, the main preliminary findings and the recommendations.

### 1. Preliminary 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 that Member States carry out campaigns aimed at explaining to road users that impunity when driving abroad in the EU has come to an end.*

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## 2. Stakeholders comments

There is agreement on the utility and added value of an EU wide automated approach for the cross-border exchange of information on road safety related traffic offences, while recognizing that it is too early to observe the direct impact of the Directive on fatalities and accidents.

The importance of awareness campaigns as a complementary tool to enforcement and the importance of better understanding road users' behaviours are stressed.

## 3. Remarks of Grimaldi and the Commission

The Commission emphasizes the two main elements of the CBE Directive: VRD exchange and awareness on road traffic rules in place in Member States.

Grimaldi together with the Commission explain that it is possible to assess the impact of the Directive on road safety indirectly using various indicators, one of them being the impact of the CBE Directive on the enforcement of sanctions.

## **4. VRD Exchange/EUCARIS – Presentation by Kurt Salmon**

Kurt Salmon presents general information about EUCARIS, the scope, first findings, and recommendations related to Task 2, the scope and preliminary findings related to Task 5 and the satisfaction survey to be circulated at the EUCARIS General Assembly on 8 October 2015.

### 1. Preliminary 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.*

### 2. Stakeholders comments

The importance of distinguishing the administrative cost of EUCARIS per Member State from the cost of the CBE application and of addressing technical issues related to the gathering of statistics on searches was raised.

### 3. Remarks of Grimaldi and the Commission

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Overall, Kurt Salmon reports that satisfaction with EUCARIS among the Member States is high and that there is no need for a new system. Kurt Salmon encourages Member States to use EUCARIS actively (searches following traffic offences).

## **5. Guidelines on recording equipment – Presentation by Grimaldi**

Grimaldi presents the objective of Task 3, the data collected, the preliminary findings and the recommendations on the need to identify best practices and to elaborate principles that should be included in guidelines on the automated enforcement of road traffic rules.

### 1. Preliminary 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).*

### 2. Stakeholders comments

The need to respect the national liability legal regimes of all Member States when addressing issues related to the identification of best practices in the automated enforcement of road traffic rules is stressed.

### 3. Remarks of Grimaldi and the Commission

The Commission and Grimaldi explain that the analysis aimed at identifying best practices has as its objective providing guidance to enforcement authorities of Member States and not to harmonize Member States' rules and standards on automatic checking equipment. In this respect, they both emphasize the importance of a fruitful cooperation with TISPOL (European Traffic Police Network) aimed at identifying best practices.

## **6. Need for VRD Exchange Follow-Up – Presentation by Grimaldi**

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Grimaldi presents the objective of Task 4, background information, preliminary findings and recommendations.

## 1. Preliminary 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 infringements 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.*

## 2. Stakeholders comments

There is a tendency to agree that the execution of financial penalties for infringement of road traffic rules remains problematic and that in general this is due to practical difficulties as well as to objective legal obstacles to a full application of the principle of mutual recognition of financial penalties.

## 3. Remarks of Grimaldi and the Commission

The Commission points out that the preliminary findings indicate a need for follow-up on the exchange of information under the CBE Directive and asks Grimaldi to carefully identify the criteria on which relevant EU legislative instruments are based in order to identify possible solutions/new criteria for facilitating the cross-border enforcement of sanctions and/or serious problems that cannot be resolved and that prevent facilitating the enforcement. The findings will also be important for outlining policy options for possible future initiatives within an impact assessment.

## **7. Way Forward with Traffic Rules Enforcement – Presentation by Grimaldi**

Grimaldi presents the *ex-ante* part of the evaluation (Task 4) and general recommendations.

### 1. Preliminary recommendations

- 1. 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*

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- II. *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.*
- III. *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.*
- IV. *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.*

### 2. Stakeholders comments

There is a need to elaborate road safety indicators, as mentioned in various non-governmental documents.

### 3. Remarks of Grimaldi and the Commission

Grimaldi points out that if an extension of the scope of the CBE Directive is to be recommended, such extension should cover only offences that can be detected automatically.

Grimaldi also stresses that it is too early to state whether the mutual recognition of financial penalties for the offences covered by the CBE Directive requires the harmonisation of relevant road traffic rules.

### **8. Conclusions**

Grimaldi concludes that the CBE Directive has the potential to improve road safety and that Member States are generally satisfied with the effects of the Directive and that it appears that the follow-up procedures concerning enforcement of sanctions for road safety related offences are needed.

Brussels, 5 October 2015

Grimaldi