

**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 –
Guidelines on recording equipment**

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Outline

- I. Objective of Task 3
- II. Data
- III. Preliminary findings
- IV. Recommendations

Objective of Task 3 (1)

Assessment of:

A) The extent to which different methods, practices and standards for automatic checking equipment in Member States create obstacles to the cross-border enforcement of sanctions in the EU.

B) Whether there is a need to develop comparable methods, practices and minimum standards for automatic checking equipment.

C) What the best practices in the automated enforcement of road traffic rules are.

Objective of Task 3 (2)

D) Elaboration of a proposal for road safety guidelines outlining the best practice of 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.

Data (1)

What did we look for?

National case law annulling sanctions on the ground that the automatic checking equipment used to detect the offence was not appropriate/did not comply with minimal standards;

National legislation on automatic checking equipment;

Opinions of stakeholders identifying best practices in the automated enforcement of road traffic rules.

Data (2)

What are we expecting from stakeholder?

Further input from stakeholders aimed at identifying best practices in the automated enforcement of road traffic rules.

Preliminary findings

- There seems to be a correlation between lack of transparency of national legislation laying down standards for automatic checking equipment and the existence of case law annulling sanctions imposed by national authorities on the grounds that the checking equipment used to detect the offence was not appropriate.
- Although the analysis did not identify relevant cross-border cases, it can be easily foreseen that the lack of common standards at the EU level for automatic checking equipment will most likely prevent an effective cooperation between authorities of different Member States and the cross-border enforcement of sanctions for road safety related traffic offences.
- Best practices in the automated enforcement: France, UK, the Netherlands?

Recommendations

- It is recommended to develop at the EU level comparable methods, practices and minimum standards for automatic checking equipment. 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).

Do you have any questions?

Thank you for your attention!

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